

MARINE SAFETY MARUAL

MEMORANDUM OP UNDERSTANDING REGARDING MARINE ACCIDENT INVESTIGATIONS

In implementation of the exchange of letters between the Chairman of the National Transportation Safety Board (letter to the Commandant of the Coast Guard dated May 22, 1980) and the Commandant of the Coast Guard (letter to the Chairman of the NTSB dated March 8, 1981), effective immediately the following guidelines will apply in carrying out the provisions of the joint regulations governing "Coast Guard/NTSB Marine Casualty Investigations" (49 CFR 850 and 46 CFR 4.4):

1. NTSB will investigate all collisions between a Coast Guard vessel and a nonpublic vessel involving at least one fatality or \$75,000 in property damage.
2. When mutually agreed by the two agencies, NTSB will investigate any public vessel/nonpublic vessel casualty resulting in at least one fatality or \$75,000 in property damage or any major marine casualty which involves significant safety issues relating to Coast Guard safety functions (e.g., SAR, ATON, VTS, marine inspection, etc.).
3. The accident investigation roles of the NTSB and the CG with respect to all other accidents within the scope of the joint regulations will continue unchanged for the interim.

In general, when NTSB conducts the marine accident investigation in the cases cited above, the procedures followed will parallel, where applicable, those described in 49 CFR 831 with respect to aircraft accidents/incidents. When NTSB conducts a public hearing in connection with the accident investigation, the procedures followed will be those described in 49 CFR 845. The respective activities of NTSB and the CG, within the parameters of those regulations when the investigation is conducted by the NTSB, include the following:

NTSB	CG
1. Dispatch IIC, and an appropriate number of marine accident investigators and technical personnel to the scene.	1. Notify NTSB promptly.
2. Direct all on-scene aspects of the investigation.	2. Pursue the usual Coast Guard on-scene activities as appropriate, such as search and rescue, pollution and fire emergency services, succoring the survivors, managing traffic in the waterway, or accommodating salvage activities of owners.
3. Issue necessary subpoenas, hire stenographic services, contract for other necessary services in connection with the investigative command post.	3. Secure the accident site, as appropriate.
4. Upon arrival at the scene and after obtaining preliminary data, establish investigative groups as appropriate. An NTSB staff member will serve as Chairman of each group. Designate appropriate representatives of on-scene parties to participate in the investigative groups. The provisions of 49 CFR 831.9 will be applied to all parties. Such parties will always include the Coast Guard. Unions may be designated as	4. Promptly identify eyewitnesses and make preliminary arrangements for their interview by the witness group.
	5. Detain vessels and crewmembers as appropriate. If unable to do so prior to arrival of NTSB investigators, perform those tasks identified by NTSB as essential to the

parties.

5. Hold periodic progress meetings and keep parties informed.
6. Hold periodic news media briefings on the progress of the investigation and serve as the sole public spokesman with respect to the release of information resulting from the investigation.
7. Determine and approve the timing of the release of vessels and crewmen to depart the area, either to appear later at a public hearing or to be released from further participation.
8. Identify and interview eyewitnesses and all crewmembers at the earliest time. Those with information pertaining to the accident should be deposed, or their statements taken and reduced to writing, as appropriate (in preparation for or in lieu of being a witness at a public hearing).
9. Arrange for any tests, research, readout or recorded data, transcription of radio recordings, and similar activity and the preparation of exhibits for later use.
10. Set the time and place and make all arrangements for the public hearing including the hearing room, the preparation of exhibits, subpoenaing of witnesses, and designation of parties to the hearing and their spokesman Coast Guard will always be designated as a party to the hearing).
11. Conduct public hearing in accordance with 49 CFR 845.
12. Prepare an accident report based upon the investigation.

Close continuing liaison and cooperation will be maintained between the two agencies so that the common objective can be achieved with maximum harmony, and problems and differences can be minimized and resolved as expeditiously as possible.

An ongoing joint working group will consider further additional recommendations which may evolve into a further realignment of investigative responsibilities, ultimately leading to an interagency agreement and revision of the joint regulations, as appropriate.

investigation.

6. Assign appropriate personnel to participate in investigative groups and designate one person as CG liaison with the NTSB IIC.
7. Provide Coast Guard documentation of vessel inspection, certification and licensing history of vessels and persons involved as requested by IIC.
8. Designate an individual to participate as the Coast Guard spokesman at the NTSB public hearing.
9. Provide water/air transportation if needed on-scene, subject to operational requirements.
10. Prosecute enforcement activities as a clearly separate activity from the NTSB accident investigation.

Both agencies will, upon approval of this agreement, officially notify their respective OMB, Congressional, and potentially affected private sector organizations of this agreement.

This agreement is of an interim nature and may be modified at any time upon agreement of both agencies.

/s/ J. B. HAYES

Commandant

United States Coast Guard

9/28/81

Date

/s/ JAMES B. KING

Chairman

National Transportation Safety Board

28 Sept 81

Date