

Headlines:

USCG – use of SMS to obtain Subchapter M COI;
USCG – NMSAC meeting;
NTSB – tow-bridge allision on 21 January 2016;
NTSB – tow-bridge allision on 1 March 2016;
House – FMC authorization bill introduced; and
Court – proximate cause found wanting.

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Bryant's Maritime News

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USCG – use of SMS to obtain Subchapter M COI



The US Coast Guard issued a policy letter providing guidance to its personnel and to the towing industry on the use of an existing safety management system (SMS) to obtain an initial Certificate of Inspection (COI) under 46 CFR Subchapter M. **CG-CVC Policy Letter 17-02** (5/24/17) [https://www.uscg.mil/hq/cgcvc/cvc/policy/policy_letters/CVC/CG-CVC_pol17-02.pdf].

USCG – NMSAC meeting



The US Coast Guard posted a **bulletin** providing information regarding the 25-26 April meeting of the National Maritime Security Advisory Committee (NMSAC). (5/24/17)

[<http://mariners.coastguard.dodlive.mil/2017/05/24/5242017-national-maritime-security-advisory-committee-meeting-minutes/>].

NTSB – tow-bridge allision on 21 January 2016



The National Transportation Safety Board posted the report of its investigation of the 21 January 2016 allision of the tow of the tug Amy Frances with the center pier of the Natchez-Vidalia Highway 84 Bridge on the Lower Mississippi River. The vessel and its six barges were downbound. The allision breached a forward cargo tank on the port lead barge, releasing 24,654 gallons of catalytic cracked clarified oil into the river. Damages exceeded \$542,000. There were no injuries. The probable cause was the pilot's failure to properly compensate for the current under high-water conditions and the failure of the captain to recognize the pilot's inexperience with these conditions. **MAB 17-15** (5/23/17)

[<https://www.nts.gov/investigations/AccidentReports/Reports/MAB1715.pdf>].

NTSB – tow-bridge allision on 1 March 2016



The National Transportation Safety Board (NTSB) posted the report of its investigation of the 1 March 2016 allision of the tow of the tug Kodiak with the North Landing Bridge in Chesapeake, Virginia. Just before the allision, the tow had run over a mooring buoy about 750 yards from the bridge. The barge and the bridge sustained an estimated \$275,000 in damages. There were no reported injuries or pollution. The probable cause of the allision was the mate's inability to safely navigate the tow due to his inexperience in conning tows through narrow waterways. **MAB 17-16** (5/23/17)

[<https://www.nts.gov/investigations/AccidentReports/Reports/MAB1716.pdf>].

House – FMC authorization bill introduced



Representative Hunter (R-CA) introduced the **Federal Maritime Commission Authorization Act of 2017** (H.R. 2593) to authorize appropriations for the Federal Maritime Commission for fiscal years 2018 and 2019, and for other purposes. (5/23/17) [<https://www.gpo.gov/fdsys/pkg/BILLS-115hr2593ih/pdf/BILLS-115hr2593ih.pdf>].

Court – proximate cause found wanting



In a brief unpublished decision, the US Court of Appeals for the Ninth Circuit affirmed the dismissal of Racketeer Influenced and Corrupt Organization (RICO) Act claims by a carrier against a shipper and forwarder. The court accepted that the shipper and forwarder engaged in fraudulent activity resulting in losses to the carrier, but found that fraudulent wire and mail transmissions were not shown to be the proximate cause of the losses. **Mitsui O.S.K. Lines v. Seamaster Logistics**, No. 15-17295 (9th Cir., May 23, 2017) [<http://cdn.ca9.uscourts.gov/datastore/memoranda/2017/05/23/15-17295.pdf>].

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