

MARITIME LAW ASSOCIATION
of the
UNITED STATES

**PROPOSED REVISION OF THE INTERNATIONAL
COLLISION REGULATIONS**

**INTERNATIONAL CONFERENCE ON SAFETY OF
LIFE AT SEA—1929**

**REPORT AND RESOLUTIONS UPON PROPOSED
RECOMMENDATIONS OF THE UNITED
STATES DELEGATION**

A Special Meeting of the Maritime Law Association of the United States was called to meet in New York City on October 19, 1928, to consider the report of a Special Committee upon proposed recommendations to be presented by the United States Delegation which will attend the International Conference on Safety of Life at Sea to be held at London in the spring of 1929, with particular respect to the proposed revision of the International Rules of the Road (Collision Regulations). The Committee, which was re-constituted (with some additional members) out of the membership of the Special Committee which considered the same subject in the spring of 1928 and reported at the Annual Meeting in May, held meetings in New York and submitted a report (Document No. 152) which was circulated among the membership in advance of the meeting.

The meeting was presided over by the Hon. Augustus N. Hand, Judge of the United States Circuit Court of Appeals, Second Circuit, and President of the Association, and was attended by twenty-four members. Letters were received from more than twenty-five absent members of the Association on the Atlantic, Gulf and Pacific coasts of the United States, either expressing their concurrence in the proposed action or stating that they had no particular views to express with relation to the revisions proposed by the Inter-Departmental Committee at Washington to be presented at London by the United States Delegation. Full opportunity had thus twice been given to the members of the Association to express themselves on this subject, and substantially all of the members who practice actively in collision matters involving the International Rules were either members of the Committee or were invited to join it or expressed themselves as concurring with the proposals.

This report having been presented to the meeting, upon the motion of Mr. T. Catesby Jones, seconded by Mr. Roscoe H. Hupper, the following resolution was unanimously adopted:

Resolution

BE IT RESOLVED that the Maritime Law Association of the United States unanimously approves all of the recommendations made by its Committee appointed to consider certain proposed changes in the Rules for the Prevention of Collisions at Sea; and

BE IT FURTHER RESOLVED that the Secretary of this Association be, and he is hereby, directed to send a copy of the report of the said Committee, together with a copy of this Resolution, to the Department of Commerce, United States Shipping Board, the American Steamship Owners Association, The Board of Underwriters of New York and The Board of Underwriters of San Francisco.

Report of Special Committee Upon Proposed Recommendations of the United States Delegation

To the Maritime Law Association:

In connection with the International Conference on Safety of Life at Sea, which is to meet at the invitation of the British Government in the spring of 1929, the United States Government appointed an Interdepartmental Committee to study the proposals, and a sub-committee of this body has prepared certain Notes on the Rules of the Road, embodying therein the sub-committee's recommendations of changes in the collision rules to be urged at the International Conference. The undersigned have been appointed a Committee of this Association to report on these recommendations, which are contained in Column 6 of the document entitled "Notes on the Rules of the Road."

The Committee has examined the recommendations in question, as well as the report of the International Collisions Committee presented to the meeting of the International Shipping Conference held in London in June, 1928, and, after discussing the various suggestions, your Committee reports as follows with respect to the various recommendations of the United States Government's sub-committee.

Enacting Clause

1. The enacting clause opens with the following words:

"These rules shall be followed by all vessels on the high seas and in all waters connected therewith, navigable by seagoing vessels."

Substantially similar phrasing was used in the Act of Congress of August 19, 1890, which adopted the International Rules. Since that time, various local rules, such as the Inland, Mississippi River and Great Lakes Rules, have been enacted by Congress, under the power reserved in Article 30 of the International Rules. It has been suggested to your Committee that, if Congress should re-enact the International Rules with amendments, and should, in so doing, employ the words quoted above, the effect might be to repeal the Inland and other similar rules.

While it is perhaps not clear that this would be the case, the matter is not one which should be left in any uncertainty. Your Committee, therefore, recommends that, if Congress so re-enact the International Rules, a section be added to the Act providing that nothing therein contained should be construed to repeal or affect the Inland Rules, the Mississippi River Rules, the Great Lakes Rules, the Act of November 18, 1890, known as the "Stand-by Act," the Act of June 9, 1910, relating to motorboats, or any other statute, or any rules or regulations lawfully made under statutory authority, with respect to local or inland waters.

Subject to the foregoing qualification, your Committee approves the enacting clause as it appears in the United States' recommendations.

Your Committee recommends that, at the end of the enacting clause, there be inserted the *definition of the length of the vessel* for the purposes of the Rules, to read as follows:

"Length. The length of a vessel shall be deemed to be the length appearing in her certificate of registry."

The report of the International Shipping Conference Collisions Committee of June, 1928, recommends that the length be defined as the over-all length (p. 13). This, however, would leave open a question of fact as to what the over-all length of the particular vessel concerned was, whereas the above proposal adopting the length as stated in the certificate of registry, would avoid dispute on that subject.

Masthead and Range Lights

2. Your Committee approves the United States recommendations for the wording of article 2(a).

With respect to article 2(b), your Committee, while agreeing with the recommendation that a range light be made compulsory, favors accomplishing this result by retaining the present paragraph 2(e) of the International Rules (which should either be made a part of 2(a) or else designated as 2(b)), with the alteration of the word "*may*" to the word "*shall*" and with the addition of the provision exempting vessels of less than one hundred and fifty (150) feet in length. The words "an additional white light similar in construction to the light mentioned

in subdivision (a)" should be amended by inserting also the words "and visibility", so as to insure a light of the same strength. The paragraph 2(b) as thus amended would read as follows:

"A steam vessel, when under way, shall carry an additional white light similar in construction and visibility to the light mentioned in subdivision (a). These two lights shall be so placed in line with the keel that one shall be at least fifteen feet higher than the other, and in such a position, with reference to each other, that the lower light shall be forward of the upper one. The vertical distance between these lights shall be less than the horizontal distance.

Vessels of less than one hundred and fifty feet in length shall not be required to carry this second white light, but may do so."

Lights of Steam Vessels When Towing

3. Your Committee approves article 3 as recommended by the United States sub-committee.

Your Committee notes that in the report of the International Shipping Conference Collisions Committee, June, 1928, it is recommended that the small white light, the carriage of which is permitted for a tow to steer by, is to be "in lieu of the stern light." Your Committee emphatically dissents from this recommendation. The stern light should be carried whether or not there is a small towing light. If this were not done, a vessel approaching a towing vessel from more than two points abaft the beam would have no means of locating the towing vessel except by the small white steering light, which would be manifestly inadequate.

Lights—Vessel Not Under Control

4. Your Committee approves article 4 as recommended by the United States sub-committee, except that, in its opinion, the lights should have a visibility of two miles, not of three. Two miles is enough for any practical purpose and it seems undesirable to complicate the rules by requiring lights of varying intensity, except where absolutely necessary. To do so would require ships to carry an unnecessarily extensive equipment of

lights of different strengths and it would seem that no practical purpose would be served thereby. This suggestion applies to both 4(a) and 4(b).

Movable Hand Lights for Small Vessels in Bad Weather

5. Your Committee approves the omission of article 6, the purpose of which seems to be sufficiently covered by article 7.

Lights for Pilot Boats, Fishing Boats, etc.

6. Your Committee makes no recommendations with respect to articles 8 and 9. It notes, however, that article 8 omits, as regards steam pilot vessels, the requirement of a flare-up light which now exists.

Stern Light

7. Your Committee strongly endorses the proposed change in article 10, making the carriage of a stern light compulsory. It believes, however, that such a light should not be made compulsory in the case of small vessels; and therefore recommends that, at the end of the first paragraph of article 10, there should be incorporated the proviso recommended by the International Shipping Conference Collisions Committee in its report of June, 1928, which reads as follows (page 17):

“Provided, however, that vessels under twenty tons gross tonnage shall not be obliged to carry this light, but if they do not, they shall, if being overtaken by another vessel, exhibit at the stern a flare-up light or a lantern showing a white light, in sufficient time to prevent collision.”

One member of your Committee suggests that the last six words be omitted.

Anchor Lights and Dayshapes

8. Your Committee approves the United States recommendations for article 11, relating to anchor lights and to black balls in the daytime, but suggests the omission of the concluding para-

graph defining the length of the vessel, in view of the fact that it already has been suggested that that provision be inserted in the enacting clause.

Sailing Vessel Under Power—Dayshape

9. Your Committee approves article 14 of the United States recommendations.

Fog Signals—Under Way

10. With respect to article 15, the majority of the Committee believes that all fog signals should be given at intervals of *not more than one minute*. The present rule is two minutes. Two vessels going at the rate of fifteen knots are six thousand feet apart two minutes before they meet. If a fog signal is given by each at this time, they would actually be in collision before another whistle would be required. While, of course, it is expected that vessels will be going at moderate speed in fog, still it is common knowledge that high speed vessels very often run with considerable headway in fog, and, in the opinion of the majority of the Committee, safety would be greatly promoted by requiring all fog whistles to be at intervals of not more than one minute, as under the Inland Rules. The Committee, therefore, recommends that this change be made in the United States recommendations in article 15(a), article 15(b) and article 15(e). The intervals prescribed in articles 15(c), 15(d), 15(f) and 15(g) are one minute as the United States recommendations stand, and this change would bring all the paragraphs of the article into harmony in this respect.

Fog Signals—Vessel Stopped

Your Committee does not recommend changing the signal indicating that a vessel in fog has no way upon her from the present signal of two prolonged blasts, to four prolonged blasts, as the United States sub-committee suggests in its article 15(b). There seems to be no adequate reason for this change. It alters a signal which is now well recognized, and the change might make confusion with the signals sounded by a towed or towing vessel.

Fog Signals—Engines Reversing

Your Committee further recommends inserting in article 15 a provision that a vessel which has reversed her engines in fog shall so indicate by a signal of three short blasts meaning "my engines are going at full speed astern." This signal is provided for in article 28, but is there restricted to cases where vessels are in sight of one another. It seems to the Committee highly desirable not only to permit, but to compel, a vessel in fog, which has reversed her engines, to inform an approaching vessel of that fact. No possible harm can result from doing so. The provision should be made at least permissive and preferably mandatory.

Fog Signals—Last Vessel of Long Tow

11. The majority of your Committee strongly recommends that the last vessel in a long tow shall be required to sound a fog signal, and accordingly recommends that the following be substituted for the last sentence of article 15(e):

"A vessel towed or, if more than one vessel is towed, the last vessel of the tow, shall, at intervals of not more than one minute, sound four blasts in succession, namely, one prolonged blast followed by three short blasts. Provided, however, that such signals need not be given where the distance between the stern of the towing vessel and the stern of the vessel towed, or, if more than one, the stern of the last vessel of the tow, does not exceed six hundred feet."

This wording is taken from the report of the International Shipping Conference Collisions Committee of June, 1928 (page 35), save that the interval between signals is altered from two minutes to one minute.

Speed in Fog—Duty to Stop Engines on Hearing Another Vessel, etc.

12. Your Committee is emphatically and unanimously opposed to the proposed change in article 16. The present requirement is that a steam vessel, hearing, apparently forward of her beam, the fog signal of a vessel whose position is not ascertained,

shall, so far as the circumstances of the case permit, stop her engines. Most collisions, and nearly all disastrous ones, are in fog. Nothing should be done to relax precaution under these circumstances. The first precautionary step, under all ordinary circumstances, is for each vessel to stop her engines. The Government's sub-committee recommends that there be required merely a reduction of speed "so far as the circumstances admit and require." Under this proposal, a vessel would not be required to stop her engines at all, or even to reduce her speed, unless the circumstances, in her master's judgment, required her to do so. Your Committee feels that this would be a serious let-down in proper safety requirements and is strongly opposed to the change. It gives too much latitude to the master.

Vessels Under Way to Avoid Fishing Boats

13. The majority of your Committee approves of the United States recommendation with respect to article 26.

Sound Signals for Vessels in Sight of One Another

14. *Three blasts.* Your Committee approves of the proposed change in article 28, but, in line with what has already been said, recommends that the wording be altered so as to permit and require the giving of a signal of three short blasts, meaning "my engines are going at full speed astern," whether the vessels are in sight of one another or not.

Four blasts—Five blasts. In this connection, your Committee wishes to record its unanimous disapproval of the addition to article 28 suggested by the International Shipping Conference Collisions Committee in its report of June, 1928, which proposes new signals as follows: four short blasts to mean "I am not under command"; four short blasts and after a short interval one short blast, to mean "I am turning with my head to starboard"; four short blasts and after a short interval two short blasts, to mean "I am turning with my head to port"; five or more short blasts to mean "I have run aground and am unable to maneuver" (page 38).

These signals seem to your Committee too complicated to be safe for practical use.

Special Rules by Local Authorities

15. Your Committee approves article 30, as to which no change is recommended by the Government's sub-committee. This article permits the making of special rules by local authority with regard to harbor, river and inland waters.

Authorized Distress Signals

16. Your Committee approves the proposed alterations in article 31 with regard to distress signals.

Aircraft on Water

17. The majority of your Committee disapproves the proposed new article 32 with respect to aircraft. Owing to the great speed at which aircraft travel, it would be quite impossible for a steamship to keep out of the way. The majority of your Committee recommends that the burden be placed on aircraft to keep out of the way of ordinary vessels.

Helm Orders

18. In addition to the recommendations made by the Government's sub-committee, your Committee emphatically recommends that orders to the wheel be given so as to indicate the direction in which the ship's head should turn, not the direction in which the tiller should turn, and that, since the orders *port* and *starboard* have now acquired a contrary meaning, the orders *left* and *right* should be substituted for them. Your Committee endorses the recommendation in this respect of the International Shipping Conference Collision Committee's report of June, 1928, which reads as follows (page 10):

"The Committee unanimously recommended:

(1) That the order given to the man at the wheel should indicate the direction in which the ship should turn;

(2) That this practice should be uniform throughout the world;

(3) That the words 'port' and 'starboard', or their ordinary national equivalents, should no longer be used in giving helm orders;

(4) That the words 'left' and 'right', or their ordinary national equivalents, should be adopted."

All of which is respectfully submitted.

Dated, October 11th, 1928.

WILLIAM H. McGRANN,
CHAUNCEY I. CLARK,
EARLE FARWELL,
GEORGE C. SPRAGUE,
ROBERT W. WILLIAMS,
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