

UNITED STATES COAST GUARD

ADDRESS REPLY TO:  
COMMANDANT  
U.S. COAST GUARD  
HEADQUARTERS  
WASHINGTON 25, D.C.

17 May, 1950  
FILE: GE-5-2/4  
(SS SEATRAN TEXAS  
MV EKEFORS (Swedish)  
c-3)

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

Subj: Marine Board of Investigation: Collision American steam freighter SEATRAN TEXAS and Swedish motor vessel EKEFORS below Narrows in New York Harbor on 16 December, 1949.

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. The American steam freighter SEATRAN TEXAS of 8108 gross tons, loaded with freight cars, bound from New York to New Orleans, collided at approximately 1750 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 \$52,522 and that of the SEATRAN TEXAS at \$77,374.

4. The Board made the following Findings of Fact:

"(1) The SS SEATRAN TEXAS and the motor vessel EKEFORS collided on 16 December, 1949 at 1750 below The Narrows in New York Harbor.

(2) The SEATRAN TEXAS is a steam vessel of American registry constructed to carry railroad cars, propelled by turbine and single screw, of 8108 gross tons, 435 feet long, official number 22986, and owned and operated by the Seatrain Lines, Inc., of Wilmington, Delaware. The vessel was in command of John C. Wenzel, of 14 Tolalton Place, New Orleans, La.

(3) The EKEFORS is a motor vessel of Swedish registry, 2745 gross tons, 340 feet long, owned by the Rederi A B Clipper, of Malmo, Sweden, with A. L. Burbank, 17 Battery Place, New York City, as the local agents. Her master is Gil Oscar Alfonso Baracca, of Sollentuna, Sweden.

Chief, NY Division of  
Commandant

17 May 1950

ONS-2/4

(SS SEATRAN TEXAS - NY  
KKEFORS (Swedish) 0-5)

(4) At the time of the collision the weather conditions were good, with clear visibility and light northerly wind, and flood tide.

(5) The KKEFORS was inbound from sea having arrived at Ambrose Light Vessel at approximately 1730 on 16 December, 1949. Pilot Leon Oldmixon 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 KKEFORS passed Craven Shoal Buoy close aboard on the port side and the vessel was hauled 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 Buoy, the range lights and side lights of the SEATRAN TEXAS were observed fine on the starboard bow, and the vessel's course was altered slightly to the westward. Subsequently the KKEFORS sounded two blasts of the whistle for a starboard passing of the SEATRAN TEXAS, which was still on the starboard bow, now showing her red light. No answer was heard from the SEATRAN TEXAS to this signal, and the pilot of the KKEFORS sounded another two blast signal. This signal was followed by a danger signal, after which the KKEFORS applied hard left rudder and stopped and reversed her engines. When the vessels were approximately 300 feet apart, the port anchor of the KKEFORS was also let go. Shortly thereafter the vessels collided, the stem of the KKEFORS striking the port side of the SEATRAN TEXAS amidships at approximately a 90-degree angle.

(6) The SEATRAN TEXAS left the Seatrain Terminal at Edgewater, New Jersey, loaded with railroad cars at about 1630, bound for New Orleans, La. Sandy Hook Pilot John J. McVoy 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 McVoy 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 KKEFORS were sighted slightly on the port bow. At that time the TEXAS was on a course of 175 degrees true, with Craven Shoal Buoy bearing fine on the port bow. A one-blast signal was sounded by the SEATRAN 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 SANTA MONICA of the Grace Line, was overhauling the SEATRAN 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 KKEFORS indicated that she was altering course to her left. The pilot of the TEXAS also heard a two-blast signal from the KKEFORS at that time. The SEATRAN TEXAS had sounded an alarm, followed by another one-blast signal, and ordered hard right rudder. The KKEFORS was heard to sound an alarm followed by another two-blast signal and was observed to continue to swing to port. Captain McVoy 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

Chief, MVI Division to  
Commandant

17 May, 1960

MS-2/4

(SS SEATRAN TEXAS - M  
KEEFORS (Swedish) c-6)

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 KEEFORS. This maneuver, however, was not successful, and the vessels collided in the manner previously described. The engines of the SEATRAN 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 KEEFORS, but after examination and treatment at the Marine Hospital he was returned to his vessel.

(8) Damage to the KEEFORS is estimated at \$53,622.00; that to the TEXAS is set at \$77,574.00.\*

5.

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 KEEFORS, Captain Oldsixon, must be considered primarily at fault in hauling his vessel to the westward after emerging from the upper end of Sabros 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 SEATRAN TEXAS acted properly in sounding a one-blast signal for a port passing immediately after sighting the KEEFORS, as at that time the situation was unquestionably end on or nearly so. Captain McEvoy 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 McEvoy should have reduced speed and, if necessary, stopped when his passing signals went ignored. The SEATRAN TEXAS was in a good position to check down without jeopardizing her maneuverability, as she was stemming the tide.

Chief, MVI Division to  
Commandant

17 May, 1950

MS-2/4

(SS SEATRIN TEXAS - MV  
KEEFORS (Swedish) e-3)

(3) It is evident that both vessels were maneuvered contrary to the rules governing the situation, the pilot of the KEEFORS, Captain Leon Oldmixon, being runniss under Article 18, Rule 1, namely, failing to pass port to port; and Captain McEvoy, the Pilot of the TEXAS, in failing to be governed by Article 27 (the Prudential 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 Oldmixon, Pilot of the KEEFORS, and Captain Gil Baraona, Master of the vessel be cited for violation of Article 18, Rule 1, of the Inland Rules, and that Captain John J. McEvoy, Pilot of the SEATRIN TEXAS, as well as her Master, Captain John C. Wessel, be cited for violation of Article 27 of the Inland Rules. MV KEEFORS 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, 423 Washington Building, Washington 25, D. C., for information."

#### REMARKS

7. Conclusion 2 of the Board in effect states that the pilot and master of the SEATRIN TEXAS are to be censured for failure to reduce speed and if necessary, stop when the KEEFORS ignored port to port passing signals. The SS SANTA MONICA, 8610 gross tons, was overtaking the SEATRIN TEXAS and was some distance off her port quarter. At this point, the SANTA MONICA eastward of the SEATRIN TEXAS blew a one-blast signal to the KEEFORS for a required normal port to port passing under Article 18 of the Inland Rules. The pilot and master of the SEATRIN TEXAS had every reason to believe that the KEEFORS 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 KEEFORS and the SEATRIN TEXAS at this time. The KEEFORS did not respond to the signal of the SANTA MONICA and shortly thereafter, the SEATRIN TEXAS gave a one-blast signal for a port to port passing as required by Article 18 of the Inland Rules. The KEEFORS disregarded this signal and a collision resulted within two to three minutes thereafter. The failure of the KEEFORS to comply with the requirements of Article

Chief, MVI Division to  
Commandant

17 May, 1950

CH-2/A  
RE SEATRAN TEXAS - M  
KNEFORS (Swedish) 0-5

18 of the Inland Rules, her disregard of the signals of the SANTA MONICA and the SEATRAN TEXAS and her insistence on a starboard to starboard passing placed the SEATRAN TEXAS in imminent jeopardy. The pilot and master of the SEATRAN 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 unskillful. A review of the evidence in the record does not indicate that the conduct of the pilot or master of the SEATRAN TEXAS was neglectful or unskillful in the situation thrust upon them by the KNEFORS and any error on their part was an error in extremis and not a fault. Had the SEATRAN TEXAS reduced speed following the 2 blast signals from the KNEFORS, there is a strong probability that the KNEFORS would have been cut down by the SEATRAN TEXAS and probably sunk.

8. Conclusion No. 3 states that the pilot of the SEATRAN 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 SEATRAN 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 156 of Title 33.

9. Recommendation 1 of the Board states that the pilot and master of the KNEFORS be cited for violation of Article 18 Rule 1 of the Inland Rules. The pilot of the KNEFORS was in charge of the navigation of that vessel at the time the violation of Article 18 Rule 1 of the Inland Rules occurred. Accordingly, the civil penalty for violation may only be assessed against the pilot of the vessel as between the pilot and master. As provided in 33 U. S. C. 159, the KNEFORS should also be assessed the civil penalty for violation of Article 18 Rule 1 of the Inland Rules in lieu of the master.

10. In view of the agreement between the U. S. Coast Guard and the American Pilots' Association to refer all acts of incompetency, unskillfulness, 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 Oldmixon, pilot of the KNEFORS 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.

EH. G. CLEAVE

Chief, MVI Division to  
Commandant

17 May, 1950  
CNS-2/4  
(SS SHARAHN TEXAS - SF  
SHEPENS (Swedish) 0-5)

Incl 1

28 June 1950  
CNS-2/4  
(SS SHARAHN TEXAS - SF  
SHEPENS (Swedish) 0-5)

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

Forwarded, recommending approval.

/s/ H. C. SHEPARD  
H. C. SHEPARD

APPROVED: 28 June, 1950

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