

ATTACHMENT J-3

**INCIDENTS INVOLVING THIRD-PARTY PERSONAL INJURY/ILLNESS
AND THIRD-PARTY PROPERTY DAMAGE/LOSS
(Supplement B)**

Introduction

In the event a RRF vessel incurs property damage, causes property damage, or causes third-party personal injury/illness, the Ship Manager shall follow the procedures set forth below.

Third-party property covered by these instructions consists of: other vessels; structures existing along waterways such as piers, buoys, wharves; and shore-side equipment such as transportation machinery or buildings. Third-party personal injuries covered by this Part B includes persons who are not seamen, but who are visiting or working aboard the vessel, or who are shore-side persons injured directly or indirectly by accidents aboard the RRF vessel.

Addresses and titles for the referenced MAR codes are as follows:

MAR-221:

U.S. Maritime Administration
Chief, Division of General Law,
International Law and Litigation
MAR-221, Room 7221
400 Seventh Street, S.W.
Washington, DC 20590

MAR-610:

U.S. Maritime Administration
Director, Office of Ship Operations
MAR-610, Room 2122
400 Seventh Street, S.W.
Washington, DC 20590

MAR-611:

U.S. Maritime Administration
Chief, Division of Ship Maintenance
and Repair
MAR-611, Room 2115
400 Seventh Street, S.W.
Washington, DC 20590

MAR-780:

U.S. Maritime Administration
Director, Office of Insurance and
Shipping Analysis
MAR-780, Room 8117
400 Seventh Street, S.W.
Washington, D.C. 20590

MAR-782:

U.S. Maritime Administration
Chief, Division of Marine Insurance
MAR-782, Room 8117
400 Seventh Street, S.W.
Washington, DC 20590

1. *Maintaining Required Records*

1.1 *Logs and Related Forms*

The Ship Manager is responsible for maintaining the vessel's original logs and records, and completing, processing, and maintaining the forms required by this Attachment. Information related to property damage shall be recorded in the appropriate departmental log and the Ship's Deck Log. In every case of collision in which it is practicable to do so, the Master shall, immediately after the occurrence, cause a statement thereof, and of the circumstances under which the same occurred, to be entered into the official logbook.

All original log records and completed CG forms are to be turned over to the United States Coast Guard (USCG) as required by regulation. Copies of the log records shall be retained aboard the vessel. Copies of all forms shall be given to MARAD's ACO or his/her designated representative upon completion/termination of this contract.

1.1.1 Ship's Deck Log

The Ship Manager shall maintain a Ship's Deck Log on board the vessel wherein dated occurrences of property damage or third-party injuries are recorded. Recorded entries should describe the circumstances of the event causing the injury or property damage and identify the injured person or the damaged property. Identification of the damaged property can be referenced by location according to area of the vessel's hull, its electrical equipment, machinery, boilers, fuel supply or fuel system, stores and provisions for the crew and officers, and the ordinary fittings requisite for the trade in which the vessel is operating. The damaged property shall be specifically identified and recorded in the Ship's Deck Log and the recording person shall confirm that the departmental supervisor has entered a substantiating report of the events in the departmental log. The Ship's Deck Log shall be countersigned daily by the Master.

If a second Ship's Deck Log is required on any voyage, the cover should be noted "Part one of two" or "Part two of two" with the pages of the second log consecutively numbered (for example, if the last page of Part 1 is 78, the first page of Part 2 will be 79).

1.1.2 Departmental Log

Each departmental section on board the Ship shall maintain its own log. All accidental injury or damage occurrences resulting from operations in that department or caused by equipment employed in that department shall be reported to the departmental supervisor and recorded by the departmental supervisor in that log. Furthermore, the identity of any and all witnesses to the event will be recorded. The Departmental Log shall be countersigned daily by the departmental officer and the vessel's Master.

2. *Accident Reporting*

2.1 *Accident Reporting to the United States Coast Guard*

2.1.1 Notwithstanding the exception for public vessels, all Ship Managers are required to report to USCG any accident involving an RRF vessel which should be reported on CG-2692. The Master shall complete USCG Form CG-2692, entitled **Report of Marine Accident, Injury or Death**, which is included in the Personal Injury Report Package. The Master should then forward the completed form to the Ship Manager, who shall review the form to ensure that all required information has been provided. When this review is complete, the Ship Manager shall forward the original of the completed form to the USCG district office nearest the home port of the vessel, and shall retain one copy for files. The Ship Manager shall fax a copy of such Form CG-2692 to the ACO and the COTR, with a copy to MAR-780, MAR-221, MAR-610, MAR-611, and the PCO.

2.1.2 The Ship Manager shall be responsible for all costs associated with filing Form CG-2692, and furthermore, shall be responsible for any and all expenses resulting from a USCG investigation performed as a consequence of the filing of Form CG-2692. Such costs shall be reimbursable, except as set forth in Section G.11 of the contract. Regulations concerning USCG investigations are located in Title 46 CFR Part 4.

2.2 *Accident Reporting to the U.S. Maritime Administration*

2.2.1 Except as other provided herein, the Ship Manager shall submit the following forms and reports to the ACO within 48 hours of an incident with copies to the COTR, MAR-221, MAR-782, MAR-610, MAR-611 and the PCO at the same time.

2.2.2 *Personal Injury*

2.2.2.1 If a third party, as defined above, suffers an injury or illness aboard the RRF vessel, the Ship Manager shall complete and submit Form MA-1007, entitled **Report of Third-Party Injury and/or Property Damage**. Form MA-1007 (copy attached) shall be completed by the

supervisor having jurisdiction over the area of the vessel or the work where the accident or mishap occurred.

2.2.2.2 If the accident is one that results in death, inpatient hospitalization of two or more people or the destruction or more than \$100,000 of damage to MARAD property, the Ship Manager shall immediately notify the Deputy Director, Ship Operations of the accident via telephone and email with copies to MAR-782 and follow up the verbal report with a Form MA-1007. The written report shall be accompanied by correspondence explaining all pertinent facts of the accident or injuries, cause and description, date, time, location and estimate of value of damage loss.

2.2.3 Property Damage

2.2.3.1 If the RRF vessel or other U.S. Government property is damaged, the Ship Manager shall complete and submit Form MA-1007, entitled **Report of Third-Party Injury and/or Property Damage**. The written report shall be accompanied by correspondence explaining all pertinent facts of the accident, cause and description, date, time, location and estimate of value of damage loss.

2.2.3.2 When an RRF vessel operated by a Ship Manager causes damage *by collision*, to property owned by either State Government agencies, private entities or other United States Government agencies, a email reporting the accidental occurrence and/or loss circumstances shall immediately be sent to the ACO. An MA-1007 shall still be provided.

2.2.4 Cadets Enrolled in Maritime Service Academies or the Merchant Marine Reserve

2.2.4.1 When crew members are injured on board the MARAD-owned vessel while enrolled in the educational programs of State Merchant Marine academies or the U.S. Merchant Marine Academy. The Ship Manager shall advise MAR-610. A written report shall follow the verbal communication.

2.2.4.2 The Ship Manager shall follow the same procedures for members of the Merchant Marine Reserve serving aboard the vessel with the addition of notifying the service member's commander officer.

3. Litigation

3.1 If the Ship Manager receives a claim demanding recovery for third-party injury or third-party property damage or loss, the Ship Manager shall notify MAR-780 of the claim and copy MAR-221, the ACO, the COTR, MAR-610, MAR-611, and the PCO on the notice. The Ship Manager shall fax a copy of such claim to MAR-780, with a copy to MAR-221, MAR-610 and the ACO.

3.2 If the Ship Manager receives a legal complaint demanding recovery for damages allegedly caused by the vessel, the Ship Manager shall notify MAR-780 of the claim and copy MAR-221, the ACO, the COTR, MAR-610, MAR-611, and the PCO on the notice. The Ship Manager shall

immediately fax a copy of such complaint to MAR-221 with a copy to MAR-780, the ACO, the COTR and MAR-610 and to:

U.S. Department of Justice
Civil Division, Torts Branch
Admiralty and Shipping Section
P.O. Box 14271
Washington, DC 20530
Facsimile # 202-616-4002

3.3 In addition to notifying the above entities, all Ship Managers, in their dealings with plaintiffs and their attorneys, should immediately make known the Government ownership of the vessel as well as their status as Ship Manager, using phraseology such as the following:

"At the time of the alleged incident the SS [insert name of vessel] was owned by the U.S. Maritime Administration and was being operated by [insert nameplate of Ship Manager] in the capacity of Ship Manager."

The purpose of such notification is to avoid confusion among claimants and their attorneys, causing erroneous identification of the owner of the vessel.

3.4 Correspondence

All correspondence on claims shall clearly indicate the MARAD's contract number (to be provided at time of award), and the name, telephone number and address of the PCO and ACO.

