

## Hearing Office Marine Casualty Reporting Case Numbers, Calendar Years 2012 and 2013

On September 22, 1993, Amtrak's Sunset Limited train derailed on the Big Bayou Canot bridge in Mobile, Alabama, resulting in 47 persons killed and 103 persons injured. The derailment was caused by damage to the bridge from a barge that allided with the bridge minutes before the derailment. The operator of the towboat that was pushing the barge did not notify the Coast Guard of the allision before the derailment.

That accident, among other things, caused the Coast Guard to review and update its regulations governing the reporting of marine casualties. The reporting requirements are found at 46 C.F.R. § 4.05-1 and 46 C.F.R. § 4.05-10. They generally require that owners, agents, masters, operators, or persons in charge immediately notify the Coast Guard of the marine casualties described in the regulation, and that the initial report be followed-up by a written report to the Coast Guard within five days. A civil penalty of up to \$35,000.00 may be assessed by the Coast Guard for failure to comply with the marine casualty reporting requirements.

In January, 2014, the Coast Guard requested comments on a draft Navigation and Vessel Inspection Circular that is intended to provide additional guidance for determining what is or is not a reportable marine casualty. The comment period closed in April, 2014, and the Coast Guard is currently formulating its response to the comments received.

In calendar year 2012, the Hearing Office received twenty-four cases alleging violations of the requirements to report marine casualties. Three of those cases alleged both a failure to immediately report and failure to provide a written report of a marine casualty. One of the cases was closed administratively, five charges of failure to report were dismissed, and three charges resulted in warnings. Civil penalties were assessed for the other fifteen charges that were found proved. The low penalty assessed was \$100.00 and the high penalty assessed was \$15,000.00. The average penalty was \$3,325.00.

In calendar year 2013, the Hearing Office received thirty cases alleging violations of the requirements to report marine casualties. Five of those cases alleged both a failure to immediately report and failure to provide a written report of a marine casualty. Three charges of failure to report were dismissed, and nine charges resulted in warnings. Civil penalties were assessed for the other eighteen charges that were found proved. The low penalty assessed was \$200.00 and the high penalty assessed was \$10,000.00. The average penalty was \$2,385.00.

If you experience an event or occurrence that may be a reportable marine casualty, it is prudent to contact the Coast Guard as soon as possible to determine if a report is required. The nearest Coast Guard station may be reached on VHF Channel 16, and phone numbers for Coast Guard Sector Command Centers are available online at <https://homeport.uscg.mil> \_Located under the Port Directory Tab. You cannot be assessed a civil penalty for erring on the side of reporting what may be a reportable marine casualty.