

40528 3 2 1 On a dark and foggy night in March, 1986 Captain Joseph Corey was at the helm of the M/V GREEN CANYON EXPRESS, a 185' utility vessel owned by Offshore Express, Inc. The vessel was proceeding north through the Houma Navigation Canal, towards Houma, Louisiana. Captain Corey had posted a look out in the wheelhouse, but visibility was so restricted by the fog that the lookout could not see both banks of the canal at the same time. Captain Corey was navigating by radar, splitting the banks of the canal. Captain Corey knew the canal was at a low water stage, but he was not using his fathometer, and, the District court found, he was running at an imprudently high speed. For some reason, Captain Corey veered away from the canal's dredged deep water channel. At about 3:20 in the morning the vessel struck the DuLarge natural gas pipeline about 25' outside of the dredged channel. The pipeline, owned by United Gas Pipeline Co., ruptured, and the escaping gas exploded into flames.

The DuLarge pipeline was constructed in the 1940's and was later permitted under regulations which required that the pipeline present no interference with navigation. During construction of the canal in the 1960's, the pipeline was buried in the mud at the bottom of the canal to protect it from damage from passing vessels. When the vessel struck it, the 12" diameter pipeline was about 4 feet below the surface of the water and about 1 to 2 feet above the mud line, in violation of regulation.

United Gas was at fault for the accident, by failing to prevent its pipeline from becoming an obstruction to navigation. Captain Corey and Offshore Express were at fault for the accident,

by veering out of the channel, ^{by}proceeding underway with markedly restricted visibility, ^{by}failing to use the vessel's fathometer and spotlight, and ^{by}proceeding at greater speed than was prudent.

Damages in admiralty cases are apportioned on the basis of the comparative fault of the parties. Citing the U.S. Supreme Court's 1975 opinion in United States v. Reliable Transfer Co., the 5th Circuit affirmed findings that United Gas was 50% liable for failing to prevent an obstruction to navigation and that Captain Corey and Offshore Express were 50% liable for negligence in the operation of the vessel.

More next week on The Admiralty Docket. Until then, remember your rights and responsibilities may change as you approach the shore and may God Almighty grant you pleasant sailing.
