

UNITED STATES COAST GUARD

Address reply to:
COMMANDANT
U. S. Coast Guard
Headquarters
Washington 25, D. C.

MVI
18 July, 1950
File: (UNNAMED CASE)
CRUISER a-5 31

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

Subj: Marine Board of Investigation; sinking of cabin cruiser which went over Dam No. 3, Allegheny River, 11 June, 1950, with loss of life.

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 motorboat 39 M 571, a cabin cruiser of 26'7" length and 8'6" beam, powered by a gasoline motor, was used as a pleasure motorboat. On 11 June, 1950, this motorboat was on a pleasure cruise on the Allegheny River with 6 persons on board when at 0015 because of lack of knowledge of the position of the motorboat in the river, she ran over Dam No. 3 on the Allegheny River. The weather conditions and visibility at the time of this casualty were excellent.

3. As a result of this casualty, the following persons lost their lives:

Mrs. John Kreig, guest
Mrs. W. H. Fisher, Jr., guest
Mr. William S. Leahy, Jr., guest
Mr. Hull Wright, lock employee

4. The Board made the following Findings of Fact:

"(1) A motorboat, No. 39 M 571, was involved in a major marine casualty at or about 0015 EDST on 11 June, 1950, at Dam No. 3, Allegheny River, 14.5 miles above its mouth at Pittsburgh, Pa. This casualty was the result of said motorboat having been steered over Dam No. 3 in a downstream direction by Charles Reilly, Jr., who was operating the boat under the direction of its owner, James P. McHugh. Both were inexperienced in river navigation. After it had gone over, the motorboat lay in a perilous position, disabled in the turbulent waters immediately below the dam. Of the six persons aboard at the time, three lost their lives; the other three were hospitalized after being rescued approximately seven hours later. In addition, one life was lost and one permanent injury sustained by two lock employees in an unsuccessful attempt to rescue those aboard.

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(2) The deceased and survivors are as follows:

(a) Deceased:

- (1) Mrs. John Kreig, guest
- (2) Mrs. W. H. Fisher, Jr., guest
- (3) Mr. William S. Leahy, Jr., guest
- (4) Mr. Hull Wright, lock employee

(b) Survivors:

- (1) Mr. John C. Kreig, guest
- (2) Mr. James P. McHugh, owner of boat
- (3) Mr. Charles Reilly, guest
- (4) Mr. James Woffenden, lock employee

(3) Motorboat 39 M 571 was a Chris-craft cabin cruiser, 26'7" x 8'6" x 3'6", draft 27", owned by James P. McHugh of 5000 East End Avenue, Chicago, Illinois, and 2750 Robinson Boulevard, Pittsburgh, Pennsylvania. It had been brought to Pittsburgh waters approximately one month before the casualty.

(4) Incidents of the cruise leading up to the tragedy show that:

- (a) Motorboat 39 M 571 was navigating the Allegheny River upstream about 1-1/2 miles more or less above Lock No. 3 at approximately 0005 EDST on 11 June, 1950. Steering of the boat had been turned over to Mr. Charles Reilly, Jr., a guest. There were four other guests aboard, six persons in all.
- (b) At this point in the river, the boat was turned around and headed downstream at 1500 R.P.M. with full knowledge and consent of the owner, James P. McHugh.
- (c) Neither Mr. McHugh nor Mr. Reilly had ever before navigated a vessel in the waters above Lock No. 3 in the night time.
- (d) After turning around, Mr. McHugh did not take a bearing to ascertain his position in the river with respect to the lock although the lock lights and a navigation light were within visual range.
- (e) The night was dark, current in the river was strong, and with no recognizable land marks in sight, speed at the rate of 1500 R.P.M. was maintained.
- (f) Confusion existed among those aboard regarding the boat's position in the river. Still, speed was maintained until the boat went over the dam.

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(5) Motorboat 39 M 571 was in navigation on navigable waters of the United States (Allegheny River) in violation of Section 25.4-1 (d), Subchapter "C", Code of Federal Regulations, in that it did not have aboard one life preserver for each person on board.

(6) The deceased lost their lives at about 0130.

(7) The Coast Guard Depot, Sewickley, Pa., was informed at 0135 that a boat had turned over in Lock No. 3 and responded to the situation accordingly; that is, notified a nearby boat club.

(8) The Coast Guard Depot, Sewickley, Pa., is four hours' running time from Lock No. 3, Allegheny River.

(9) Watches at Sewickley Depot are loosely organized."

5. The Board made the following Conclusions:

(1) That Mr. McHugh showed utter recklessness in navigating his motorboat in waters with which he was unfamiliar in the night time by:

(a) Turning the wheel of his boat over to a guest and diverting his attention to a personal situation, thereby aggravating an already dangerous condition.

(b) Disregarding his responsibility and the conditions of navigation such as position, course, and speed of his boat; velocity of the current; proximity of the dam; and reduced visibility because of darkness.

(2) That Mr. McHugh was negligent in not providing a life preserver for each person aboard while the vessel was in navigation.

(3) That no lives were lost as a result of any action or inaction on the part of the Coast Guard personnel or vessels. The deceased lost their lives before the Coast Guard was notified of the casualty. However, Coast Guard response to the emergency was inadequate; and this was largely due to lack of system in maintaining watches at the Sewickley Depot."

6. The Board made the following Recommendations:

"(1) In view of conclusions by the Board, it is recommended that the evidence submitted herewith be referred to the Attorney General of the United States for prosecution under 46 USC 526L.

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(2) It is further recommended that a standing order be prepared under the direction of commissioned officer and posted at the Sewickley Depot outlining step by step procedure to be followed in emergent calls.

REMARKS

7. The subject accident was classified a major marine casualty and by Commandant's dispatch and precept dated 14 and 20 June, 1950 respectively, a Marine Board of Investigation was convened to investigate such casualty under the provisions of R.S. 4450 as amended and regulations thereunder. Although the investigation was conducted pursuant to the precept of the Commander, 2nd Coast Guard District under Article 900 (b) and Article 908 of Coast Guard Regulations and Boards 1935 in lieu of the Commandant's precept of 20 June, 1950, the essential elements of investigation required under R.S. 4450 as amended and regulations thereunder have been met and such investigation may be accepted as fulfilling the requirements of said statute and regulations. The Commandant's precept of 20 June, 1950, is, however, to be forwarded to HQ and appended to the record.

8. Conclusion No. 2 of the Board implies that failure of Mr. McHugh to provide life preservers for each person on board caused or contributed to loss of life. This implication is not concurred with since the record indicates that the persons who lost their lives in subject casualty at the time they entered the water, were equipped with life preservers.

9. The provisions of 18 U.S.C. 1115 which provides in effect that any owner of a vessel by whose negligence or inattention to his duties, the life of any person is destroyed, shall be fined not more than \$10,000 or imprisoned not more than 10 years or both, were also violated and should have been so indicated by the Board.

10. The record of subject casualty, containing evidence of criminal negligence on the part of Mr. McHugh, will be referred to the U. S. Attorney General for prosecution through the Federal District Court having jurisdiction under the provisions of the Criminal Code.

11. Following approval by the Commandant, it is recommended that the record of subject casualty be referred to the Office of Operations for such action as may be deemed appropriate with respect to recommendation 2 of the Board.

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12. Subject to the foregoing remarks, it is recommended that the Findings of Fact, Conclusions and Recommendations of the Marine Board of Investigation be approved.

P. A. OVERTON
for-EDW. C. CLEAVE

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22 August 1960

MVI (UNNAMED CAPTAIN CRUISER a-2 Bl.)

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

Forwarded, recommending approval.

H. C. SHEPHEARD
H. C. SHEPHEARD

APPROVED.

A. C. RICHMOND

A. C. RICHMOND

Rear Admiral, U. S. Coast Guard
Acting Commandant