

Towing Vessel Safety: Analysis of Congressional and Coast Guard Investigative Response to Operator Involvement in Casualties Where a Presumption of Negligence

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Towing Vessel Safety: Analysis of Congressional and Coast Guard Investigative Response to Operator Involvement in Casualties Where a Presumption of Negligence Exist

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Date of Award

1994

Degree Type

Major Paper

Degree Name

Master of Arts in Marine Affairs

Abstract

Legislation proposed by members of the 103rd Congress to address towing vessel safety resulted from three focusing events. The proposed legislation was not passed. There is a continuing need to address the human element in marine casualties. Prevention through enforcement is a viable solution to some human causal factors. Numerous personnel investigations which should have been initiated following towing vessel groundings during 1992 and 1993, were not pursued; despite a presumption of negligence that exists in grounding cases. Due to the presumption, all groundings, and particularly those attributed to human factors during a casualty investigation provide sufficient reason to initiate a personnel investigation to ascertain if the casualty is attributable to the operator's action or inaction. Initiating personnel investigations is necessary to establish whether remedial action is justified. Failure to initiate remedial action against a negligent towing vessel operator's license following a grounding allows the individual to continue operating under the authority of a license. When remedial action is not pursued, similar casualties could reoccur. Therefore, the Coast guard has foregone a prime opportunity; to preclude similar casualties from recurring; and, ultimately improve towing vessel safety.

Recommended Citation

Cormier, Paul J., "Towing Vessel Safety: Analysis of Congressional and Coast Guard Investigative Response to Operator Involvement in Casualties Where a Presumption of Negligence Exist" (1994). *Theses and Major Papers*. Paper 409.
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