

Correspondence between U.S. Coast Guard and City
of New York regarding Memorandum of
Understanding

Eighty-seven (87) pages total including this cover

MEMORANDUM OF UNDERSTANDING

Between the U.S. Coast Guard and the City of New York

The New York City Department of Transportation (DOT) and the U.S. Coast Guard Officer in Charge, Marine Inspection, New York (OCMI) hereby agree to the following Memorandum of Understanding (MOU):

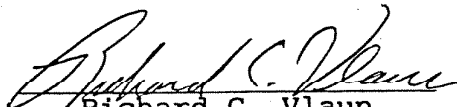
A. PURPOSE: The U.S. Coast Guard and the City of New York have mutual interest and concern for the safe operation of the Staten Island Ferries. Over 60,000 passengers ride the ferries daily and these ferries transit waters through which a significant portion of the marine commerce of the Port of New York navigates.

The parties have entered into this MOU to formalize procedures for developing standard operating procedures and agreements between OCMI NY and the NY City DOT to achieve following goals:

1. Improve passenger safety
2. Improve the quality of Ferry maintenance and operations
3. Expedite the Coast Guard inspection process

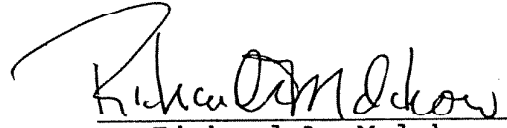
B. METHODS:

1. The USCG and the Staten Island Borough Commissioner will hold regular meetings, at least quarterly, to exchange information and discuss issues of mutual concern.
2. Agreements specifying procedures and/or operations will be formalized in writing using the format in enclosure (1). These agreements will be signed by OCMI New York and the Staten Island Borough Commissioner. Agreements may be amended by mutual consent, and may be terminated by either party upon delivery of thirty days written notification.
3. This Memorandum of Understanding and all addenda will be thoroughly reviewed periodically by each party.
4. Nothing in this Memorandum of Understanding and its addenda is intended to, nor shall operate to preempt federal law or regulations. This Memorandum of Understanding and its addenda do not supplant duly established U.S. Coast Guard policy. Any terms in conflict with established U.S. Coast Guard policy shall be void.


Richard C. Vlaun
Captain, U.S. Coast Guard
Officer in Charge, Marine
Inspection, New York

MAY 19 1998

Date


Richard A. Malchow
Acting Commissioner
New York City Department of
Transportation

MAY 19 1998

Date

FORMAT FOR OPERATIONAL AGREEMENT

This agreement is entered into under the auspices of the MOU between the U.S. Coast Guard Officer in Charge, Marine Inspection, New York (OCMI) and the New York City Department of Transportation (DOT). It details mutually acceptable procedures or policies. This agreement may be terminated at any time by either party upon thirty days written notification to the other party.

SUBJECT:

REFERENCES

PURPOSE:

DISCUSSION:

AGREEMENT:

Officer in Charge,
Marine Inspection
New York

Ferry Operations Division
Staten Island Borough Commissioner

Date

Date



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

September 19, 1997

Admiral Richard M. Larrabee
1st Coast Guard District
Captain John Foster Williams Building
408 Atlantic Avenue
Boston, MA 02110-3350

Dear Admiral Larrabee:

It has been brought to my attention that there are some questions as to whether the U.S. Coast Guard will continue to conduct periodic maintenance inspections of the Staten Island Ferry boats since the fifty cent fare was eliminated on July 1, 1997. According to published reports, Coast Guard policy does not require inspections to be conducted on "free" passenger ferries, as it does on ferry service with a paid fare. It should be noted, however, that under the "One City, One Fare" program, the Staten Island Ferry fare has been integrated into New York City's mass transit system. An overwhelming majority of the Ferry's 60,000 daily commuters pay a fare to ride the bus or train on either side of the ferry. That fare includes use of the Ferry.

I have been told that the Coast Guard will respond to a request for inspections from a municipality. Therefore, as Mayor I am formally requesting that the Coast Guard continue periodic maintenance inspections of the Staten Island Ferry boats, and coordinate the inspection schedule with the New York City Department of Transportation.

I appreciate your consideration and look forward to your response.

Sincerely,

Rudolph W. Giuliani
Mayor

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages - 2

To CDR KARR	From CDR BOWLING
Dept./Agency	Phone #
Fax # 354-4301	Fax #



CO RW
XO RWB
COMMANDER
FIRST COAST GUARD DISTRICT
BOSTON, MASSACHUSETTS 02110-3350

OCT - 8 1997

AC 13 W 10/16
10/15
2 sets with
Task sets
b-1
pls get going
on ~~the~~ MOC

Dear Mayor Giuliani,

I have received your letter of September 19, 1997, and have been fully informed by Captain Richard Vlaun, Commander of Coast Guard Activities New York, of the issues relating to Coast Guard inspections on the Staten Island Ferries. I share your concern over the matter. I am in complete agreement that the Coast Guard should perform inspections of the ferries. The Officer in Charge, Marine Inspection New York will continue to inspect the ferries and will coordinate with the New York City Department of Transportation to ensure the vessels meet existing Coast Guard safety regulations.

Additionally, I have directed my district staff in Boston to consider whether a statutory amendment to existing federal regulations is advisable or necessary to defuse any debates over whether the ferries are "free." I will keep your office advised of our determination.

I appreciate your ongoing concern and cooperation in resolving this matter while keeping the safety of the ferry passengers as paramount.

Sincerely,

R. M. LARRABEE
Rear Admiral, U. S. Coast Guard
Commander, First Coast Guard District

The Honorable Mayor Rudolph W. Giuliani
The City of New York
Office of the Mayor
New York, NY 10007

U.S. Department
of Transportation
United States
Coast Guard

Post-it® Fax Note	7671	Date	# of pages 2
To	CDR. YAZBEK	From	LCDR VACHON
Co./Dept.		Co.	
Phone #	FYI	Phone #	memo has been
Fax #		Fax #	amended

indum

Subject: COAST GUARD INSPECTION OF STATEN ISLAND
FERRIES

Date: 18 March 1998
16711

From: G-LMI

Reply to: G-LMI
Attn. of: LCDR Vachon
7-0095

To: G-MOC

Ref: (a) G-MOC memo of 25 Nov 1997
(b) Commander, First Coast Guard District ltr 16701/16711 of 27 Oct 1997

1. In reference (a), you asked for an opinion regarding the best method to retain the Staten Island ferries as vessels subject to Coast Guard inspection under 46 U.S.C. § 3301, notwithstanding the fact that these ferries no longer charge passengers a fare. Reference (b) noted that a recent fare-restructuring of New York City's mass transit system sparked discussion over whether the Staten Island ferries would remain subject to inspection, possibly under a "one-fare system" theory as most ferry passengers use and pay for some other mode of public transit in connection with the ferries. Reference (b) recommended a legislative amendment to dispense with any debate over the status of these ferries and enclosed several draft legislative changes to accomplish the goal of keeping these vessels subject to inspection.

2. A preliminary question is whether these ferries are carrying passengers for hire. An individual is considered a "passenger for hire" when he or she has contributed consideration "as a condition of carriage on the vessel..." 46 U.S.C. § 2101(21a). Ferry passengers who may have paid a fare in using some other form of mass transit—for example, bus or train—to get to the ferry have not contributed consideration as a condition of carriage on the vessel. Because the ferries require no consideration as a condition of carriage, they are not carrying passengers for hire requiring Coast Guard inspection under 46 U.S.C. § 3301.

3. Given that the inspection statutes do not apply, the question arises whether to cause them to apply by legislative fix. I do not recommend pursuing a legislative amendment in this instance. Because the Staten Island ferries are not the only state or city-operated passenger ferries that are free of charge and, therefore, exempt from inspection—North Carolina and Texas also have "non-revenue" ferries, as may other states—it is inappropriate for the Coast Guard to single out the Staten Island ferries in seeking a legislative amendment requiring those vessels to be inspected. Furthermore, I know of no special circumstances that would give the Coast Guard reason to pursue such a legislative change solely with respect to New York ferries. Accordingly, any proposed legislation pertaining to the Staten

SUBJ: COAST GUARD INSPECTION OF STATEN ISLAND FERRIES

Island ferries should be initiated by representatives from New York rather than the Coast Guard.

4. Rather than seeking new legislation, it is easier and more appropriate for the Coast Guard to provide inspection services to the City of New York under the authority of 14 U.S.C. §141. In this situation, where it is undetermined how long these ferries will retain a "non-revenue" status, it is in the Coast Guard's interest to pursue an MOU vice new legislation. If an MOU is sought, the agreement should detail each party's duties and responsibilities, including payment of user fees, conditions of employment (i.e. licensed operators, drug-testing, etc.), standards and scope of inspection, compliance with Certificate of Inspection, etc. The First District Legal Office should be consulted in crafting the terms of the MOU.

5. If you have any questions, please contact LCDR Vachon of my staff.


M.L. WILLIAMS, Jr.

MEMORANDUM OF UNDERSTANDING

BETWEEN USCG AND STATEN ISLAND FERRY SERVICES

PURPOSE: FORMALIZE PROCEDURES FOR DEVELOPING AGREEMENTS BETWEEN ACTNY CG AND NY DOT TO ACHIEVE FOLLOWING GOALS, USING METHODS NOT SPECIFIED IN REGULATIONS OR WRITTEN POLICIES:

1. IMPROVE QUALITY OF SI FERRY MAINTENANCE AND OPERATIONS
2. EXPEDITE INSPECTION PROCESS
3. IMPROVE PASSENGER SAFETY

METHODS:

1. REGULAR MEETINGS, AT LEAST QUARTERLY.
2. AGREEMENTS SPECIFYING PROCEDURES AND/OR OPERATIONS WILL BE FORMALIZED IN WRITING, SIGNED BY CID AND BOROUGH COMMISSIONER.
 - A. Agreements may be amended by mutual agreement.
 - B. Agreements may be terminated by either party within a reasonable period upon delivery of written notification.

SUBJECT AREAS:

<u>TITLE:</u>	<u>CG LEAD:</u>
1. Deckhands/Able Bodied Seamen	LCDR Ward
2. Preventative Maintenance System	LT Emeric
3. SAFETY MANAGEMENT SYSTEMS	LCDR Roberge
4. Pre-Inspection Package	CWO Kavanagh
5. Streamlined Inspection Plan	LT Austin
6. Improving Efficiency of Inspections	CWO Kavanagh
7. TWELVE(12) HOUR RULE.	LT Austin
8. SECURITY.	Cdr Bobal
9. Crew competence & Professionalism (eg: Medical Tng, Uniforms, drills, etc.)	LCDR Ward
10. Sanitation	LT Emeric
11. Public Relations	CDR Bobal
12. Labor Relations	LCDR Ward
13. DISASTER PLAN: Drills, Pass Count	CWO Kavanagh
14. Bridge Record Cards.	LT Emeric
15. INVESTIGATIONS/CASUALTY REPORTING	LT Montoya

MEMORANDUM OF UNDERSTANDING

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3. IMPROVE PASSENGER SAFETY

SUBJECT AREA: Crew competence & Professionalism.

Issue: Should deckhands/unlicensed "oilers" be required to hold Merchant Mariner's Documents?

SITUATION: Certain types of marine operations require the CG to go beyond simply ensuring vessel operators meet the minimum standards of law and regulation. The Commandant's Marine Safety Business Plan calls for the COTP/OCMI to assess and address risks to the port. The Staten Island Ferries carry 60,000 passengers a day, crossing one of the busiest commercial waterways in the country. This operation represents the highest human risk potential in this port by far. In his letter promising mayor Giuliani that the CG would continue inspecting the SI passenger ferries absent a legal requirement to do so, RADM Larrabee restated our mutual concern in "keeping the safety of the ferry passengers as paramount." Given this, additional measures are called for to implement additional safety procedures, above those specified in US regulations, to improve the quality of SI Ferry maintenance and operations. In the spirit of "Prevention Through People" measures should be taken to improve crew competence and professionalism to reduce risks to the 60,000 daily passengers.

The Staten Island Ferry crewmembers who have the most contact with the passengers are the deckhands. Deckhands are required to be on board by the vessels' Certificates of Inspection but are not required to be licensed nor to possess Merchant Mariners Documents as the vessels are over 100 gross tons but operate solely on "navigable rivers."

GOAL: Deckhands, or equivalents, should be able to adequately address vessel safety concerns and passengers' safety related concerns and should be able to properly provide the initial response to any safety, security or medical emergencies aboard the vessels. Crewmembers who do not perform their duties adequately should be subject to disciplinary measures. Some recommended issues to be discussed under this topic follow:

- (1) List of appropriate deckhand duties & responsibilities.
- (2) Management's means of communicating policies to crewmembers.
- (3) Existing disciplinary procedures for crewmembers' failure to adequately perform required duties (or other negligence or misconduct).
- (4) Existing role of CG in enforcement of standards on undocumented crewmembers.
- (5) Enhanced role of CG in enforcement of standards on documented crewmembers.
- (6) Other pros and cons of crewmembers having MMDs.

PROs and CONs of requiring unlicensed crewmembers to possess Merchant Mariners Documents as a condition of employment aboard the Staten Island Ferries.

PROs:

OS and ABs:

Unlicensed crewmembers would be required to meet and maintain the minimum CG standards for obtaining and holding an MMD or the could not continue to be employed on the ferries:

Be drug free.

ABs: must pass a physical every 5 years.

CONs:

2. Preventative Maintenance System

LT Emeric

Preventive maintenance program.

GOAL: To ensure the safety of crew and passengers. To prevent costly repairs and vessel down time.

- 1) Conduct routine maintenance on all equipment as prescribed by manufacturers' recommendations.
- 2) Create and maintain list of spare parts inventory, and method for ordering stock self items when stock reaches low points.
- 3) Develop maintenance schedule for each vessel.
- 4) Create and maintain status board showing when scheduled maintenance is due.
- 5) Develop and implement methods of checking and verifying that maintenance is being performed by qualified personnel.
- 6) Develop a system for identifying critical items needing to be addressed ASAP.
- 7) Establish ownership for each item that maintenance is being performed or is scheduled to be performed.

MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE USCG AND THE STATEN ISLAND FERRY COMMISSION.

PROPOSED DISCUSSION POINT: "SAFETY MANAGEMENT SYSTEM"

The primary purpose of an MOU between the Coast Guard and the Staten Island Ferry Commission is to promote our mutual goal of safety. To that end, the OCMI New York proposes that implementation of a Safety Management System be considered by the Staten Island Ferry Commission. A "Safety Management System" (SMS), as defined by the International Safety Management (ISM) Code, is a documented system which addresses safety management and safety assurance in a structured manner. It's sole purpose is to ensure safety.

The ISM Code is not a requirement on U.S. Vessels on domestic voyages. However, since Safety Management Systems unquestionably enhance vessel safety, vessel operators should give consideration to their voluntary use based on the potential benefits, whether mandated or not.

In accordance with the ISM Code, the functional requirements for a Safety Management System are:

1. A safety and environmental protection policy;
2. Instructions and procedures to ensure safe operation of ships and protection of the environment in compliance with relevant legislation;
3. Defined levels of authority and lines of communication between and amongst shore and shipboard personnel;
4. Procedures for reporting accidents and non-conformities;
5. Procedures to prepare for and respond to emergency situations; and
6. Procedures for internal audits and management reviews.

Actual ISM certification is not necessarily intended. A system which improves safety by meeting the elements above is the goal. In addition to direct safety benefits, the voluntary implementation of such a system would serve as a positive PR tool, and may have other indirect benefits such as reduced lost work injuries, reduced casualties and emergency repair costs, etc.

4. Pre-Inspection Package

CWO Kavanagh

PRE-INSPECTION PACKAGE,

Problem: Inspector arrived o/b vs1 and acted as a quality control officer. If the Inspector did not find a problem there must not be a problem.

GOAL: Get SI Ferry personnel to take ownership of identifying and correcting problems on board vs1s.

Solution: SI Ferry personnel, Port Mate, developed a Pre-Inspection Package that works very well. The check list is detailed and pertinent. We have been using this PIP for about 6 months now and the system is working.

STREAMLINED INSPECTION PLAN

PROBLEM/ISSUE:

1. On several occasions, inspection dates have been missed by SIF Management.
2. Dates by which outstanding requirements were required to be met are not being adhered to.
3. On arrival to clear requirements on one vessel, an inspector may be pulled to clear other outstanding items on other vessels, complicating any systematic requirement clearing process.
4. If issued several requirements, inspectors may visit the vessel as often as the number of requirements issued...meaning in some instances requirements are being cleared one by one, hence several trips to the same vessel.

OBJECTIVE: (1) To ensure management is always aware and prepared for Annual, periodic, and inspections to clear outstanding requirement. (2) Ensure that all requirements are cleared within allotted time. (3) Create and maintain a systematic process of clearing outstanding requirements, by concentrating on one vessel at a time. (4) Reduce the number of trips an inspector has to make to clear requirements issued to a vessel.

6. Improving Efficiency of Inspections

CWO Kavanagh

IMPROVE INSPECTION EFFICIENCY:

Problem: Inspector arrived on board vsl and not all personnel, deck & eng, knew there was an inspection scheduled. Arriving for an inspection and being told that parts of the inspection could not be done because equipment was not ready. Numerous trips to the same vsl to complete a routine inspection.

Goal: Insure all parties, deck & eng, are aware of inspection and that the vsl is ready for inspection. Complete routine inspections in a single visit.

7. TWELVE(12) HOUR RULE.

LT Austin

TWELVE HOUR RULE

PROBLEM/ISSUE: Crew's inquiry regarding members of managment working "overtime" on vessels...be it voluntarily or mandated.

OBJECTIVES TO BE ACCOMPLISHED:

Clearly discuss the issue of perception, legality, and safety of vessel/passengers due to worker fatigue.

INFORMATION: According to the Staten Island Ferry "code", if an employee holds an "Executive or Administrative" position or has the ability to hire/fire employees, he/she is not entitled to overtime "pay."

There is no federal statutory requirement for the payment of wages for overtime service of seamen.

If MMDs were made a requirement for employment on the vessel, this would make the above a USCG issue, and the issue of overtime irrelevant.

8. SECURITY.

Cdr Bobal

STATEN ISLAND FERRY

DATE 10NOV97
SSIC 16600

LTJG Villaverde

STAFF SYMBOL
LTJG Villaverde
PHONE 4321

CDR Bobal

Via:

Ref: Interview with NYPD personnel

1. This writing is to further detail some of the Staten Island Ferry (SIF) issues as have been brought to light by previous staff meetings and reference. A meeting was held today between Sgt Timothy Price, NYPD-120th Pct SIF detail, and the undersigned.

2. The focus of the meeting was Security issues on board the SIF vessels. The following information was given as informal estimates, exact figures will require a detailed formal request. Nevertheless, we have a good starting point and a glimpse at some of the security issues.

3. There is currently a detail of police officers assigned to ferry security from the 120th NYPD Precinct. The detail consists of one (1) Sergeant and nineteen (19) police officers. This is the entire compliment assigned for 24 hour coverage. Exclusive of court appearances, vacation, sick or being assigned elsewhere the shift breakdown is as follows:

-- 4 Police officers	0001 x 0800	shift*
-- 8 Police officers	0800 x 1600	shift
-- 7 Police officers	1600 x 2400	shift*

(*these Shifts require 2 Police officers assigned to per boat)

4. As an informal estimate boat patrol presence is as follows:

--0001 x 0800	70% boat coverage
--0800 x 1600	100% boat coverage

Updated 12 March 1998

--1600 x 2400 40-60% boat coverage

5. Part of the overall problem with analyzing the staffing of the SIF police detail is that it is my belief that we have not recently seen it operating at full capacity. Because the SIF detail officers are assigned to the patrol precinct they are often called upon to backfill non ferry precinct needs, e.g.. Radio Car patrol, hospitalized prisoners, guarding dead bodies etc.. The officers assigned to the details get "pulled" from their ferry duties thus creating a shortage of personnel to patrol; the ferries. This is in addition to other times that their police duty requires their absence (court, vacation, administrative needs, sick, vacations and emergency leave).

6. A good beginning point to increase ferry security presence is the NYPD command level. A policy from the precinct commander that SIF detail officers are not to be used elsewhere would serve to greatly alleviate the problem. With your permission, the undersigned would draft a polite letter to the precinct commander regarding the matter and requesting that the precinct give special priority to the SIF detail.

7. In this effort a CC to the Staten Island elected officials would certainly be appropriate since they too could exert positive influence on the NYPD. With your permission, the undersigned would make necessary calls and begin the dialogue with the offices of Local elected officials. This part of the plan could probably be done on a polite FYI type of basis and done by phone or personal meeting. These informal communications can always be set in writing when the command feels the time is appropriate. This will also be a good way for us to get feedback on ferry operations from the community through their elected officials. At a future date elected officials may also be useful in putting together a "town hall" type of meeting on the issue of SIF service.

This type of meeting is an excellent opportunity for the CG to make their presence more visible in the community and as a basis for increasing jurisdiction over the SIF (if the command so desires).

8. In summation, the most expeditious way to approach this part of the ferry service issue is by getting the local NYPD

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U.S. Department
of Transportation

United States
Coast Guard



Memorandum

Subject: command to prioritize its SIF detail. We can politely offer ourselves a resource in expediting this with the city. This offer will serve to put us in the role of assisting rather than commanding. This is an opportunity to both increase maritime safety and strengthen important relationships with segments of local government that we will have to deal with in the future.

From:

To:

SERGIO VILLAVERDE

Copy: ASIO, Senior Reserve Officer

Updated 12 March

9. Crew competence & Professionalism LCDR Ward
(eg: Medical Tng, Uniforms, drills, etc.)

ISSUE: CREW COMPETENCE AND PROFESSIONALISM

SITUATION: The Staten Island Ferry crewmembers who have the most contact with the passengers are the deckhands. Deckhands are required to be on board by the vessels' Certificates of Inspection but are not required to be licensed nor to possess Able Bodied Seaman documents.

GOAL: Deckhands, or equivalents, should be able to adequately address passengers' safety related concerns and should be able to properly provide the initial response to any medical, safety or security emergencies aboard the vessels. Some recommended issues to be discussed under this topic follow:

- (1) List of appropriate deckhand duties.
- (2) Means to identify deckhands to passengers.
- (3) Manning ferries with Able Bodied Seamen vice deckhands.
- (4) Deckhand responsibilities for passenger security underway (and availability and roles of assigned police).

10. Sanitation

LT Emeric

Dec 8, 1997
LCDR C Roberge

Subject: SANITATION

The Staten Island Ferry vessel concessions require a lot of our attention. This is unsatisfactory. The same city that runs the ferries also has a health department: they should be ensuring adequate sanitation doing this instead of the Coast Guard. The taxpayers pay the Coast Guard to do marine safety, not public health services for New York City.

We should develop an MOU item that says the city will accept complete responsibility for sanitation, just like they do throughout the rest of the city.

Updated 12 March 1998

11. Public Relations

CDR Bobal

Updated 12 March 1998

12. Labor Relations

LCDR Ward

ISSUE: LABOR RELATIONS

SITUATION: There are three primary groups of people involved in ensuring the safety of the Staten Island ferries and their passengers. These are (1) the vessels' crews, (2) the vessels' operators (management) and (3) the U. S. Coast Guard. Various laws and regulations charge masters (crew) and operators (management) with responsibilities for passenger safety, proper manning and operation of the vessels, the material condition of the vessels, etc.

In general, crewmembers are union members who are paid an hourly wage, management personnel are generally non-union salaried employees. Several issues in the past have highlighted differences in opinions or philosophies between these two groups of employees.

GOAL: Policies must be developed and put in place to make sure labor-management disagreements never compromise the safety of the vessels and passengers. Some recommended issues to be discussed under this topic follow:

- (1) Master's responsibility for vessel safety vs operators responsibilities.
- (2) 12 hour manning rules
- (3) Scheduling of drills
- (4) Affect of disciplinary procedures on safe manning and operations.

DISASTER PLANS AND DRILLS,

Problem: No written proposal for how to handle a major disaster, sinking, collision, Main Space Fire. No continuity in drills and response to routine emergencies, minor fire, MOB, steering failure....

Goal: Have a written disaster plan and practice drills in a regular and orderly manner.

Solution: Write disaster plan and practice annually. Drills are occurring on a regular basis and in a consistent manner. The quarterly inspections have been concentrating on drills and personnel issues with spot checks of operational equipment.

14. Bridge Record Cards.

LT Emeric

SUBJECT: BRIDGE RECORD CARDS ON S.I. FERRIES
REFERENCE: MSM, VOL II, CHAP, 3, (3-Q) PG 3-22.
NONCONFORMITY: VESSELS THAT HAVE BRIDGE RECORD CARDS WHEN NOT
REQUIRED.

On 04 Jan 1998, Duty section inspectors conducted a Dam inspection of the F/V AMERICAN LEGION, vessel had lost pilot house control on the S.I. End of the ferry. Inspector spent 2 1/2, hours conducting test and drills before allowing the vessel to continue service. Upon departing vessel the vessel bridge record card was not filled out.

As per the MSM these vessel are not required to have bridge record cards on board. The requirement for having same is that a vessel must be 500 gt and above be on an ocean/coastwise route, and on all passenger vessels regardless of the tonnage that operate on an oceans/coastwise route.

Due to the S.I. Ferries past history with outstanding requirements and damage cases, numerous crew changes and general operations it had been decided in the past that these vessel will carry bridge record cards on board.

The following items are on what and how entries are to be made to bridge record cards, at the conclusion of each visit to the vessel by a USCG Marine Inspector.

- a. Type of inspection conducted, (COI, RIN, DAM, OTH, ETC.)
- b. Number of requirements issued, cleared, and that are outstanding, If clearing requirement give date original requirement was issued, also the case number requirement was issued if known.
- c. Always state if fire and boat drills were conducted, and what boat/s were used, and the location of fire drill. (Sat/unsat)
- d. Pertinent remarks that will aid subsequent inspectors must be entered, ex. A brief entry is to be made indicating nature of repair, or alterations, witnessed, nature of damage and findings that are investigated. Also, any restricted operational limits placed on the vessel and length of time limitations allowing this condition to exist.
- e. Master and Chief Engineer names that are onboard at time should be included.

A Prevention & Compliance work instruction will be made from this document in the near in future.

Updated 12 March 1998

15. INVESTIGATIONS/CASUALTY REPORTING

LT Montoya

26 JANUARY 1998

Investigation and Analysis Branch

Brief on casualty reporting incident

Met with Ferry ops management and Capt of the Staten Island Ferry Governor Herbert H. Lehman, allided with dolphins and several people were taken off by ambulance - CG received no immediate notification. Gave warning to master and company, got a written policy stating the master is responsible for turning in 2692 and they are in the process of setting up policy that the vessel master is responsible for immediate notification.

Updated 12 March 1998

ELMER - PERSONALLY HANDLED

Qde

George D. Mooney
218 Fisher Ave.
Staten Island, N.Y. 10307

Nov. 12, 1997

Officer In-Charge
Marine Inspection/Investigations
U.S. Coast Guard
212 Coast Guard Drive
Staten Island, N.Y. 10305

Ken
did we reply to this?
COR VASD 12/19/97

Safety Concern/Complaint: M/V American Legion 1) Proposed extension of drydocking requirement
2) Questionable quality of fire hoses

Dear Sir/Madam:

(1) I am aware that the Staten Island Ferry Administration is seeking to extend the required drydocking period of the M/V American Legion. I know this because some of the operating officers of the vessel have been asked to sign letters requesting an extension. I'm not sure if any of the officers have agreed to sign yet, for the ones who I spoke with are those refusing to sign.

In the interest of safety, it is my most sincere request that the present drydocking requirements stand. I am personally aware of the condition of this vessel for I work onboard four days a week. I know the condition of the stern tubes are much less than desirable. It is often difficult to maintain packing in the stern tube packing glands. The water seldom drips out but more often flows. Both shafts seem to have dropped, which is very noticeable when installing packing.

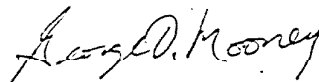
(2) Another concerning point of interest onboard is the use of the present fire hoses. The hoses in use appear normal, however with close examination it can be seen that the hoses are stamped, made in Canada, however a rubber lable reading made in U.S.A., has been glued on the hose and on many hoses masking tape has been used, apparently to hold the rubber strip down while the glue dries. This condition does not only exist on the M/V American Legion, but rather on all the vessels. Onboard the M/V Alice Austen in the engine room it is more noticeable for the rubber label is glued around the hose and laps over itself. I

have included one of the rubber made in USA labels, which fell off of an old hose that was being removed. Also these hoses do not fit our "Y" gate fitting, a special bushing must be used. It is obvious that I suspect the ferry administration of using inferior unproven hoses. Even though these hoses may have passed a hydro test it is still questionable as to the durability and abuse of which could be sustained to the hoses during an actual fire.

Please be aware, the pressure for an operating officer to sign a letter for an extension is not only made by the ferry administration, but also by the fact that crews will be reduced. Such reduction does not put anyone out of work, but it does take away built-in overtime for the vessel, such as start-up, shut-down, and drill times. If the M/V American Legion is required to be drydocked as scheduled, I will personally lose a considerable amount of overtime. However, I prefer to work on well inspected and maintained vessels. It may appear that I don't trust the Staten Island Ferry Administration and that is quite the case, for certainly they have earned that distrust after their most recent misrepresentation of the condition of the M/V Samuel I. Newhouse in order to receive an extension of that vessel's drydocking last summer.

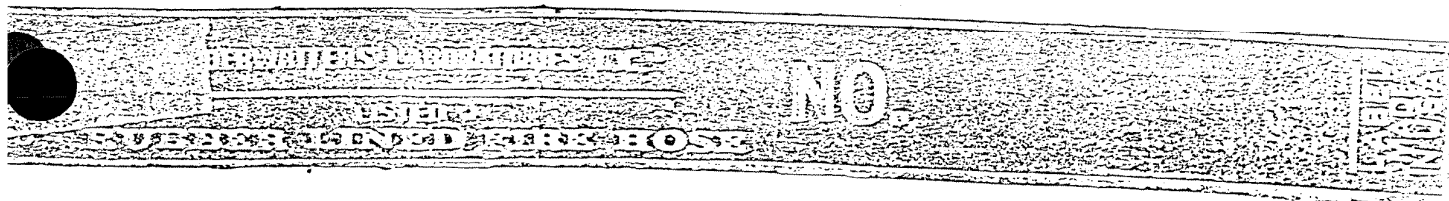
This request is made in the interest of ensuring safety for the passengers and crew who ride the Staten Island Ferries. And in the interest of my own safety I request this correspondence be kept confidential.

Most respectfully,



George D. Mooney

encl: Rubber made in U.S.A. label



REMARKS FOR ACTING COMMISSIONER
RICHARD A. MALCHOW
MAY 19, 1998 at 2PM
STATEN ISLAND FERRY—USCG MOU

TODAY, AS WE SAIL ACROSS NEW YORK HARBOR, I AM PLEASED TO ANNOUNCE THE SIGNING OF THIS MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF NEW YORK'S DEPARTMENT OF TRANSPORTATION AND THE UNITED STATES COAST GUARD.

THE IMPLEMENTATION OF MAYOR RUDOLPH W. GIULIANI'S "ONE CITY - ONE FARE PROGRAM" LAST YEAR, ALLOWED US TO ELIMINATE THE 50 CENT CHARGE AND PLACED OUR FERRIES INTO A DIFFERENT CLASS OF TRANSPORTATION VEHICLE; ONE THAT NO LONGER REQUIRED ROUTINE COAST GUARD INSPECTIONS.

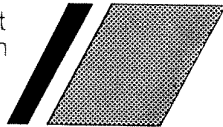
HOWEVER, AS IN THE PAST, WE CONTINUE TO STRIVE TO PROVIDE SAFE AND EFFECTIVE MODES OF TRANSPORTATION FOR ALL NEW YORKERS AND VISITORS. THE STATEN ISLAND FERRY IS A LANDMARK OF THIS CITY - ONE THAT PEOPLE FROM ALL OVER THE WORLD RECOGNIZE.

TODAY, WE HAVE REACHED A NEW UNDERSTANDING NOT BASED ON REQUIREMENTS BUT BASED ON WHAT I LIKE TO CALL "DOING THE RIGHT THING." THIS AGREEMENT CALLS FOR CONTINUED SAFETY INSPECTIONS BY THE COAST GUARD TO ENSURE THAT EVERY RIDE IS A SAFE RIDE!

I DEEPLY APPRECIATE THE WILLINGNESS OF THE COAST GUARD TO JOIN IN THIS PARTNERSHIP. IT IS THROUGH THIS TYPE OF COLLABORATION THAT DOT MEETS ITS MISSION - AND THAT IS PROVIDING FOR THE SAFE AND EFFICIENT MOVEMENT OF PEOPLE AND GOODS, AND ENHANCING THE QUALITY OF LIFE FOR OUR CUSTOMERS - ALL OF YOU.

THANK YOU AND NOW I WOULD LIKE TO INTRODUCE UNITED STATES COAST GUARD OFFICER IN CHARGE, MARINE INSPECTION NEW YORK CAPTAIN RICHARD A. VLAUN.

###



Memorandum

Subject: STATEN ISLAND FERRIES MOU

Date: 18 MAR 98

Reply to: ACIB
Attn of: LCDR Ward

From: Acting Chief, Inspections Branch
To: Officer in Charge, Marine Inspection
Via: Chief, Prevention & Compliance Division

MSK Ward 24 MAR 98

Ref: (a) CCGD1 (dl) memo 16711 to D1(m) dtd 17 Mar 98
(b) ACTNY ltr 16711 to Mayor Giuliani dtd 04 Mar 98

1. I will revise the draft SIF MOU with the suggestions contained in paragraphs 2 through 5 of reference (a). I will route the new draft through CPCD and OCMI for approval.

2. I disagree with the conclusions of paragraph 1 of reference (a) that reference (b) "adds no value and potentially complicates matters for the Coast Guard." Certain types of marine operations require the CG to go beyond simply ensuring vessel operators meet the minimum standards of law and regulation. Towing vessels and fishing vessels are two examples where the CG and this command have decided to reduce risks by expending resources going beyond the minimum standards required by law. The SI ferries require similar efforts. The Commandant's M Business Plan calls for the COTP/OCMI to assess and address the risks to the port. The Staten Island Ferries carry 60,000 passengers a day, crossing one of the busiest commercial waterways in the country. This operation represents the highest human risk potential in this port by far. In his letter promising mayor Giuliani that the CG would continue inspecting the SI passenger ferries absent a legal requirement to do so, RADM Larrabee restated our mutual concern in "keeping the safety of the ferry passengers as paramount." Given the past history of ferry casualties due to inadequate maintenance, and the history of SI ferries being unprepared for CG inspections and unresponsive to CG requirements to address deficiencies, additional measures are called for. Therefore, we have been meeting regularly (weekly) with ferry management and union employees to formally agree to implement additional safety procedures, above those specified in US regulations, to improve the quality of SI Ferry maintenance and operations, thereby improving passenger safety. For example, we have agreed to improvements to the operation of the vessels' boilers and to improved procedures for drills. We are providing guidance to ferry management on measures to develop a Preventative Maintenance System and to implement Prevention Through People measures to improve crew competence and professionalism. These measures will reduce risks to the 60,000 daily passengers.

We will continue and take comments into consideration. The MOU effort right on target with PTP, partnerships and Government performance review act. MSB

3. In reference to the suggestion in paragraph 1 of reference (a) that we not send reference (b), the letter has already been sent to Mayor Giuliani and a copy provided to SIF Commissioner Giaccio. Commissioner Giaccio verbally expressed approval when presented with the letter at one of our regular weekly meetings, and he expressed enthusiasm for the MOU concept and the work done so far in developing a partnership between the Coast Guard and SI ferry management and improving the safety of the ferries.

K. D. Ward
K. D. WARD

New York City
Department of Transportation



David Billig
Acting Assistant
Commissioner
of Public Information
40 Worth Street - Room 1009
New York, New York 10013

Richard A. Malchow, Acting Commissioner

Tel: 212/442-7033
Fax: 212/442-7044

FOR IMMEDIATE RELEASE

212-442-7033
212-442-7022 FAX

**CONTACT: DAVID BILLIG
 MARIA SMITH**

**NEW YORK CITY DEPARTMENT OF TRANSPORTATION
AND UNITED STATES COAST GUARD SIGN
FERRY SAFETY AGREEMENT**

Each day in New York City over 60,000 commuters travel to and from Manhattan and Staten Island via the Staten Island Ferry. Recent transportation initiatives by the Giuliani administration including the "one city, one fare" program have eliminated the fifty-cent fare, making the ferries free for all passengers.

Today, Acting New York City Department of Transportation Commissioner Richard A. Malchow, entered into an agreement with the United States Coast Guard Officer in Charge, Marine Inspection, New York (OCMI NY) Richard A. Vlaun, establishing a Memorandum of Understanding (MOU) between the two agencies. The MOU formalizes guidelines for developing standard operating procedures and agreements between the Coast Guard and the City of New York. These agreements will help to improve passenger safety aboard the ferries as well as enrich the quality of ferry maintenance.

"According to United States Coast Guard regulations, the elimination of the fare on July 7, 1997, placed the Staten Island ferries into a different class of transportation vehicle," said Acting Commissioner Richard A. Malchow. "One that does not require the normal routine safety inspections by the Coast Guard."

Although they were not required, the United States Coast Guard has continued to provide safety inspections on all of New York City's ferries at the request of Mayor Rudolph W. Giuliani and the New York City Department of Transportation.

"Whether the ferries are free or not, the Coast Guard's primary mission is to ensure the safety of all persons using the nation's waterways," said Captain Richard A. Vlaun. "This MOU is the best way to formalize an important relationship and to ensure the safety of ferry passengers in the future."

NEWS RELEASE

Office of Public Information



New York City Department of Transportation

Richard A. Malchow, Acting Commissioner

David Billig
Acting Assistant Commissioner
of Public Information
40 Worth Street - Room 1009
New York, New York 10013

Tel: 212/442-7033
Fax: 212/442-7044

Contact: David Billig
Maria Smith

FOR IMMEDIATE RELEASE
Monday, May 18, 1998

MEDIA ADVISORY

NEW YORK CITY DEPARTMENT OF TRANSPORTATION AND THE UNITED STATES COAST GUARD SIGN LANDMARK FERRY SAFETY AGREEMENT

Acting New York City Department of Transportation Commissioner Richard A. Malchow will enter into an agreement with the United States Coast Guard, establishing a Memorandum of Understanding (MOU) between the two agencies. The agreement will allow the Coast Guard to continue safety inspections aboard all of New York City's Staten Island ferries. These agreements will help to improve passenger safety aboard the ferries as well as enrich the quality of ferry maintenance.

Who: Acting Department of Transportation Commissioner Richard A. Malchow, other members of the Department of Transportation, the United States Coast Guard Officer in Charge, Marine Inspection, New York (OCMINY) Richard A. Vlaun.

What: Ferry Safety Agreement

Where: On Board The Staten Island Ferry
(Whitehall Terminal, Manhattan)

When: Tuesday, May 19, 1998 at 1:45 P.M.
(Vessel sails from Manhattan to Staten Island at 2:00 PM Sharp.)

Photo Op

REMARKS FOR CAPTAIN RICHARD A. VLAUN
COMMANDING OFFICER, USCG ACTIVITIES NEW YORK,
CAPTAIN OF THE PORT & OFFICER IN CHARGE, MARINE INSPECTION
MAY 19, 1998
ON THE STATEN ISLAND FERRY USCG/NYDOT
MEMORANDUM OF UNDERSTANDING

THANK YOU COMMISSIONER MALCHOW. IT'S A PLEASURE TO BE OUT HERE ON THE STATEN ISLAND FERRY, IN NEW YORK HARBOR, ON THIS BEAUTIFUL DAY AND FOR THIS VERY IMPORTANT OCCASION. THE SIGNING OF THIS MEMORANDUM OF UNDERSTANDING IS A SIGNIFICANT MILESTONE IN FORMALIZING THE LONG-STANDING RELATIONSHIP BETWEEN THE UNITED STATES COAST GUARD AND THE NEW YORK CITY DEPARTMENT OF TRANSPORTATION. IT SHOULD BE CELEBRATED FOR THE POSITIVE EFFECTS IT PROMISES TO HAVE ON MAINTAINING AND IMPROVING THE SAFETY AND COMFORT OF THE FERRIES' 60,000 DAILY PASSENGERS.

ALTHOUGH MAYOR GIULIANI'S INITIATIVE ELIMINATED THE FARE, AND THUS ELIMINATED THE LEGAL REQUIREMENT FOR COAST GUARD INSPECTIONS, THE COAST GUARD'S PRIMARY MISSION IS STILL TO ENSURE THE SAFETY OF ALL PERSONS USING THE NATION'S WATERWAYS.

TO FULFILL THIS MISSION IN NEW YORK HARBOR, THE COAST GUARD HAS CONTINUED TO WORK VERY CLOSELY WITH COMMISSIONER MALCHOW, COMMISSIONER GIACCIO, AND THEIR FERRY OPERATIONS PERSONNEL.

THIS MEMORANDUM OF UNDERSTANDING ENSURES THAT THIS IMPORTANT RELATIONSHIP WILL CONTINUE, THAT THE COAST GUARD WILL CONTINUE TO ENSURE THE FERRIES COMPLY WITH ALL FEDERAL SAFETY REQUIREMENTS FOR PASSENGER FERRIES, AND ALLOWS OUR TWO ORGANIZATIONS TO CONTINUE TO WORK TOGETHER TO TAKE ADDITIONAL STEPS TO MAINTAIN AND IMPROVE FERRY MAINTENANCE AND OPERATIONS.

I WHOLEHEARTEDLY AGREE WITH COMMISSIONER MALCHOW THAT THIS IS "DOING THE RIGHT THING." THIS NEW RELATIONSHIP IS A GREAT EXAMPLE OF THE PARTNERSHIPS THAT CAN BE FORMED TO IMPROVE GOVERNMENT SERVICE TO THE CUSTOMERS USING OUR NATION'S MARITIME TRANSPORTATION NETWORK.

I COMMEND COMMISSIONER MALCHOW AND COMMISSIONER GIACCIO FOR THE COOPERATIVE SPIRIT WITH WHICH THEY HAVE APPROACHED THIS IMPORTANT EFFORT TO ENSURE PASSENGER SAFETY.

I WILL BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MAY HAVE.

REMARKS FOR CAPTAIN RICHARD A. VLAUN
COMMANDING OFFICER, USCG ACTIVITIES NEW YORK,
CAPTAIN OF THE PORT & OFFICER IN CHARGE, MARINE INSPECTION
MAY 19, 1998
ON THE STATEN ISLAND FERRY USCG/NYDOT
MEMORANDUM OF UNDERSTANDING

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I COMMEND COMMISSIONER MALCHOW AND COMMISSIONER GIACCIO FOR THE COOPERATIVE SPIRIT WITH WHICH THEY HAVE APPROACHED THIS IMPORTANT EFFORT TO ENSURE PASSENGER SAFETY.

I WILL BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MAY HAVE.

COMMANDER, U.S. COAST GUARD
ACTIVITIES NEW YORK
PREVENTION & COMPLIANCE DIVISION
212 COAST GUARD DRIVE
STATEN ISLAND, NY 10305



INSPECTIONS BRANCH

TEL (718) 354 - 4240
OR 4242

FM: LCDR WARD

PAGES TO FOLLOW: 5

TO: STATEN ISLAND FERRIES

ATTN: COMMISSIONER GIACCIO

FAX NO.: (718) 981-4941

RE: CG/DOV MOV

MESSAGE: Attached is the Coast Guard draft of the proposed MOV as well as a copy of the earlier draft you were given that has been marked up to indicate the changes made. Language deleted has been lined out. New language is in bold type.
Please call if you have any questions.
Regards, Keith Ward

MEMORANDUM OF UNDERSTANDING

Between the U.S. Coast Guard and the City of New York

The New York City Department of Transportation (DOT) and the U.S. Coast Guard Officer in Charge, Marine Inspection, New York (OCMI) hereby agree to the following Memorandum of Understanding (MOU):

A. PURPOSE: The U.S. Coast Guard and the City of New York have mutual interest and concern for the safe operation of the Staten Island Ferries. Over 60,000 passengers ride the ferries daily and these ferries transit waters through which a significant portion of the marine commerce of the Port of New York navigates.

The parties have entered into this MOU to formalize procedures for developing standard operating procedures and agreements between OCMI NY and the NY City DOT to achieve following goals:

1. Improve passenger safety
2. Improve the quality of Ferry maintenance and operations
3. Expedite the Coast Guard inspection process

B. METHODS:

1. The USCG and the Staten Island Borough Commissioner will hold regular meetings, at least quarterly, to exchange information and discuss issues of mutual concern.
2. Agreements specifying procedures and/or operations will be formalized in writing using the format in enclosure (1). These agreements will be signed by OCMI New York and the Staten Island Borough Commissioner. Agreements may be amended by mutual consent, and may be terminated by either party upon delivery of thirty days written notification.
3. This Memorandum of Understanding and all addenda will be thoroughly reviewed periodically by each party.
4. Nothing in this Memorandum of Understanding and its addenda is intended to, nor shall operate to preempt federal law or regulations. This Memorandum of Understanding and its addenda do not supplant duly established U.S. Coast Guard policy. Any terms in conflict with established U.S. Coast Guard policy shall be void.

Richard C. Vlaun
Captain, U.S. Coast Guard
Officer in Charge, Marine
Inspection, New York

Richard A. Malchow
Acting Commissioner
New York City Department of
Transportation

Date

Date

FORMAT FOR OPERATIONAL AGREEMENT

This agreement is entered into under the auspices of the MOU between the U.S. Coast Guard Officer in Charge, Marine Inspection, New York (OCMI) and the New York City Department of Transportation (DOT). It details mutually acceptable procedures or policies. This agreement may be terminated at any time by either party upon thirty days written notification to the other party.

SUBJECT:

REFERENCES

PURPOSE:

DISCUSSION:

AGREEMENT:

Officer in Charge,
Marine Inspection
New York

Ferry Operations Division
Staten Island Borough Commissioner

Date

Date

MEMORANDUM OF UNDERSTANDING

Between the U.S. Coast Guard and the City of New York

The New York City Department of Transportation (DOT) and the U.S. Coast Guard Officer in Charge, Marine Inspection, New York (OCMI) Staten Island Borough Division of the Department of Transportation for the City of New York and the Prevention & Compliance Division of the U.S. Coast Guard Activities New York hereby agree to the following Memorandum of Understanding:

A. PURPOSE: The U.S. Coast Guard and the City of New York have mutual interest and concern for the safe operation of the Staten Island Ferries. Over 30,000 passengers ride the ferries daily and these ferries transit waters through which a significant portion of the marine commerce of the Port of New York navigates.

The parties have entered into this Memorandum of Agreement Understanding (MOU) to formalize procedures for developing standard operating procedures (SOP) and agreements between Coast Guard Activities New York (~~ACTNY~~) **OCMI NY** and the New York City Department of Transportation (~~NYDOT~~) **NY City DOT** to achieve following goals, by using methods not specified in regulations or law:

2. Improve the quality of Staten Island Ferry maintenance and operations
3. Expedite the Coast Guard inspection process
1. Improve passenger safety

B. METHODS:

1. The ~~Chief of the Inspection Branch of ACTNY~~ **USCG** and the Staten Island Borough Commissioner will hold regular meetings, at least quarterly to exchange information and discuss issues of mutual concern.
2. Agreements specifying procedures and/or operations will be formalized in writing using the format in enclosure (1). These agreements will be signed by the ~~Chief of the Inspection Branch at Activities New York~~ **OCMI New York** and the Staten Island Borough Commissioner. Agreements may be amended by mutual consent, and may be terminated by either party within a reasonable period upon delivery of **thirty days** written notification.
3. This Memorandum of Understanding and all addenda will be thoroughly reviewed periodically by each party.
4. Nothing in this Memorandum of Understanding and its addenda is intended to, nor shall operate to preempt federal law or regulations. This Memorandum of Understanding and its addenda do not supplant duly established U.S. Coast Guard policy. Any

terms in conflict with established U.S. Coast Guard policy shall be void.

Richard C. Vlaun
Captain, U.S. Coast Guard
~~Commanding Officer~~
~~USCG Activities New York~~

*Officer in Charge
Marine Inspection
New York*

Date

~~The Honorable Rudolph W. Guiliani~~
~~Mayor of the City of New York~~

Richard A. Malchow
Acting Commissioner
New York City Department of
Transportation

Date

FORMAT FOR OPERATIONAL AGREEMENT

This agreement is entered into under the auspices of the MOU between the **U.S. Coast Guard Officer in Charge, Marine Inspection, New York (OCMI) USCG Activities New York** and the New York City Department of Transportation (DOT). It details mutually acceptable procedures or policies ~~not specified in law or regulation~~. This agreement may be terminated at any time by either party upon **thirty days** written notification to the other party.

SUBJECT:

REFERENCES

PURPOSE:

DISCUSSION:

AGREEMENT:

~~Chief, Inspections Branch~~
Commanding Officer
Activities New York

~~Ferry Operations Division~~
Staten Island Borough Commissioner

Date

Date



Marine Safety Division Telefax

From: CDR L. BOWLING
Commander (m)
First Coast Guard District
408 Atlantic Avenue
Boston, MA 02110-3350

Phone: (617) 223-____ (main 223-8447)
Fax: (617) 223-8094
Internet: _____@d1.uscg.mil
FLastname

To: CDR M. KARR Attn: _____
Fax: 718-354-4301 Date: _____
Phone: _____ Pages to Follow: _____

Remarks: Mike -
Pts see attached comments/memo
for your MOD.
Also, I'll provide you update on
legislative fix when G-MOC
gets back to me on their progress
w/ DRAFT LEGISLATION that we
sent them last OCT.
LARRY



Memorandum

Subject: MOU REGARDING INSPECTION OF STATEN
ISLAND FERRIES

Date: 17 Mar 98
16711

From: District Legal Officer

Reply to dl
Attn. of: Capt Astley
223-8500

To: Chief, Marine Safety

1. I have reviewed ACTNY's 16711 letter dated 4 March 1998, and recommend that we not send it. As I previously discussed with Capt Vlaun, sending the letter, as written, may foreclose some of our options later if the City of New York decides to withdraw its request for CG inspections. The City already asked for our inspection assistance and under 14 USC 141, we have agreed to continue inspecting their vessels. The new letter adds no value and potentially complicates matters for the Coast Guard.

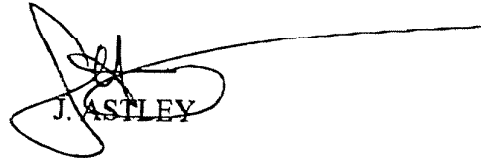
2. With regard to the proposed MOU, I offer the following comments. The proposed agreement should include a provision that the parties review periodically the MOU, as well as a provision that the agreement may be revoked by any party upon thirty days notice to all concerned. Moreover, the MOU should include a statement that nothing in the agreement is intended to, nor shall operate to preempt federal law. We should also include a provision that the agreement does not supplant duly established Coast Guard policy and any terms in conflict with established Coast Guard policy shall be void.

3. In general, under 14 U.S.C. 141(a) the Coast Guard may utilize its personnel and facilities to assist any Federal agency, state or political subdivision thereof to perform any activity for which such personnel and facilities are especially qualified. The draft MOU notes that one of the goals of the MOU is to develop ferry preventative maintenance programs. Under the law we are only suppose to perform tasks that we have special expertise in, i.e., inspecting vessels that carry passengers. I question whether developing maintenance programs is a task that we are "especially qualified" to conduct. I raise this issue for your consideration as the program manager.

4. I note that the MOU authorizes the Chief of the Inspection Branch at Activities New York to enter into specific agreements, implementing the general terms of the MOU. While the commanding officer has authority to enter into an MOU or agreement with the City of New York, he does not have authority to redelegate this function to a branch chief. The commanding officer of Activites New York should sign any MOU or implementing agreement regarding the inspection of Staten Island ferries.

Subj: MOU REGARDING INSPECTION OF STATEN ISLAND FERRIES

5. Finally, in at least two places in the draft document we refer to taking actions "not specified in law or regulation" or words to that effect. I strongly recommend deleting such phrases, as they have little or no apparent value and lead one to believe that we are operating outside the bounds of the law, which is certainly not the intended meaning.
6. Lt Schachner of my staff is available to work on this matter with the unit or a member of your staff.


J. ASTLEY

3/30/98

CO,

This LMI memo puts us at a crossroads.

Which way to go? I recommend No legislation and going with the MOU.

Other options include:

- 2) ACTING or DC ask state senator to introduce legislation. LMI memo says this is the process if we want the legislation.
- 3) Despite memo, ASH HQ to insert wording into legislation.

Six months after the "No fare" fiasco, the MOU process working very well. It will fill our and the public's needs.

MBKarr

3/30/98 I spoke with [unclear] on this memo. He favors using the MOU over legislation. We will not push it if the MOU keeps us inspecting. MBK.

U.S. Department of Transportation
United States Coast Guard

Post-it® Fax Note 7671		Date	# of pages 2
To	CDR YAZBEK	From	LCDR VACHON
Co./Dept.		Co.	
Phone #	FYI	Phone #	memo has been
Fax #		Fax #	amended

endum

Subject: COAST GUARD INSPECTION OF STATEN ISLAND FERRIES

Date: 18 March 1998
16711

From: G-LMI

Reply to G-LMI
Attn. of: LCDR Vachon
7-0095

To: G-MOC

Ref: (a) G-MOC memo of 25 Nov 1997
(b) Commander, First Coast Guard District ltr 16701/16711 of 27 Oct 1997

1. In reference (a), you asked for an opinion regarding the best method to retain the Staten Island ferries as vessels subject to Coast Guard inspection under 46 U.S.C. § 3301, notwithstanding the fact that these ferries no longer charge passengers a fare. Reference (b) noted that a recent fare-restructuring of New York City's mass transit system sparked discussion over whether the Staten Island ferries would remain subject to inspection, possibly under a "one-fare system" theory as most ferry passengers use and pay for some other mode of public transit in connection with the ferries. Reference (b) recommended a legislative amendment to dispense with any debate over the status of these ferries and enclosed several draft legislative changes to accomplish the goal of keeping these vessels subject to inspection.

2. A preliminary question is whether these ferries are carrying passengers for hire. An individual is considered a "passenger for hire" when he or she has contributed consideration "as a condition of carriage on the vessel..." 46 U.S.C. § 2101(21a). Ferry passengers who may have paid a fare in using some other form of mass transit—for example, bus or train—to get to the ferry have not contributed consideration as a condition of carriage on the vessel. Because the ferries require no consideration as a condition of carriage, they are not carrying passengers for hire requiring Coast Guard inspection under 46 U.S.C. § 3301.

3. Given that the inspection statutes do not apply, the question arises whether to cause them to apply by legislative fix. I do not recommend pursuing a legislative amendment in this instance. Because the Staten Island ferries are not the only state or city-operated passenger ferries that are free of charge and, therefore, exempt from inspection—North Carolina and Texas also have "non-revenue" ferries, as may other states—it is inappropriate for the Coast Guard to single out the Staten Island ferries in seeking a legislative amendment requiring those vessels to be inspected. Furthermore, I know of no special circumstances that would give the Coast Guard reason to pursue such a legislative change solely with respect to New York ferries. Accordingly, any proposed legislation pertaining to the Staten

MAR 18 1998

16711

SUBJ: COAST GUARD INSPECTION OF STATEN ISLAND FERRIES

Island ferries should be initiated by representatives from New York rather than the Coast Guard.

4. Rather than seeking new legislation, it is easier and more appropriate for the Coast Guard to provide inspection services to the City of New York under the authority of 14 U.S.C. §141. In this situation, where it is undetermined how long these ferries will retain a "non-revenue" status, it is in the Coast Guard's interest to pursue an MOU vice new legislation. If an MOU is sought, the agreement should detail each party's duties and responsibilities, including payment of user fees, conditions of employment (i.e. licensed operators, drug-testing, etc.), standards and scope of inspection, compliance with Certificate of Inspection, etc. The First District Legal Office should be consulted in crafting the terms of the MOU.

5. If you have any questions, please contact LCDR Vachon of my staff.


M.J. WILLIAMS, Jr.

Marine Safety Division Telefax

From: CDR L. BOWLING
Commander (m)
First Coast Guard District
408 Atlantic Avenue
Boston, MA 02110-3350

Phone: (617) 223-____ (main 223-8447)
Fax: (617) 223-8094
Internet: _____@d1.uscg.mil
FLastname



Protect, Save, Defend, and Enforce

To: CDR M. KARR Attn: _____
Fax: 718-354-4301 Date: _____
Phone: _____ Pages to Follow: _____

Remarks: Mike -
Pls see attached comments/memo
for your MOV.
Also, I'll provide you update on
legislative fix when G-MOC
gets back to me on their progress
w/ DRAFT LEGISLATION that we
sent them last OCT.
LARRY



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Reply to: dl
Attn. of: Capt Astley
223-8500

To: Chief, Marine Safety

1. I have reviewed ACTNY's 16711 letter dated 4 March 1998, and recommend that we not send it. As I previously discussed with Capt Vlaun, sending the letter, as written, may foreclose some of our options later if the City of New York decides to withdraw its request for CG inspections. The City already asked for our inspection assistance and under 14 USC 141, we have agreed to continue inspecting their vessels. The new letter adds no value and potentially complicates matters for the Coast Guard.

2. With regard to the proposed MOU, I offer the following comments. The proposed agreement should include a provision that the parties review periodically the MOU, as well as a provision that the agreement may be revoked by any party upon thirty days notice to all concerned. Moreover, the MOU should include a statement that nothing in the agreement is intended to, nor shall operate to preempt federal law. We should also include a provision that the agreement does not supplant duly established Coast Guard policy and any terms in conflict with established Coast Guard policy shall be void.

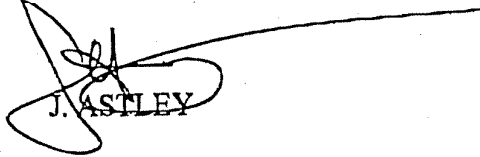
3. In general, under 14 U.S.C. 141(a) the Coast Guard may utilize its personnel and facilities to assist any Federal agency, state or political subdivision thereof to perform any activity for which such personnel and facilities are especially qualified. The draft MOU notes that one of the goals of the MOU is to develop ferry preventative maintenance programs. Under the law we are only suppose to perform tasks that we have special expertise in, i.e., inspecting vessels that carry passengers. I question whether developing maintenance programs is a task that we are "especially qualified" to conduct. I raise this issue for your consideration as the program manager.

5 4. I note that the MOU authorizes the Chief of the Inspection Branch at Activities New York to enter into specific agreements, implementing the general terms of the MOU. While the commanding officer has authority to enter into an MOU or agreement with the City of New York, he does not have authority to redelegate this function to a branch chief. The commanding officer of Activites New York should sign any MOU or implementing agreement regarding the inspection of Staten Island ferries.

Subj: MOU REGARDING INSPECTION OF STATEN ISLAND FERRIES

5. Finally, in at least two places in the draft document we refer to taking actions "not specified in law or regulation" or words to that effect. I strongly recommend deleting such phrases, as they have little or no apparent value and lead one to believe that we are operating outside the bounds of the law, which is certainly not the intended meaning.

6. Lt Schachner of my staff is available to work on this matter with the unit or a member of your staff.


J. ASTLEY

U.S. Department
of Transportation
United States
Coast Guard

Post-it® Fax Note	7671	Date	# of pages 2
To	CDR. YAZBEK	From	LCDR Vachon
Co./Dept.		Co.	
Phone #	FYI	Phone #	memo has been
Fax #		Fax #	amended

indum

Subject: COAST GUARD INSPECTION OF STATEN ISLAND
FERRIES

Date: 18 March 1998
16711

From: G-LMI

Reply to G-LMI
Attn. of: LCDR Vachon
7-0095

To: G-MOC

Ref: (a) G-MOC memo of 25 Nov 1997
(b) Commander, First Coast Guard District ltr 16701/16711 of 27 Oct 1997

1. In reference (a), you asked for an opinion regarding the best method to retain the Staten Island ferries as vessels subject to Coast Guard inspection under 46 U.S.C. § 3301, notwithstanding the fact that these ferries no longer charge passengers a fare. Reference (b) noted that a recent fare-restructuring of New York City's mass transit system sparked discussion over whether the Staten Island ferries would remain subject to inspection, possibly under a "one-fare system" theory as most ferry passengers use and pay for some other mode of public transit in connection with the ferries. Reference (b) recommended a legislative amendment to dispense with any debate over the status of these ferries and enclosed several draft legislative changes to accomplish the goal of keeping these vessels subject to inspection.

2. A preliminary question is whether these ferries are carrying passengers for hire. An individual is considered a "passenger for hire" when he or she has contributed consideration "as a condition of carriage on the vessel..." 46 U.S.C. § 2101(21a). Ferry passengers who may have paid a fare in using some other form of mass transit—for example, bus or train—to get to the ferry have not contributed consideration as a condition of carriage on the vessel. Because the ferries require no consideration as a condition of carriage, they are not carrying passengers for hire requiring Coast Guard inspection under 46 U.S.C. § 3301.

3. Given that the inspection statutes do not apply, the question arises whether to cause them to apply by legislative fix. I do not recommend pursuing a legislative amendment in this instance. Because the Staten Island ferries are not the only state or city-operated passenger ferries that are free of charge and, therefore, exempt from inspection—North Carolina and Texas also have "non-revenue" ferries, as may other states—it is inappropriate for the Coast Guard to single out the Staten Island ferries in seeking a legislative amendment requiring those vessels to be inspected. Furthermore, I know of no special circumstances that would give the Coast Guard reason to pursue such a legislative change solely with respect to New York ferries. Accordingly, any proposed legislation pertaining to the Staten

SUBJ: COAST GUARD INSPECTION OF STATEN ISLAND FERRIES

Island ferries should be initiated by representatives from New York rather than the Coast Guard.

4. Rather than seeking new legislation, it is easier and more appropriate for the Coast Guard to provide inspection services to the City of New York under the authority of 14 U.S.C. §141. In this situation, where it is undetermined how long these ferries will retain a "non-revenue" status, it is in the Coast Guard's interest to pursue an MOU vice new legislation. If an MOU is sought, the agreement should detail each party's duties and responsibilities, including payment of user fees, conditions of employment (i.e. licensed operators, drug-testing, etc.), standards and scope of inspection, compliance with Certificate of Inspection, etc. The First District Legal Office should be consulted in crafting the terms of the MOU.

5. If you have any questions, please contact LCDR Vachon of my staff.


M. WILLIAMS, Jr.

MEMORANDUM OF UNDERSTANDING

Between the U.S. Coast Guard and the City of New York

The Staten Island Borough Division of the Department of Transportation for the City of New York and the Prevention & Compliance Division of the U.S. Coast Guard Activities New York hereby agree to the following Memorandum of Understanding:

A. PURPOSE: The U.S. Coast Guard and the City of New York have mutual interest and concern for the safe operation of the Staten Island Ferries. Over 30,000 passengers ride the ferries daily and these ferries transit waters through which a significant portion of the marine commerce of the Port of New York navigates.

The parties have entered into this Memorandum of Agreement (MOU) to formalize procedures for developing standard operating procedures (SOP) and agreements between Coast Guard Activities New York (ACTNY) and the New York City Department of Transportation (NYDOT) to achieve following goals, by using methods not specified in regulations or law:

1. Improve the quality of Staten Island Ferry maintenance and operations
2. Expedite the Coast Guard inspection process
3. Improve passenger safety

B. METHODS:

1. The Chief of the Inspection Branch of ACTNY and the Staten Island Borough Commissioner will hold regular meetings, at least quarterly to exchange information and discuss issues of mutual concern.
2. Agreements specifying procedures and/or operations will be formalized in writing using the format in enclosure (1). These agreements will be signed by the Chief of the Inspection Branch at Activities New York and the Staten Island Borough Commissioner. Agreements may be amended by mutual consent, and may be terminated by either party within a reasonable period upon delivery of written notification.

Richard C. Vlaun
Captain, U.S. Coast Guard

The Honorable Rudolph W. Guiliani
Mayor of the City of New York

Date

Date

DRAFT

FORMAT FOR OPERATIONAL AGREEMENT

This agreement is entered into under the auspices of the MOU between the USCG Activities New York and the New York City DOT. It details mutually acceptable procedures or policies not specified in law or regulation. This agreement may be terminated at any time by either party upon written notification to the other party.

SUBJECT:

REFERENCES

PURPOSE:

DISCUSSION:

AGREEMENT:

Chief, Inspections Branch
Activities New York

Ferry Operations Division
Staten Island Borough Commissioner

Date

Date

DRAFT

U.S. Department
of Transportation

United States
Coast Guard



Commander (pcd)
U.S. Coast Guard
Activities New York

212 Coast Guard Drive
Staten Island, NY 10305
Tel: (718) 354-4240
Fax: (718) 354-4301

16711
4 March 1998

The Honorable Mayor Rudolph W. Giuliani
The City of New York
Office of the Mayor
New York, NY 10007

Dear Mayor Giuliani,


Last summer, you requested that the Coast Guard continue to inspect the Staten Island Ferries although the elimination of the fifty cent fare changed the status of several of the ferries under current inspection law. I wanted to give you a status report on our joint efforts with the New York Department of Transportation over the last few months.

We have continued to conduct routine statutory inspections on all the ferries. However, in addition, we have used this as an opportunity to work with the Staten Island Borough Commissioner to explore ways to improve the overall safety of the ferries. We have not limited ourselves solely to areas specified in regulation, but have sought out proactive methods to enhance safety. For instance, my staff has been working with ferry management to develop ferry preventative maintenance programs similar to those required under the International Safety Management system, soon to be mandatory for oceangoing vessels.

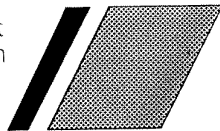
As part of this effort, we have been working with your Borough Commissioner, Mr. John Giaccio, and his staff to develop a Memorandum of Understanding between my office and the City of New York. This agreement will formalize the ongoing process and lay the groundwork for further progress. I would like to invite you, or a member of your staff, to join me in signing this groundbreaking agreement.

I truly appreciate the commitment and support given to these efforts by Mr. John Giaccio and his staff. Mr. Giaccio's positive attitude, common sense approach, and flexibility have been critical to our success. I look forward to continuing to build upon this excellent relationship.

Sincerely,


Richard C. Vlaun
Captain, U.S. Coast Guard
Commander, Activities New York

Copy: Borough Commissioner, Staten Island Ferry Operations



Memorandum

Subject: STATEN ISLAND FERRIES MOU

Date: 18 MAR 98

Reply to: ACIB
Attn of: LCDR Ward

From: Acting Chief, Inspections Branch
To: Officer in Charge, Marine Inspection
Via: Chief, Prevention & Compliance Division

Ref: (a) CCGD1 (dl) memo 16711 to D1(m) dtd 17 Mar 98
(b) ACTNY ltr 16711 to Mayor Giuliani dtd 04 Mar 98

1. I will revise the draft SIF MOU with the suggestions contained in paragraphs 2 through 5 of reference (a). I will route the new draft through CPCD and OCMI for approval.

2. I disagree with the conclusions of paragraph 1 of reference (a) that reference (b) "adds no value and potentially complicates matters for the Coast Guard." Certain types of marine operations require the CG to go beyond simply ensuring vessel operators meet the minimum standards of law and regulation. Towing vessels and fishing vessels are two examples where the CG and this command have decided to reduce risks by expending resources going beyond the minimum standards required by law. The SI ferries require similar efforts. The Commandant's M Business Plan calls for the COTP/OCMI to assess and address the risks to the port. The Staten Island Ferries carry 60,000 passengers a day, crossing one of the busiest commercial waterways in the country. This operation represents the highest human risk potential in this port by far. In his letter promising mayor Giuliani that the CG would continue inspecting the SI passenger ferries absent a legal requirement to do so, RADM Larrabee restated our mutual concern in "keeping the safety of the ferry passengers as paramount." Given the past history of ferry casualties due to inadequate maintenance, and the history of SI ferries being unprepared for CG inspections and unresponsive to CG requirements to address deficiencies, additional measures are called for. Therefore, we have been meeting regularly (weekly) with ferry management and union employees to formally agree to implement additional safety procedures, above those specified in US regulations, to improve the quality of SI Ferry maintenance and operations, thereby improving passenger safety. For example, we have agreed to improvements to the operation of the vessels' boilers and to improved procedures for drills. We are providing guidance to ferry management on measures to develop a Preventative Maintenance System and to implement Prevention Through People measures to improve crew competence and professionalism. These measures will reduce risks to the 60,000 daily passengers.

3. In reference to the suggestion in paragraph 1 of reference (a) that we not send reference (b), the letter has already been sent to Mayor Giuliani and a copy provided to SIF Commissioner Giaccio. Commissioner Giaccio verbally expressed approval when presented with the letter at one of our regular weekly meetings, and he expressed enthusiasm for the MOU concept and the work done so far in developing a partnership between the Coast Guard and SI ferry management and improving the safety of the ferries.

K. D. WARD



Protect, Save, Defend, and Enforce

Marine Safety Division Telefax

From: CDR L. BOWLING
Commander (m)
First Coast Guard District
408 Atlantic Avenue
Boston, MA 02110-3350

Phone: (617) 223-____ (main 223-8447)

Fax: (617) 223-8094

Internet: _____@d1.uscg.mil
FLastname

To: CDR M. KARR Attn: _____
Fax: 718-354-4301 Date: _____
Phone: _____ Pages to Follow: _____

Remarks: Mike -
Pls see attached comments/memo
for your MOU.
Also, I'll provide you update on
legislative fix when G-MOC
gets back to me on their progress
w/ DRAFT LEGISLATION that we
sent them last OCT.
LARRY



Memorandum

Subject: MOU REGARDING INSPECTION OF STATEN
ISLAND FERRIES

Date: 17 Mar 98
16711

From: District Legal Officer

Reply to: dl
Attn. of: Capt Astley
223-8500

To: Chief, Marine Safety

1. I have reviewed ACTNY's 16711 letter dated 4 March 1998, and recommend that we not send it. As I previously discussed with Capt Vlaun, sending the letter, as written, may foreclose some of our options later if the City of New York decides to withdraw its request for CG inspections. The City already asked for our inspection assistance and under 14 USC 141, we have agreed to continue inspecting their vessels. The new letter adds no value and potentially complicates matters for the Coast Guard.

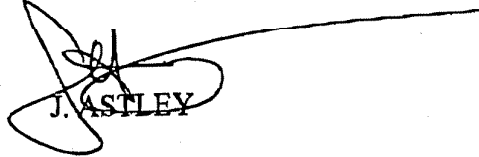
2. With regard to the proposed MOU, I offer the following comments. The proposed agreement should include a provision that the parties review periodically the MOU, as well as a provision that the agreement may be revoked by any party upon thirty days notice to all concerned. Moreover, the MOU should include a statement that nothing in the agreement is intended to, nor shall operate to preempt federal law. We should also include a provision that the agreement does not supplant duly established Coast Guard policy and any terms in conflict with established Coast Guard policy shall be void.

3. In general, under 14 U.S.C. 141(a) the Coast Guard may utilize its personnel and facilities to assist any Federal agency, state or political subdivision thereof to perform any activity for which such personnel and facilities are especially qualified. The draft MOU notes that one of the goals of the MOU is to develop ferry preventative maintenance programs. Under the law we are only suppose to perform tasks that we have special expertise in, i.e., inspecting vessels that carry passengers. I question whether developing maintenance programs is a task that we are "especially qualified" to conduct. I raise this issue for your consideration as the program manager.

4. I note that the MOU authorizes the Chief of the Inspection Branch at Activities New York to enter into specific agreements, implementing the general terms of the MOU. While the commanding officer has authority to enter into an MOU or agreement with the City of New York, he does not have authority to redelegate this function to a branch chief. The commanding officer of Activites New York should sign any MOU or implementing agreement regarding the inspection of Staten Island ferries.

Subj: MOU REGARDING INSPECTION OF STATEN ISLAND FERRIES

5. Finally, in at least two places in the draft document we refer to taking actions "not specified in law or regulation" or words to that effect. I strongly recommend deleting such phrases, as they have little or no apparent value and lead one to believe that we are operating outside the bounds of the law, which is certainly not the intended meaning.
6. Lt Schachner of my staff is available to work on this matter with the unit or a member of your staff.


J. ASTLEY

U.S. Department
of Transportation
United States
Coast Guard



Commander
U.S. Coast Guard
Activities New York

212 CG Drive
Staten Island, NY 10305
Staff Symbol:c1
Phone: (718) 354-4290

16711/BARBIERI,
KENNEDY CLASSES
DDRAFT 03-98
February 13, 1998

Mr. John Giaccio
Borough Commissioner Staten Island
Director of Municipal Ferries
St. George Ferry Terminal
Staten Island, NY 10301

Subj: STATEN ISLAND FERRIES OVERNIGHT BOILER WATCHES

Dear Mr. Giaccio:

I read and accept your February 12, 1998 proposal for manning operational oil fired boilers on ferries moored overnight.

I thank you for the cooperative spirit with which you and your staff approached this particular issue. I am also pleased that you began weekly meetings with my Inspections Branch staff to develop a Memorandum of Understanding between U. S. Coast Guard Activities New York and the New York City Department of Transportation.

Thank you again for your efforts in forming this valuable relationship. If you have any questions on this or any other ferry inspection issue please feel free to contact either Mr. Concepcion (718-354-4289) or LCDR Ward (718-354-4242).

Sincerely,

A handwritten signature in cursive script that reads "Richard C. Vlaun".

Richard C. Vlaun
Captain, U. S. Coast Guard
Commanding Officer
U. S. Coast Guard Activities New York

4-115 _____ 115 _____ 310 _____ 44-11-76 _____ 00-115

U.S. Department
of Transportation

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-MOC-2
Phone: (202) 267-1464
FAX: (202) 267-4394

16700
02/17/98

Robert E. Pearl
410 Huff Ave.
Manville, NJ 08835

Dear Mr. Pearl:

In response to your letter dated December 8, 1997, I have looked into your concerns about the operations of the Staten Island Ferry, JOHN F. KENNEDY, and into the investigation concerning the incident that occurred on December 11, 1995. As you were unsatisfied with the response and actions taken by marine inspectors working out of the Coast Guard's Marine Inspection Office (MIO) New York City to the Dec 11, 1995 incident, this office requested an investigation of that incident by the traveling inspections staff. This staff is composed of some of our most senior and experienced marine inspectors. A senior member of that staff visited the JOHN F. KENNEDY and talked with the Staten Island Ferry Administration. He determined that MIO New York's investigation of the incident was adequate and that the ferry was safe to continue with routine operations without having the emergency generator available. He made this determination based on the fact that should the ferry's primary ship's service generators fail, the vital service generator would adequately provide power for emergency propulsion, steering and fire fighting. The vital services generator can be considered an emergency generator since it operates on a redundant system and automatically comes on line if the primary generators fail.

Since the December 11th incident, MIO New York has developed New York Inspection Circular number 1-97, titled, "Staten Island Ferry Emergency Generators" which gives guidance to the Staten Island Ferry Administration and to Coast Guard inspectors regarding procedures and actions to take if there is a power loss on any of the Staten Island ferries. MIO New York has also periodically met with the Staten Island Ferry Administration and with MEBA union representatives to discuss ferry operations to ensure safe transits of New York Harbor.

I trust this answers your questions. If you require additional assistance, please contact Lieutenant Joe Cost of my staff at 202-267-1047.

Sincerely,

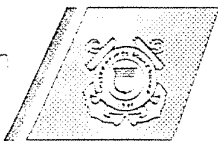
A handwritten signature in black ink, appearing to read "A. T. Furst".

A. T. FURST

Lieutenant Commander, U.S. Coast Guard
Chief, Vessel Compliance Division
By direction of the Commandant

Copy: Act NY

U.S. Department
of Transportation
United States
Coast Guard



Commander
U.S. Coast Guard
Activities New York

212 Coast Guard Drive
Staten Island, NY 10308
Staff Symbol: c1
Phone: (718) 354-4268

16710
January 13, 1998

Mr. Robert E. Pearl
Chief Engineer
410 Huff Ave.
Manville, N.J 08835

Dear Mr. Pearl:

Thank you for your letter of November 18, 1997. I write this letter to keep you informed on matters you report to us. We will try to keep you informed on a continuing basis. Please feel free to call me at 718-354-4207 for additional information.

Our Investigations Branch will pursue the items you brought to our attention. We also notified the NYC DOT Ferry Operations Division of the reported regulatory violations. I have enclosed a copy of the letter we sent out today to highlight what we addressed in earlier conversations on the matter.

Sincerely,

A handwritten signature in black ink that reads "Michael B. Karr".

MICHAEL B. KARR
Commander, U.S. Coast Guard
By direction of the
Officer in Charge, Marine Inspection

Encl. (1) Ltr 16710 dtd January 9, 1998

U.S. Department
of Transportation
United States
Coast Guard



Commander
U.S. Coast Guard
Activities New York

212 CG Drive
Staten Island, NY 10305
Staff Symbol:cl
Phone: (718) 354-4290

16711
PR-970019

Staten Island Borough Division
Ferry Operations
Attn: Mr. John Giaccio
St. George Ferry Terminal
Staten Island, NY 10301

Dear Mr. Giaccio:

We are in receipt of your letter of June 27, 1997 requesting ACTNY P & C Division policy on requirements for operations of generators on some of your vessels.

Machinery affected includes the ship service, emergency, and vital service generators on the following class vessels; KENNEDY, BARBERI, AUSTEN.

Please see Enclosure (1) for Coast Guard policy on this subject.

If you have any questions please feel free to contact either Mr. Concepcion or CWO Kavanagh of my staff at (718) 354-4289.

Sincerely,

E. O. COATES
Commander
U. S. Coast Guard
Chief, Inspections Branch
By Direction of the
Commanding Officer

Encl: NEW YORK INSPECTION CIRCULAR NO. 2-97.

U.S. Department
of Transportation
United States
Coast Guard



Commander
U.S. Coast Guard
Activities New York

212 CG Drive
Staten Island, NY 10305
Staff Symbol:c1
Phone: (718) 354-4290

16711
PR-970019A

Staten Island Borough Division
Ferry Operations
Attn: Mr. John Giaccio
St. George Ferry Terminal
Staten Island, NY 10301

Dear Mr. Giaccio:

We are in receipt of your letter of June 27, 1997 requesting relief from testing the emergency steering trick wheel arrangement on your KENNEDY Class vessels.

A provisional acceptance of this proposal is granted. Final resolution will be made upon our review of your plans for testing of the Kennedy class vessels steering systems.

If you have any questions please feel free to contact either Mr. Concepcion or CWO Kavanagh of my staff at (718) 354-4289.

Sincerely,

E. O. COATES
Commander
U. S. Coast Guard
Chief, Inspections Branch
By Direction of the
Commanding Officer

Robert E. Pearl
410 Huff Ave.
Manville, N.J. 08835

Kens C KRC 13 MAR 98
LCDR W W/3/13
LCDR R ---
CPC --- last
see last pg

8

Admiral Robert E. Kramek
Commandant U.S. Coast Guard
U.S. Coast Guard
2100 2nd St.
S.W. Washington, D. C. 20593-

Dear Commandant:

Thank you for the letter of Feb. 17, 1998. While I don't agree with what the U.S. Coast Guard considers as safe and proper, I do appreciate

An excerpt from senior member of the Stat that MIO New York's and that the ferry without having the e determination based ships service genera adequately provide p fire fighting. The v emergency generator automatically comes As to this excerpt, is an emergency gene propulsion, steering continuing with rout vessel was not opera emergency generator operation.

It is mentioned power the vital serv automatically and pr following consider? started operation wi the fire. The vessel weather, while still passengers boarded t loaded and the vesse

Again I agree, vital service genera for propulsion, stee have propeled itself

Ted, 311

I Herb + he pearl letter.
Please read and return.

but I think we will have to have him in here, sit him down, and explain what we did.

The above communication may get him to understand our approach. Please send the letter 1-97 accident may address all his issues.

I will call him.. Mike return to me.

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Robert E. Pearl
10 Huff Ave.
Manville, N.J. 08835

March 7, 1998

Admiral Robert E. Kramek
Commandant U.S. Coast Guard
U.S. Coast Guard
2100 2nd St.
S.W. Washington, D. C. 20593-0001

Dear Commandant:

Thank you for the letter of Feb. 17, 1998. While I don't agree with what the U.S. Coast Guard considers as safe and proper, I do appreciate the written response.

An excerpt from LCDR A.T. Furst letter explains that, "A senior member of that staff visited the John F. Kennedy and talked with the Staten Island Ferry Administration, he determined that MIO New York's investigation of the incident was adequate and that the ferry was safe to continue with routine operations without having the emergency generator available. He made this determination based on the fact that should the ferry's primary tips service generators fail, the vital service generator would adequately provide power for emergency propulsion, steering and fire fighting. The vital services generator can be considered an emergency generator since it operates on a redundant system and automatically comes on line if the primary generators fail." As to this excerpt, I do agree that the vital service generator is an emergency generator and does provide power for emergency propulsion, steering, and fire pump. However, the mention of continuing with routine operations is a bit confusing, for the vessel was not operating routinely when the fire occurred on the emergency generator set. The vessel had not yet been put into operation.

It is mentioned, that in the event of failure of the primary power the vital service generator would have come on line automatically and provide power, is correct. However, was the following consider? The morning of the incident, the vessel started operation without reporting or investigating the cause of the fire. The vessel got underway at approx. 0530 hr. in freezing weather, while still in darkness. At 0600hr., at least, 3,500 passengers boarded the vessel and approx. 50 automobiles were loaded and the vessel got underway.

Again I agree, if primary loss of power had occurred the vital service generator would have automatically provided power for propulsion, steering, and a fire pump, and the vessel could have propelled itself through the water, but it would not have

been routine. Please consider what the vessel would not have had without an emergency generator.

Without the other emergency generator,
the vessel would have had :

- 1) No lighting
- 2) No radar
- 3) No ship-shore phone radios
- 4) No rudder angle indicator system
- 5) No public address
- 6) No call bells
- 7) No engine order power failure alarm panel
- 8) No engine order telegraph system
- 9) No gyro
- 10) No fire screen door system
- 11) No whistle (an air whistle is available, however the air compressors are not connected to an emergency power source)
- 12) No heat

The only lights that would have been available in the engineering spaces would have been a battery pack in the control room and one in the upper emergency generator space (the one that was out of service). The engineering crew would only have flashlights to see with. I know that such a condition, would have been disastrous, even though the investigator considered the vessel safe for operation.

It was mentioned that your investigator talked with the Staten Island Ferry Administration. Are you also aware that former Director Ryan who stated that "the Dept. would never allow an unsafe ferry to be placed into service", was relieved of his position, by the city for mismanagement of the ferry service and for driving city vehicles with a suspended drivers license. The Port Engineer who accompanied the inspector is the same person who ran the vessel after the loss of the emergency generator. I can fully understand an Investigator wanting to talk to all sides, however I was never contacted.

LCDR A.T.Furst's letter clearly states that the incident of operating without an emergency generator was safe. Thus it appears that this decision overrides the CFR requirements of which I included in my previous correspondence to you. It also appears that the concern of the vessel, in latter months, being run without a vital service generator, (which was also reported in my previous correspondence), is also not of concerned to the U.S. Coast Guard.

You mentioned that the MIO, New York, has developed New York Inspection Circular # 1-97 titled "Staten Island Ferry Emergency Generators". I have not seen this publication, however I feel

sure that it does properly address the situation. For as may be recalled from my Dec. 8, 1997 correspondence, I mentioned I'm very satisfied with the professionalism of which MIO New York has displayed since Jan. 97. Also during the loss of the vital service generator engine, this past fall, on the M/V The Gov. Herbert H. Leaman, MIO, New York was very responsive and concerned for the safe operation of the vessel.

Again thank you for your response.

Sincerely,



Robert E. Pearl

encl: 1) Letter LCDR Furst 02/17/98

Copy: 1) U.S. Senator Lautenberg
2) U.S. Senator Torricelli
3) Act NY

An added amusing note of interest is that, after my wife (who knows nothing of engineering or vessel safety)(and doesn't like typing)) asked me "if what they say is true, then why did'nt they just take the boat out and try it? It could have saved alot of typing" I explained to her I had already done that, when just the engineering crew was onboard, while securing for the day and it isn't good.

It does sound simple to `just try it` and it would only take about ten minutes to find out. But this isn't really surprising, for simplicity can easliy be lost in our sometimes confusing world.

U.S. Department
of Transportation

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-MOC-2
Phone: (202) 267-1464
FAX: (202) 267-4394

16700
02/17/98

Robert E. Pearl
410 Huff Ave.
Manville, NJ 08835

Dear Mr. Pearl:

In response to your letter dated December 8, 1997, I have looked into your concerns about the operations of the Staten Island Ferry, JOHN F. KENNEDY, and into the investigation concerning the incident that occurred on December 11, 1995. As you were unsatisfied with the response and actions taken by marine inspectors working out of the Coast Guard's Marine Inspection Office (MIO) New York City to the Dec 11, 1995 incident, this office requested an investigation of that incident by the traveling inspections staff. This staff is composed of some of our most senior and experienced marine inspectors. A senior member of that staff visited the JOHN F. KENNEDY and talked with the Staten Island Ferry Administration. He determined that MIO New York's investigation of the incident was adequate and that the ferry was safe to continue with routine operations without having the emergency generator available. He made this determination based on the fact that should the ferry's primary ship's service generators fail, the vital service generator would adequately provide power for emergency propulsion, steering and fire fighting. The vital services generator can be considered an emergency generator since it operates on a redundant system and automatically comes on line if the primary generators fail.

Since the December 11th incident, MIO New York has developed New York Inspection Circular number 1-97, titled, "Staten Island Ferry Emergency Generators" which gives guidance to the Staten Island Ferry Administration and to Coast Guard inspectors regarding procedures and actions to take if there is a power loss on any of the Staten Island ferries. MIO New York has also periodically met with the Staten Island Ferry Administration and with MEBA union representatives to discuss ferry operations to ensure safe transits of New York Harbor.

I trust this answers your questions. If you require additional assistance, please contact Lieutenant Joe Cost of my staff at 202-267-1047.

Sincerely,

A handwritten signature in black ink, appearing to read "A. T. Furst".

A. T. FURST

Lieutenant Commander, U.S. Coast Guard
Chief, Vessel Compliance Division
By direction of the Commandant

Copy: Act NY

EMER - PERSONALLY HANDLED

Qdu

George D. Mooney
218 Fisher Ave.
Staten Island, N.Y. 10307

Nov. 12, 1997

Officer In-Charge
Marine Inspection/Investigations
U.S. Coast Guard
212 Coast Guard Drive
Staten Island, N.Y. 10305

Safety Concern/Complaint: M/V American Legion 1) Proposed
extension of drydocking requirement
2) Questionable quality of fire hoses

Dear Sir/Madam:

(1) I am aware that the Staten Island Ferry Administration is seeking to extend the required drydocking period of the M/V American Legion. I know this because some of the operating officers of the vessel have been asked to sign letters requesting an extension. I'm not sure if any of the officers have agreed to sign yet, for the ones who I spoke with are those refusing to sign.

In the interest of safety, it is my most sincere request that the present drydocking requirements stand. I am personally aware of the condition of this vessel for I work onboard four days a week. I know the condition of the stern tubes are much less than desirable. It is often difficult to maintain packing in the stern tube packing glands. The water seldom drips out but more often flows. Both shafts seem to have dropped, which is very noticeable when installing packing.

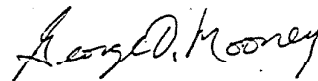
(2) Another concerning point of interest onboard is the use of the present fire hoses. The hoses in use appear normal, however with close examination it can be seen that the hoses are stamped, made in Canada, however a rubber label reading made in U.S.A., has been glued on the hose and on many hoses masking tape has been used, apparently to hold the rubber strip down while the glue dries. This condition does not only exist on the M/V American Legion, but rather on all the vessels. Onboard the M/V Alice Austen in the engine room it is more noticeable for the rubber label is glued around the hose and laps over itself. I

have included one of the rubber made in USA labels, which fell off of an old hose that was being removed. Also these hoses do not fit our "Y" gate fitting, a special bushing must be used. It is obvious that I suspect the ferry administration of using inferior unproven hoses. Even though these hoses may have passed a hydro test it is still questionable as to the durability and abuse of which could be sustained to the hoses during an actual fire.

Please be aware, the pressure for an operating officer to sign a letter for an extension is not only made by the ferry administration, but also by the fact that crews will be reduced. Such reduction does not put anyone out of work, but it does take away built-in overtime for the vessel, such as start-up, shut-down, and drill times. If the M/V American Legion is required to be drydocked as scheduled, I will personally lose a considerable amount of overtime. However, I prefer to work on well inspected and maintained vessels. It may appear that I don't trust the Staten Island Ferry Administration and that is quite the case, for certainly they have earned that distrust after their most recent misrepresentation of the condition of the M/V Samuel I. Newhouse in order to receive an extension of that vessel's drydocking last summer.

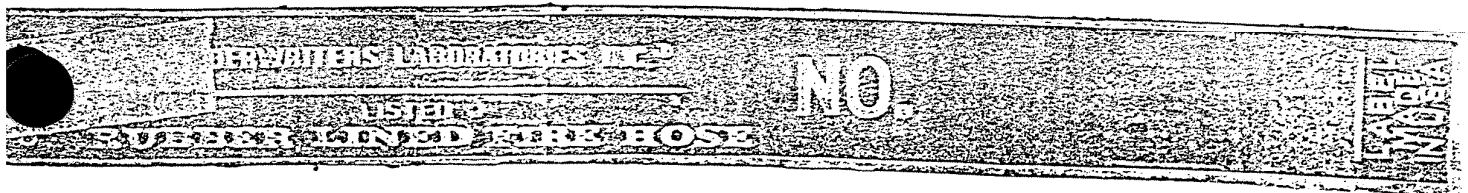
This request is made in the interest of ensuring safety for the passengers and crew who ride the Staten Island Ferries. And in the interest of my own safety I request this correspondence be kept confidential.

Most respectfully,



George D. Mooney

encl: Rubber made in U.S.A. label



DEAR MR. CONCEPCION

You have been targeted by the corrupt inside Ferry Administration to indicate you as a corrupt U.S. Coast Guard Inspector who is seeking employment with the City of New York as the Director of Marine Maintenance. To show proof of this they have leaked out that you were one of the inspectors who inspected the American Legion for the extension of the C.O.I. They want it indicated that you definitely had a conflict of interest and you over looked important deficiencies so you would gain favoritism for the job. They will leak the precise deficiencies at a later time so as to drag it out in the press while at all times publicly denying it. This scenario sounded quite convincing and would be quite difficult for you and the Coast Guard to prove otherwise. When I first heard this I was appalled and could only think how rotten the Coast Guard is to be in cahoots with the corrupt Ferry Administration. But, then I started thinking why are they telling me? So I asked around to find out if this was true or a set-up. I've passed this by a few of the employees to see what they thought. In general they weren't surprised they just thought this proves the Coast Guard is as bad if not worse than the City.

I could end here, but I also spoke to two other employees, an operating Captain and a Chief, who I respect. Both said they've dealt with you and you are straight and honest and to watch out because I'm being set-up to be used. It appears that Director of Operations Lorello and Port Engineer McKenzie are behind this plot. They don't want you in the job because your knowledge and abilities will pose a threat to their continued existence. They want things to continue to run the old way without outside interference. At this point even if you don't take the job they want you and the Coast Guard to look more corrupt than them. Then they will be left alone to run things the way they want.

I have no problems with signing my name, but I do not want to make it awkward for you or the Coast Guard if you ever have any future dealings with me. Also I'm sending a copy of this to both Staten Island

you see the kind of people they are

Good Luck!

Ward, Keith LCDR

From: Casson, Peter LT
Sent: Wednesday, January 19, 2000 2:09 PM
To: Ward, Keith LCDR
Subject: SI Ferry Corrections

Here ya go sir.

12JAN~~00~~: Held a meeting with Mr. Charlie Barker from George Sharp, Inc. Present at the meeting was CDR Bobal, LCDR Ward, Mr. Concepcion, and LT Casson. The following topics were discussed:

Lifesaving arrangements, Rescue Boat, and Safety Assessment.

Mr. Barker prepared a handout outlining SI intentions and desires for each subject, along with supporting reasons. That handout, which was the format for the meeting, has been placed in the project file.

In discussing the first topic – lifesaving, Mr. Barker was concerned with weather or not the new ferries were going to have to comply with the new regs regarding primary lifesaving. He said if they did its important to know now because that decision would deem the current design of the boat inadequate. He made the point that the primary lifesaving arrangements on the current and existing SI Ferries has proven to be sufficient enough. Mr. Concepcion stated that as long as they do a proper risk assessment then primary lifesaving won't be an issue. CDR Bobal then added the point that although the risk assessment may call for a reduction in primary lifesaving as compared to the existing ferries, the public may not go for it. Mr. Barker responded by saying that SI docs not have a problem with maintaining the old primary lifesaving arrangement, its just the extra their worried about.

The discussion was then moved to the topic of Rescue Boats. Mr. Barker referenced his recent discussion with crew members when he made the point that vandalism of the rescue boats is a major concern of the SI Ferry operators. Mr. Barker then went on to say he didn't want to go with a rescue boats that comply with 160.156, but he'd rather go with boats that comply with 160.056. Mr. Concepcion informed him that other operators have recently had a problem exercising this option because of the minimal availability of manufacturers who are willing to make a 056 boat. Mr. Barker said he was unaware of that problem and was grateful we brought it up. He said he would look into it further.

The final, but main issue discussed, was the ongoing problem of area of safe refuge and the ability to conduct a full passenger evacuation in the event of an emergency in which the boat would not be able to make it back to a dock. Mr. Barker made the point that in a fire situation the main vertical zones can act as areas of safe refuge. The new boats will have two MVZs. All agreed but that still doesn't address the evacuation issue. CDR Bobal reminded Mr. Barker that we (the CG) must always consider the worse case scenario. If the vessel is dead in the water and is taking on water, how do they intend to get over 4,000 passengers to safety? Mr. Barker was not able to provide a solid answer and admitted that this was a problem that would need further attention.

4X1.0=4.0 hrs.

CHI-CHENG YANG
VICE PRESIDENT
NAVAL ARCHITECTURE

GEORGE G. SHARP, INC.

100 CHURCH STREET, NEW YORK, NY 10007

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MARINE SYSTEMS • ANALYSIS & DESIGN

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KENNETH R. CONCEPCION
CHIEF OF DEEP DRAFT & PLAN REVIEW SECTION

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U.S.C.G.
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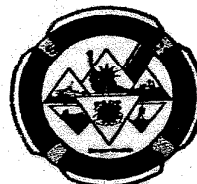
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Visit our Website at: nyclink.org/calldot

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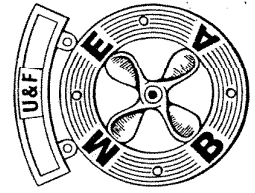
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Capt. Gary Aherna - N.Y. C. Perrie
Norm Kerlaney - M.I.B.A. SHOP STEWARD
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LCDR Keith Ward ACTNY (718) 354-4242
DAN CROCE ACTNY 718-354-4220
Shane Montoya ACTNY 718-354-4226
Go... Mr. R. Pan... ACTNY 718-354-4289

DISTRICT No. 1-PCD, MEBA (AFL-CIO)

SIF mtg 2/4/99 with Pam Cox Operations Mgr.

NICK ↓ PAT RYAN ↑

① American Legion - Mate not required when not carrying passengers or vehicles. SIF wants this deleted. Will submit a letter.

② Original licenses required on vpls (14W Cdr. Bobal or in their car). SIF will send ltr to HQ requesting program to give out laminated MMD life cards.

③ Ray Fraser investigation. SIF will send FOIA request to LT. Montoya

④ Drug testing Captains while U/W or passengers on board. Ma Cox suggested for lack of progress. Checked Cox position - we all not see & guess the burned master if he'd state they need to be on the bridge or on deck for analysis. Engineer be Chief Engineer but at other times when they are to discuss.

⑤ MMDs for Responde

Not in Cox's book are in union 333
I stated we have all been ^{seen} saying this is a great job but had to be done. I think the fact that we have a good number of people who are not aware of the importance of the MMDs and the need to get them done. We have not covered a lot of ground with the MMDs and we need to get them done. We need to get them done. We need to get them done. We need to get them done.

② Subject: Contract to ... submitted ...
by ...

1EBA MTG FRIDAY 5 FEB 99 1415 See notes on hand
written agenda submitted by Mr O'Toole, Thursday 4 Feb 99.
In attendance - ^{MEBA} Mike O'Toole, Ch. Eng, Shop Steward
BA Bruce Kirkland, Chief Engineer.
CG LCDR Ward, LT. Montoya, Mr Concepcion
NOT IN ATTENDANCE: Cdr. Bobal.

3 June 99 Mtg w/ LCDR WARD, PAM CESS, PAT RYAN. Drafted ltr for
Sark Larson to Capt Bennis requesting ltr to implement
MMDs for O.Ss/wipers.

REC -
KAUFMAN
6731 ^{entry} _{cost} 35.00
LT AUSTIN ^{AB} _{area} 60.00
4965 ₄₀₀₀ 35.00

212) 668 -

No physical for entry
level MMDs ^{o.s. wipers}
Need physical for other
O.Ss.

[FAX COVER PAGE]

DATE : Feb. 5, 1999

TO : NAME : Lt Cmdr Keith Ward
FAX NO. : 718 354 4301

FROM : NAME : Michael O Toole MEBA
FAX NO. : 718 318 1640

Number of Pages : 3 (including cover page)

Subject / Notes : Keith here is an agenda of things we would like to discuss with you. Sorry I took so long to get it to you. As always we are open to discuss anything you may have on your mind. Any problems page me @ ~~718~~ - 917 879 5030 Otherwise we will see you tomorrow @ 1415

Thanks

M. O. Toole

Feb 5, 1999

Agenda for Meeting between VCCG + SI Ferry MEB,

The following are some of the issues that concern us.

- ① The issue of men being drug tested underway has still not been resolved. We feel very strongly that this is a very hazardous practice and must be stopped immediately. promised to follow up with Mr. Cess / Mr. Larson. Briefed MESA on Thursday 2/4 (Yesterday) with Mr. Cess.
- ② Lack of any formal fire fighting training. Ferry licensed personnel have to have training new license. So ferries meet regulations. We will not issue requirements above beyond this.
- ③ Maintenance. It is a well known fact that it takes an undue length of time to get repairs done ifed MESA on improvement in responses to 8353. Almost never get repairs except just about all completed before deadline.
- ④ We would like to have breathing apparatus to fight fires & necessary training to go with them. Not required, but if put on board would inspect & require 2 plus spares, etc.
- ⑤ It has become standard practice to do shake downs on the Barberi class vessels without an asst. engineer. The COT states that only a Chief is required when there are no passengers aboard. We agree that for purposes of shifting a vessel without passengers a Chief will suffice. However in that these shake downs last 4 to 8 hrs

we feel an asst. engineer is necessary. There are in a sense passengers on board. They would be tradesman, or tech. advisors. Also who is manning the asst. engineer billet for fires and emergency stations?

are folks aren't passengers. Pass never require an asst. engineer even when passengers are on board.

⑥ Are there any plans to change the C.O.I. for the Kennedy Class Boats. Just that not request to add the mate when passengers not on board.

⑦ We would like to clarify the manning of heating boilers when not in automatic mode. Boilers don't always purge before starting in automatic mode. MEBA for the cooperation of that of CWO Green (Chief) of GPO Path (Engine) have the problem previously investigated possible plug for boiler investigate - known & could recreate the problem. All supervisors

⑧ Presently there are plans to re-assign the Duty Engineer, when the heating season is over, to other duties. We feel he should be kept on watch due to the fact that there is still much equipment to keep an eye on. This would include, but not be limited to: MSD units, fuel oil tanks and related equipment, compressors, pumps and bridges. Please keep in mind that our oilers are not certified. Licensed engineers only required to attend "oil fired boilers"

Next time we sit down with Jack Larson - let's stress the desirability of the management/architects getting input from current vessel crew on areas for improvement over existing vessels - design/maintenance.

LCDR WARD

MR. CONCEPCION 1050-

Port Captain - Pat Ryan

Dir of Ops - Pam Cess

LT. MONTROYA 1115-1125

CDR CROCE 1125-1130

MARCH 99

SIF meeting

~~2/2/99~~

- ① No progress on MMD issue.
- ② Y2K contingency planning - what if's.
What if relief crew ~~not able to~~ doesn't show up after crew on board for 12 hours?
- ③ Subchapter W. CWO Alcantara working with ferry folks on applicability.
- ④ Naval Architecture firm George Skays won bid for new building design. Public hearing tomorrow.
- ⑤ Drug testing / Alcohol testing - will be discussing with MEBA this week. Contractor can delay testing until boat tied up for alcohol, up to 3 hours for drug testing.
- ⑥ Public input into new design: have already done a survey and will have public hearings.
- ⑦ Fuel Barge security - discussed reqs vis a vis camera & watchman.
- ⑧ Ray Frasier investigation, failure to obey order to close valve.

think security
2-05-15(b)(2)

THURSDAY 16 APRIL 98 1430

Commissioner Graciano Nick Lallo
LCDR Ward Cdr Bobal
LT Smith Mr. Cueto

Com Grant - Chief Admin Officer

1) MOV - Mr. Graciano working with NYDOT, public affairs to arrange ceremony on ferry. Will meet next week on boat to block out ceremony & discuss contents of ceremony. Introduced Cdr Bobal as Capt Vlaun's Public Affairs officer.
[NYC signer will be Commissioner Malchow.

ceremony: CG officers, enlisted ^{in background} (G flag, NYC skyline

2) Inspection of barges - Oil barge #4 going to May's Shipyard Monday 20 April. Cdr Cueto will have inspectors there by 10 credit drydock exam & to begin inspection for Certification (5 is double hulled, 4 is single hulled). Will give them Rivers route, unmanned, need couple of portable fire extinguishers. Would need Change of Employment & Temp Load Line Certificate if need to go to DD outside of New York Harbor.

3) MMDs - Mr. Graciano still has to talk to Commissioner Malchow (NYDOT) and Commissioner Grant. Mr. Graciano is concerned with whether civil service rules might require him to stay empty a deckhand ^{in some capacity} ~~on shore~~ ^{what} had lost other MMD due to S&R hearing. He will ask NYDOT to rule on this.

Also, Mr. G. asked if people on ramp have to adhere to same drug/alcohol rules. Cdr Bobal & LT Smith

THURS 26 MARCH 98 WEDNESDAY 11 AM 1000 - 11:30 AM
SIF MTG. COMMISSIONER GIACCIO, DEPUTY NICK LORELLI

MOU - GENERAL

Mayor Guilliano has seen Capt. Vlauns letter and approves of the concept and would like to move ahead quickly. Commissioner Malchow will be the designated signer of the MOU.

Schedule a meeting with Capt. Vlaun and Commissioner Malchow, Commissioner Giaccio, etc (212) 442-7767. Suggested next week.

DECKHANDS GETTING MMDs:

Deckhands and Oilers are International Longshoremen Assoc. (ILA) local 333.
Al Cornette - President
Joe Lynch - Shop Steward and Deckhand

Mr. Giaccio will brief Chief Administrative Office and Commissioner, on why we should do this. Mr. Giaccio asks that we be prepared to discuss this at mtg between Commissioner Malchow and Captain Vlaun. Mr. G. suggests we wait until after this meeting to talk to the ILA folks.

SECURITY: Mr. Giaccio met with Borough President Molinari and brought up need for ^{more} police on ferries. Borough President will bring up the issue with Police Chief. Mr. G. feels best step is to have Sergeant Price put present schedule (igled sched) on paper then compare to perfect world of 2 or 3 cops on every ferry at all times.

Mr. G. like the idea of cameras (also) Sergio will take top. Price for more detailed data. Mr. G. ask us to hold off on police the form

Get copy of deckhand job descriptions, also oilers. (Education and experience)
2692s.

STATEN ISLAND FERRY MOU TOPIC

SUBJECT AREA: Crew competence & Professionalism.

Issue: Should deckhands/unlicensed "oilers" be required to hold Merchant Mariner's Documents?

SITUATION: Certain types of marine operations require the CG to go beyond simply ensuring vessel operators meet the minimum standards of law and regulation. The Commandant's Marine Safety Business Plan calls for the COTP/OCMI to assess and address risks to the port. The Staten Island Ferries carry 60,000 passengers a day, crossing one of the busiest commercial waterways in the country. This operation represents the highest human risk potential in this port by far. In his letter promising mayor Giuliani that the CG would continue inspecting the SI passenger ferries absent a legal requirement to do so, RADM Larrabee restated our mutual concern in "keeping the safety of the ferry passengers as paramount." Given this, additional measures are called for to implement additional safety procedures, above those specified in US regulations, to improve the quality of SI Ferry maintenance and operations. In the spirit of "Prevention Through People" measures should be taken to improve crew competence and professionalism to reduce risks to the 60,000 daily passengers.

The Staten Island Ferry crewmembers who have the most contact with the passengers are the deckhands. Deckhands are required to be on board by the vessels' Certificates of Inspection but are not required to be licensed nor to possess Merchant Mariners Documents as the vessels are over 100 gross tons but operate solely on "navigable rivers."

GOAL: Deckhands, or equivalents, should be able to adequately address vessel safety concerns and passengers' safety related concerns and should be able to properly provide the initial response to any safety, security or medical emergencies aboard the vessels. Crewmembers who do not perform their duties adequately should be subject to disciplinary measures. Some recommended issues to be discussed under this topic follow:

- (1) List of appropriate deckhand duties & responsibilities.
- (2) Management's means of communicating policies to crewmembers.
- (3) Existing disciplinary procedures for crewmembers' failure to adequately perform required duties (or other negligence or misconduct).
- (4) Existing role of CG in enforcement of standards on undocumented crewmembers.
- (5) Enhanced role of CG in enforcement of standards on documented crewmembers.
- (6) Other pros and cons of crewmembers having MMDs.

Updated 26 March 1998

PROs and CONs of requiring unlicensed crewmembers to possess Merchant Mariners Documents as a condition of employment aboard the Staten Island Ferries.

PROs:

OS and ABs:

Unlicensed crewmembers would be required to meet and maintain the minimum CG standards for obtaining and holding an MMD or the could not continue to be employed on the ferries:

Be drug free.

Crewmembers could face sanctions against their MMD for misconduct if they disobeys a lawful order from licensed officer for example.

ABs: must pass a physical every 5 years.

CONS: More work for CG Regional Exam Center
New York.

Possibly more work for ACTNY P & C
Investigations Branch.