

TITANIC Revisited *

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26 February 1998

The renewed interest in the *Titanic* disaster has again focused attention on what should have been a very preventable tragedy. What is often overlooked is that it could have been much worse. Those who believe such a catastrophe could not happen again would be wrong.

When RMS *Titanic* departed Queenstown on 11 April 1912 it carried 2,228 people, 1,343 passengers and 885 crewmembers. The vessel was equipped with 20 lifeboats of three different sizes designed to hold 1,178 persons – slightly more than one-half the number on board. Had *Titanic* been fully loaded – with the 3,547 people it was capable of carrying – there would have been lifeboats for less than one-third the number on board.

It is generally assumed, as a result of the *Titanic* disaster, that all passenger vessels are equipped with enough primary lifesaving devices (lifeboats or liferafts) – that is to say devices designed to prevent immersion in the water – for the total number of persons that can be carried on board. It is true that passenger vessels on ocean voyages, and this includes cruise ships as well as transoceanic vessels, carry lifeboats for 100% of the people the ship is capable of carrying. But unfortunately many other passenger-carrying vessels are not so equipped.

All vessels are required to carry life-jackets for everyone on board. Life-jackets prevent drowning, but they do not prevent hypothermia – a lowering of core body temperature. The survivors of *Titanic* lived because they were out of the water. Those in the water perished in their life-jackets.

Immersion in the water – in and around the United States – will result in significant and disabling hypothermia. To prevent the lethal effects of hypothermia it is necessary to stay out of the water. Unfortunately many passenger-carrying vessels in the U.S. are not equipped with lifeboats or liferafts that will prevent immersion in the water.

Does the public have a right to expect that all vessels on which they pay to travel be equipped with lifesaving equipment capable of keeping them up out of the water – saving their lives? The National Transportation Safety Board (NTSB) thinks so. In a 1989 NTSB Safety Study entitled “Passenger Vessels Operating From U.S. Ports” the Board recommended that the U.S. Coast Guard:

Require that **ALL** passenger vessels except ferries on river routes operating on short runs of 30 minutes or less have primary lifesaving equipment that prevents immersion in the water for **ALL** passengers and crew. (Emphasis added)

The Coast Guard did not implement the recommendation of the NTSB. It responded by saying that it was addressing this issue in a proposed rulemaking on the issue. The Safety Board was not persuaded and continued to press its recommendation. The Board was right to be skeptical, for it took almost ten years to adopt new rules, and

* This 'article' was the basis for an article by Gary Stoller appearing in *USA Today*, 11 January 1999 pages B 1-3.

even then the Coast Guard did not fully implement the Board recommendation. In the mean time people died.

In December 1989, shortly after the NTSB issued its Study the “small passenger vessel” *Bronx Queen*, a “head-boat”, sank near the entrance to New York harbor with 19 persons on board. Two passengers died and four were injured, despite immediate response of rescue resources. The Coast Guard conducted a thorough investigation of the casualty. The vessel was carrying ‘life-floats’ (buoyant apparatus) for 68 persons. These devices are nothing more than a large, rigid ring to which people can cling, while they remain immersed in the water.

The investigating officer concluded – among other things – “that buoyant apparatus which do not provide out-of-the-water capabilities do not provide adequate protection for people in cold water operations.” He recommended, “that the Coast Guard promulgate regulations requiring that primary life saving equipment for small passenger vessels operating in cold water be of a type which provides out-of-the-water protection.”

In December 1993 the charter-fishing vessel *El Toro II* foundered in Chesapeake Bay with 23 people on board. The vessel had ‘life-floats’ (buoyant apparatus) on board for only 20 people. Two passengers and one crewmember died, from the effects of hypothermia. The NTSB reiterated its recommendation that the Coast Guard “require that out-of-the-water survival craft for ALL passengers and crew be provided on board small passenger vessels on ALL routes.” (Emphasis added)

In 1997 the Coast Guard finally adopted - with the help of industry - a complex set of rules that allow the carriage of less than 100% liferafts on certain passenger vessels that go out as far as 20 miles off the U.S. coasts. The amount of out-of-the-water lifesaving equipment required can be as little as 10% of the capacity of the vessel, and is governed by many factors: route, time of year, depth of water. Consideration is given to whether the water is “cold” or “warm” (59° F is the cut-off), whether the vessel has overnight accommodations, and whether the vessel operates within 20 miles of a safe harbor of refuge. If a vessel operates less than 1 mile from shore, it can be excluded from carrying any primary gear.

The NTSB “is disappointed that the Coast Guard has not acted on the recommendation” and “holds firm to its belief...that there must 100 percent out-of-the-water survival craft for all passengers on all routes regardless of the temperature...we will continue to highlight this issue in future investigations where appropriate.”

So everyday, in this country, thousand of people travel on board vessels – whether they are commuter ferries, dinner boats or charter party boats – that are not equipped with survival craft for all those on board. Some vessels are not required to be equipped with any lifesaving equipment designed to keep people out of the water. Would you want to be on a vessel – in a river, or bay, or sound, or 20 MILES OUT IN THE OCEAN – that doesn’t have enough liferafts or lifeboats on board for everyone to get into? Would you want your spouse - or child - or parent - to be in that position?

Example: a 90-foot passenger vessel is whale watching 19.5 miles out in the ocean where the water is 60° F, carrying a hundred or so kids and grandmas and handicapped people. Due to flooding, a mechanical problem, fire, or explosion the passengers and crew have to abandon ship. The deckhand gives grandma and junior and the handicapped persons each a lifejacket and tells them to jump in the “warm” 60-degree water. Oh, by the way, we only have life-floats for half of you, and they won’t keep you out of the water. The rest, in the water until help arrives.

The Coast Guard rules are based on the probability that this will NOT happen. Industry argues that the cost is too high, and the odds of needing such equipment very low. What about the “cost” to the passengers and to the next-of-kin? What were the odds that *Titanic* would sink on her maiden voyage?

Why this situation persists is a complicated tale of congressional micro-management and U.S. Coast Guard response to industry rather than the interests of safety and the public.

Marine safety laws in the U.S. evolved slowly, beginning in 1838 with the adoption of a statute to provide “better security of the lives of passengers on board vessels propelled in whole in part by steam”. Major tragedies bring new reforms to enhance safety. The sinking of *Titanic*, the fires on *General Slocum*, *Morro Castle* and *Yarmouth Castle*, and the collision between *Andrea Doria* and *Stockholm* were watershed events. Despite continued marine tragedies Congress has never given the U.S. Coast Guard the authority to make ALL vessels safe. Rather Congress has adopted statutes to address a particular maritime safety crisis.

As recently as 1988 Congress adopted new laws specifically designed to reduce the loss of life on America’s commercial fishing vessels. But, the Coast Guard cannot inspect these vessels, nor can they require that their operators be licensed. It would take another act of Congress to do that.

When a towboat and barges struck the Railroad Bridge Big Bayou Canot near Mobile, Alabama – in September 1993 – killing 47 people and injuring 103 passengers on an AMTRAK passenger train there were calls for enhanced licensing requirements for towboat operators. The Coast Guard has proposed new, stiffer regulations for the licensing of towing vessel operators, and will hold public meetings on the matter in early 1998.

In January 1996, the tug *Scandia*, while towing the oil-barge *North Cape*, suffered an uncontrollable engine-room fire that forced the crew to abandon the vessel. *North Cape* ended up on Matunuck State Beach in southern Rhode Island resulting in the release of approximately 830,000 gallons of diesel oil into a sensitive environment. The barge was Coast Guard inspected, but the towing vessel was not. This time there were calls for Congress to enact legislation to require inspection of towing vessels. Bills were introduced, but Congress took no action.

Unlike the Federal Aviation Administration (FAA), which has full authority to regulate all aircraft – from jetliners to experimental aircraft – the Coast Guard does not have the authority to regulate the safety of ALL vessels. If, as suggested, there is a problem with the

center fuel tanks on Boeing 747's we look to the FAA, not the Congress, to 'fix' the problem. Not so with the safety of vessels, for no Congressman has ever proposed, nor has the Coast Guard asked for, comprehensive authority to make all vessels safe.

The British Board of Trade could have required that *Titanic* be equipped with lifeboats for the total-number of persons it was capable of carrying. The U.S. Coast Guard could require that ALL passenger vessels carry lifesaving equipment capable of keeping ALL the passengers and crew out the water in the event of an abandon ship event.

We do not know if the Coast Guard will ever require that passenger vessels carry primary lifesaving equipment for 100% of the people on board. Nor is it clear that they would – if given the authority to make all vessels safe – require the inspection of towing and fishing vessels, and the licensing of commercial fishing vessel operators.

Non-the-less the time has come to place responsibility for vessel safety squarely where it belongs – in the hands of the U.S. Coast Guard. This specialized maritime safety agency should be responsible for determining the level of safety required for all types of vessels operating in this country. If a tragedy occurs we should be able to look to the Coast Guard for the reasons, and for a correction of the problem. It should not be necessary to petition Congress to pass yet another marine safety statute to 'fix' loopholes created by previous legislation that could not anticipate future changes in maritime transportation.

The Coast Guard is up to the task, but it may have to rethink its cherished multi-mission mantra if it is to get this technical job done. And Congress should take a hard look at whether it is in the public interest for the Coast Guard to remain an armed, military service. No one wants to see disasters like *Titanic*, but unless we place both the authority and the responsibility for vessel safety in the hands of one agency, and instruct them to 'do the right thing' the odds that it will happen again are great.