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Ask The Captain

Capt. Lyman Louis

We've all been there; we've all seen it. Someone's broken down and waving a t-shirt or flag or even their arms trying to get a tow into shore. What do you do?

The "law of the sea" mandates that you provide assistance to other mariners in distress, but what form should that assistance take? What can you do that fulfills your good Samaritan obligations while not ruining your own day on the water?

First, know that while you are obliged to help other mariners, you are under no obligation to take someone in tow. In fact, if you do so you may be taking on unnecessary risks and liabilities. In general, anytime you take another vessel in tow, the vessel towing is responsible for anything that happens to either boat.

For example, with another boat in tow you put their boat into the dock harder than intended causing a scratch to their paint or gelcoat. You would be responsible for the repairs to their boat and their insurance company would come after you—not your insurance company—to collect.

Here's another situation: using the best lines available, you tie off to a cleat on their bow and another on your stern. Under tension the cleat on your boat fails and flies into the open bow of the boat you were towing striking a passenger.

Once again, anything that happens is your responsibility. Any medical costs for the passenger will likely be paid out of your pocket. Your insurance company

may decide to pay, but they may also increase your rates or cancel your policy.

Here's one more: the reason the boat is broken down is they've blown their inboard engine. Unknown to you or the towed boat, the "bang" they heard was a rod being thrown through the bilge and now oil has collected at the bilge pump. When that pump kicks on it spills 10-15 gallons of motor oil into the river with a trail leading right to your boat. Since you took the boat in tow the fines will most likely come out of your pocket, not the stranded boater's.

All because you wanted to be a good Samaritan. We may not like it, but that's the world we live in.

These scenarios are real ones and before you decide to take that boat in tow consider a couple of other options. Call the Coast Guard and ask them to issue a Marine Assistance Request Broadcast (MARB) for the vessel. They will ask you for information about the situation and then make a broadcast on VHF-16.

If it's a non-emergency situation, call a commercial tower directly. These companies are trained, equipped and insured to deal with these and many other problems that occur on the water when things go wrong. On an busy weekend a professional tower will deal with more towing situations than the best Samaritan would in a lifetime. That experience is invaluable when things go wrong.

When things go wrong on your boat what is your response? Private pilots are taught an important principle from day one: pilot in command. The pilot in command is ultimately responsible for every aspect of safety during flight.

I bring this up because many times I have come across dangerous situations made more dangerous because of the inaction of the captain or his/her tendency to panic. Not knowing what to do, too many captains do nothing and

further endanger the lives of their passengers. Others become so shaken that their passengers are effected.

Here's a minimum list of things that must be done anytime things go wrong on your boat. As captain you should always be prepared to respond by taking the following actions:

1. Everybody wear their PFDs. Lead by example and put yours on first. Even if the situation seems minor—for example, say going aground on a sandbar. But, those are exactly the types of situations that tend to deteriorate quickly and all too frequently end with a sentence in the paper that reads: “none of the victims were wearing their life jackets.”
2. Communicate your situation to others by using your VHF or a cell phone. The VHF is best because it announces to the boating world that there is a problem on your boat and they will respond. Again, even if it seems minor let the Coast Guard know. You never know what might happen and at least then they will have your last known location.
3. If possible and safe, drop your anchor. If you are in a navigation channel or in another situation where you are concerned about the location, it may be that drifting for awhile would be better. You make the call—you're the captain. If it is a safe location, then drop the anchor. You may not be able to set it properly, but at least it will slow your drift until help arrives.

4. Remain calm. Your passengers are relying on you to keep them safe. It is your responsibility alone and they will be looking to you for reassurance. You're the captain.

See you on the rivers,

Capt. Lyman Louis

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