Towing Vessel Safety: Analysis of Congressional and Coast Guard Investigative Response to Operator Involvement in Casualties Where a Presumption of Negligence Exist

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Abstract
Legislation proposed by members of the 103rd Congress to address towing vessel safety resulted from three focusing events. The proposed legislation was not passed. There is a continuing need to address the human element in marine casualties. Prevention through enforcement is a viable solution to some human causal factors. Numerous personnel investigations which should have been initiated following towing vessel groundings during 1992 and 1993, were not pursued; despite a presumption of negligence that exists in grounding cases. Due to the presumption, all groundings, and particularly those attributed to human factors during a casualty investigation provide sufficient reason to initiate a personnel investigation to ascertain if the casualty is attributable to the operator's action or inaction. Initiating personnel investigations is necessary to establish whether remedial action is justified. Failure to initiate remedial action against a negligent towing vessel operator's license following a grounding allows the individual to continue operating under the authority of a license. When remedial action is not pursued, similar casualties could reoccur. Therefore, the Coast guard has foregone a prime opportunity; to preclude similar casualties from recurring; and, ultimately improve towing vessel safety.

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[2] Cormier P.J. Towing Vessel Safety: Analysis of Congressional and Coast Guard Investigative Response to Operator Involvement in Casualties Where a Presumption of Negligence Exists. Master Thesis, University of Rhode Island. [3] Bryant D.T. (1991) The Human Element in Shipping Casualties. Report prepared for the Dept. of Transport, Marine Directorate, United Kingdom. [4] U.K. P&I Club (1992) The United Kingdom Mutual Steam Ship Assurance Association (Bermuda) Limited. Analysis of Major Claims. [5] McCallum M.C., Raby M., and Rothblum A.M. (1996). [6] National Transportation Safety Board This guide provides health and safety information for road freight transport operators. WorkCover’s Focus on Industry Program has identified road freight transport as one of the state’s high-risk industries, with a high number of injuries and illnesses. Together with the industry and wider community, this program aims to reduce workers’ exposure to workplace hazards, raise awareness of wellness issues, and improve return to work outcomes for injured workers. The key issues the industry faces include As a transport operator, cooperation of others in the supply chain is essential for the safety of your workers during pick-up and delivery of freight. Use this guide to show other businesses they have a responsibility to work with you to ensure everyone is safe. 2 WORKCOVER NSW. Direct involvement of major stakeholders in the towing industry has proven to be vital to the successful realisation of the project. Following a period of industry feedback and further technical development the draft guidelines have been revised and extended by BV in order to arrive at a definitive document. Valuable input was also provided from owner/operator perspective, in particular by Smit Lamnalco and Kotug. The basic principles on which the draft guidelines were founded have been kept for the revised version. The safety equipment requirements cover fire-safety, life saving appliances, radio installation, navigation equipment and anchor equipment for non-Convention tugs (< 500 grt).