

MVI
6 January 1953
(LOS ANGELES - TURTLE -
a-12 Bd)

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

Subj: Marine Board of Investigation; collision MV LOS ANGELES (Swedish)
and MB TURTLE, San Francisco Bay, 26 September 1952, with loss of
life

1. Pursuant to the provisions of Title 46 C.F.R. Part 136, the record 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. On 26 September 1952 the motor freight vessel LOS ANGELES (Swedish) of 6,908 g.t. departed San Francisco for sea, and the MB TURTLE, a converted LCP of 9 g.t. with four passengers and operator on board, departed Fisherman's Wharf for Sausalito or Tiburon, San Francisco Bay. The weather ~~was fair~~ with good visibility. The LOS ANGELES, after passing Blossom Rock Buoy, changed course to the left and on her port bow sighted the TURTLE. After both vessels proceeded on collision courses, the LOS ANGELES blew a one-blast signal, the danger signal, and finally reversed her engines and changed course hard right. The TURTLE neither heard nor saw the LOS ANGELES until collision was inevitable, which occurred at approximately 1935. As a result of this casualty the TURTLE sank and the following three passengers lost their lives:

Mr. Harold C. Dwyer
Mrs. Harold C. Dwyer
Mrs. Haroldine Jones

3. The Board made the following Findings of Fact:

"1. On 26 September 1952 at about 1935 hours PDT, a collision occurred on San Francisco Bay, California between the Swedish Motor vessel LOS ANGELES and the passenger motorboat TURTLE in a position about 600 yards northwest of Alcatraz Island Light House, (USCGS Chart 5535). This collision resulted in the sinking of the TURTLE with loss of life by drowning of three (3) passengers on the TURTLE, namely, Mr. and Mrs. Harold C. Dwyer and Mrs. Haroldine Jones.

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"2. The vessels involved were:

(a) The Swedish Vessel LOS ANGELES; home port, Stockholm, Sweden; operated by the Johnson Line whose Pacific Coast Agents, are W.R. Grace & Company, 2 Pine Street, San Francisco, California. Its Lloyd's Registry Number is 8989. The vessel was built at Malmo, Sweden, of Steel, in August 1948; length 500 feet 3 inches; powered by twin diesel engines and has reversible pitch twin screws. The vessel is equipped with an air whistle; the cruising speed is 19½ knots; gross tonnage 6908; net tonnage 3490. Deep draft at the time of the casualty was 24'10". The LOS ANGELES is a freight ocean vessel which carries 12 passengers in the Scandinavian North Pacific Trade.

(b) The passenger motorboat TURTLE was a converted ex-ICP, square bow landing craft, built of wood at Algonac, Michigan in 1944; official number was 253948; of 9 gross tons and 8 net tons and was 34'3" in length. The TURTLE was powered with a diesel engine of 225 H.P. Owned by Gerald Vest of Jerry's Bait Shop, 1675 O'Farrell Street, San Francisco, California and was documented for passenger service. This vessel was not subject to inspection by the Coast Guard.

"3. The weather conditions at the time of the casualty were good visibility, with a slight breeze from the west and a slight westerly chop with small swells of about two feet. It was dusk and at the time, getting dark. There was no fog on the Bay and the tide was ebbing in a westerly direction of about one or two knots.

"4. The operator and master of the TURTLE, Charles H. Astikian, was operating under authority of his motorboat operator's license number, A-7963, issued to him at San Francisco, California on 26 July 1950. He took a fishing party out at about 0630 hours on the date of the casualty and returned to the dock at about 1630 or 1700 hours on the same date. Included among the party were Mr. and Mrs. Harold C. Dwyer and Mrs. Haroldine Jones. Passengers were charged \$6.25 per person for the day's fishing. After mooring at Fishermans Wharf, located adjacent to and on the west side of pier 45, Astikian took Mr. and Mrs. Harold C. Dwyer and Mrs. Haroldine Jones in his car to Jerry's Bait Shop. From there the party went to the home of Mr. and Mrs. Harold C. Dwyer, where sandwiches, beer and other alcoholic beverages were served. From the Dwyer's the party, including the Dwyer's dog, went to the home of Mrs. Haroldine Jones where they picked up Nancy Lee Williams, age 14, daughter of Mrs. Haroldine Jones after which they

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all proceeded back to the TURTLE. On the way a bottle of whiskey was passed around in the car and Nancy Lee Williams testified that the adults were feeling and showing the effects of the alcoholic beverages they had consumed. They boarded the TURTLE at about 1900 hours and departed the dock for a cruise across the Bay with the intention of having dinner at Sausalito or Tiburon. The running lights of the TURTLE were burning and it headed in a direction to pass to the west side of Alcatraz Island.

"5. The LOS ANGELES, proceeding to sea in San Francisco Bay, was in charge of a San Francisco Bar Pilot, Mauritz M. Melen, a master mariner and pilot who was then operating under authority of his California State Pilot's license. The LOS ANGELES was proceeding to sea at a speed of about 14 knots. It passed about 100 yards southwest of Blossom Rock Buoy and then swung slowly on left rudder to steady on course 280 degrees true. Shortly after steadying on this course the pilot, master and officer on watch sighted the TURTLE about 3 points on the port bow about one mile off. The starboard green light, the white bow light, as well as the hull of the TURTLE was observed approaching "roughly at right angles" (page 160 of recd) to the course of the LOS ANGELES. Both vessels continued on their respective courses until Pilot Melen estimated that they were a little more than one-half mile apart and approaching on collision courses. The Pilot Melen had in his hands the controls which activated the whistle of the LOS ANGELES and at this time blew one short blast on the whistle. The LOS ANGELES' running lights were burning.

"6. On board the TURTLE its operator and four passengers were in the pilothouse cabin, talking and sight-seeing. The cabin was enclosed except for the open-door on the starboard side of the aft bulkhead. No one was designated by the operator to act as lookout. The Operator, Astikian, ran the diesel engine at about 700 RPM for a short while after leaving the dock. The vessel was not equipped with a tachometer and after the engine had warmed, Astikian set the throttle to where, by former experience, he determined the engine turned 1200 RPM to give the speed of 8 or 9 knots. On two occasions prior to the collision Astikian prevailed upon Nancy Lee Williams, more or less against her desire, to take the wheel of the TURTLE and head a little to the left of a flashing red light determined to be Point Knox Light, located on the southwest end of Angel Island. No one on the TURTLE had heard the first one short blast given by the LOS ANGELES, nor had they heard any subsequent blasts given by the LOS ANGELES prior to the collision. At no time did the TURTLE sound its whistle.

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"7. Approximately one minute after the LOS ANGELES sounded its one blast signal and upon receiving no reply, the pilot blew the danger signal. Both vessels continued to maintain their respective courses and speeds approaching on collision courses. When the pilot did not see anyone on deck on the TURTLE after he blew the danger signal, he repeated the danger signal once or twice again. When the two vessels were about two ships' lengths (1000 feet apart), the pilot ordered both engines stopped and then full stern and the helm hard right. He blew three blasts on the whistle when the engines of the LOS ANGELES were placed astern. The green light of the TURTLE was observed up until the time that it disappeared from view under the port bow of the LOS ANGELES.

"8. On board the TURTLE the operator had just turned the wheel over to Nancy Lee Williams for the second time. Astikian started to walk aft in the cabin to have a look out of the door but before he reached the door and when he had walked only a few feet, he saw the LOS ANGELES bearing down on them. He yelled "look out"; grabbed the wheel from Nancy Lee Williams; put it hard left and advanced the throttle to full speed ahead. Within seconds after he first saw the LOS ANGELES, the collision occurred. The bow of the LOS ANGELES struck the starboard quarter of the TURTLE. Between the time actions were taken to avoid the collision and the time of the collision, it was determined that the LOS ANGELES had swung approximately 3 to 4 points to starboard and that its speed was reduced considerably, and that the TURTLE had swung a certain amount to the left with its speed increased.

"9. After the collision the TURTLE filled with water and Astikian was able to assist Nancy Lee Williams and her mother, Mrs. Haroldine Jones out of the cabin. The dog also got free of the cabin. Mr. and Mrs. Harold Dwyer went down with the TURTLE when it sank. There was no time to obtain life preservers.

"10. Chester A. Burns, Jr., BM2 USCG, Alcatraz Light House Attendant on Watch, witnessed the collision and he immediately called the 12th Coast Guard District Rescue Coordination Center which alerted the Coast Guard vessels nearest the scene. The WPB 83370 received the alert at 1938 hours and was under way at 1940 hours. It arrived at the scene at 1945 hours and began rescue search accompanied by two Coast Guard 40 foot and one Coast Guard 38 foot patrol boats. Charles Astikian, Nancy Lee Williams and Mrs. Haroldine Jones were rescued in less than five minutes after arrival of the Coast Guard vessels. The dog was picked up by a lifeboat which was launched from the

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MV LOS ANGELES. The three survivors were taken to the Harbor Emergency Hospital where Mrs. Haroldine Jones was pronounced dead. Her daughter, Nancy Lee Williams had kept her afloat until they were rescued.

"11. The LOS ANGELES notified the Coast Guard by radio immediately after the collision. After the search for Mr. and Mrs. Dwyer was secured, the LOS ANGELES was permitted to proceed on its voyage and the Commander, 11th Coast Guard District was advised to assume jurisdiction in the questioning of witnesses upon arrival of the LOS ANGELES in Long Beach, California District. The LOS ANGELES was not damaged in the collision.

"12. The body of Mr. Harold C. Dwyer was recovered floating in San Francisco Bay on 7 October 1952. His wife's body has not yet been recovered. As an aftermath of the tragedy, according to press reports, Boyd Jones, husband of Mrs. Haroldine Jones, attempted suicide after the funeral of his wife."

4. The Board made the following Conclusions:

"1. The failure of Charles Astikian, Master and Operator of the TURTLE, to maintain or cause to be maintained, a proper lookout, is held to be the cause of the collision. His negligence in the operation of his vessel was responsible for the collision and loss of life.

"2. The positions and headings of the two vessels from the time they were in sight of each other until the time of collision was held to be a crossing situation. As such the LOS ANGELES was required to hold its course and speed and the TURTLE was burdened to keep clear of and avoid crossing ahead of the LOS ANGELES. No criticism can be made of the extreme maneuvers made by the LOS ANGELES to avoid collision, nor was that vessel lacking in its efforts to call the attention of the TURTLE to its presence. Its whistle was loud and clear. It suffered no failure of material and its personnel were alert to execute the pilot's orders promptly and efficiently. Astikian's testimony that he followed two courses and that the situation between the two vessels was an overtaking situation was not substantiated. Miss Nancy Lee Williams testified that she steered for the same red light (Point Knox) on each of the two occasions she held the wheel. Testimony of officers on the LOS ANGELES, as well as the two witnesses on Alcatraz Island, is unanimous that the vessels were approaching each other at about right angles, and that this situation did not change.

"3. Charles Astikian testified that after he saw the LOS ANGELES and hollered "look out," he turned the wheel of the TURTLE to the right. Miss Nancy Lee Williams stated he turned it to the left and the pilot on the LOS ANGELES testified he observed the TURTLE swing to port before it disappeared from sight under the bow of the LOS ANGELES.

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"4. Miss Nancy Lee Williams, although only 14 years of age, was found to be a mature and competent witness. She appeared sure of her statements and aware of her responsibility as a witness before the board. Contrary to Miss Williams, Mr. Astikian was found to be a very unreliable witness. He seemed to be grasping for straws in an effort to clear himself of responsibility for the collision. His estimates of times, courses steered, position of lights, were vague and changing so that the board found it impossible to utilize his testimony more than was absolutely necessary.

"5. Article 29 of the Inland Rules to Prevent Collisions (33 USC 221) provides that: "Nothing in these rules shall exonerate any vessel or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seaman, or by the special circumstances of the case." Because lives were destroyed as a result of negligence and inattention to duties by Charles N. Astikian, in the operation of his vessel, he is guilty of violating 18 USC 1115, (destruction of life caused by misconduct, negligence, or inattention to duties on part of ship's officers) and he should be held to the penalties provided. The safety of passengers on board a vessel, regardless of its type or size, is solely dependent upon the person or persons operating the vessel. They have every right to expect that all precautions for their safe passage will be taken and that all laws enacted for the safety of their lives and property will be observed.

"6. The record shows that all parties engaged in the rescue efforts acted in an efficient manner. The crew of the LOS ANGELES rendered assistance by lowering a boat promptly, playing a searchlight on the scene and maneuvering clear of the wreckage. The promptness in which the collision was reported, together with the efficiency of communication facilities and the promptness with which the rescue vessels responded, no doubt was instrumental in saving the lives of the two survivors.

"7. During the course of the Board's Investigation, Charles N. Astikian was advised that a charge of negligence for failure to maintain a proper lookout on the TURTLE would be preferred against him under the provisions of RS 4450, as amended. On 6 October 1952, in accordance with 46 CFR 137.05-7 (a), (b), Astikian, by affidavit to a duly authorized Investigating Officer, surrendered all rights to his license in order to avoid the charge and hearing against him."

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5. The Board made the following Recommendations:

"1. The civil penalties against the TURTLE and its operator provided for violation of 33 USC 221 may not be invoked in this casualty and that action therefor is not recommended.

"2. The record shows that a representative from the U.S. District Attorney's Office was invited to be present during the Board's investigation. However, no appearance from that office was entered. It is recommended, therefore, that the original and one copy of this record be forwarded by the Commandant to the U.S. Attorney General, with a request for action by the U.S. District Attorney having jurisdiction, toward prosecution of Charles N. Astikian under 18 USC 1115.

"3. All possible action has been taken by this Board of Investigation and it is recommended that this file be closed."

6. It is recommended that the Findings of Fact, Conclusions and Recommendations of the Marine Board of Investigation be approved.

/s/P. A. OVENDEN
P. A. OVENDEN

FIRST ENDORSEMENT TO MVI memorandum of 6 January 1953

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Forwarded, recommending approval.

/s/H. C. SHEPHEARD
H. C. SHEPHEARD

APPROVED: Jan 14 1953

/s/MERLIN O'NEILL
MERLIN O'NEILL
Vice Admiral, U.S. Coast Guard
Commandant