

UNITED STATES COAST GUARD

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



MVI

FEB 24 1961

SS AMERICAN PRESS - SS ISRAEL - INVESTIGATION
INTO THE COLLISION OF WITH LOSS OF LIFE ON 29
OCTOBER 1959

ACTION BY THE COMMANDANT

The findings of fact of the investigating officer and the implication therein that the situation was one in which crossing rules applied are approved.

Paragraph 1 of the conclusions is approved.

Paragraph 2 of the conclusions is approved with the exception of the second sentence. The record indicates that the bridge personnel of both vessels were directing all attention to the developing navigation situation and were listening intently for signals from the other.

Paragraph 3 of the conclusions is approved with modification. The conditions described by the investigating officer are basically correct and should certainly dictate caution but the contention that these conditions present a situation hazardous in the extreme is not concurred in nor is it supported by the record.

Paragraph 4 of the conclusions is approved.

Paragraph 5 of the conclusions is disapproved. Pilot Jones' testimony as to what his one-blast signals were meant to convey is unquestionably confused but only to the extent of whether he considered the situation one of crossing vessels or one of meeting vessels. On page 90 of the record are the following excerpts from his testimony:

".....I heard no answer to the one blast; so I blew him one more blast of the whistle, and upon getting no answer from the second one, I stopped my ship and I blew an alarm, a danger signal and one, and I still heard no answer. So then I backed my ship, went full astern on the engines, on the telegraph, and after I had been backing for about 30 seconds, the ship seemed to alter his course to starboard. So I stopped my engines, with the thought that I, being the privileged vessel, I may want to navigate across his bow if he so answered me and gave me the right;"

UNITED STATES COAST GUARD

ADDRESS REPLY TO:

Officer in Charge
Marine Inspection
720 Custom House
New York 4, New York



RECEIVED

A25(MMIS-016897)

16 August 1960

AUG 29 1960

MAR. MARINE SAFETY DIV.
THIRD CG DISTRICT

From: Investigating Officer, New York
To: Commandant (MVI)
Via: (1) Officer in Charge, Marine Inspection, New York
(2) Commander, Third Coast Guard District (m)

Subj: SS AMERICAN PRESS, Collision with SS ISRAEL with loss of life
on 29 October 1959, in New York Harbor

- Findings of Fact -

1. On 29 October 1959 at approximately 2026 EST the SS AMERICAN PRESS collided with the SS ISRAEL at the confluence of the North and East Rivers in New York Harbor, with the loss of one life.

2. The SS AMERICAN PRESS, O.N. 247590, is a C2 type cargo vessel of 8,277 gross tons, 4,900 net tons, built in Oakland, California in 1945 and owned and operated by U.S. Lines, Inc., 1 Broadway, New York, N.Y. The Master on subject date was George A. Vickers, 1540 Sheffield Road, Baltimore, Maryland. At the time of the casualty, the vessel was being conned by docking pilot Arthur A. Biagi, 52 George Avenue, Old Bridge, New Jersey. The AMERICAN PRESS is equipped with a course recorder and radar, neither of which was in operation at the time of the collision.

3. The SS ISRAEL is a combination cargo and passenger vessel of 9,853 gross tons, built in 1955 with accommodations for 300 passengers, owned and operated by Zim Israel Navigation Company, Haifa, Israel. Daniel V. Jones, Sandy Hook Pilot, was conning the vessel at the time of the casualty. The ISRAEL is equipped with a radar which was not in operation, and a course recorder which was functioning but not synchronized with the ship's clocks, nor annotated in any way.

4. The weather on subject date was dark and clear with good visibility and light northwesterly airs. At the time and place of this casualty there was about one knot of ebb current.

5. On subject date both vessels were operating with one boiler. However, engineering personnel testified that this in no way reduced the backing power of either vessel, although it did limit ahead speed in the case of the ISRAEL to about 12 knots through the water and in the case of the AMERICAN PRESS to about 11 knots through the water.

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6. The AMERICAN PRESS departed pier 4, Army Terminal, Brooklyn, N.Y. enroute pier 61 N.R., at 1950 EST on 29 October 1959. At 1957 hours the tugs were dismissed and a course was set to clear Gowanus Flats Lighted Bell Buoy #24. The ISRAEL was first sighted two points on the starboard bow, about a mile off at 2020 hours at which time the PRESS was about 1300 yards bearing 114° true from the torch of the Statue of Liberty, and proceeding on a course of about 024° true at 60 RPM, the harbor full speed, or about 11 knots through the water. One blast was sounded on the whistle and the engine telegraphs placed on slow ahead at 2022. No reply was heard from the ISRAEL at this time. At 2023 the engines were stopped. The pilot stated that it appeared to him at this time that the ISRAEL would pass safely ahead. One minute later it became apparent that a collision situation was developing and the engines of the PRESS were backed first at half speed at 2024 and then at full speed at $2024\frac{1}{2}$. Three blasts were sounded to indicate this fact, and the three blasts heard from the ISRAEL at this time were the first signals heard from that vessel by the bridge personnel of the PRESS. At about 2025 Captain Biagi ordered the anchor let go and at about 2026 the stem of the PRESS contacted the port side of the ISRAEL just abaft the bridge. At no time, during the interval between first sighting and the collision, were any helm orders given by the pilot of the PRESS. The PRESS remained at anchor in the vicinity until 2032 at which time the anchor was hove up and the vessel proceeded to pier 61 N.R., New York, N.Y.

7. According to anchor bearings taken by officers aboard the PRESS several minutes after the collision the vessel's position was approximately 925 yards bearing 302 degrees true from Governors Island Light L/L 1326. Bearings were not taken at the time of the collision but the testimony of deck officers of the PRESS indicate the estimated point of impact as being about 525 yards bearing 302 degrees true from Governors Island Light.

8. Daniel V. Jones, Sandy Hook Pilot, boarded the SS ISRAEL at Kent Street, Brooklyn at about 1900 EST and was informed by the Master that the vessel would anchor off Staten Island before proceeding to sea to enable boiler repairs to be effected. The ISRAEL departed from the Kent Street pier at 1945 EST. At 1956 hours the vessel was headed down the river whereupon the docking pilot and tug were dismissed, and pilot Jones assumed the conn. The vessel then proceeded down the East River. At about 2020 hours while in the green sector of the East River Deepwater Directional Light, as shown on C & GS Chart #5411 dated 4 November 1957, Rev. 1-19-59, and approximately abeam of the New York City Ferry Slips, the AMERICAN PRESS was first sighted about 4 points on the port bow approximately a mile off. Captain Jones on the bridge of the ISRAEL immediately sounded one short blast on the steam whistle as the privileged vessel in a crossing situation as permitted by 33 CFR 80.03. The speed of the ISRAEL was estimated by witnesses to be about 4 knots at this time. Not hearing a reply to his first one blast signal, Captain Jones sounded another single short blast and still hearing no reply stopped the engines of the ISRAEL at about 2022. The danger signal was then sounded followed by one short blast. No signals were heard from the AMERICAN PRESS. At about $2023\frac{1}{2}$ the engines of the

ISRAEL were backed at full speed. However, when it appeared that the PRESS was altering course to the right, the engines were stopped. Captain Jones indicated it was his intention to navigate across the bow of the PRESS if he had been able to exchange one blast signals with that vessel. When it became apparent at 2024 that there was danger of collision, the engines were again backed at full speed. At about 2026 the AMERICAN PRESS struck the port side of the ISRAEL just abaft of the bridge. Bearings were not taken at the time of the casualty but the pilot estimates the point as being about 600 yards bearing 339 degrees true from Governors Island Light L/L #1326.

9. The master of the ISRAEL received a report immediately after the collision from his Chief Engineer indicated that water was entering the engine room, and after consultation with the pilot, it was decided to beach the vessel in the vicinity of Ellis Island. Before these intentions could be carried out however, a further report from the engine room indicated that the pumps were now able to keep ahead of the incoming water and there was no danger of sinking. The vessel anchored at about 2035 in a position bearing 259 degrees true 1500 yards from Governors Island Light L/L #1326.

10. The damage to the ISRAEL extended from the boat deck down to the turn of the bilge on the port side. The most extensive damage occurred in the area of the promenade deck. The gangway was torn off, only the upper platform remaining in place. The approximate cost of repairs to the vessel was \$258,000.

11. The AMERICAN PRESS suffered damage to the stem and bow plating. Repairs amounted to \$35,000.

12. The position of the PRESS at time of first sighting the ISRAEL was approximately 1300 yards bearing 114 degrees true from the torch of the Statue of Liberty. From the above-mentioned position, the AMERICAN PRESS could have executed a course change to the right of as much as twelve degrees without crossing the thirty foot curve. Had a course change of ten degrees to the right been ordered at the time of first sighting, the PRESS would have passed 225 yards to the right of the estimated point of collision.

13. Chaim Benites, O.S. aboard the ISRAEL, was missing immediately after the collision. His body was found in the vicinity of pier 26, North River, New York on 21 November 1959. The Police Department report described the body as follows: White male, 35 years of age (estimated), 5 feet 7 inches in height, 160 pounds in weight, medium build, no head, no hands, legs badly mangled, decomposition in advanced stages. The body was later identified by Dr. Wiczynski Stanislaw, Ship's Surgeon, SS ISRAEL, by means of scars. The clothing on the torso was identified as that of Benites by his roommate David Gerber, and also by Captain Por, both of the ISRAEL. The identification was made in the presence of New York City Medical Examiners Weinberg and Halpern. The body was shipped to the next of kin in Haifa, Israel who is his wife, Miriam, residing at 95 Yaffo St., Haifa, Israel. Mrs. Benites was advised of the demise of her husband by American Israeli Line, Inc. The regularly assigned mooring station of Benites was at the gangway securing the handrails and stanchions. The second Bos'n Bornshtein stated that Benites reported to him at #3 hatch about ten minutes prior to the collision but did not remain there.

- Conclusions -

1. That the AMERICAN PRESS and the ISRAEL collided at a point approximately 550 yards bearing 324 degrees true from Governors Island Light L/L #1326 at about 2026 EST on 29 October 1959.
2. That at the time of the casualty both vessels were showing proper navigation lights and sounding whistle signals. The fact that neither vessel heard the other's signal can possibly be attributed to the preoccupation of the bridge personnel concerned. There is also the possibility that both vessels were sounding their signals simultaneously.
3. That subject vessel did not sight each other at a greater distance due to the buildings on Governors Island blocking the view of both pilots. A vessel proceeding northward in this area is faced with several hazards, one being the aforementioned condition, which, together with the profusion of lights in the vicinity of the Battery, make it difficult to distinguish a vessel's lights. The foregoing conditions in an area of high traffic density create an extremely hazardous situation. Furthermore, a vessel proceeding as above, would be in most cases, the burdened vessel in relation to emerging East River traffic with the consequent responsibility of keeping clear.
4. That O.S. Chaim Benites of the ISRAEL was in the vicinity of the gangway at the time of the collision having returned there after reporting to second Bos'n Bornshtein at #3 hatch, and his death is considered to be a direct result of this casualty.
5. That the contradictory statements of Pilot Jones regarding his intentions when he blew the two one blast signals (see pages 109-110 of the transcript of testimony) can be attributed to nervousness on his part at this investigation.
6. That the pilot of the PRESS had sufficient depth of water on his starboard hand to have executed a course change to the right if he had so chosen.
7. That the primary cause of this casualty was the excessive speed of the AMERICAN PRESS under the circumstances outlined in paragraph 3 (under Conclusions). Certainly the pilot of the PRESS was aware of the possibility of emerging East River traffic and should have reduced speed to the point where he could successfully keep clear of it, should it become necessary. The testimony of the pilot and master to the effect that the AMERICAN PRESS was almost dead in the water at the time of the collision is not borne out by the testimony and is equally refuted by the vast amount of structural damage to the hull of the ISRAEL.
8. That the failure of the pilot of the PRESS to execute a course change to the right prior to the collision contributed materially to this casualty. Had this been done, those on the bridge of the ISRAEL would have been better apprized of the intentions of the PRESS.

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9. That the speed of the ISRAEL at 2020 hours may have been somewhat in excess of the four knot estimate of the witnesses. This conclusion is based on the positions of the vessel at 2020 hours and 2026 hours; however, as both positions are no more than estimates, it is not possible to resolve this point.

10. That the stopping of the engines of the ISRAEL at 2022 did not violate the obligation of the ISRAEL to hold course and speed. When a privileged vessel finds herself so close that collision cannot be avoided by the action of the burdened vessel alone then the privileged vessel may take whatever action is best to avoid collision. The decision that the critical point had been reached at 2022 was, within certain limits, Captain Jones' decision alone to make. Since it is often a matter of very nice judgement to determine at what precise moment the first obligation ceases, and the second and contrary obligation arises, the holding on vessel may, obviously, be placed in a very difficult position. Consequently, she is entitled to considerable latitude in making her decision and will not be held in fault for a mere error in judgement in resolving a dilemma forced upon her by the fault of the giving-way vessel. "Griffin on Collision" page 153.

11. That Arthur A. Biagi, pilot of the AMERICAN PRESS, was not acting under the authority of his federal license as the PRESS was under permanent registry at the time of the casualty.

12. That no failure of Coast Guard inspected or approved equipment contributed to this casualty.

- Recommendations -

1. It is recommended that George A. Vickers, Master of the AMERICAN PRESS, be admonished for negligence in that he failed to take timely action to relieve the pilot when it should have been apparent to him that the PRESS was being imprudently navigated as outlined in paragraph 7 and 8 of the Conclusions.

2. It is recommended, that with the exception of the foregoing, no further action be taken and the case be closed with the forwarding of this report to Headquarters.

A. H. Barnes

A. H. BARNES
CDR., USCG
Investigating Officer

- Encl: (1) Statement of witnesses
(2) Exhibits 1 - 29
(3) 13 photos showing maneuvering to SS ISRAEL
(4) CG 2692 re SS ISRAEL (with IO rpt of 16 March 1960)
(5) CG 2692 re SS ISRAEL
(6) D. H. Carlisle, Chief Petty Officer

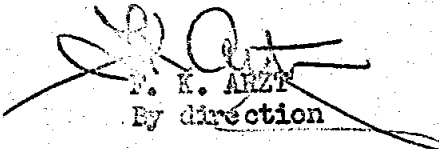
A25(MML-016897)
29 August 1960

FIRST ENDORSEMENT on I.O. rpt of 16 August 1960, A25(MMIS-016897)

From: Officer in Charge, Marine Inspection, New York
To: Commandant (MVI)
Via: Commander, Third Coast Guard District (m)

Subj: SS AMERICAN PRESS, collision with SS ISRAEL with loss of life
on 29 October 1959, in New York Harbor

1. Forwarded, approved. The disciplinary action recommended will be initiated by this office and made the subject of subsequent reports to Commandant (MVP).

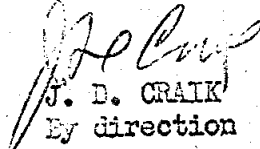

E. K. ARZT
By direction

m
29 August 1960

SECOND ENDORSEMENT on Inv. Off.-New York, rpt of 16 August 1960

From: Commander, Third Coast Guard District
To: Commandant (MVI)

1. Forwarded, approved.


J. D. CRAIK
By direction