

Casualties



Courtesy Hill Rivkins LLP

Left, the tugboat *Specialist* is hoisted out of the Hudson River alongside the construction barge it struck. Above, the damaged *Specialist* after it was transported to Port Newark for inspection.

Courtesy U.S. Coast Guard

Tugboat hits barge and sinks at NY bridge construction site, killing 3

Three men were killed when their tugboat crashed into a construction barge and sank on the Hudson River.

Witnesses reported that the boat's mate could have saved himself but instead perished when he went below to rescue his deck hand.

The incident happened March 12 alongside a pier at the new Tappan Zee Bridge construction site near Tarrytown, N.Y. The 1,000-hp *Specialist* was one of three tugs pushing a barge carrying a tower crane down the Hudson toward a terminal in

Jersey City, N.J.

The Coast Guard is investigating whether the construction equipment was properly lit. Plaintiffs' lawyers said the towing crews may have been overworked and the tugboat configuration may have been inappropriate for the job in the flood tide.

The other tugs were *Realist*, pushing the crane barge from astern, and *Trevor*, positioned on the tow's port side. *Specialist* was on the starboard side as the flotilla strayed out of the main channel toward the stationary construction barge.

"According to witnesses, the chatter on the radio was that the *Specialist* was frantically saying, 'Hard left, hard left, hard left. We're not going to make it.' There was radio silence and no response from the *Trevor*," said James Forde, an attorney representing the family of *Specialist's* mate.

Initially, the barge left the Albany area on the night of March 11 propelled only by the 84-foot *Specialist*. It was later joined by the second and then third tug farther downstream.

When the flotilla reached the Tappan Zee Bridge, *Specialist* was

maritime casualties

lashed to the starboard side of the barge 533, according to the lead Coast Guard investigator, Chief Warrant Officer Michael Leathers.

As the four vessels passed under the central span of the bridge at about 0502, *Specialist* struck the northeast corner of the stationary barge, 181, which also carried a tower crane working on the replacement bridge being erected adjacent to the older span.

The force of the impact drove the 62-year-old *Specialist* under the sloping bow of the stationary barge,

snapping the lines holding it to 533. The tug took on water and listed, and video shows that its wheelhouse was ripped off by the contact with the barge. Leathers said it sank 40 feet to the river bottom in about seven minutes. The crews on the other tugs tried to help *Specialist's* crew but were unable to reach them.

Watch standers at Coast Guard Sector New York received notification of the crash at 0520. Coast Guard Station New York dispatched a 45-foot response boat. Other crews responded from state and local police

and fire departments.

At approximately 0530, *Specialist's* mate, Paul Amon, 63, of Bayville, N.J., was found floating in the river by one of the first responders. He was transported ashore but could not be revived.

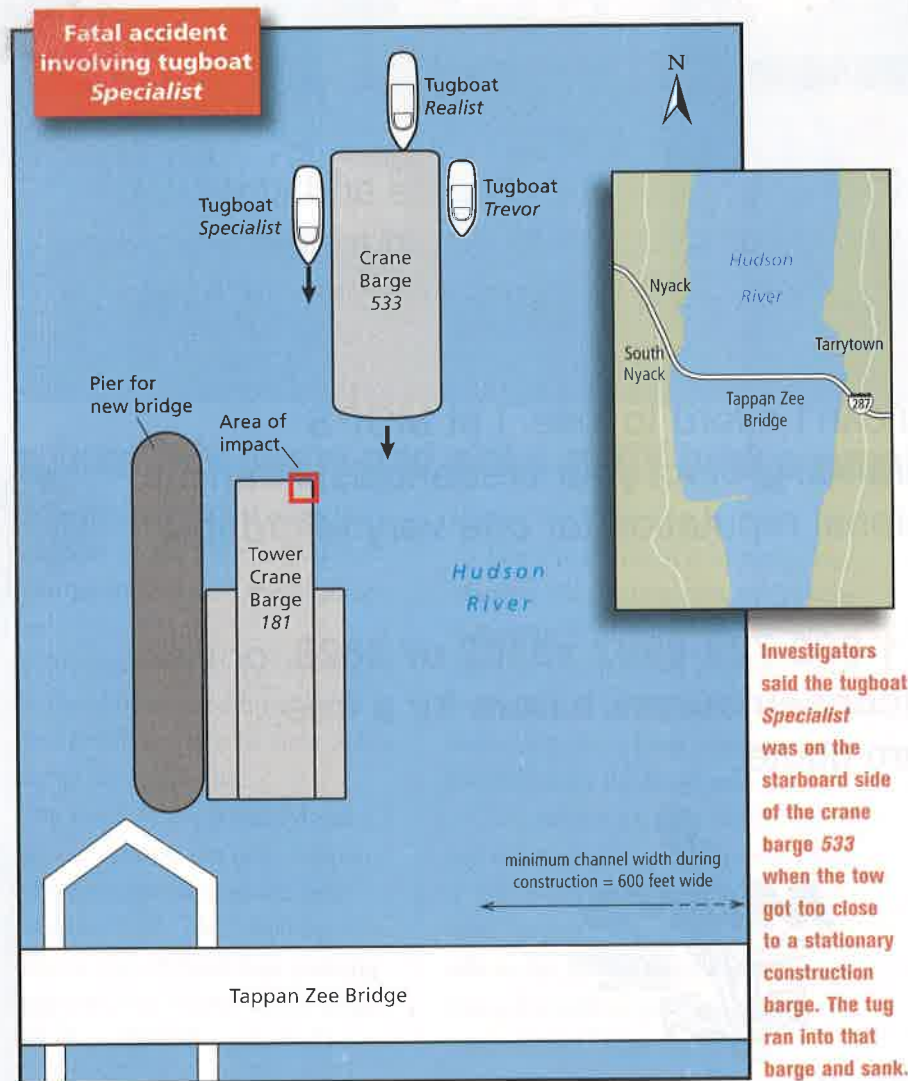
State police divers used sonar to locate the wreck before they began their search about 12 hours after the sinking. They recovered the body of deck hand Timothy Conklin, 29, of Westbury, N.Y., amidships inside *Specialist*. Deck hand Harry Hernandez, 56, of Staten Island, was found — also amidships in the berthing area — only when the boat was refloated March 24.

After the impact, a video recording shows Amon behind the wheelhouse, said Forde, who represents Amon's family. Construction workers urged Amon to cross over to the barge, but he said he had to go below and help Hernandez escape. The tug sank while Amon was still in the berthing area.

Specialist, owned by Specialist LLC of Montauk, N.Y., spilled 5,000 gallons of diesel fuel when it sank, prompting an environmental cleanup from the state Department of Environmental Conservation (DEC) and a private contractor, which deployed booms to contain the leaking diesel fuel.

Leathers said the alcohol test for the surviving crewmembers on the other two tugs were negative. "We're still waiting for medical examiner reports for the deceased," he said.

The Coast Guard is the lead agency on the investigation and is working with the Westchester County



Pat Rossi illustration/Sources: Westchester County Police Department, U.S. Coast Guard



Courtesy Hill Riveline LLP

Paul Amon, 63, was among the mariners killed in the accident. Amon was the tug's mate. He perished along with two deck hands.

Police Department, National Transportation Safety Board (NTSB), federal Environment Protection Agency and the DEC.

"We're in the early stages," Leathers said. "We have a lot of evidence to sort through." Information was

still being collected for analysis in April. For example, Leathers said he was still waiting for a detailed tide and weather report from the NTSB. The speed of the flotilla through the water was still to be determined from electronics on the vessels.

Leathers said the agency is reviewing images from security cameras and smartphones, which do not show the accident but only the immediate aftermath.

The Local Notice to Mariners states that the width of the channel at the bridge during construction is a minimum of 600 feet.

"In reality, they had more than that because the 600 feet is a worst-


case scenario with a lot of construction equipment there," Leathers said. At the time of the accident only about half of the maximum amount of equipment was in place. Without any construction equipment, the width underneath the span is 1,098 feet. That means the opening between the barges and bridge piers on either side was about 800 to 900 feet at the time of the accident.

On the western side of the channel, the 181 crane barge is made up of three separate barges. The central barge with the crane on it is 70 feet wide. Two other barges between 25 and 30 feet wide were lashed to either side.

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The flotilla of the barge and three tugs was a little over 152 feet wide, Leathers said. The 533 crane barge is 99.5 feet wide, not counting fenders. *Specialist* is 84 feet long and 26 feet wide. *Trevor* is 69 feet long and 26 feet wide. *Realist* is 84.5 feet long and 26.2 feet wide.

"There was plenty of clearance on the east side," Leathers said.

The impact of lighting is one of the key pieces of the investigation, Leathers said. The agency is determining whether the number of required lights was present and if construction lighting was a factor.

Michael S. Lamonsoff, the New York attorney for Hernandez's family, said lighting practices at the construction site are influenced by a fatal 2013 accident involving a pleasure boat at that location. After that incident, there were claims that the barges were not properly lit.

"The question becomes, was there overcompensation where the ambient (construction) lighting hid the marine lighting that is imperative to correct navigation?" Lamonsoff said.

Forde said there's a possibility that the construction site "was too well lit after the (2013) incident. With the fog, it made it harder to see where the channel was."

The Coast Guard investigators did not reveal weather data. They believe visibility was relatively good. "There has been no evidence as of yet to show fog that day," Sector New York spokesman Charles Rowe said in mid-April. "All of the videos and photos reveal a very clear morning."

Joseph J. Perrone, the attorney

Specialist, by itself, tows the crane barge 533 up the Hudson River near Poughkeepsie, N.Y., on March 9. The fatal accident happened four days later while *Specialist* escorted the barge downriver with two other tugs.

for the bridge contractor, said the recent crash had nothing to do with lighting on the construction equipment.

"Tappan Zee Constructors had a crane barge that was more than 80 feet outside of the channel," Perrone said. "It was properly lit according to the mooring requirements. In addition to the mooring lights, the equipment was also being used so there were work lights. So I don't think visibility of the equipment was an issue. No one at this point knows why the tug was so far out of position. They were at least 100 feet from where they should have been."

Amon, a veteran mariner whose daughter is a tugboat master, was in charge of *Specialist* and was steering, Forde said. He had taken over for the captain who switched vessels.

"The captain went over to the *Realist*, presumably because they were shorthanded, and the *Realist* was the tug in charge of the flotilla," Forde said. "The general practice is five (crew on board) because they do six hours on and six off, so you have a captain who does six hours and then the mate takes over for six hours and they need a corresponding deck hand working with them and then you have an engineer or a dayworker."

Forde said the crewing level was



Jeffrey Anzevino

relevant in the accident "because it sounds like they were working excessive hours."

He and other attorneys for the crewmembers said there were problems with the makeup of the flotilla from the beginning.

"The *Specialist* initially on its own brought the crane barge down, and at some point in the voyage the *Specialist* said it needed help to bring the crane barge further down," Forde said. "At that point, the *Realist* was hired and the *Realist* and the *Specialist* attempted to bring it down only to realize that they couldn't do it so they call for more help. That's when the Weeks tug *Trevor* began assisting."

Forde added that there was a problem having *Realist* as the command tug behind the barge because "the conning tower was too short and they couldn't see over the crane barge." To allow the crew to see around the crane, the tug was positioned to port of the center of the barge. That tended to make the flotilla steer to starboard, he said.

The disparity in horsepower is also an issue, Lamonsoff said. Having tugs on either side of the flotilla with unequal horsepower would make it difficult to stay on course, he contends. With *Specialist* at 1,000 hp and *Trevor* with 1,700 hp, the imbalance could lead to the flotilla veering to starboard, especially with *Realist* being left of center on the back of the barge.

In any case, Forde said, the flotilla "was undermanned and underpowered." He said *Realist* operated at 1,800 hp — a number that could not be confirmed by the Coast Guard. Forde said a naval architect he consulted determined the three tugs did not have big enough engines to buck a 6-knot current produced by the flood tide on the river. Forde said the flotilla should have been configured with a tug behind *Realist* on a long line to provide better steering control.

When *Specialist* radioed the emergency, *Realist* and *Specialist* did turn their wheels hard over to port but *Trevor* did nothing, Forde and Lamonsoff contend.

Trevor and the crane barge are owned by Weeks Marine, while the other two tugs are owned by Specialist LLC. When asked about the communications issue, Weeks Marine attorney Ron Betancourt said, "I can't comment on that. Obviously we're involved in an investigation."

Before *Specialist* was raised, Weeks went to court seeking to limit its potential liability in the accident. The Jersey City-based company, in a March 15 filing in U.S. District Court in Newark, asked a judge to

limit its liability to \$1.5 million, the value of its tug. The judge deferred his decision until he received papers from other parties.

Betancourt said: "Weeks Marine's tug *Trevor* was an assistant tug along with the *Specialist*. The *Realist* was the lead tug. The incident was not due to any fault or want of due care on the part of the *Trevor*. Nonetheless Weeks Marine anticipates that claims may be made against them."

Forde and Lamonsoff criticized the timing of the court action as insensitive.

"I think it is a gross, unjust, stupid move," Lamonsoff said. "It shows a lack of sympathy for any of the victims, especially my client, whose body was not even recovered yet." He said Hernandez had worked in the maritime trade for 20 years and had sailed to India, the Persian Gulf and the Caribbean.

Forde said he would oppose the motion by Weeks because he said the value of both *Trevor* and the crane barge should be considered in potential liability, and he estimated their total value at between \$5 million and \$10 million.

The Conklin family attorney, Andrew Buchsbaum, did not return calls for comment.

"In admiralty law there is rarely, if ever, a sole-fault collision," said James Mercante, the attorney for Specialist LLC. "There were multiple factors and multiple parties that will be explored as contributing causes of the collision."

After the salvage, *Specialist* was taken to Port Newark.

Bill Bleyer

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