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124 North Van Avenue
Houma, LA 70363-5895
Phone: (985) 851-2134
Fax: (985) 879-3911
www.nationalmariners.org
info@nationalmariners.org

Asserting our right "...to petition the Government for redress of grievances."

Amendment 1, U.S. Constitution, Dec. 15, 1791

THE "MISS AMANDA" INCIDENT: OVERWORKED, UNDERMANNED, AND VIOLATING THE 12-HOUR RULE

[Sources: NMA file #M-170; MET – MTV pgs. 32-33]

For many companies, the "two-watch system" that includes a 12-hour workday is a subterfuge that allows them to exploit their maritime employees. 46 U.S. Code §8104(h) clearly states: "On a vessel to which section 8904 of this chapter applies (i.e., towing vessel greater than 26 feet in length), an individual licensed to operate a towing vessel may not work for more than 12 hours in a consecutive 24-hour period except in an emergency". Similar laws and regulations apply to other vessels as well.

Working licensed personnel more than 12 hours per day has been a very common practice in many parts of the country. This practice is not confined to towing vessels.

What happens when you work your crew to the point of exhaustion is quite predictable. That's why the following story, taken directly from a Coast Guard accident investigation, is not particularly remarkable. But, publicizing this accident should serve as a warning to all employers, lower-level licensed mariners, and documented mariners.

At approximately 2345 on 27 Nov. 1995, the light tug MISS AMANDA collided with the tug/tow MATADOR IV near mile marker 105 of the Gulf Intracoastal Waterway. The barge MATADOR VII and the light tug MISS AMANDA sustained damage. The tug MATADOR IV reported no damage. There was no pollution associated with this marine casualty. There was one crewman allegedly injured on the MISS AMANDA.

The light tug MISS AMANDA departed Morgan City, LA, at approximately 1200 on 26 Nov. 1995 bound for Lake Arthur, LA, pushing one empty barge. The MISS AMANDA departed Morgan City with two persons aboard, one licensed master and one documented mariner, a tankerman. The MISS AMANDA did not arrive at Lake Arthur until 0915 on 27 Nov. 1995. According to Captain A., he only received approximately two hours of sleep during the westbound transit. While he was sleeping, Captain A. had turned the controls of the MISS AMANDA over to the tankerman, Mr. T.

The MISS AMANDA departed Lake Arthur at approximately 0915 on 27 Nov. 1995 bound for Morgan City running light. During the eastbound transit, Captain A. received approximately 1½ hours of sleep. While he was sleeping, Captain A. turned the controls of the MISS AMANDA over to Mr. T., the documented tankerman.

At approximately 2230 on 27 Nov. 1995, the MATADOR IV departed the Berwick, LA, dock pushing one empty tank barge (MATADOR VII) bound for Hog Bayou to take on 800 barrels of crude oil and return to Berwick. At approximately 2340 the MATADOR IV was approaching Mile Marker 104 westbound on the north side of the Intracoastal Waterway.

At approximately 2340, Captain A. was at the controls of the MISS AMANDA passing Mile Marker 106 eastbound on the Intracoastal Waterway. Captain A. remembers looking at his watch at 2340. Captain A. indicated he saw the tug and tow (MATADOR IV) approaching from the east (i.e., westbound) approximately two miles ahead. Captain A. reported he started lining up for a port-to-port passage with the tug/tow. At this time, Captain A. indicated he was transiting the area making good a speed of 7 knots. The current was running to the west at 2 knots.

Captain S. on the MATADOR IV saw the MISS AMANDA on the south side of the Intracoastal Waterway. Captain S. indicated everything looked like a port-to-port passage. At this point, Captain S. was westbound making

9 knots. Captain S. indicated that approximately two to three minutes after sighting the tug, the MISS AMANDA turned toward him. Captain S. tried to call the MISS AMANDA on VHF-FM with no reply.

Captain S. attempted to get the MISS AMANDA's attention by shining his spotlight into the wheelhouse. Captain S. saw no movement in the wheelhouse of the MISS AMANDA. Captain S. turned hard to starboard but could not avoid the light tug. Captain S. indicated that if he had turned to port he would have hit MISS AMANDA broadside.

Captain A. on the MISS AMANDA remembers hearing the sound of whistles. Captain A. indicated he looked up and saw the collision between his tug and the MATADOR IV's tow (port bow to port bow). Captain A. indicated that he was just north of mid-channel at this point. Captain A. indicated he looked at his watch and noticed the time was approximately 2345. Captain A. tried to turn his wheel to starboard but the steering did not work. Captain A. went to the engineroom and re-set the steering pumps, at which time the steering worked.

Both tugs pushed up to the bank at Mile Marker 105 of the Intracoastal Waterway to survey the damage. According to Captain S. on the MATADOR IV, the crewman aboard the MISS AMANDA jumped over to the barge MATADOR VII and started running around shouting at Captain S. that he was going to sue him and wanted a camera so he could take pictures of the damage. Captain S. remained on the bridge to avoid conflict with the crewman from the MISS AMANDA.

The investigating officer arrived on the scene at approximately 0148 with the Acadian ambulance crew, one pollution investigator and two Coast Guard personnel. The injured crewman was located lying on the bridge console complaining of neck and back pain. The injured crewman was taken off the tug MISS AMANDA and transported to Lakewood Hospital in Morgan City. Drug and alcohol tests were conducted by both companies with negative results.

Vessel documentation for all three vessels involved, were found to be in order. License checks of both operators were found to be in order. The pollution investigator found no evidence of pollution. The statements of both operators were consistent with one another. The damage aboard the barge MATADOR VII and the tug MISS AMANDA was consistent with the statements of both operators. The relative speed of both vessels (16 knots) is consistent with the operators' statements of what the vessel positions/times were prior to the collision.

Based on the statements of both tug operators and the crewman aboard the MATADOR IV, the investigating officer does not believe any injuries were sustained by Mr. T. on the MISS AMANDA.

The apparent causes of the collision were:

The operator of the MISS AMANDA failed to remain awake while at the controls of the MISS AMANDA, causing the MISS AMANDA to collide with the MATADOR IV's tow.

The operator of the MISS AMANDA failed to keep a proper lookout, in that, the operator of the MISS AMANDA fell asleep while approaching MATADOR IV and its tow.

The operator of the MISS AMANDA failed to take early and substantial action to avoid collision, in that the operator was asleep at the controls while in an extremis situation.

Also:

- A licensed Captain allowed a non-licensed individual to operate tug three times in two days.
- A documented mariner operated a tug without a proper Coast Guard issued license three times in two days.
- The company hired an unlicensed mariner as deckhand to operate tug without a proper Coast Guard issued license.
- The port bow of barge was dented with a small hole on main deck near the dent. Approximate amount of damage to barge, \$5,000. Damage to tug included damaged bow rake, buckled main deck at the forward portion of the bow, dented port bow, small hole near port bow on main deck, crack in main deck near port ladder-bow rake. Estimated cost to repair damage, \$10,000.
- (Captain A.) was the only licensed operator on a transit of more than 12 hours for two days. During westbound transit 26 Nov. 1995, he had 2½ hours of break of which only two hours were spent in sleep during the 24-hour trip to Lake Arthur. During the eastbound transit, he had 1½ hours of sleep during the 14½-hour transit prior to the collision. [*Editorial note: Total sleep = only 3½ hours of sleep in 35¾ hours. The Coast Guard gives no mention of what duties Captain A. performed before he left on his ill-fated voyage to Lake Arthur.*]