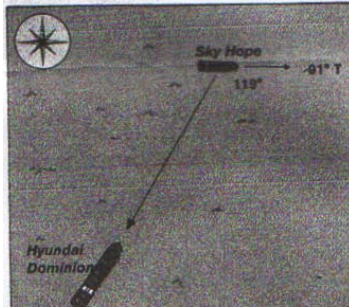
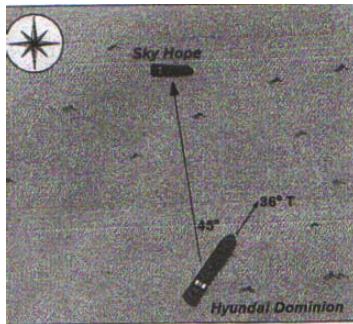


### Crossing or Overtaking ?



**Fig. # 1:** *Hyundai Dominion detected Sky Hope on a relative bearing of 45 to port at a distance of more than 5 miles and concluded that Hyundai Dominion was the stand-on vessel in a crossing situation.*



**Fig. #2:** *Sky Hope reported detecting Hyundai Dominion 119' off its starboard quarter at a distance of 6 miles and concluded that Sky Hope was the stand-on vessel in an overtaking situation.*

A collision between two containerships in the East China Sea in June 2004 resulted from the failure of both vessels to take early avoidance action, according to a joint investigation by the U.K. Marine Accident

Investigation Branch and the Hong Kong Marine Department.

The investigators determined that other contributory factors played prominent roles. A bearing error (or the misinterpretation of the bearing) by one vessel, 11th-hour use of VHF for collision avoidance by both, and fatigue likely were factors in the collision, the investigators concluded.

*Hyundai Dominion* (997 feet, 74,373 Gt.) was proceeding on a course of 036° T at 22 knots when its crew detected *Sky Hope* at 351 ° T (45° to port) at a distance of more than 5 miles. *Hyundai Dominion* took no action, since the bridge watch believed their ship to be the stand-on vessel in a crossing situation.

*Sky Hope* (387 feet, 6,899 Gt.) was proceeding on a course of 091 ° T at 15.3 knots. The ship reported detecting *Hyundai Dominion* on

a bearing of 210° T (119° relative) 6 miles off her starboard quarter. No action was taken by *Sky Hope*, as the crew interpreted the ship's status as stand-on in an overtaking situation.

One factor highlighted by the investigation was that of a probable bearing error (or misinterpretation of the bearing) on the part of *Sky Hope*, leading to the erroneous conclusion that *Hyundai Dominion* was overtaking rather than crossing.

A direction-of-relative-motion plot showed the bearing of *Hyundai Dominion* from *Sky Hope* would have to have been approximately 173° T (082° relative) rather than the reported 210° T (119° relative), thus placing *Sky Hope* as the vessel approaching *Hyundai Dominion*, rather than *Hyundai Dominion*, approaching *Sky Hope* from starboard and overtaking.

The second major factor was the tardy attempt at reaching VHF agreement and the consequent delay in maneuvering to avoid until the range had closed to about 400 yards (keeping in mind the combined lengths of the two ships was almost 468 yards). The initial VHF attempt occurred when the range had closed to about 2.4 rim, with *Hyundai Dominion* attempting AIS text contact [*NOTE: AIS is the 'Automatic Information System' that provides an electronic identification of the ship*] five minutes before the collision at about 3,000 yards.

Collision occurred some 18 minutes after initial mutual sighting, as *Hyundai Dominion's* port bow struck and no pollution, and damage was relatively minor.

In addition to the bearing error (leading to misunderstanding as to stand-on/give-way status) and the use of VHF late in the approach, the investigation made

note of other factors, including:

- Fatigue; long work hours in excess of that allowed under STCW possibly affecting judgment.
- Failure of the stand-on vessel to maneuver when it became apparent the give-way vessel was not taking appropriate action. [ColRegs 17(a)(ii)].

In 1956 the Naval Institute Proceedings (Naval Institute Press) published an article by the late Captain Richard Cahill entitled; "The Burden of Being Privileged" in which he drew attention to the irony of (then current) International Rule 21 requiring the privileged (stand-on) vessel to hold course and speed until literally in-extremis - almost ensuring the very thing it was designed to prevent. Rule 17(a)(ii) of the '72 ColRegs (very possibly due to Cahill's stature and influence) was written to encourage ("may take<sup>1</sup>") earlier action

## Rules of the Road – Situation #1

From Captain Ed's Files

by the stand-on vessel when the other vessel is not maneuvering appropriately.

Failure to do so in this collision was deemed partly a result of "time-consuming diversions" involving attempts to communicate with each other by VHF and AIS text messages late in the approach.

-Jim Austin

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### Lessons to be Learned

- Even if you are the 'Stand-on' vessel, you lose your 'privilege' when there is a possibility for a collision!
- <sup>1</sup> The Rules state that you may take early action *as long as it does not result in a new close quarters situation with another vessel.*
- Use your VHF radio to check out the other boat's intention as soon as you detect a possible collision course. (check VHF volume using the 'Squelch' method – Hint #4 – to be sure you can hear if the other ship is trying to contact you.
- Even the pros can make a mistake.
- Remember the law of gross tonnage – stay away from big boats!