

UNITED STATES COAST GUARD

ADDRESS REPLY TO:



FILE: MWI
23 February 1955
(FRINS WILLEM V -
SINCLAIR NO. 12 - C-9
Ed)

Commandant's Action

on

Marine Board of Investigation; collision, M/V FRINS WILLEM V (Netherlands) and Barge SINCLAIR NO. 12 under tow, Lake Michigan, 14 October 1954

1. Pursuant to the provisions of Title 46 CFR Part 136, the record of the Marine Board of Investigation convened to investigate subject casualty, together with its Findings of Fact, Conclusions, and Recommendations, has been reviewed.
2. During the evening of 14 October 1954 the M/V FRINS WILLEM V (Netherlands), a general cargo vessel of 1567 g.t., was departing from Milwaukee en route to Sarnia, Ontario, and the motor tug SINCLAIR CHICAGO, of 292 g.t., towing astern on approximately 800 ft. of tow line the laden tank barge SINCLAIR NO. 12, of 846 g.t., was inbound to Milwaukee from Waukegan. The FRINS WILLEM V sighted the range lights and the port side light of the tug SINCLAIR CHICAGO off her starboard bow. Due to the off position of the lower tow light on the SINCLAIR CHICAGO, such light was not recognized as a towing vessel light. The master and mate on watch on the FRINS WILLEM V sighted no lights on the towed barge SINCLAIR NO. 12. Being the burdened vessel, the FRINS WILLEM V changed course to the right so as to pass astern of the SINCLAIR CHICAGO, but not knowing that the SINCLAIR CHICAGO had a laden tank barge in tow. The watch on the SINCLAIR CHICAGO observed the FRINS WILLEM V off to port on approximately a paralleling course and when the FRINS WILLEM V was observed changing course to the left to pass close across the stern of the SINCLAIR CHICAGO, the SINCLAIR CHICAGO played her search light on her towed barge astern and payed out the tow line to approximately 1500 ft., whereupon the FRINS WILLEM V changed course to the right, but unfortunately, due to close proximity, the FRINS WILLEM V and the towed barge SINCLAIR NO. 12, collided at 1916 approximately 1.7 miles east of the Milwaukee Breakwater entrance. Although no lives were lost as a result of this casualty, the FRINS WILLEM V was holed and sunk and the SINCLAIR NO. 12 sustained bow damage.

REMARKS

3. Recommendations, paragraphs 1 and 2, of the Board recommend that the owners of the SINCLAIR CHICAGO and the SINCLAIR NO. 12 be cited for the violation of 33 USC 253 (lights towing vessel) and 33 USC 255 (lights

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towed vessel) and that the master of the SINCLAIR CHICAGO be cited for the violation of 33 USC 288 (whistle signals). Attention is directed to 33 USC 244 which, in effect, provides that the offending vessel shall be liable for the civil penalty for the violation of any of the Great Lakes Statutory Pilot Rules. Accordingly, no proceedings may be instituted against the master for the collection of any civil penalty for violation of any Great Lakes Statutory Pilot Rules.

4. Recommendation, paragraph 3, of the Board recommends that the master of the M/V PRINS WILLEM V (Netherlands) be cited for the violation of 33 CFR 90.1 (whistle signals) and 33 USC 293 (General Prudential Rule). The Board in this recommendation states that there is doubt as to the applicability of the penalty clauses for the above-cited violation of the requirements of the Great Lakes Pilot Rules. The Commandant is of the opinion that civil monetary penalties cannot be assessed against either American or foreign vessels for the violation of 33 CFR 90.1 or 33 USC 293. 33 CFR 90.1 is a regulation established pursuant to 33 USC 243 wherein there is provided no authorization for the assessment and collection of any civil penalties for the violation of any regulation established pursuant to its provisions. 33 USC 293 is the General Prudential Rule which provides that nothing in the Pilot 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 any neglect to keep a proper lookout or of a neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case. The civil monetary penalty for the violation of the Great Lakes Statutory Pilot Rules provided by 33 USC 244 is not assessable against a vessel or individual for any acts of negligence mentioned in the General Prudential Rule, 33 USC 293.

5. In connection with Recommendation, paragraph 3, of the Board, a copy of the record of investigation of subject casualty will be furnished to the Netherlands Government upon request by proper authority of such Government.

6. Recommendation, paragraph 4, of the Board in effect recommends that foreign vessels operating on the Great Lakes and their connecting and tributary waters should be under the control and direction of competent personnel. In view of the increase in the number of foreign vessels operated on the Great Lakes and their connecting and tributary waters and the anticipated increase when the St. Lawrence Seaway project is completed, the matter of the competency of personnel having the direction and control of such foreign vessels is receiving the active consideration of the Commandant.

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7. As recommended in paragraphs 4 and 5, consideration has been and will continue to be given to the efficacy of radio telephone safety calls in the interest of safety to life, and to the positioning of navigation lights on vessels.

8. Subject to the foregoing "Remarks", the Findings of Fact, Conclusions, and Recommendations of the Marine Board of Investigation convened to investigate subject casualty are approved.

(signed) A. C. Richmond

A. C. RICHMOND
Vice Admiral, U. S. Coast Guard
Commandant

REPORT

of a

MARINE BOARD OF INVESTIGATION

convened at

Milwaukee, Wisconsin

To inquire into and investigate the collision between

the SENCLAIR #12 and MV PRINS WILLEM V (DUTCH)

off Milwaukee, Wisconsin

on 14 October 1954

After full and mature deliberation, the Board finds as follows:

FINDINGS OF FACT

Note: All times are Central Standard

1. The tug SINCLAIR CHICAGO, O.N. 225662, 292 gross tons, 98 net tons, is a twin diesel tug with two screws and twin rudders, of 118.2' x 27.1' x 13.2' dimensions, developing 1900 HP. The vessel was built in Wilmington, Delaware, in 1926, measured in Houston, Texas in 1952 and is owned and operated by the Sinclair Refining Company, 600 Fifth Avenue, New York, New York and 146 North Wacker Drive, Chicago, Ill. The tug is an uninspected vessel and is used in the towing trade on the Great Lakes and Western Rivers. She is rigged for pushing or towing. A towing engine is mounted aft with approximately 2,000 feet of 1 5/8" steel cable. The home port of the SINCLAIR CHICAGO is Chicago, Ill. The tug normally carries a crew of 16 persons.

2. The tank barge SINCLAIR No. 12, O.N. 169728, 846 gross tons, 846 net tons, is an unmanned steel barge of 193.8' x 35.9' x 14.5' dimensions, inspected and certificated for Inland Waters tributary to the Gulf of Mexico and Great Lakes, for cargo Grade "B" and lower. The barge has a pointed bow, square stern and has two skegs. She has six cargo compartments with a capacity of 12,500 barrels and has forepeak and after peak voids. The vessel was built in Quincy, Mass, in 1927, has an established load line endorsed on 19 February, 1954, and was last inspected in Chicago, Ill. on 22 July, 1954. The barge is also owned and operated by Sinclair Refining Co. and lists Chicago, Ill. as home port.

3. The motor vessel PRINS WILLEM V, Netherlands Registry, an ocean freighter, O.N. 7318, home port Rotterdam, Holland, is owned and operated by Mij Zeetransport, N. V., Anthony Ve Der & Co. (Oranje Line) West Plein 11, Rotterdam C. Netherlands. She is a steel hull dry cargo freight vessel of 1567 gross tons, 812 net tons, is 258' overall, single screw with a low speed diesel engine of 1500 HP, full speed 12 knots, and has 2 cargo holds, 2 hatches each, with the deck house and engine spaces located between holds. The vessel was built in 1940, sunk in the waterway at Rotterdam for 3 years during World War II, raised in 1947 and began sailing again in 1948. She was last drydocked in January 1954, inspected by Dutch officials at that time and is classed by Bureau Veritas. She was examined in Cleveland, Ohio, on 24 July, 1954 and was issued a certificate to carry 12 persons in addition to her crew of 30.

4. The SINCLAIR CHICAGO departed East Chicago, Ill. at approximately 1100 on 13 October, 1954 pushing barges SINCLAIR No. 11, cargo gasoline, and SINCLAIR No. 12, cargo #6 heavy oil, bound for Milwaukee, Wis. The tow out into Waukegan, Ill. at 2115 on 13 October due to weather conditions and moored at the Hanna Coal Dock. Early on the 14th the tug took SINCLAIR No. 11 in tow and continued on to Milwaukee, arriving at 0902 on 14 October. The tug then returned to Waukegan, arriving at 1330, 14 October. The SINCLAIR No. 12 was taken in tow and both vessels departed Waukegan at 1345, bound for Milwaukee.

5. The tug was rigged with a towing bridle secured to the forward of the twin bitts located on the port and starboard sides of the SINCLAIR No. 12. The bridle was attached to the 1 5/8" tow line with approximately 800 feet of line out, the length controlled by the towing engine and governed by the prevailing weather conditions.

6. According to the master of the tug, Mr. John Basetich, portable side lights were lashed with marlin to these same bitts at the time the tow was made up in Waukegan and turned on. The side lights were described as complete units with lamp and batteries in a waterproof case, secured to a 3'10" metal screen and weigh about 40 pounds each. He stated that the batteries are changed periodically by the tug crew on board the tug where side lights along with other running and safety lights used in towing are stored until needed on a particular tow. He further stated that the side lights are normally mounted on a pipe stand on either side of the bow at a height of approximately 6 feet above the deck, but on this particular occasion, the pipe stands were missing, hence the temporary setup, with the screens lashed across the bitts in a fore and aft direction. The master testified that it was he, who secured the side lights and turned them on.

7. After departing Waukegan, Outer Buoy at 1401 on 14 October, the tow proceeded toward Milwaukee and passed approximately 1 mile abeam of MILWAUKEE SOUTH POINT LIGHTED BELL BUOY 1 (LL 1651) at 1858 on course 331^{OT}. Speed at this time was estimated to be 8.4 miles per hour with the tug at full throttle and the barge riding directly astern on 800 feet of cable taking some spray over the bow. (See Point X - Exhibit #2)

8. Sunset on 14 October, 1954 at Milwaukee occurred at 1711 and twilight ended before 1800. The weather was cloudy with good visibility, wind WNW and strong, sea from the NW and choppy. The lights of the city were plainly visible to the watch on the tug as the tow approached Milwaukee.

9. The PRINS WILLEM V began her voyage in Holland, had called at various Great Lakes ports and departed the Municipal Transit Shell Dock at Milwaukee at 1829, 14 October, bound for Sarnia, Ontario, with approximately 720 tons of general cargo at a draft of 9'5" forward and 13'11" aft, a normal draft with this amount of cargo. At the time of departure, her running lights were on, the gyro compass was in operation (last check showed zero error), the radar was not placed in operation, although it was stated that the radar was in operating condition. The master, third mate and Canadian Pilot were on the bridge at the time of departure from the dock at Milwaukee.

10. At nightfall the running lights and deck lights on the tug SINCLAIR CHICAGO were turned on and a check of the distribution panel indicated that all were burning. A tell-tale light is on when a particular running light is not switched on and in addition, an audio signal is sounded when a filament burns out. These lights were:

- a. Masthead light (20 point) 6'10" above top of deck house.
- b. Range light (32 point) 14'9" above top of deck house and 72'6" aft of masthead light
- c. Towing light (20 point) 2'6" above the masthead light and 11" aft of it
- d. Side lights (10 point) at the level of deck house and slightly aft of the masthead light
- e. Various deck lights

It is noted that the towing light is not in a direct vertical line either above or below the masthead light and the vertical distance between them is less than the required 6'. (See appendages 1 to p).

11. It is noted that a 9 1/2" diameter bell-shaped loudspeaker is mounted 9" to port of the masthead light on the tug and when trained forward the loudspeaker will obstruct the masthead light when viewed from 1 to 2 point abaft the port beam. (See appendages 1 to n)

12. The SINCLAIR CHICAGO continued on course 331^{OT} until 1905 when course was changed to 305^{OT} to head to the northward of the Milwaukee Breakwall Entrance. It was intended to continue on this course until somewhat north of the entrance where the tow was to be shortened for the passage into Milwaukee Harbor.

13. The persons on watch on the bridge of the SINCLAIR CHICAGO at this time were the master at the conning position, the relief master as wheelsman, a lookout and a deck watchman. Each of these persons holds a document issued by the Coast Guard and Hjelmer Olsen, a deck hand holds a certificate indorsed as tankerman. Possession of a document was not a condition of employment of the persons on board the tug. Mr. Hjelmer Olsen, who was acting as lookout, stated that he saw the running lights of the tug, including the towing light, prior to coming on watch at 1855. Each of the persons on watch stated that he personally saw the green and red side lights of the barge between sunset and 1905 of 14 October, 1954.

14. The PRINS WILLEM V passed through the breakwater entrance at 1905 on course 090°T and at full speed of 12 knots en route the point of departure for Lake Carriers' Association courses from Milwaukee, Wis. approximately 2 1/2 miles due east of the breakwall. The vessel was placed on automatic pilot when clear of the breakwall. Shortly after this, Mr. Wright, the Canadian pilot went below after the third mate assumed the conn. (Point X, Exhibit No. 4)

15. At 1908, the second mate, Mr. Van Den Bergh, relieved the watch and the third mate went below. The third mate had sighted the light of a vessel on the starboard bow of the PRINS WILLEM V and had passed this information on to the second mate. The persons on watch on the bridge of the PRINS WILLEM V at this time were the second mate and the master, who was acting as lookout. It is noted that there was not a regular wheelsman on watch in the wheel house at this time. Likewise no lookout, other than the master, was stationed either on the bridge or on the bow.

16. At 1910, the second mate took a bearing of 120°T on the lights on the starboard bow (SINCLAIR CHICAGO), and estimated her distance as 2 miles. The master and the second mate both observed the SINCLAIR CHICAGO through binoculars. The master states that he saw only one vessel carrying mast-head, range and red side light. He also saw some deck lights. In observing the red side light he determined the passage to be port to port and knew that he was the burdened vessel. He stated that he did not see any lights to indicate the presence of a towed vessel.

17. Two minutes later, at 1912, the second mate took another bearing on the approaching vessel, now estimated at 1 mile distance. This bearing was 121°T practically the same as the first. On the strength of this almost constant bearing, the master advised the mate to come right to 140°T, a course change of 50°. The mate took the vessel off automatic pilot and assumed the job of wheelsman himself. He continued to steer manually from then on and changed course quickly to 140°T, placing the lights about 2 points on the port bow. This change in course was not accompanied by a sound signal.

18. As the vessels approached one another, neither the master nor the second mate of the PRINS WILLEM V saw anything to indicate the presence of the barge. It was stated by the master that he could possibly have mistaken one of the two lights on the foremast of the SINCLAIR CHICAGO to be a deck light. However, he did not see any side lights on the barge. Although the PRINS WILLEM V was equipped with radar in operating condition, it was not being used.

19. When the bearing of the SINCLAIR CHICAGO had drawn down the port side to about 5 points, approximately 085°T, the master advised the mate to come left slowly and round his stern. The distance between the two vessels was now somewhat less than 1/2 mile. The mate started the vessel swinging left slowly, then put his rudder amidship so that the vessel came left very slowly. Testimony indicates that neither person was yet aware of the presence of the barge, although the captain was on the starboard wing of the bridge.

20. Over on the tug SINCLAIR CHICAGO the red side light of the outbound vessel (PRINS WILLEM V) had been sighted a few moments previously. With the number of background lights from the City of Milwaukee confusing the picture it is quite understandable why the side light was the first noted rather than the masthead or range light. At the time the PRINS WILLEM V was sighted by the tug the bearing was 2-3 points forward of the port beam and the distance estimated to be about 1/2 mile. A remark was passed between the master of the tug and the relief master on the wheel that the outbound vessel must be a foreign vessel or a Coast Guard cutter as no security call had been heard on Channel 51 of the ship-shore radio telephone which they were guarding in the pilot house. No passing signal was initiated by the SINCLAIR CHICAGO nor did he hear any signal from the other vessel. When it was noted how near the PRINS WILLEM V was, the master of the tug turned on his carbon arc search light and directed it toward the tow, a common practice on tugs in the Western Rivers. About this time the range lights of the PRINS WILLEM V were sighted and it appeared that the vessel was swinging left as if to attempt a passage between tug and tow. The master of the tug stated that he immediately sounded the danger signal of several blasts on the air whistle and played the search light from the tow to the bow of the PRINS WILLEM V and back again. The lookout was ordered aft to stand by the towing engine. The master of the tug stated that he could see the side lights of the tow clearly at this time and also the deck of the barge in the search light beam. It soon became apparent to the master of the tug that the PRINS WILLEM V was going to pass between the tug and the tow and so he ordered that the tow line be paid out and stopped the engines on the tug. The tow line ran out quickly to an estimated 1500 feet and must have dropped quickly to the bottom

as testimony reveals that upon subsequent examination of the towing cable, no marks were found on it indicating that the PRINS WILLEM V struck the tow line. Once the strain was off the tow line the barge slowed down as could be expected, however, by this time it was too late and the starboard bow of the barge SINCLAIR No. 12 struck the starboard side of the PRINS WILLEM V at a point judged to be abreast of hatch No. 2 of cargo hold No. 1 just forward of the forward engine room bulkhead. The vessel PRINS WILLEM V must have been holed severely in this area at or below the water line. The vessels parted and the barge again struck the PRINS WILLEM V, this time in the engine room compartment where a hole 2' x 15' running fore and aft above the waterline was made. The vessels then slid clear of each other with the PRINS WILLEM V crossing the bow of the SINCLAIR No. 12. The collision occurred at 1916.

21. Security calls are informal announcements of movements of vessels broadcast over Channel 51 by the personnel of Great Lakes vessels. The master of a vessel entering or leaving a dock or port will advise anyone listening on Channel 51 of his intentions and thus an informal method of traffic control is established. The master of the tug commented on the fact that this practice is not generally followed by foreign vessels or service vessels.

22. As the PRINS WILLEM V was swinging left slowly from 140°T to cross under the stern of the tug, both the master and the second mate saw the beam of the SINCLAIR CHICAGO's search light and knew that something was amiss. They did not hear the danger signal, due possibly to the engine noises of a motorship. The rudder was put hard right when spray was sighted on the starboard bow close aboard. The master was on the starboard wing of the bridge. Both he and the second mate stated that they did not at any time see any visible side lights on the barge, including that instant just prior to the collision and that the sighting of the search light and spotting the spray were the first indications of a towed vessel. As the rudder was put hard right the Captain realized that a collision was in the making and hoped to minimize the damage by swinging toward alignment with the other vessel. No whistle signals or change in speed was made by the PRINS WILLEM V up to the time of the collision.

23. The collision occurred at 1916, although logged on board the tug SINCLAIR CHICAGO as 1918. The master of the PRINS WILLEM V had checked his watch against the chronometer prior to leaving Milwaukee so that it is assumed that the time kept by the PRINS WILLEM V was the correct time. The collision occurred approximately 1.7 miles due east of the breakwater entrance at Milwaukee, Wisconsin.

24. The personnel of the tug did not hear the collision or feel any shock through the towing line, so it was not until the PRINS WILLEM V cleared the barge that the master of the tug observed that the barge was down by the bow and that the side lights were not burning and that a collision had occurred. At this time he notified the Coast Guard of the collision and began retrieving his towing line in order to bring her alongside and cast off the bridle and go to the assistance of the stricken vessel. The master of the tug stated that he decided against cutting his tow line and going immediately to the assistance of the PRINS WILLEM V as he did not want to leave the SINCLAIR No. 12 loaded with oil and improperly lighted in the path of traffic. Likewise, he had not yet heard any distress call from the PRINS WILLEM V.

25. The PRINS WILLEM V began making water in cargo hold No. 1 and as a starboard list developed, the engine spaces also began to fill. The engines stopped shortly after the collision as the fuel line and pumps were rendered useless. The auxiliary generator continued to run for about 1/2 hour, providing light for the stricken vessel. The first mate and chief engineer informed the master that the vessel was sinking and damage control efforts would be fruitless. The pumps were rendered inoperative by the collision and the holes in the hull too large to combat. Preparations were made to abandon ship and a MAYDAY distress given at 1930.

26. The Coast Guard responded quickly to the emergency. The lookout on watch at the McKinley Beach Lifeboat Station spotted a search light at 1915, reported it and then heard the collision being reported. Motor Rescue Boat CG-30376 departed the lifeboat station at 1918, followed shortly by Motor Lifeboat CG-36505. The CGC HOLLYHOCK got underway from the base Milwaukee at 2004 to assist.

27. The crew departed the sinking vessel in the two lifeboats without incident, 22 persons in the lifeboat on the low side and 6 persons in the boat on the high side. The master and radio operator remained on board a few moments after the crew departed. The vessel now had a list of 55-60 degrees and at about 2000 the radio operator and then the master departed the vessel by stepping from the rail to the Coast Guard picket boat alongside.

28. The tug had the barge alongside and free by 1958. The barge was down some by the bow which was awash. The barge was extensively damaged in the collision, the bow was wrapped around on the starboard side and set back some 6 feet. It was noted, when the tug personnel went on board the SINCLAIR No. 12 to cast off the towing bridle, that the side lights and screens from both sides were missing and there was no indication of

what had happened to them. Neither bitt was damaged and both ends of the bridle were still over the bits. It was assumed by the tug personnel that somehow the side lights were carried away in the collision although the damage was on the stem and on the starboard side and did not extend back as far as the bits. At the time the seamen were on the barge, they also retrieved the white stern light from the barge and placed a red lantern amidships.

29. The tug arrived alongside the sinking vessel at approximately 2008 and saw that nothing could be done to assist. The PRINS WILLEM V sank at 2022 in a position established as approximately 3 3/4 miles, 090°T from MILWAUKEE BREAKWATER LIGHT (LL 1657) in 70 feet of water. The position of the wreck has been marked by buoys. The owners of the vessel have officially abandoned her subsequent to the sinking. The estimated loss to the PRINS WILLEM V was \$1,250,000 for the vessel and \$750,500 for cargo. The damage to the tank barge SINCLAIR No. 12 was estimated to be \$15,000.

30. There were no injuries or loss of personnel on the PRINS WILLEM V. All persons from the PRINS WILLEM V were taken on board the Coast Guard vessels after they had departed the sinking vessel in their own lifeboats and were transported safely to Milwaukee, Wisconsin.

31. Seaman Apprentice William K. Woodruff, Jr. (2025-335) U. S. Coast Guard Reserve, on board the CG-30376 was slightly injured on his left hand when it was caught between the crash boat and one of the lifeboats on the PRINS WILLEM V.

32. The following persons were interviewed and their testimony is attached:

1. John C. Basetich, master of SINCLAIR CHICAGO
Home - 1715 East 83rd Place, Chicago, Ill.
2. James T. Murrin, Relief master of SINCLAIR CHICAGO
Home - 11801 Maplewood, Chicago, Ill.
3. Hjelmer Olsen, Z-911969, Tankerman, SINCLAIR CHICAGO
Home - Bayfield, Wisconsin
4. Carl O. Dahl, Deckhand, SINCLAIR CHICAGO
Home - Bayfield, Wisconsin
5. Pierre J. A. Hullmand, Master of PRINS WILLEM V.
Home - Schout Van Groenewegan Strasse 66 B
Overschie Rotterdam, Holland
6. Pieter G. Van Den Bergh, 2nd mate of PRINS WILLEM V.
Home - Sint Jan Straat 6, Laren, North Holland
7. Jon Platteel, Chief mate of PRINS WILLEM V.
Home - Franselaan 289, Rotterdam, Holland
8. F. J. Van Der May, Chief Engineer of PRINS WILLEM V.
Home - Waterleighting B79, Weesperkarspel, Holland

CONCLUSIONS

1. That the collision between the Dutch vessel PRINS WILLEM V and the United States tank barge SINCLAIR No. 12 occurred at 1916 on 14 October, 1954 at a position approximately 1.7 miles 102°T from MILWAUKEE BREAKWATER LIGHT (LL 1657) and the PRINS WILLEM V sank at 2022 in a position approximately 3.75 miles 090°T from MILWAUKEE BREAKWATER. The collision occurred in United States waters.

2. From close examination of the damage to the barge SINCLAIR No. 12 it is concluded that the angle of impact between the barge and the PRINS WILLEM V was approximately 50° and that the PRINS WILLEM V was further to the left than the 118°T testified to be the course at the instant of collision with the barge which was on a course of 305°T. It would have been impossible for the PRINS WILLEM V to have closed on the barge from the port side swinging left from 140°T unless the swing was continued to a course where the range of the tug and barge actually would be closing. In swinging from 140° to 125°T the range would still have been opening and only parallel on 125°T. Thus to move to the left and get astern of the tug, it follows that the PRINS WILLEM V must have swung materially left of 118°T and it is felt that the PRINS WILLEM V must have been closed to 060°T at the instant of collision. This is further substantiated by the statement of the second mate that when the spray of the barge was first sighted it was approximately 60° on the starboard bow.

3. After considering all the testimony concerning the side lights on the barge SINCLAIR No. 12, the Board cannot help but reach the conclusion that the side lights were not securely placed on the barge in a manner as indicated by the master of the tug SINCLAIR CHICAGO and there is strong doubt in the minds of the Board that they were ever placed on the barge. The barge not being properly lighted was in violation of Rule 6 (33 USC 255) of the Pilot Rules. In support of this conclusion is the fact that the side lights were missing after the collision and there was no physical evidence to indicate what happened to them. It is deduced that had the side lights been secured in the manner stated by the master of the tug and had somehow been knocked off the bits between the time the vessel left Waukegan and the time the side lights were admitted by the tug personnel to be missing, there would have been some evidence of them, such as a piece of marlin, part of a screen or light. There is no testimony indicating that boarding seas were encountered by the barge on the voyage. Further, there was evidence that the actual striking between the barge and the PRINS WILLEM V was not jolting. No one was knocked down by the impact on the PRINS WILLEM V. The damage to the barge was of crushing type rather than a shattering

type as the bow of the barge was rolled back along the starboard side. Likewise, the bitts were not damaged in the collision and the damaged area does not extend as far aft as the bitts on either side.

4. Further, it is noted that although the master of the tug described in some detail just how he secured the side lights, he did not know the actual physical shape of the bitts. He seemed extremely familiar with these particular bitts as he testified and explained with the use of a free hand drawing how the screens were placed on the top of rounded head type bitts. The bitts are, in fact, of a hollow construction (appendix Q) and quite unlike the ones he was describing. It would appear that he was not as familiar with the barge as he indicate. The log of the SINCLAIR CHICAGO shows that the entire operation of making up the tow in Waukegan, Ill. took about 15 minutes. This included placing the towing bridle on the barge, and securing the barge for rough weather by removing the ventilating covers on the deck area and replacing them with wooden blocks, which were driven in the vents. It does not appear that there was sufficient time for the master to have checked on all these things as he testified and in addition, personally secure side lights to the bitts. These units weigh about 40 pounds each according to the statements of the tug personnel. If they were placed on the bitts they would have had to be very securely lashed as there was no guide or bracket on the bitts to provide for alignment with the keel. All this would take time even when a person was familiar with what he was doing and in this case we have the master placing a temporary setup on the barge.

5. The direct testimony of the master and the second mate of the PRINS WILLEM V, that at no time was the red side light visible to them further substantiates the conclusion that this light was not on the bitt at the time of the collision. It is difficult to reconcile the testimony of all the witnesses on the tug that they saw the side lights on the barge at various times from sunset until just prior to the collision with the foregoing facts. However, when all evidence is considered, the only logical conclusion is the one reached by the Board.

6. That the tug SINCLAIR CHICAGO was carrying 2 lights forward to indicate that the vessel was towing another vessel astern. Sworn testimony by the persons on watch on the tug stating that the towing lights were turned on at sunset and that the lights were observed by the tug personnel to be burning supports this conclusion. However, the two lights on the foremast of the tug SINCLAIR CHICAGO were not properly spaced. Rule 4 of the Pilot Rules for the Great Lakes states that the two lights shall be in a vertical line and not less than 6 feet apart. Actual measurement proves these lights to be only 2'6" apart in a vertical direction and not in a vertical line as the lower of the two lights is spaced 11"

forward of the other. This is a violation of Rule 4 (33 USC 253) of the Pilot Rules for the Great Lakes. The master of the PRINS WILLEM V stated that he did not see a light to indicate a towing vessel. He also stated that he might have mistaken one of the two lights on the foremast to be a deck light. It is deduced that this must have been the case. The lower of these two lights sits right on top of the wheelhouse set back a bit from the forward edge. It is noted that the position of the horn-shaped loud speaker on top of the wheelhouse, port side, at times obstructs the arc of visibility abaft the port beam of the lower of the two forward white lights. It is believed that the obstruction had very little, if any, bearing on this case.

7. That the master of the tug SINCLAIR CHICAGO did not sight the out-bound motor vessel PRINS WILLEM V until the latter vessel was approximately 1/2 mile distance. It is difficult for the Board to conclude that a proper watch was not being maintained since, at the time the PRINS WILLEM V had the lights of the City of Milwaukee, Wisconsin in the background.

8. That the master of the tug SINCLAIR CHICAGO failed to sound a signal when the PRINS WILLEM V was first sighted, 2 points forward of the port beam within 1/2 mile distance. The Pilot Rules and amplifying regulations clearly state a vessel's obligations when passing within a half mile of another vessel, irrespective of whether a course change is required or not. The Board does not concur with the contention of the master of the tug that a passing signal at this time would have confused the picture, and it is concluded that the master violated Rule 23 of the Pilot Rules (33 USC 288) when he failed to initiate a one blast signal.

9. That the PRINS WILLEM V sighted the lights of the tug at approximately 2 miles distant bearing about 120°T and continued on course 090°T speed 12 knots for approximately 5 minutes from the first sighting and at 1912 changed course to 140°T. The master of the PRINS WILLEM V failed to sound a signal to indicate this change of course to starboard, the vessel then being approximately 1 mile from the SINCLAIR CHICAGO. Coast Guard Regulation 90.1 Subchapter E, Chapter I Title 33 requires that a vessel: "***In all weathers every steam vessel underway in taking any course authorized or required by the rules in this part, shall indicate that course by the following signals of her whistle - - - and every steam vessel receiving a signal from another shall promptly respond with the same signal or sound the danger signal***". It is held that had the master indicated his course change as

required, this would have been an earlier indication of the presence of the PRINS WILLEM V to the tug SINCLAIR CHICAGO than actually occurred and would have given the tug more time to observe the movement of the PRINS WILLEM V.

10. The master of the PRINS WILLEM V contended that under Coast Guard regulations 90.10 the privileged vessel should have initiated the signal as this was a crossing situation. The master stated that it was hard to hear whistle signals of another vessel on the noisy bridge of the motor vessel PRINS WILLEM V. Despite this, when the PRINS WILLEM V, not hearing a signal from the tug, changed course, this change of course by the PRINS WILLEM V should have been indicated with the proper whistle signal.

11. That the master of the tug SINCLAIR CHICAGO did sound the danger signal at a time when it became apparent to him that the PRINS WILLEM V was standing into danger and did at about this time turn on and shine the powerful carbon arc search light on the barge and toward the PRINS WILLEM V. At this time the PRINS WILLEM V was abaft the port beam of the SINCLAIR CHICAGO and closing rapidly toward the tow.

12. That a proper watch was not being maintained on board the PRINS WILLEM V. It is concluded that the master did not constitute a properly posted lookout. It is obvious that as master he had other duties and obligations than strictly lookout duties. It is concluded from the testimony that the master of the vessel actually took over the conning of the vessel and ordered all course changes. In addition, he kept track of the time, he observed the courses of the vessel on the repeaters and steering compass and he received the report from the first mate that the vessel was secured for sea. The facts disclose that he did not continue to observe the tug as closely as a lookout should and did not look at the tug through glasses again after he once saw the red side light and determined on port to port. He did not continue to scan the horizon as is the sole duty of a proper lookout nor was he in the proper position for a lookout which is on the bow. There were no weather or sea conditions which would have made it difficult to place a lookout on the bow. The second mate assumed the wheel watch taking the vessel off automatic pilot and continued to act as wheelsman up to the point of collision. This meant that the second mate was limited to these duties and precluded him from acting as a lookout. It was further concluded that with only two officers and no other personnel being on watch on the bridge of this vessel and both being preoccupied with other duties that the PRINS WILLEM V was being navigated in congested waters without proper lookout contrary to Rule 28 (33 USC 293) of the Pilot Rules for the Great Lakes.

13. That the maneuvering actions of the master of the PRINS WILLEM V were logical if based on the assumption that the PRINS WILLEM V were meeting a single vessel. A bearing was taken shortly after sighting the tug and checked 2 minutes later. When a collision course was indicated, the course of the PRINS WILLEM V was changed abruptly to starboard and when the bearing had drawn sufficiently aft, a slow swing to port was started to round the stern of the tug. The closeness that a burdened vessel passes under the stern of a privileged vessel is a matter for the master himself to decide with due regard to prudent seamanship. It is felt that he was allowing sufficient room in clearing the tug SINCLAIR CHICAGO. These actions were all normal under the usual circumstances of giving way to a privileged vessel. When the master of the PRINS WILLEM V became aware of the presence of the barge SINCLAIR No. 12, it was too late for evasive action and the collision was inevitable.

14. That the pilot on the PRINS WILLEM V was not involved in the maneuvering of that vessel after she passed through the breakwater. However, although not required by law or regulation, it is concluded that the licensed pilot should remain in charge of directing the vessel's movements while in congested waters and in this case until the vessel was placed on course for Point Betsie.

15. That the master of the tug SINCLAIR CHICAGO used good judgment when he slacked off the towing cable just prior to the collision and in not cutting the tow line immediately after the collision and going at once to the aid of the stricken vessel. The testimony indicates that he was not aware of the actual extent of damage to the PRINS WILLEM V for some time after the collision and he had in his charge a barge loaded with oil directly in the path of the inbound and outgoing traffic, whose side lights were now observed to be extinguished.

16. That no personnel of the Coast Guard or any other Government Agency contributed to the casualty. The Coast Guard responded smartly to the emergency and had rescue vessels underway almost immediately.

17. That no failure of material was involved.

18. That no uncharted or incorrectly charted area or objects were involved.

19. That universal use of security calls by outbound and inbound vessels might have prevented this accident.

20. That the use of radar, which was available, by the motor vessel PRINS WILLEM V might have prevented this accident.

RECOMMENDATIONS

1. That the owners of the tug SINCLAIR CHICAGO and tank barge SINCLAIR No. 12 be cited for violation of Rules 4 and 6 (33 USC 253 and 255 respectively) of the Pilot Rules for the Great Lakes.
2. That the master of the tug SINCLAIR CHICAGO be cited for violation of Rule 23 (33 USC 288) of the Pilot Rules for the Great Lakes.
3. That the master of the motor vessel PRINS WILLEM V be cited for violation of Section 90.1, Subchapter E, Chapter I of Title 33 and Rule 28 (33 USC 293) of the Pilot Rules for the Great Lakes. The Board recognizes that there may be some question as to the applicability of Rules and Regulations to foreign vessels and statutory penalties being imposed for the violation thereof. If this is correct, it is recommended that appropriate legislation be sponsored to correct this situation. It is further recommended that a complete copy of the record of this Board be transmitted through the State Department to the Consul for the Netherlands Government for such action as the Netherlands Government may deem necessary in connection with the master's license.
4. That when a foreign vessel (excluding Canadian and United States vessels, which are exempt from this recommendation by virtue of Article I of the Convention Concerning Boundary Waters between the United States and Canada signed at Washington, D. C., 11 January 1909) operates on the Great Lakes and their connecting and tributary waters, it shall be under the control of an authorized person at all times. An authorized person shall be one who has proven to the satisfaction of either Canadian or United States authorities that he is familiar with the applicable Pilot Rules and waters. Such a requirement would necessarily be a matter for international agreement between the United States and Canada.
5. That consideration be given to amplifying the regulations contained in the Telecommunications Conference for Promotion of Safety on the Great Lakes By Means of Radio, between the United States and Canada, to include a section relating to the use of the radiotelephone as a security measure by requiring vessels to make known their maneuvering intentions when entering and departing a port of the United States. Such a requirement would necessarily be a matter for international agreement between the United States and Canada.

6. That consideration be given to amplifying the Pilot Rules for the Great Lakes and Their Connecting and Tributary Waters and the St. Marys River and Regulations issued under Title 33, Subchapter E of Chapter I to include specific minimum heights for side light on barges.

7. That the case be closed and no further action be taken.

The Board then adjourned to await the action of the convening authority.

(signed) HAROLD C. MOORE
HAROLD C. MOORE
Captain, U. S. Coast Guard
Chairman

(signed) GEORGE S. BECK
GEORGE S. BECK
Commander, U. S. Coast Guard
Member

(signed) ARTHUR E. WILCOX
ARTHUR E. WILCOX
Commander, U. S. Coast Guard
Member

(signed) GARTH H. READ
GARTH H. READ
Lt. Commander, U. S. Coast Guard
Recorder