

UNITED STATES COAST GUARD

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



Commandant's Action

MVI
(EMPRESS BAY -
NEBRASKA a-3 Bd)
22 JAN 1959

on

Marine Board of Investigation; collision between the tanker EMPRESS BAY and the MS NEBRASKA (Swedish) on the East River on 25 June 1958 with loss of life

1. Pursuant to the provisions of Title 46 C.F.R. Part 136, the record of the Marine Board of Investigation convened to investigate subject casualty, together with its Findings of Fact, Opinions, and Recommendations, has been reviewed.

2. In the early morning hours of 25 June 1958 the Swedish cargo vessel NEBRASKA of 5137 g. t. en route from New Haven, Conn. to Port Newark, N. J. with 1407 metric tons of cargo was westbound in the East River and the EMPRESS BAY, a tank vessel of 531 g. t., under United States registry, en route from Bayway, N. J. to Mt. Vernon, N. Y. with 6500 barrels of automobile gasoline was eastbound in the same river. At the scene of the collision the weather was clear, wind was southerly, force 2 to 3, and the tide was flooding at about 2.5 knots in the direction of 045 degrees true. The two vessels sighted each other less than 1/2 mile apart as the NEBRASKA was nearing the Manhattan Bridge and the EMPRESS BAY was turning to her own right just prior to passing under the Brooklyn Bridge.

3. The NEBRASKA was proceeding at 10 knots through the water bucking the 2.5 knot flood current and the EMPRESS BAY was making 7.5 knots through the water with the current under foot. Signals were sounded by both vessels but were not heard by the other. The NEBRASKA altered her course to her own port in anticipation of a starboard to starboard passing and the EMPRESS BAY desiring a port to port passing continued to haul to her own right as she rounded the bend under the Brooklyn Bridge. Thus the failure of both vessels to timely ascertain the intention of the other began the sequence of events which resulted in collision about two minutes later. The bow of the NEBRASKA struck the EMPRESS BAY on the port side amidships at about a 90 degree angle. An explosion occurred on impact and flames from burning gasoline engulfed the EMPRESS BAY and spread to the NEBRASKA. The bow of the NEBRASKA remained embedded in the EMPRESS BAY for about 1 1/2 hours during which time the NEBRASKA maneuvered on her engines to maintain the vessels' position in the river away from the piers. At one point during this period the flames set fire to a portion of the Manhattan Bridge.

4. The collision was heard aboard the New York City fire boat WILLIAM J. GAYNOR which responded immediately to fight the fire. Persons were observed aft on the burning NEBRASKA and while in the process of removing them, the propeller of the NEBRASKA struck and holed the GAYNOR below the water line, forcing her to withdraw immediately to prevent sinking. In the meantime the tug VALMORAC arrived on the scene and succeeded in recovering several survivors from the water. The tug DALZELLERA also removed four persons from the burning NEBRASKA, helped to maintain the position of the two vessels in the stream away from the piers and later pulled the two vessels apart. The EMPRESS BAY sank by the stern immediately upon being separated. The tug continued to pull on the EMPRESS BAY hoping to move her to shallower water and while so engaged the M/V GEORGE WHITLOCK II proceeding eastbound attempted to go between the tug and the EMPRESS BAY with the result that the tug was forced to drop the tow line and the WHITLOCK collided with the stem of the EMPRESS BAY.

REMARKS

1. It is considered that the principal cause of this casualty was the NEBRASKA's improper alteration of course to her own port upon sounding a two blast invitation to pass. Within the meaning of the Pilot Rules for Inland Waters, the two vessels were clearly meeting and each recognized the situation as such. Accordingly, a port to port passing was indicated. The fact that some small vessels may "work the tides," as described by the Board did not warrant an assumption that the EMPRESS BAY might desire a starboard to starboard passing without a proper exchange of whistle signals.

2. Contrary to the conclusion of the Board, it appears likely that a one blast signal was in fact heard aboard the EMPRESS BAY. The testimony of Captain Streitberger of the tug LONG ISLAND which was downbound with car floats in tow indicates that before the NEBRASKA sounded a two blast signal she sounded a one blast overtaking signal to the LONG ISLAND which that vessel answered. The following extracts of testimony by Captain Streitberger are taken from the pages indicated and are pertinent in this regard:

Page 325 - Questions by the Recorder

"Q. As you were between the two bridges did you hear any whistle signals?

"A. Just after I got up to the Manhattan Bridge some ship, which I know is the NEBRASKA, blew me one whistle and I answered with one whistle.

"Q. Do you know where the NEBRASKA was when the one whistle was blown to you?

"A. At that time I was proceeding under the Manhattan Bridge when he blew the one whistle to me.

- "Q. Incidentally, how soon after you received the one blast did you answer him?
- "A. I waited a little while. Then I blew him one whistle.
- "Q. Did you notice any other traffic in the river when you answered the one blast?
- "A. That time I was between the two bridges, further down, and the tanker was out over toward, below the Brooklyn Bridge, but he was over there heading at an angle towards New York. I could see his whole starboard side.
- "Q. When you say "tanker," do you know the name?
- "A. EMPRESS BAY.
- "Q. With respect to this one blast signal which you heard from the NEBRASKA, can you tell us whether or not, when you saw the EMPRESS BAY, was it before or about the same time or after you heard the one blast signal from the NEBRASKA?
- "A. I heard the one blast from the ship before I saw the EMPRESS BAY.
- "Q. With respect to answering the one blast signal that you said you did, can you tell us when you saw the EMPRESS BAY?
- "A. I would say I was closer to the Brooklyn Bridge when I saw the EMPRESS BAY.

- "Q. But did you see the EMPRESS BAY before you answered the one blast or after your answering the one blast?
- "A. I believe I did see the EMPRESS BAY but she was out --- when I saw her she was all clear. She was heading for the New York shore. I blew him one whistle but at that time the ship was still just about up by the Manhattan Bridge. It hadn't come under the Manhattan Bridge."

From the foregoing, it appears that the EMPRESS BAY and the NEBRASKA were in sight of each other at the time the one blast signal was sounded by the tug LONG ISLAND. The question as to why the NEBRASKA's two blast signal was not heard aboard the EMPRESS BAY appears to be further explained by the testimony of Pilot Winderl of the fire boat WILLIAM J. GAYNOR. The following is an extract of the testimony of Pilot Winderl wherein he explains the exchange of whistle signals he heard emanating from the NEBRASKA and the EMPRESS BAY:

- "Q. --- What did you hear -- two, answered by one; or one, answered by two?

"A. Let me put it this way -- two whistles and one whistle was sounded. Whether both of these vessels were originating this signal, or answering one another, I don't know, because they were so close together, that it could be either way. I don't know whether they were answering one another, or both of them almost simultaneously deciding to give a whistle signal."

It therefore appears probable that both vessels' signals were drowned out by the signal of the other and the fact that the EMPRESS BAY's one blast was not heard aboard the NEBRASKA tends to further support this contention.

3. Under the circumstances obtaining at the outset the EMPRESS BAY had the right to expect a port to port passing but when a few moments later it became apparent that the NEBRASKA was hauling toward the Brooklyn side the EMPRESS BAY had the duty to stop and if necessary reverse, and her failure in this regard is considered to have contributed to this collision.

4. With respect to the collision between the M/V GEORGE WHITLOCK II and the stem of the EMPRESS BAY after the latter had sunk, it is considered that the fault lies entirely with the WHITLOCK II. The record is clear that the mate in charge of the navigation at the time had been aware since 0030 through radio broadcasts that a collision followed by fire had occurred in the vicinity of the Manhattan Bridge. Approaching the Brooklyn Bridge he saw a vessel ahead which had been preceding him up the East River turn to the left and reverse her course. He claims further that just before reaching the Brooklyn Bridge he was ordered to stop by a Coast Guard boat and that the EMPRESS BAY was under the Brooklyn Bridge at that time. The testimony of other witnesses would indicate that the EMPRESS BAY was in fact more nearly between the two bridges rather than under the Brooklyn Bridge and this appears to be supported by the actual position subsequently established for buoying purposes. In any case it is considered that the WHITLOCK II with prior knowledge of the collision should have proceeded with extreme caution as the scene of the collision was approached not only from the standpoint of safety to herself but to avoid hindering rescue and salvage operations which might reasonably have been expected to be in progress.

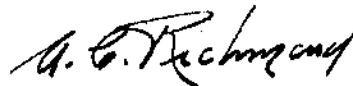
5. Subject to the foregoing remarks, the Findings of Fact and the Opinions of the Marine Board are approved.

6. The recommendation contained in paragraph 36 of the Board's report is disapproved. Pilots on foreign vessels entering or departing from the Port of New York by way of Sands Point or Execution Rocks are required to be licensed under the authority of the laws of the State of New York. Since Pilot Haughn was not serving under the authority of a license issued by the Coast Guard so as to make him amenable to a hearing under R. S. 4450, as amended (46 USC 239), a copy of this action and the Board's report shall be forwarded to the American Pilots' Association for referral to New York State authorities.

7. The recommendation contained in paragraph 37 is disapproved. However, the record in this case shall be forwarded to the Officer in Charge, Marine Inspection, New York, for the purpose of investigating the failure of the officer in charge of the navigation of the EMPRESS BAY to slacken speed, stop or reverse when doubt arose as to the intention of the NEBRASKA.

8. Action has been instituted by the Commander, 3rd Coast Guard District on the Board's recommendation that the EMPRESS BAY be cited for crew deficiency.

9. Action with respect to the commendatory letters for the personnel of the tug DALZELLERA and the fire boat WILLIAM J. GAYNOR and the master of the tug VALMORAC will be taken.



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

REPORT
OF A
MARINE BOARD OF INVESTIGATION

convened at the
U. S. Custom House
New York, N. Y.

on

27 and 30 June; 1, 3, 24 July and 6 August 1958

and at the

U. S. Public Health Service Hospital
Staten Island, N. Y.

on

17 July 1958

By Order of

Commandant, U. S. Coast Guard

To Inquire Into and Investigate the Circumstances Surrounding
the Collision between the Tanker EMPRESS BAY and the MS NEBRASKA
in the East River, on 25 June 1958, with loss of life.

1. The Marine Board of Investigation designated by the Commandant, U. S. Coast Guard to investigate the collision of the tanker EMPRESS BAY and the MS NEBRASKA (Swedish) on the East River, New York on 25 June 1958, with loss of life, convened at the U. S. Custom House, New York, N. Y. on 27 and 30 June; 1, 3, 24 July and 6 August 1958 and at the U. S. Public Health Service Hospital, Staten Island, New York on 17 July 1958 for the purpose of taking testimony and receiving other evidence.

2. After careful consideration of all the evidence received, the Board makes the following findings:

-Findings of Fact-

3. At about 0025 hours EDST, on 25 June 1958, a collision occurred on the East River, New York between the motorship NEBRASKA (Swedish) and the tankship EMPRESS BAY resulting in the loss of two lives, the sinking of the tanker, and damage by impact and fire to the motorship. The fireboat WILLIAM J. GAYNOR was damaged in its fire-fighting and rescue efforts and the tankship GEORGE WHITLOCK II sustained some damage at about 0210 hours EDST, on the same day, as a result of striking the T/S EMPRESS BAY.

4. The vessels involved were:

(a) The motorship NEBRASKA, (ex KANANGOORA), official number 8286, of Swedish registry, which was built of steel construction in 1938, with a length of 478', 56' in beam, and a molded depth of 29'. The vessel's gross tonnage is 5136.55 with its net 2461.89. The vessel is propelled by Burmeister-Wain, two-cycle, single-stroke engines driving twin screws with an indicated horsepower of 5100 for each engine. The vessel's potential at full speed is 15½ knots at 110 r.p.m.; half speed is 10 knots at 75 r.p.m.; slow speed is 8 knots at 60 r.p.m.; and dead slow speed is 6 knots at 35 r.p.m., with 100% backing power. The last inspection was completed by Lloyd's at Gothenberg, Sweden on 25 March 1958. The owner is Transatlantic Shipping Co., Ltd., Gothenberg, Sweden. The master was Oskar Frederik Olsson of Victor Rydberg, Gothen 32, Gothenberg, Sweden.

(b) The tankship EMPRESS BAY (ex TIDEMOTOR), official number 228948, was built in 1929 of steel construction: 189.3' long, 31' in the beam and it had a depth of 14'. Its gross and net tonnage were 531 and 223, respectively. The vessel had four tanks, which were divided down the centerline of the ship. Tanks number 1 and 2 were forward of the pilot house, while those numbered 3 and 4 were aft of it. Propulsion was provided by 2 4-cycle, 3-cylinder Worthington diesel engines driving generators which energized 2 Westinghouse 160 HP motors. The motors turned a single shaft. Engine speed was controlled directly from the pilot house. The last Coast Guard inspection certificate was granted on 19 January 1957 at New York City which permitted cargo up to Grade "B" liquids at a maximum capacity of 7082 barrels in the four tanks. The

Petroleum Tankers Corporation, 70 Pine Street, New York City, was the owner and Anton Hazestad, 6665 Colonial Road, Brooklyn, N. Y. was master at the time.

(c) SS WILLIAM J. GAYNOR, official number 221224, is employed as a fireboat by the Fire Department of the City of New York. It was built in 1914 of steel and is 270 gross and 183 net tons. Its dimensions are 109.3' long, 24.9' breadth and 13.4' in depth. The ship has a single screw driven by a reciprocating engine rated at 950 horsepower. A U. S. Coast Guard Certificate of Inspection was granted on 13 February 1957 at New York. Otto A. Winderl, 21-63 - 46th Street, Astoria, Long Island, was the licensed pilot in charge of the vessel's navigation at the time.

(d) The tankship GEORGE WHITLOCK II, official number 241390, a steel hulled, 987 gross and 792 net tons vessel, was built in 1942. It is 213.7' long, 37.1' abeam and 14.3' in depth. A Fairbanks Morse diesel engine of 805 horsepower provides the main propulsion power to a single screw. Engine room control command is via a bell system from the bridge. Reinspection was last completed by the USCG at New York on 16 January 1958 with certification to carry a capacity of 13,000 barrels of Grade "B" of inflammable and combustible liquids. The vessel is owned by the Diesel Tanker George Whitlock, Inc., 764 Court Street, Brooklyn, New York. Ole L. Kristiansen, Lake Telemark, Rockaway, N. J., was master.

5. At about 0025 hours EDST, on 25 June 1958, at the Brooklyn Bridge, East River, New York, there was a southerly wind force 2-3 and air temperature was 62° F. Visibility was clear and the river calm. The velocity of the flood current was about 2.5 knots in the direction 045° true. Slack water after the ebb was predicted at 2248 hours EDST on 24 June 1958.

6. The M/S NEBRASKA departed Gothenberg, Sweden on 14 June 1958, shortly after the master assumed command, with general cargo. After first having entered at Boston, Mass., the vessel arrived at New Haven, Conn. on 24 June 1958, discharged some cargo, and under the conn of a local pilot sailed at 1900 hours EDST, that day for Port Newark N. J. The vessel had its required complement of 42 crew members, one passenger and 1407 tons of cargo. Its draft was then 14'5" forward and 17'11" aft.

7. Pilot Thomas Franklin Haughn boarded the M/V NEBRASKA at 2300 EDST off City Island, New York to pilot the vessel to Stapleton Anchorage. On the bridge with him at all times were the Master, a helmsman, a deck officer handling the telegraph, and a bow lookout. At midnight, Burger Leonard Gronlund, 3rd mate. Karl Tommy Sandberg, ordinary seaman as helmsman and Hans Sjoblom, deck boy as lookout, relieved the watch. The NEBRASKA proceeded down the East River at various speeds. Immediately upon rounding Corlears Hook, the pilot noted a tug and carfloats in tow, well ahead, toward the Brooklyn shore and blew a one-blast whistle to signify his intent to overtake on the tow's starboard side. At the same time, 0021 hours, 25 June, the engines, which had been on half-ahead since 2351, were put on slow speed. Upon receiving no response within

approximately one minute (0022), another one-blast signal was sounded to the tow and the vessel continued on its course with its engines increased to half-ahead. At this time the river ahead was clear. When approximately 100 yards above the Manhattan Bridge, in midstream, heading for the green light affixed to the span making the center of the navigable channel, the pilot noted ahead the green side light of an up-bound vessel in the vicinity of the Brooklyn Bridge, closer to the Brooklyn side. He then blew a two-blast signal and altered his course to port with a 20 degree left rudder. No reply was heard and the ship, which turned out to be the T/S EMPRESS BAY continued to show a green running light. When his vessel was about 100 yards below the Manhattan Bridge, pilot Haughn noticed the EMPRESS BAY, which was now approximately midstream, turn toward the Brooklyn shore; its green side light passed from view and the red revealed itself. Pilot Haughn then, at about 0023 hours, sounded the danger signal and backed his engines full, as the EMPRESS BAY continued to turn to its own right. With its way considerably lessened, the bow of the freighter struck the port quarter of the EMPRESS BAY aft of its pilot house and the ships remained fast. The collision took place in a position in the East River about 100 yards on a projected line of the southerly side of Pier 3, foot of Dock Street, Brooklyn.

8. At the impact, a muffled explosion emanated from the tank vessel. Both ships were quickly enveloped in flames, as was the surrounding water, from burning gasoline. The NEBRASKA's engines were used to maintain the position of the two vessels in the stream and to avoid their drifting onto the Manhattan piers. The forward deck of the cargo ship and both sides aft to the poop were involved in fire. The lifeboats on either side were charred. The bow of the Swedish flag vessel was firmly embedded in the tanker for about 1½ hours. They were separated by use of a tug which placed a line to the bow of the EMPRESS BAY and forced it away.

9. The MS NEBRASKA escorted by tugs navigated under its own power, at the direction of local fire officials to Pier 26, North River, arriving at 0330.

10. The T/S EMPRESS BAY departed from the Standard Oil Co. of N. J. Terminal at Bayway, N. J. at about 2240 hours EDT on 24 June 1958, bound for Mount Vernon, N. Y. with a full cargo of one tank of Esso, 2 tanks of Esso Extra and one tank of Golden Esso gasoline totaling 6,500 barrels. Its draft was 10' forward and 10.6' aft. At about 2300 hours in the vicinity of Shooters Island, Kill Van Kull, the master was relieved by Miljenko Rakich who holds license No. 234573 as first class pilot steam & motor vessels, 1000 gross tons on New York Harbor above the Narrows to the Battery and East River to Execution Rocks. Edward Bielic, Z-100084, A.B., was deckhand after midnight and took station in the wheel house as lookout. In the engine room, Tommy Walter Ericksen, holder of license No. 210666 as chief engineer motor vessels 1000 horsepower, assumed the mid to 0400 watch. The vessel with a full speed of about 7½ knots through the water with Mr. Rakich at the wheel in the pilot house, which was located between tanks #2 and #3, proceeded through the Kill across the main ship channel

in New York Harbor and Buttermilk Channel, favoring the right side of the center. Leaving Buttermilk Channel the vessel headed so that green light affixed to the under part of the Brooklyn Bridge, marking the center of the navigable stream, bore slightly on the port bow. Just below the Brooklyn Bridge, the pilot noted a tug with carfloats alongside heading downstream about 50 yards off the Brooklyn shore between the two bridges. As the EMPRESS BAY navigated under the Brooklyn Bridge, it passed on its starboard hand about 150 yards off the carfloats. At about the same time Mr. Rakich observed a vessel, which proved to be the M/S NEBRASKA, about 200 yards above the Manhattan Bridge. Upbound at the Brooklyn Bridge, the East River turns to the right. While shaping up at this turn to starboard, the pilot stated he heard a one-blast signal from the NEBRASKA. He replied with one-blast and continued to swing right increasing his rudder. Observing the oncoming cargo ship swinging to its own port, Mr. Rakich repeated the one whistle signal about 30 seconds later. In about 10 seconds, he heard a danger signal from the larger vessel, which was then slightly below the Manhattan Bridge heading to the Brooklyn side of the river with only its red running light visible to him. With the wheel hard right the tanker was heading almost directly for the Brooklyn shore, when it was struck by the NEBRASKA's bow on the port side, in the vicinity of #4 tank, at about right angles. Slightly before the crash the officer directed the deckhand, Bielic, to call the master. The master who had been aroused by whistle signals, responded immediately to the call from his room adjacent to the pilot house. He arrived in time to shift the rudder to hard left in an effort to throw his stern away from the oncoming ship; this maneuver was not successful because of the proximity of the NEBRASKA.

11. The pilot leaped into the water at the bow; the master, at about midships, threw a life ring to chief engineer, Haakon T. Andersen, who was in the water and leaped overboard himself. The three men were picked up by a tug. Bielic, after calling the master, ran aft and dove overboard. After swimming, he was taken from the water near Pier 35 on the Manhattan side of the East River. John L. Ilic Z-61B206, deckhand, was similarly saved.

12. The fireboat WILLIAM J. GAYNOR was at its regular berth, portside to, at the foot of the north side of the pier immediately below the Brooklyn Bridge on the Brooklyn shore. In the pilothouse, pilot Winderl's attention was attracted to a cross signal in the river followed by a danger signal, a crash and muffled explosion. His line of vision was obstructed by the bridge abutment off his boat's starboard bow. Simultaneously, the sounds from the stream alerted Fire Captain Eugene E. Kenney in the firehouse on the pier. Within a minute or so the fire company was turned out (0025 hours) and the fireboat got underway to a fire in the river which was glowing clearly in the sky. It was necessary to come left in the flood tide to pass ahead of the tug LONG ISLAND with a carfloat on either side, coming from under the Brooklyn Bridge, close to shore. Maneuvering in a wide sweep to also avoid the tug POTTSVILLE, towing a light coal barge on each side, which was astern and more off shore than the tow of carfloats,

the fireboat personnel noted the source of the fire to be between the bridges but closer to the Manhattan Bridge and more toward the Brooklyn shore. The EMPRESS BAY was a mass of flames and the NEBRASKA was similarly involved. The GAYNOR rounded the NEBRASKA's stern and moved up the starboard side almost to the stern of the EMPRESS BAY, which was completely engulfed in flame. Sweeping the starboard side of the cargo ship, with its deck nozzle spewing water, the fireboat drifted aft. Persons, hidden by the fire and smoke were discerned on the burning ship. The fireboat was maneuvered under the counter of the large craft, port side to. About twenty persons, including two women, were able to climb down to the top of the GAYNOR's pilot house to safety. With this accomplishment, another approach was made forward to fight the fire more effectively, when it was reported that more persons were on the stern of the big ship. The maneuver to the counter of the NEBRASKA was repeated and more persons debarked to safety. Thus approximately 25 persons were removed from the burning vessel. As the GAYNOR backed away from its position alongside the NEBRASKA, the latter's starboard propeller, which was turning, holed the fireboat by way of its fireroom about 8 feet below the waterline. A gash 14 inches x 2 inches was received necessitating the immediate withdrawal. This was effected to Pier 31, East River, where as the vessel tied up, the engineer reported no more steam because the fireroom was full of water. Land fire engines, called by radio, were available. With suction from these engines and by doubling up the mooring lines the vessel was kept afloat. The fireboat arrived at the scene of the disaster within five minutes of its inception and was actively engaged in fire fighting and rescue efforts for more than 30 minutes.

13. At 0025 hours on 25 June 1958 the tug DALZELLERA was north of Governor's Island crossing the East River range, having come from the Hudson River when Benedict Deeley, master on watch, saw a sheet of flame up river. He notified his crew to stand by with fire hoses and proceeded toward the scene along the Brooklyn side of the river. He rounded astern of the NEBRASKA and went down her starboard side. Using a ladder from the tug, four persons were assisted from the burning ship and removed to the bulkhead between Pier 29 and 31, East River. The tug then returned to the starboard side of the NEBRASKA and pressing with its bow, breasted her away from Pier 31, East River, out into the stream. At the request of pilot Haughn to separate the EMPRESS BAY, the tug DALZELLERA pushed against the port quarter of the tanker to free it. This was not successful. The tug then proceeded to a position off the bow of the EMPRESS BAY where at the suggestion of Captain John Churchill, alternate master, who was at the after steering station, a line was placed on the bow of the tankship. Engineer Hans Uthus volunteered and boarded the BAY where he made the line fast. With the other end on its stern bitt the tug DALZELLERA pulled and the vessels came apart. The tanker sank by the stern immediately, but its bow remained afloat. Attempts to tow the derelict to the Brooklyn shore were abandoned because of traffic in the river.

14. On 25 June 1958 the T/S GEORGE WHITLOCK II departed at 0030 hours EDST from Bayonne, N. J. for Port Jefferson, N. Y., with a cargo of 12,000 barrels of number 2 fuel oil. Under the conn of the mate, 1st class pilot John W. Crawley, Lic. No. 202121, the vessel proceeded up Buttermilk Channel. When approaching the Brooklyn Bridge, the pilot was directed by the Officer in Charge of the CG 40431 to avoid the area near the EMPRESS BAY. In maneuvering for safe passage at 0210, the GEORGE WHITLOCK II struck a glancing blow to the starboard bow of the T/S EMPRESS WY which had settled at the stern to the bottom. The latter vessel allegedly sustained an indentation and hole on the forward part of the vessel, which was protruding above the water at the time. The WHITLOCK's damage was an indentation on the port side above the main deck about 9 feet long and 3 feet wide. The vessel was able to proceed to its destination.

15. The tug VALMORAC with William George Reichert at the conn was headed downstream in the East River at Corlears Hook at about 0030 hours on 25 June 1958 when he noticed a fire in the river ahead. Approaching in the vicinity of the Manhattan Bridge he observed persons in the water and picked up Martin Otto Wahtra, 2nd engineer of the cargo ship without a life preserver; the engineer suffered from hand burns. Shortly thereafter a second crew member, unidentified, wearing a life preserver was taken from the river. A third crew member, Lars Erik Brattstrom, deck apprentice, wearing a life preserver, jumped into the water and after swimming and being carried by the tide close to Pier 35, East River, in an exhausted condition was being rescued by a New York City policeman and a civilian who were in the water. The crew of the VALMORAC assisted the three persons to the pier.

16. The U. S. Coast Pilot describes the Brooklyn Bridge as a suspension type with a horizontal clearance of 1546 feet and the Manhattan Bridge, a suspension, with 1403 feet clearance. Coast & Geodetic Survey Chart #745 indicates that the bridges are 1800 feet apart at the Manhattan side and converge in Brooklyn to a distance of 1380 feet apart at the 30' curve.

17. Some smaller vessels "work the tides", that is, stay close to the center of the stream with a favorable tide and upon rounding at the Brooklyn Bridge, northbound, they are apt to go over to the Manhattan side of the river. Here, according to the Tidal Current Tables (1958), there is a $\frac{1}{2}$ knot stronger flow than midstream. Similarly when the tide is against the direction of travel, the vessel will hug the Brooklyn shore when the Tidal Current Tables state the strength of the flow is $\frac{3}{8}$ knot weaker than midstream. The maximum flood current sets above the Brooklyn Bridge toward Pier 34, East River, on the Manhattan side and then tends toward the Navy Yard on the Brooklyn side.

18. The damage to the M/S NEBRASKA as a result of the impact was a breached hull in way of the soft nose, stem and forefoot plating from about the 12 foot draft mark to the 17 foot draft mark and extending aft on either side about 5 feet with attendant fracture and buckled

ice and shell framing. The damage by the resulting fire was, however, extensive, covering the vessel aft to the poop and causing charring to the bulkheads inside the deck housing as well. All lifeboats were burned beyond economic repair. The vessel's damage was estimated at \$415,000. Ten crew members were injured, suffering mainly from burns and smoke inhalation.

19. The damage to the T/S EMPRESS BAY directly resulting from the impact of the collision was a wedge shaped hole at number 4 tank port side, 8 feet in length, tapering inward from a distance of 14 feet and extending down 10 feet. The vessel was abandoned to the Corps of Engineers, U. S. Army on 25 June 1958. The owner considered the vessel, valued at \$225,000, as a total loss. There was a loss of two (?) lives and injury to two (?) officers.

20. Anton M. Hagestad, Lic. No. 177049, sustained burns necessitating a prolonged hospitalization. Haakon T. Andersen, Lic. No. 194889, suffered injury to a lesser degree.

21. Tommy Walter Ericksen was observed at about 2355 hours, on 24 June 1958, in the ship's galley, having coffee prior to assuming the watch in the engine room. His body was found floating in upper New York Bay off the foot of 67th Street, Brooklyn, on 1 July 1958. The death certificate indicated "Generalized Visceral Congestion - pending chemical analysis" as the cause of death. The body was claimed by (Mrs.) Mary Ericksen, wife, and burial was in the Pinelawn National Cemetery, Pinelawn, L.I., N.Y.

22. Otto H. Ahrens, Z-753707, ship's cook, worked a split shift covering each of the three daily meals. He normally retired after 1900 hours. His body was removed from the hull of the sunken EMPRESS BAY on 2 July 1958. Death was attributed to asphyxia by inhalation of smoke and burns of the body. His wife, Gladys, claimed the remains and arranged for burial in the Moravian Cemetery, Staten Island, N. Y.

23. The damage to the fireboat WILLIAM J. GAYNOR was estimated at \$18,000 and to the M/S GEORGE WHITLOCK II at \$3,795 by the respective owners.

24. The two ships, while made fast to each other and aflame, drifted to the vicinity of the Manhattan Bridge and caused a portion of the bridge to catch fire.

25. The Coast Guard Certificate of Inspection issued the T/S EMPRESS BAY required that it be manned on a river route exclusively with 1 master and pilot, 1 1st class pilot, 4 deckhands, 1 chief engineer and 1 1st assistant engineer. Five additional persons in the crew were permissible. The required licensed officers were aboard. However, there was a deficiency of 2 deckhands.

The Board expressed the following opinion:

26. The collision occurred as a result of negligence on the part of the pilots of both vessels. Pilot Haughn, aboard the M/S NEBRASKA, erred in navigating at an excessive speed and in ordering a left rudder upon initiating a two whistle signal for which no assent had been received from the EMPRESS BAY. Mr. Rakich, piloting the tank ship, EMPRESS BAY, was at fault because he used a cross signal in answering a two blast whistle with one, then increased his right rudder and again sounded a one whistle, instead of the danger signal followed by one blast so as to clearly indicate his intentions.

27. It is believed that the pilot conning the M/S NEBRASKA was navigating at an excessive speed considering the waters traversed and the size of his vessel. Despite an adverse current of approximately 2.5 knots, the speed of the ship was not less than 10 knots for the trip down river from City Island. Having navigated at half speed from 2351 hours, the slowing of the engines from 0021 to 0022, before resuming half speed, as indicated by the bell book, would impede the vessel's headway a negligible amount. While there was testimony that the vessel had practically no way on at impact, the impression made by the NEBRASKA's bow of 14 feet into the hull of the EMPRESS BAY evidences a considerable forward force. Thus, despite an adverse current, the NEBRASKA's way was not stopped prior to the collision. It is recognized that the tanker had lateral or broadside motion upstream due to the current.

28. The second negligent act was the order for left 20° rudder at the two blast signal initiated by the pilot, but prior to hearing any assent from the other ship. The statements placing the EMPRESS BAY on the Manhattan side of the river are rejected. It is believed that the preponderance of creditable testimony indicates that before the tank vessel negotiated the turn in the East River at the Brooklyn Bridge, it had been on the Brooklyn side and then headed for the center of the Brooklyn Bridge. There is doubt that it moved appreciably beyond the center of the stream. Thus, the only side light visible to the persons on watch aboard the NEBRASKA would be the green running light. However, this aspect of the vessel under the prevailing tidal conditions led the pilot of the NEBRASKA to conclude that the EMPRESS BAY would take maximum advantage of the current and follow the river in an arc toward the Manhattan side of the stream. Mr. Rakich elected to turn toward the Brooklyn side instead. Mr. Haughn, in ordering left rudder prior to securing assent to his signal for a starboard to starboard meeting, added to the confusion.

29. The mate on watch on the EMPRESS BAY was taking advantage of the flood tide and negotiated the river at the Brooklyn Bridge about mid-stream. By reason of the turn, it is entirely probable that he saw only the red light of the larger ship until seconds from impact. While

Mr. Rakich stated it was a one blast signal that motivated his reply of one short blast and additional right rudder, the facts clearly indicate that from the time the EMPRESS BAY was immediately below the Brooklyn Bridge, there had been no one blast signal sounded by the NEBRASKA, or for that matter, by any other vessel that could have confused him. His repetition of his own one blast signal, without first sounding the danger signal, was contrary to the Rules of the Road.

30. The failure of Mr. Rakich to hear or be apprised of the two whistle signal sounded by the NEBRASKA leads to the inference of an inattentive lookout. The board can find no valid reason for the persons on watch on the EMPRESS BAY not having heard the two blast signal, particularly when three disinterested witnesses, at least one of whom was at a slightly greater distance heard it. Mr. Rakich must be considered, therefore, responsible for sounding a cross signal. He should have blown the danger signal when he observed a confusing situation developing, namely, the NEBRASKA heading toward the Brooklyn shore. The situation was known to him as expressed in his testimony when he said, "She didn't follow her signal as she was swinging to her left....."

31. Despite the criticism voiced above of pilot Haughn's navigation prior to the collision, his subsequent action merits approbation for keeping the NEBRASKA embedded as it was in the hull of the EMPRESS BAY, off the docks and in midstream, largely by working the engines. His skill and tenacity while facing the hazard of the gasoline laden tanker and his own vessel, both almost completely involved in flame, prevented a serious waterfront conflagration in the Port of New York. A similar devotion to duty displayed by the master and men on watch on the bridge and in the engine room was in the finest tradition of those following the sea.

32. The Board feels the voluntary acts performed by the officers and crew of the tug DAIZELLERA in safely removing four persons from the burning NEBRASKA, coupled with their successful efforts to separate the two burning vessels, was a fine display of courage and seamanship. The action of the tug's engineer, Hans Uthus, in boarding the tanker to secure a line on her bow is especially noteworthy.

33. Captain Eugene W. Kenney, of the New York City Fire Department, and the personnel of his engine company assigned to the fireboat GAYNOR, who fought the fire and removed approximately 25 persons from the cargo ship, exhibited courage and good firemanship. Their alertness, on the morning, to the activity in the river and the speed of their response to the side of the M/S NEBRASKA was a vital factor in preventing greater injury or loss of life. It is believed that a delayed response would have resulted in more persons going overboard to escape the flames.

34. Pilot Otto A. Winderl's skill in twice maneuvering the fireboat alongside the NEBRASKA at the counter and maintaining position, despite fire and smoke, and despite the fact the screws of the larger ship were turning is commended.

35. The appearance of Captain William George Reichert conning the tug VALMORAC was fortunate. Navigating with skill, at night, he was able to pick up two survivors who were overboard from the NEBRASKA, and gave needed assistance to a third in the water, who was being aided by two persons from shore. In all he took aboard five individuals from the river to safety.

The Board makes the following Recommendations:

36. That action under R.S. 4450, as amended, be taken against License #234307 issued to Thomas Franklin Haughn for his negligence in navigating the M/S NEBRASKA at an excessive speed in the East River, New York, on 25 June 1958, and for having altered his course to his own left upon sounding a two-blast signal in a meeting situation with the T/S EMPRESS BAY prior to receiving assent to the proposal.

37. That action under R.S. 4450, as amended, be taken against License #234573 issued to Miljenko Rakich for his negligence while navigating the T/S EMPRESS BAY in the East River New York, on 25 June 1958 in sounding a cross signal in a meeting situation with the M/S NEBRASKA and for having failed to sound a danger signal when he did not understand the course or intention of the oncoming NEBRASKA.

38. That a Report of Violation (CG 2636) be submitted to the Commander, 3rd Coast Guard District (m) covering the failure of the T/S EMPRESS BAY to have the complement of unlicensed personnel on 25 June 1958, required by its existing Certificate of Inspection. It is recommended that a fine of \$200 be assessed against the Petroleum Tankers Corp., the owner, for violation of 46-USC 222 for the shortage of 2 deckhands on the tankship.

39. It is recommended that an official letter commending the men aboard the tug DALZELLERA for their conduct, as indicated in this report, be forwarded to the Dalzell Towing Co., Inc., 21 West Street, New York, N.Y., and that a copy of said letter be placed in the respective personnel jacket at Headquarters of those who are licensed, or certificated. The persons of the tug are:

John J. Churchill, Z-72272, Master & Pilot
23 Fairway Ave., Staten Island, New York

Benedict Deeley, Lic. #17135, Master & Pilot
1864 Cornelia Street Ridgewood 27, New York

Hans Uthus Z-268970, Engineer,
2411 E. 23rd Street, Brooklyn 35, New York

Thomas Wallace, not licensed Engineer,
2063 E. 24th Street Brooklyn 20, New York

John McGowan, Z-438260, Deckhand
422A 4th Ave., Brooklyn, New York

Ralph Hennessey, Exp. Lic. #119411, Deckhand
566 4th Ave., Brooklyn 15, New York

Peter J. Feger, no document, Cook
584 North 7th Street, New Hyde Park 1, N. Y.

William Jones, no document, Waiter
434 43rd Street, Brooklyn, New York

Howard Caulfield, no document, Waiter
254 60th Street, Brooklyn, New York

Richard Kalbarer, no document, Waiter
433 51st Street, Brooklyn, New York

40. It is recommended that an appropriate letter be transmitted to the Fire Commissioner, City of New York, advising him of this Board's findings and opinion with respect to the meritorious conduct of Fire Captain Eugene F. Kenney, Pilot Otto A. Winderl, Lic. #222788, and the working platoon of Engine Co. 77 that responded to the fire on the early morning of 25 June 1958 and that a copy be placed in the personnel jacket of Mr. Winderl at Headquarters.

41. It is recommended that a letter of commendation be transmitted to William George Reichert, License #215966, of the tug VALMORAC for his skill in taking aboard his vessel at night from the vicinity of the disaster in the East River, New York, on 25 June 1958, 5 persons.

42. It is recommended that save for the action indicated above that the case be closed.

(signed) Richard C. Foutter
RICHARD C. FOUTTER
Captain, U. S. Coast Guard, Chairman

(signed) Karl A. Bergman
KARL A. BERGMAN
Commander, U. S. Coast Guard Member

(signed) David Block
DAVID BLOCK
Lieutenant Commander, U.S. Coast Guard,
Member and Recorder