From: Chief, Merchant Vessel Inspection Division
To: Commandant
Via: Chief, Office of Merchant Marine Safety


1. Pursuant to the provisions of Title 46 C.F.R. Part 155, the report of the Marine Board convened to investigate subject casualty, together with its Findings of Fact, Conclusions and Recommendations, has been reviewed and is forwarded herewith.

2. The American steam freighter STEATHRAIN TEXAS of 8108 gross tons, loaded with freight cars, bound from New York to New Orleans, collided at approximately 1730 on 16 December, 1949, with the Swedish motor freighter EKEFORS, inbound from sea in a position off Fort Wadsworth Light below the Narrows in New York Harbor. The visibility was clear, light northeast wind and flood tide.

3. As a result of this casualty, no persons lost their lives and only one minor injury resulted. The EKEFORS' damage, however, was estimated at $33,632 and that of the STEATHRAIN TEXAS at $77,374.

4. The Board made the following Findings of Fact:

"(1) The SEATHRAIN TEXAS and the motor vessel EKEFORS collided on 16 December, 1949 at 1730 below the Narrows in New York Harbor.

(2) The SEATHRAIN TEXAS is a steam vessel of American registry constructed to carry railroad cars, propelled by turbine and single screw, of 8108 gross tons, 465 feet long, official number 52986, and owned and operated by the Seathrain Lines, Inc., of Wilmington, Delaware. The vessel was in command of [redacted] of 14 Tollelon Place, New Orleans, La.

(3) The EKEFORS is a motor vessel of Swedish registry, 2745 gross tons, 440 feet long, owned by the [redacted] of Malmo, Sweden, with [redacted], New York City, as the local agents. Her master is [redacted] of Sollentuna, Sweden."
(4) At the time of the collision the weather conditions were good, with clear visibility and light northerly wind, and flood tide.

(5) The HENFORS was inbound from sea having arrived at Ambrose Light Vessel at approximately 1730 on 15 December, 1969. Pilot Leon Oldman boarded the vessel and proceeded up the channel under full harbor speed, which was estimated to be approximately thirteen knots. After emerging from the upper end of Ambrose Channel, the HENFORS passed Craven Shoal Bucy close aboard on the port side and the vessel was hailed to the westward, to pass outbound traffic starboard to starboard in order to reach the Quarantine Anchorage without having to round to, head to tide. When in the vicinity of Craven Shoal Bucy, the range lights and side lights of the SEATRAIN TEXAS were observed fine on the starboard bow, and the vessel's course was altered slightly to the westward. Subsequently the HENFORS sounded two blasts of the whistle for a starboard passing of the SEATRAIN TEXAS, which was still on the starboard bow, now showing her red light. No answer was heard from the SEATRAIN TEXAS to this signal, and the pilot of the HENFORS sounded another two blast signal. This signal was followed by a danger signal, after which the HENFORS applied hard left rudder and stopped and reversed her engines. When the vessels were approximately 200 feet apart, the port anchor of the HENFORS was let go. Shortly thereafter the vessels collided, the stem of the HENFORS striking the port side of the SEATRAIN TEXAS amidships at approximately a 90-degree angle.

(6) The SEATRAIN TEXAS left the Seatrain Terminal at Edgewater, New Jersey, loaded with railroad cars at about 1830, bound for New Orleans, La. Sandy Hook Pilot [REDACTED] was on board, serving under authority of his Federal license. After the tugs had straightened the vessel out in the stream and the docking pilot had left, Captain [REDACTED] took over the con. The vessel proceeded downstream, keeping to the westward of the channel, and when approaching the Narrows the range lights and side lights of the HENFORS were sighted slightly on the port bow. At that time the TEXAS was on a course of 175 degrees true, with Craven Shoal Bucy bearing fine on the port bow. A one-blast signal was sounded by the SEATRAIN TEXAS for a port to port passing and a slight alteration of course to the right was also made in order to provide ample room to pass clear, as another outbound vessel, the SS BAHIA MADRYDA of the Grass Line, was overhauling the SEATRAIN TEXAS on her port quarter. Receiving no answer to the one-blast signal, the pilot of the TEXAS sounded another one-blast signal and subsequent thereto the running lights of the HENFORS indicated that she was altering course to her left. The pilot of the TEXAS also heard a two-blast signal from the HENFORS at that time. The SEATRAIN TEXAS had sounded an alarm, followed by another one-blast signal, and ordered hard right rudder. The HENFORS was heard to sound an alarm followed by another two-blast signal and was observed to continue to swing to port. Captain [REDACTED] sounded another alarm and also another one-blast signal, but did not make any change in the vessel's speed, which was estimated at approximately thirteen knots, or full
harbor speed. When the vessels were close aboard each other and collision imminent, the raider of the TEXAS was put hard left, apparently in an effort to lift the vessel's stern clear of the bow of the KEFPORS. This maneuver, however, was not successful, and the vessels collided in the manner previously described. The engines of the SHATRAIL TEXAS were stopped immediately after the collision.

(7) Both vessels sustained major damages, but after being free and clear of each other, they were able to proceed to their respective docks without assistance. One man was slightly injured on board the KEFPORS, but after examination and treatment at the Marine Hospital he was returned to his vessel.

(8) Damage to the KEFPORS is estimated at $63,632.00; that to the TEXAS is set at $77,574.00.

The Board made the following conclusions:

(1) It is evident that the cause of the collision was the lack of understanding and agreement as to passing in an original head and head situation in which both vessels had an equal burden. The pilot of the KEFPORS, Captain Olsson, must be considered primarily at fault in handling his vessel to the westward after emerging from the upper end of Ambrose Channel and in attempting to pass outbound traffic to starboard in order to reach the Quarantine Anchorage. It would have been more prudent and surely a great deal safer under the prevailing traffic and tide conditions to approach the Narrows on his own, or easterly side of the channel and round to, head to the tide, when all traffic was clear.

(2) The pilot of the SHATRAIL TEXAS acted properly in sounding a one-blast signal for a port passing immediately after sighting the KEFPORS, as at that time the situation was unquestionably and on or nearly so. Captain [redacted] must, however, be censured for carrying on and insisting on a port passing until the vessels were in the jaws of collision and no effective preventive maneuver was possible. The fact that he repeated his one-blast signal twice and also sounded danger signals is evidence of his apprehension and failure to understand the other vessel's intention. Rather than continuing at full speed up until the vessels came together, Captain [redacted] should have reduced speed and, if necessary, stopped when his passing signals were ignored. The SHATRAIL TEXAS was in a good position to check down without jeopardizing her maneuverability, as she was stemming the tide.
Chief, MWI Division to
Commandant

17 May 1950

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HAFDENS (Swedish) e-3)

(3) It is evident that both vessels were maneuvered contrary to
the rules governing the situation, the pilot of the HAFDENS, Captain
Leon Olbichio, being remiss under Article 18, Rule 2; namely, fail-
ing to pass port to port; and Captain McDavoy, the pilot of the TEXAS,
in failing to be governed by Article 27 (the Presumption Rule). Both
masters are also considered to some extent at fault. Whereas they
have a right to be guided by their pilots while in pilot waters, their
general responsibility is never relinquished. It is obvious that they
knew, or should have known, that the pilots, by their maneuvers, did
not act in the best interest of the vessels and, therefore, should have
acted, or suggested action, in accordance with the practice of good
seamanship, and in accordance with the Rules of the Road.

6. The Board made the following Recommendations:

"(1) In view of the Conclusions set forth above, it is recommended
that Captain Leon Olbichio, Pilot of the HAFDENS, and Captain
[Blank], Master of the vessel be cited for violation of Article 18,
Rule 2, of the Inland Rules, and that Captain [Blank], Pilot
of the SEATRAIN TEXAS, as well as her Master, Captain [Blank],
be cited for violation of Article 27 of the Inland Rules. MV HAFDENS
is engaged on a regular run between New York and Central American
Ports, and returns to New York about every third week.

(2) It is further recommended that a copy of this report and the
record of proceedings of the Board, transmitted herewith, be provided
to the American Pilots' Association, 623 Washington Building, Washing-
ton 25, D.C., for information."

REMARKS

7. Conclusion 2 of the Board in effect states that the pilot and master of
the SEATRAIN TEXAS are to be blamed for failure to reduce speed and if
necessary, stop when the HAFDENS ignored port to port passing signals. The SS
SANTA MONICA, 9610 gross tons, was overtaking the SEATRAIN TEXAS and was some
distance off her port quarter. At this point, the SANTA MONICA eastward of the
SEATRAIN TEXAS blew a one-blown signal to the HAFDENS for a required normal port
to port passing under Article 18 of the Inland Rules. The pilot and master of
the SEATRAIN TEXAS had every reason to believe that the HAFDENS would execute a
normal port to port passing with the SANTA MONICA and that there was no risk or
even apprehension of risk of collision between the HAFDENS and the SEATRAIN
TEXAS at this time. The HAFDENS did not respond to the signal of the SANTA
MONICA and shortly thereafter, the SEATRAIN TEXAS gave a one-blown signal for a
port to port passing as required by Article 18 of the Inland Rules. The HAFDENS
disregarded this signal and a collision resulted within two to three minutes
thereafter. The failure of the HAFDENS to comply with the requirements of Article
18 of the Inland Rules, her disregard of the signals of the SANTA MEXICA and the SEATRAIN TEXAS and her insistence on a starboard to starboard passing placed the SEATRAIN TEXAS in imminent jeopardy. The pilot and master of the SEATRAIN TEXAS were called upon to exercise discretion instantly which is not to be too closely criticized nor is their conduct to be condemned unless very plainly neglectful or unskilful. A review of the evidence in the record does not indicate that the conduct of the pilot or master of the SEATRAIN TEXAS was neglectful or unskilful in the situation thrust upon them by the BOWERS and any error on their part was an error in extremis and not a fault. And the SEATRAIN TEXAS reduced speed following the 3 blast signals from the BOWERS, there is a strong probability that the BOWERS would have been cut down by the SEATRAIN TEXAS and probably sunk.

9. Conclusion No. 3 states that the pilot of the SEATRAIN TEXAS failed to be governed by Article 27 of the Inland Rules and Recommendation No. 1 states that the pilot and the master of the SEATRAIN TEXAS should be cited for violation of said Article 27. Article 27 of the Inland Rules is known as the Prudential Rule. This Rule in effect authorizes a departure from the specific requirements of the Inland Rules when, due to any special circumstances, departure is necessary in order to avoid immediate danger. Since this Rule authorizes a departure or a relaxation from the positive requirements of the Inland Rules, it follows that failure to take timely avoiding action, as therein authorized or permitted, should not be cited as grounds for assessment of a civil monetary penalty which may be imposed under Section 186 of Title 33.

10. In view of the agreement between the U. S. Coast Guard and the American Pilots' Association to refer all acts of incompetency, unskilfulness, negligence and misconduct committed by pilots acting under the authority of their States' pilots' licenses, for disciplinary action with respect to such licenses to the American Pilots' Association, the assessment of the statutory civil monetary penalty recommended above against Leon Olmixon, pilot of the BOWERS at the time the collision occurred, will be held in abeyance pending the action of the appropriate state authorities.

11. Subject to the foregoing remarks, it is recommended that the Findings of Fact, Conclusions and Recommendations of the Marine Board of Investigation be approved.
26 June 1950

SCH-2/A

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HERMOSA (Swedish) c-3)

From: Chief, Office of Merchant Marine Safety
To: Commandant

Forwarded, recommending approval.

APPROVED: 26 June, 1950

Vice Admiral, U. S. Coast Guard
Commandant