

## ADMIRALTY COMMITTEE

### What Can Make a Vessel Legally Unseaworthy?

It is far more than merely a sound hull that makes a vessel seaworthy. This is highlighted in a recent Southern District of New York case involving the death of a tug deckhand who was caught in the bight of a tow line and crushed between the line and the capstan. The accident occurred when the tug attempted to reposition the towed barge on the approach to a bridge on the Hackensack River on a rainy, windy night in December, 2009. The Court held these as constituting unseaworthy conditions of the vessel, for which a seaman's employer and the shipowner are strictly liable:

- Lack of Job Hazard Analysis: Failure to identify hazards that might arise if an operation goes wrong and precautionary measures needed to mitigate the risks.
- Lack of Adequate Safety Plans and Procedures: Failure of ship operator to establish safety policies and procedures for the dangerous task of operation of a power winch. It is not enough to merely provide "orientation with the vessel and its machinery."
- Lack of Adequate Training and Supervision of Crew: Failure of management to create a safe environment for performing a dangerous task.
- Improper placement of equipment can constitute an unseaworthy condition.



Barbara Cook  
Chair

*In Re Moran Towing Corp.*, 2013 U.S. Dist. Lexis 161482 (S.D. N.Y. 2013)

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