

NTSB Order No.
EM-75

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D. C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D. C.
on the 3rd day of August 1979.

OWEN W. SILER, Commandant,¹ UNITED STATES COAST GUARD,

vs.

WILLIAM M. TAYLOR, Appellant.

Docket ME-68

OPINION AND ORDER

This is a companion case to Commandant v. Woods (Docket ME-69), adopted today. There, the Board affirmed a 9-month suspension of the appellant's license to serve as a pilot of vessels for negligent pilotage of the SS KEYTRADER on January 18, 1974, which contributed to the vessel's collision with the SS BAUNE in the Mississippi River. The appellant in this case was the master of the KEYTRADER. His case was heard jointly with that of the pilots of KEYTRADER and BAUNE before Administrative Law Judge Dee C. Blythe. Separate initial decisions were issued in each case. In the case of the appellant, the law judge imposed a 3-month suspension of his master's license (No. 385141), which was affirmed by the Commandant.²

In his brief on appeal, appellant makes the same contentions that were raised and disposed of in the Woods case, supra. There, we held that negligence of the KEYTRADER's pilot was the primary factor contributing to the collision in forcing a starboard-to-starboard passage with the BAUNE when the vessels were on intersecting courses. The record also establishes that appellant realized that it would be "a very close passing" (Tr. 817) but failed to do "anything which could be considered as superseding the pilot..." (I.D. 33). It is well settled that the master is "bound to interfere and to warn, or, if necessary, to

¹Admiral J. B. Hayes is now serving as Commandant, succeeding Admiral Siler.

²Copies of the decisions of the Commandant (in Woods and Taylor) and the law judge (in Taylor) are attached.

supersede the pilot" who is risking collision by his conduct of the vessel's navigation.³ Here, the master waited until the last moment before asserting his authority over the pilot, and thus shares the latter's responsibility for the consequences. We see no reason to modify the sanction.

ACCORDINGLY, IT IS ORDERED THAT:

1. The instant appeal be and it hereby is denied; and
2. The orders of the Commandant and the law judge suspending appellant's license for 3 months be and they hereby are affirmed.

KING, Chairman, McADAMS and GOLDMAN, Members of the Board, concurred in the above opinion and order. DRIVER, Vice Chairman, and BURSLEY, Member, did not participate.

³Griffin on Collision §190.