

Doubt Signal

By Captain Gerard Hasselbach AFNI

If any readers are familiar with MITAGS' Navigational Skills Assessment Program® (NSAP®) they will know it is an assessment program in which the navigation skills of a mariner are assessed in a simulated environment. I have had the ability over the last seven years to witness and assess over 1000 sessions and have learned much more than I believed that I could.

I would like to share one of the most frequently misunderstood situations that is covered under the ColRegs. This is with the hope that the outcome that it will be better understood by all mariners and be taught in Maritime schools around the world.

The situation in which I am writing is the simple situation of having another vessel crossing from one's port side. One's status and resultant duties under the ColRegs change several times as one's mental state changes.

See Figure 0.



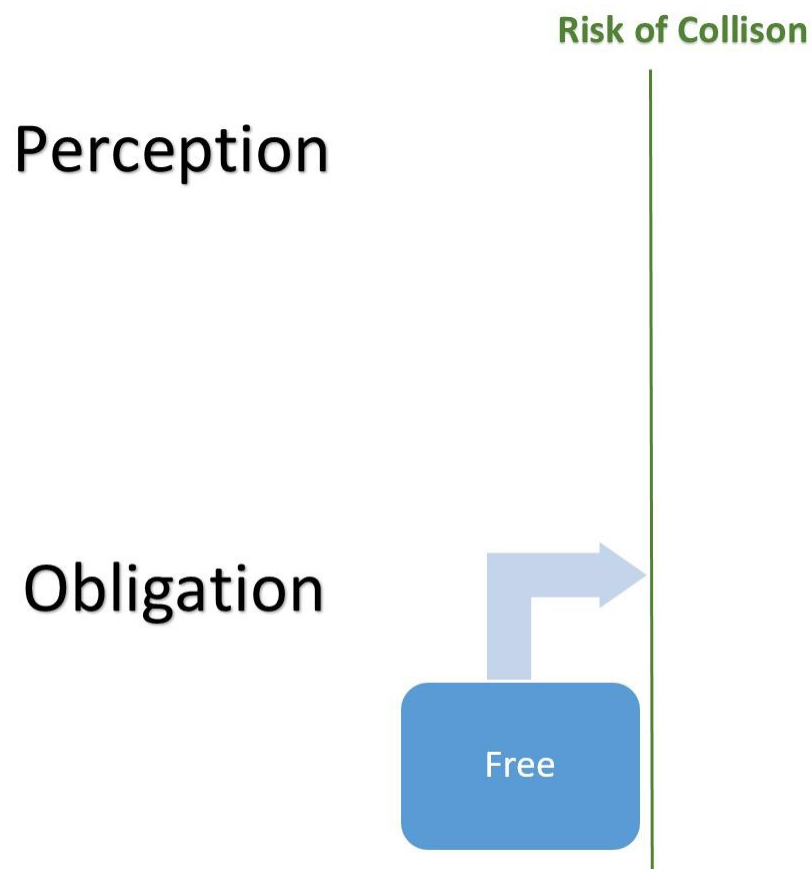
Perception

Obligation

Allow me to explain:

At a far enough distance and time, we would understand to be not at risk of collision. At that point, there is no obligation of our vessel to maneuver, or not maneuver, because the ColRegs have not come into effect. We are free to maneuver (or not) in any way, except to put ourselves into risk of collision.

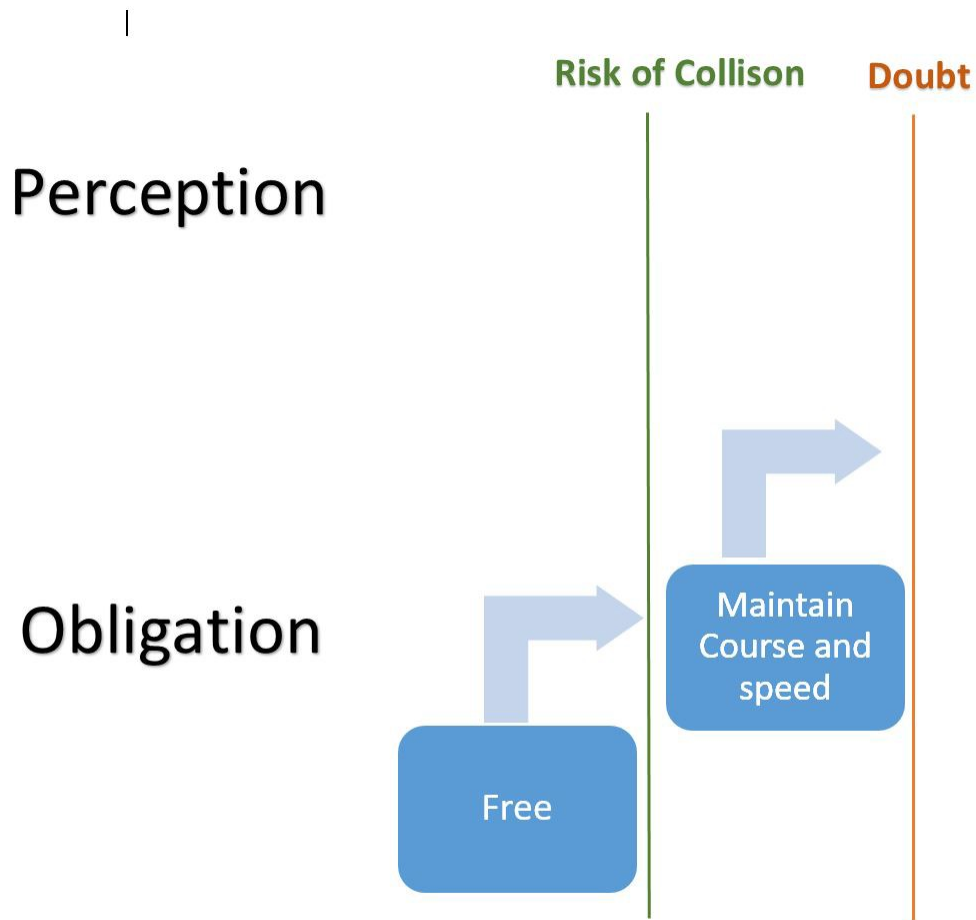
We will call this Figure 1:



This status continues until there is a perceived risk of collision when the ColRegs activate and at that point we become the Stand On Vessel. At this point, our obligation becomes to maintain course and speed. Many participants, when asked for how long they must maintain course and speed, say that it is until the action by the other vessel is not considered

enough to avoid collision or until extremis. It is clear that the participants are missing a very important step

Figure 2:



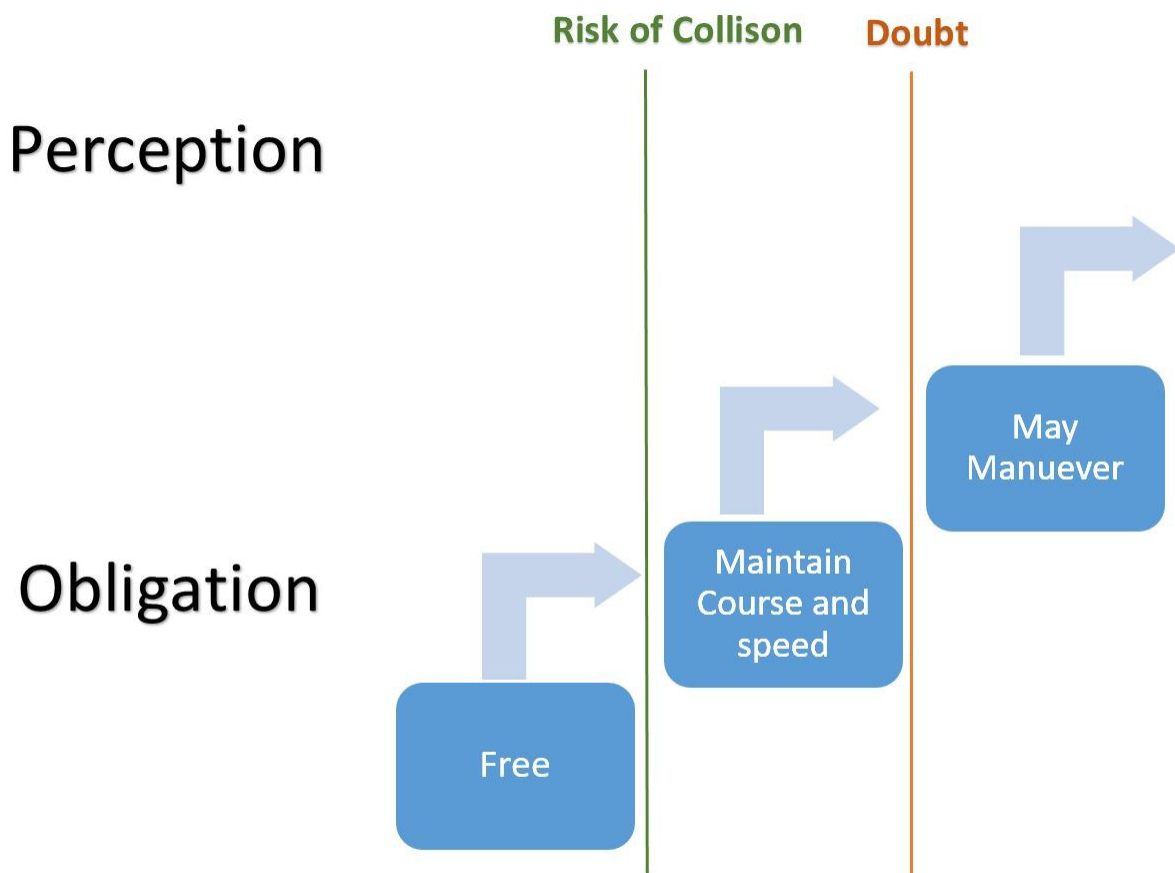
We must maintain course and speed per the ColRegs until our perception changes again. This time it is with the arrival of Doubt. When we are in doubt about the intentions of the other vessel, under the ColRegs, we *may* maneuver to avoid a collision. The conundrum is that if you are in Doubt, you *must* sound the signal as prescribed in Rule 34(d), which requires the mariner to sound a signal of five or more short blasts of the whistle in rapid succession.

This signal, by its design, is made to be able to penetrate other noises, such as: the wind through sails, motor noises, fishing winches or the running of refrigerated containers.

For many years the US Inland Navigation Rules referred to this signal as the “Danger Signal”. This is problematic. Many mariners were waiting until they were in danger before sounding the signal and thus before taking action for a give-way vessel that was not giving way. The ColRegs are clear that it is a signal to be sounded when in doubt, and not to wait until you are in danger. As of 2014, all reference in the US Inland Rules to a Danger Signal was removed and slowly that information is reaching the mariners. There is no reference to a Danger Signal in the International Rules. Calling it a Doubt Signal sets a better stage for understanding how that signal must be applied.

Consider it a “Door of Doubt” that you must go through to get to the next required step, where you may maneuver to avoid a collision. Think of that door having a door bell called the Doubt Signal that must be activated before opening that door and moving on.

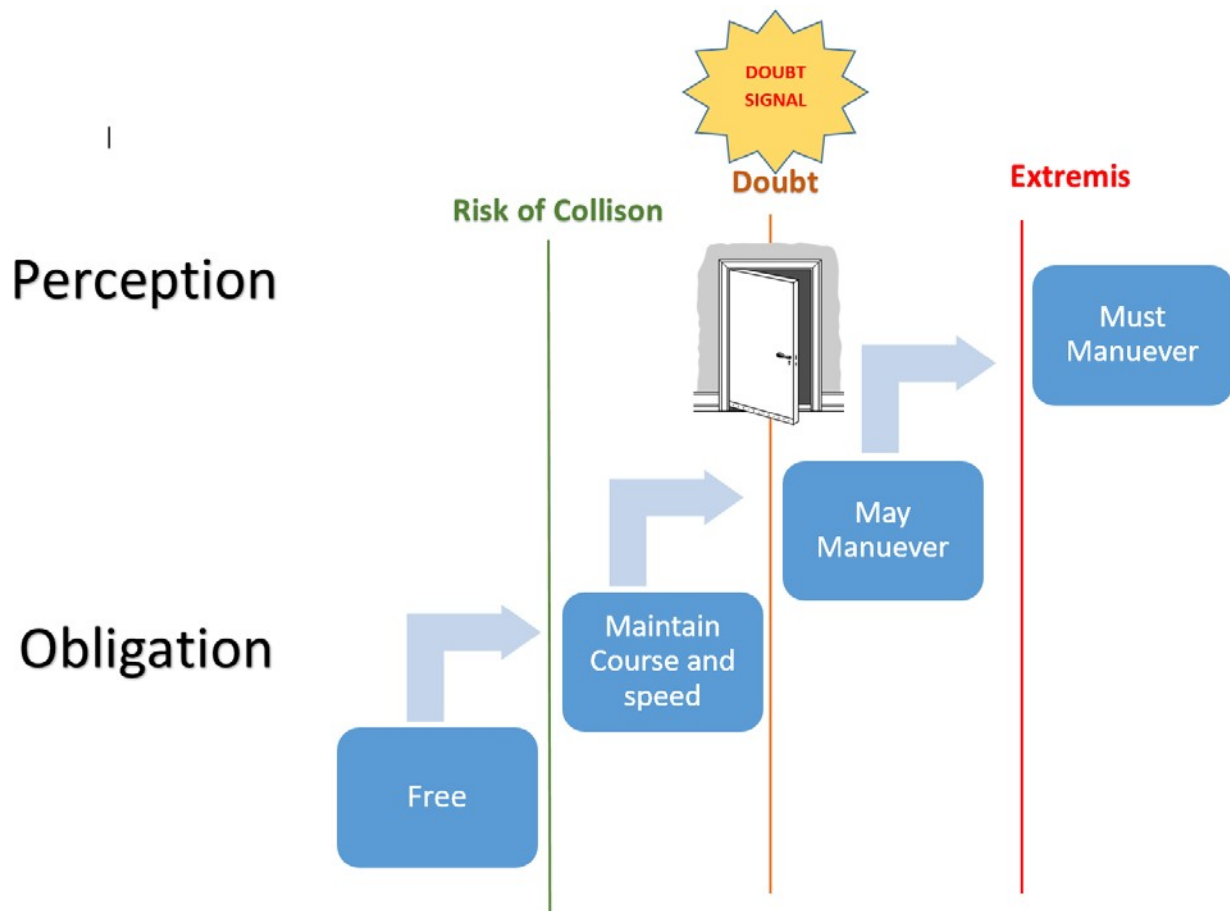
Figure 3:



The above shows how your status changes when you are in doubt. You are no longer required under ColRegs to maintain course and speed; however, you may now maneuver to avoid a collision.

This status continues until the next perception. That is when you perceive that the action by one vessel alone may be insufficient to avoid a collision and that both vessels must act and maneuver to avoid a collision.

Figure 4:



I have been asked to be expert witness on several court cases involving collision. I have observed in reading the testimony that there is also a missed perception as to the changed obligation when you become *in doubt* that the other vessel is taking action.

Some of the responses have been along the thought pattern of “he was showing me green”, “I have right of way”, and “I must keep going.”

In order for the entire pattern to work, doubt must be recognized when there is still time for any maneuver **you** make to be in time to avoid a collision. The emphasis is on the **you**.

I have seen many situations where a large vessel will allow a much smaller, more maneuverable vessel to approach its port bow and when it is a few hundred feet away, sound the five or more short blasts. This is probably the extreme example of difference in maneuverability. My question is, at that time what happens if whoever is driving the small boat is incapacitated? Or the boat itself is incapacitated? At that point, any maneuvering of the larger vessel can only result in changing the spot on your hull where the other vessel hits you.

You must train yourself to be in doubt about the other vessel when there is still sufficient distance for you to maneuver by turning to starboard, stopping, or a combination of the two, to avoid a collision even if the other vessel does nothing. Bear in mind that in this situation turning to Port is seriously frowned on because if the other maneuverable vessel suddenly wakes up and sees the situation, they are required to turn to their Starboard. This puts you in further jeopardy in a court case as being the vessel that must give way, now being on the other vessel's port side.

Another misunderstanding that we have seen frequently is the misunderstanding of the signal itself. We have heard five long blasts, a continuous sounding of the whistle, and other combinations of the two. As stated above, the signal was devised to be heard through other noises and attract the attention of not only the vessel not giving way but other vessels around you who might be relying on your maintaining course and speed.

We have also seen the use of the Doubt Signal as a “bully” signal used to attempt to scare a stand on vessel into giving way. That is nothing more than attempting to make a passing arrangement that is not in accordance

with ColRegs, which is a bad decision and may result in another decision against you in court.

Captain Gerard Hasselbach is a graduate of SUNY Maritime College in 1969. Heretired from APL as a 20 year Master in 2000, sailing cargo vessels for that time. He also is a Juris Doctor, and graduated from University of California Hastings College of Law in 1974. He has served at MITAGS in Baltimore MD for 4 years as Simulation Department Head and has taught there since 2007 and has been Lead Assessor of the Navigation Skills Assessment Program NSAP® since 2015. He also has been invited as Special Witness in several high profile cases including the COSCO BUSAN collision with the Oakland BayBridge and the USS Fitzgerald collision with the ACX CRYSTAL

The ideas for this were developed during NSAP® and in conjunction with Farwell's Rules of the Nautical Road 8th Edition by Craig H. Allen, and discussions with Captains Bren Wade and Joe Soderberg of Crowley Maritime, Captain Bill Skahan Captain James Staples and Allen Birch at MITAGS. Thank You!

Edited by Rebecca Evans, MITAGS.