



# National Transportation Safety Board

## Marine Accident Brief

### Collision between Fishing Vessels *Got 'M On* and *Lady Toni*, and Subsequent Sinking of *Got 'M On*

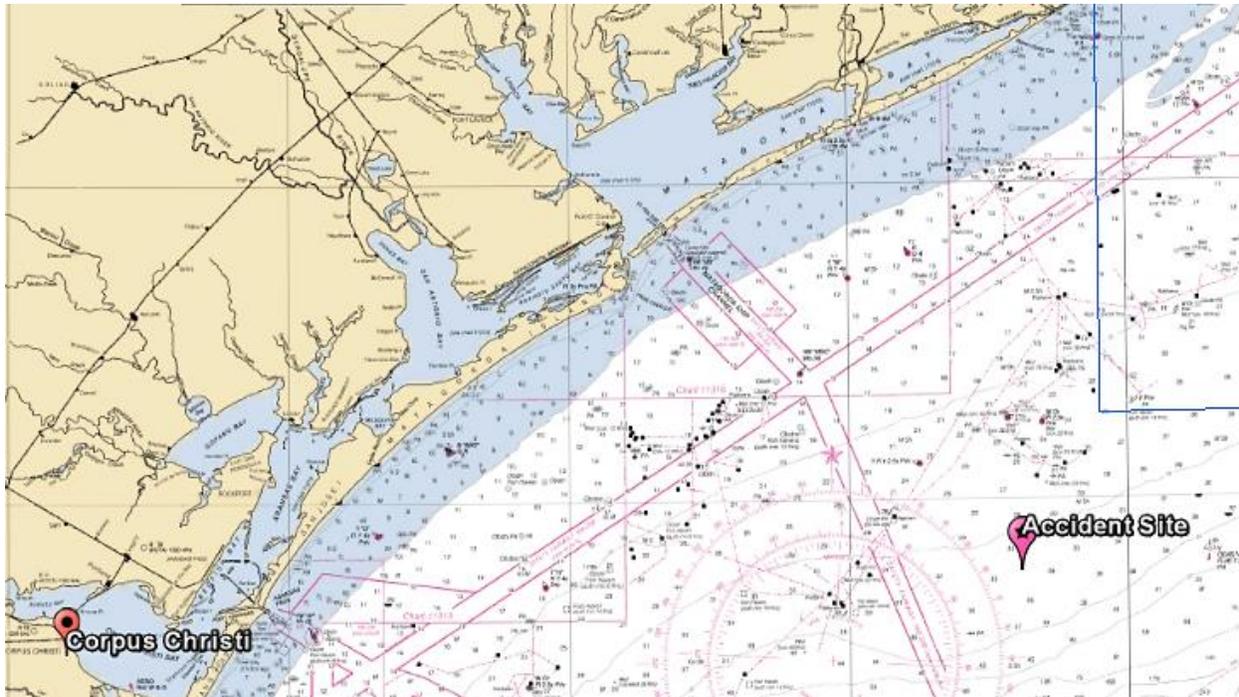
<b>Accident type</b>	Collision	<b>No.</b> DCA18FM031
<b>Vessel names</b>	<i>Got 'M On</i> and <i>Lady Toni</i>	
<b>Location</b>	Gulf of Mexico, near Port O'Connor, Texas 27°53.3' N, 095°41.5' W	
<b>Date</b>	July 28, 2018	
<b>Time</b>	1548 central daylight time (coordinated universal time – 5 hours)	
<b>Injuries</b>	Minor	
<b>Property damage</b>	\$1.45 million est.	
<b>Environmental damage</b>	None reported	
<b>Weather</b>	Visibility 10 miles, winds calm, seas 1–2 feet, air temperature 90°F, water temperature 87°F	
<b>Waterway information</b>	Open waters of the Gulf of Mexico, at a water depth of about 200 feet, approximately 105 miles east of Corpus Christi, Texas	

On the afternoon of July 28, 2018, the sport-fishing vessel *Got 'M On* collided with the commercial fishing vessel *Lady Toni* about 105 miles east of Corpus Christi, Texas. The *Got 'M On* began flooding and all eight persons aboard disembarked to a Good Samaritan vessel before the sport-fishing boat sank. No pollution or injuries were reported. The value of the *Got 'M On* was \$1.2 million and damage to the *Lady Toni* was about \$250,000.



Left: *Got 'M On*, pre-accident. (Photo by Clay Voss) Right: *Lady Toni* dockside, postaccident.

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Section of NOAA navigation chart 11300. The accident location, about 105 miles east of Corpus Christi, Texas, is marked.

### Background

The *Got 'M On* was a 61-foot-long private sport-fishing boat that transported the owners and their guests on recreational fishing trips in the Gulf of Mexico. The accident trip was no different. The *Got 'M On* left Port O'Connor, Texas, on Thursday, July 26, 2018, about 1700, with a total of eight persons aboard to participate in a fishing tournament. One of the persons served as captain and another as mate. Although the boat was not required to have a Coast Guard-credentialed captain aboard because none of the passengers were for hire, the captain had a 100-ton master's credential.

The boat had a fiberglass hull and was of fairly typical design and layout for an offshore sport-fishing vessel: a flying bridge above the cabin, a tuna tower above the flying bridge, and a large aft space or cockpit from which to fish. The flying bridge contained steering and engine controls, two GPSs, a radar, two VHF radios, a depth sounder, and an autopilot. To go from the flying bridge to the cockpit, one descended an eight-rung ladder to the mezzanine deck and took a couple of steps to the cockpit. The after part of the cabin contained a salon with windows on both sides, and the forward part of the cabin was subdivided into three staterooms. The vessel had twin diesel engines that powered two propellers located forward of twin rudders. The engines were located in the engine compartment, accessed by lifting a hatch fitted to the aft part of the mezzanine deck that was located between the cockpit and the after part of the cabin.

The *Lady Toni* was a trawler rigged for shrimping. It was of typical design for a Gulf shrimp boat with a house structure that ran from about midship toward the bow, with a wheelhouse at the forward end of the house structure. The wheelhouse could be accessed internally from the galley or from the exterior via port and starboard doors. Aft of the house was an open deck for bringing nets and shrimp aboard the vessel and for accessing the freezer hold. A large steel mast arrangement ran vertically from the top of the house. At each side of the base of the mast were two

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steel booms, known as outriggers, which had swivels attached to the bottom of the mast. This arrangement allowed the outriggers to pivot about the horizontal and vertical axes, and thus for the outriggers to be extended outward to each side of the vessel. Nets for trawling were attached to the outriggers by steel wires, which ran through steel blocks and then down to a winch on deck.

### Accident Events

After the *Got 'M On* left Port O'Connor about 1700 on July 26, it headed east, about 128 miles, to the *Hoover-Diana* spar platform in Alaminos Canyon block 25. The crew fished in the early morning hours of the 25th and again from about 0500 until 2200, and then the crew and guests rested until the next morning. On the accident date, fishing for live bait began around 0500, and then the vessel started trolling for larger fish around 0630. About 0930, they hooked a blue marlin and fought it for about 3.5 hours while the *Got 'M On* worked toward the coast. About 1300, they hauled the marlin on board. Soon after, the captain determined the fish met the minimum requirements to have it weighed at the tournament weigh-in station in Port O'Connor. According to tournament rules, the boat had to be shoreside of the Port O'Connor small jetties by 1800.

The captain, navigating the *Got 'M On* from the flying bridge, commenced the return on a course of about 300 degrees true with the engine throttle set to a corresponding vessel speed of about 28 knots. About 1530, with the *Got M' On* heading into the sun, the captain overtook the sport-fishing vessel *Double Oak*, which was also participating in the tournament, on that boat's starboard side. No one else was with him on the flying bridge and the only vessel he recollected seeing, visually or by radar (set to a 6-mile range), was the *Double Oak*. After checking to see "if everything was clear," he left the flying bridge with the *Got 'M On* set to autopilot and went below to perform a visual check of the engines. After opening the hatch, he entered the engine room and completed the inspection, which he said took about 45 seconds. He then closed the hatch and, instead of heading back to the flying bridge, proceeded to the salon to talk to the owner about the length of the marlin they had caught.<sup>1</sup> He did not believe he was off the flying bridge for more than 2–3 minutes. While talking to the owner, he saw the tip of an outrigger appear in the starboard window to the salon. Immediately after the captain saw the tip, at 1548, the vessels collided and, according to the captain, the *Got 'M On*'s port bow area began taking on water. A short time later, the flying bridge structure and tuna tower of the *Got 'M On* toppled to the water. The captain, after assessing the rapid rise of water in the cabin, had the passengers head to the stern of the *Got 'M On* without their lifejackets. While this was going on, the nearby *Double Oak* circled back to ask if the *Got 'M On* needed assistance and, less than 10 minutes after the collision, the eight persons on board disembarked from the stern of the *Got 'M On* directly onto the *Double Oak*. Shortly thereafter, the *Got 'M On* sank.

On the accident morning of July 26, the *Lady Toni* crew completed shrimping about 0700. The captain then steered the vessel in a northeasterly direction at a speed of about 8 knots from a position off Aransas Pass, Texas, toward an offshore fishing area closer to Palacios, Texas.<sup>2</sup> According to a deckhand who was in the wheelhouse with the captain, about 5 minutes before the

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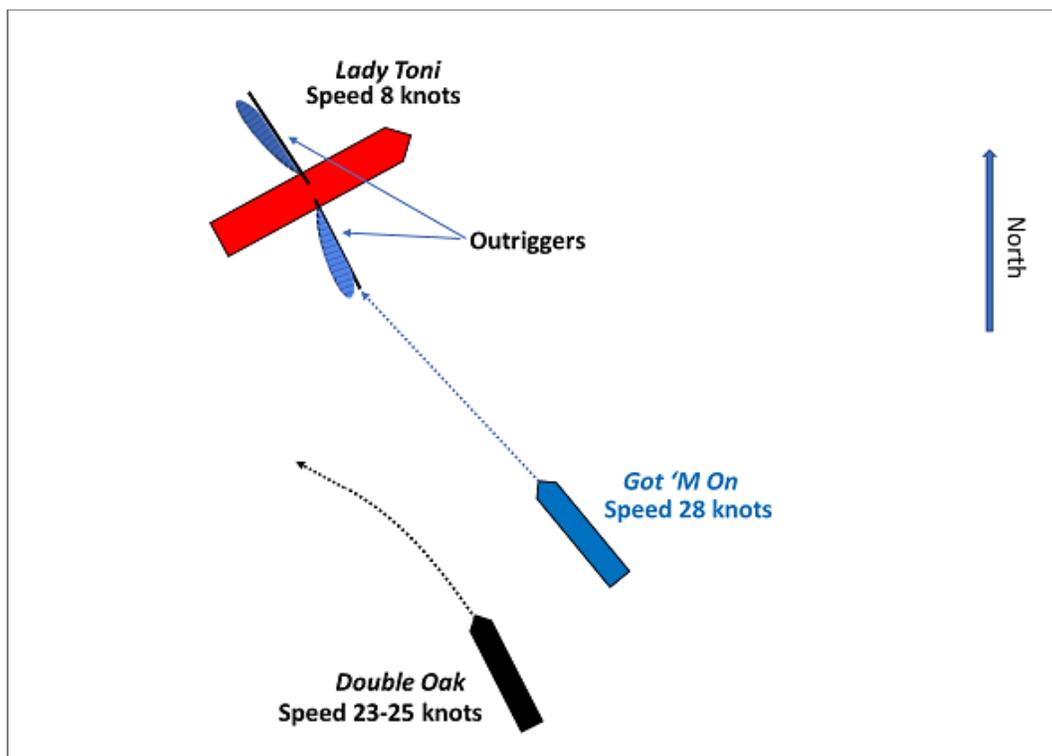
<sup>1</sup> The fishing tournament rules required marlins to be at least 102 inches long to qualify for weighing. The marlin caught aboard the *Got 'M On* was 102.5 inches; however, boated marlins would shrink slightly over time and the captain was concerned that they would be "in big trouble" with fines levied if the marlin was shorter than 102 inches.

<sup>2</sup> Investigators estimated the generally northeast direction based on the vessel's last AIS positions of July 28–29.

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collision they noticed a small vessel (which was the *Got 'M On*) about 5–6 miles away approaching them. The deckhand said that after he and the captain confirmed the vessel's continued approach on the radar, they discussed turning the *Lady Toni* to port and the captain tried calling the other vessel four or five times on VHF channel 16 but received no answer. He also said he twice exited the starboard wheelhouse door, first to look at the approaching vessel and second to "flag" (wave at) it, but he saw no one on board. About 30 seconds before impact, the *Lady Toni* crew realized they were going to hit and, according to the wheelhouse deckhand, the captain slowed the vessel and turned the vessel to port. A second deckhand, who was in the galley below and aft of the wheelhouse, said he heard the captain call the other vessel about three times on channel 16. He stated that he could not tell if the captain slowed the shrimp boat, because he could not see the throttles from the galley where he was standing, but he said he did poke his head out to see the wheelhouse deckhand waving his arms and screaming at the other vessel. Neither deckhand heard any horn or sound signals from the *Lady Toni*.

The *Double Oak* was under way at 23–25 knots, heading in a northwesterly direction (somewhat parallel to the *Got 'M On*) back to Port O'Connor and, according to two deckhands on the flying bridge of the vessel, were overtaken on their starboard side by the *Got 'M On*. The deckhands estimated that the *Got 'M On* overtook the *Double Oak* at a distance of between 400 yards and half a mile. The deckhand steering the *Double Oak*, who had previously captained other sport-fishing vessels, said he maneuvered the boat to port about 2–3 minutes before the collision to avoid the *Lady Toni* just before the *Got 'M On* overtook the *Double Oak*. Both of the *Double Oak* deckhands told investigators that, prior to the collision, they saw no one on the decks or at the conning stations of either vessel, that neither the *Got 'M On* nor the *Lady Toni* changed course or speed, and that they heard no radio transmission from either vessel.



Approximate positions of vessels prior to collision. (Not to scale)

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Both *Double Oak* deckhands stated that they saw the outrigger of the shrimp boat strike the flying bridge of the *Got 'M On*, which caused the *Got 'M On* to pivot and the starboard bow of the *Got 'M On* to strike the starboard quarter of the fishing vessel. According to the deckhand steering *Double Oak*, the force of the *Got 'M On* striking the *Lady Toni* lifted the sport-fishing vessel about 3–4 feet into the air.

After witnessing the collision, the deckhand steering *Double Oak* made numerous attempts at raising the *Lady Toni* by VHF to ascertain if everyone was okay and to tell them to back their vessel down because they were heading in a circle toward the *Got 'M On* and were going to hit it again. The same *Double Oak* deckhand then saw the *Lady Toni* operating in reverse and a puff of black smoke coming from the shrimp boat. He also said that a person on the *Lady Toni* stated, via VHF radio, that he believed all aboard were okay and that the *Lady Toni* had hit something.



Left: *Got 'M On* shortly after the collision. (Photo by John Hafernick) Right: The starboard (damaged) side of *Lady Toni*.

### Additional Information

Investigators obtained the results for the postaccident drug testing conducted on the *Lady Toni* captain and one of the *Lady Toni* deckhands; both results were negative. Investigators found no evidence that any other toxicological testing was conducted.

### Analysis

Collision regulations require all vessels to keep a proper lookout and to proceed at a safe speed. The regulations also require the “give-way” vessel (in this accident, the *Lady Toni*, because the *Got 'M On* was crossing from the *Lady Toni*’s starboard side) to take action to prevent a collision. If the give-way vessel fails to do so, the “stand-on” vessel (the *Got 'M On*) must take action. Further, if any vessel is in doubt of what the other vessel is doing, it must sound the danger signal.

The *Got 'M On* had no issues with its propulsion or navigational equipment; further, in clear daylight conditions, the *Lady Toni* would have been visible from its flying bridge. When investigators asked the captain of the *Got 'M On* what might have prevented the collision, he replied, “If I had been on the bridge.” It is likely that the captain spent longer than 2–3 minutes off the flying bridge, given that he should have seen the *Lady Toni* visually or by radar well in advance of the collision. The

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captain should not have left the navigation bridge unattended, especially not while the *Got 'M On* was operating at such a high rate of speed.

The two *Lady Toni* deckhands with whom investigators spoke (the captain and the other deckhand were unavailable for interviewing) stated that before the collision, the *Lady Toni* captain tried radioing the *Got 'M On* via VHF channel 16 and turned the shrimp boat away from the *Got 'M On*. The deckhand in the wheelhouse of the *Lady Toni* said the captain also slowed the vessel prior to collision; no electronic information was available to verify this reported slowdown. Further, statements from the crew on the nearby *Double Oak* contradict that the *Lady Toni* took any action; they heard no radio calls and saw no evasive maneuvers prior to impact. If the *Lady Toni* captain had detected the *Got 'M On* 5–6 miles away as the deckhands indicated, he should, as the navigator of the give-way vessel, have taken action to avoid the collision.

### Probable Cause

The National Transportation Safety Board determines that the probable cause of the collision between sport-fishing vessel *Got 'M On* and commercial fishing vessel *Lady Toni* was the failure of the *Lady Toni* captain to take appropriate action to avoid the collision, and the *Got 'M On* captain's failure to safely operate his vessel by leaving the bridge unattended.

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### Vessel Particulars

Vessels	<i>Got 'M On</i>	<i>Lady Toni</i>
<b>Owner/operator</b>	Outrage Sport Fishing LLC.	Lady Toni, Inc.
<b>Port of registry</b>	Port Aransas, Texas	Port Lavaca, Texas
<b>Flag</b>	United States	United States
<b>Type</b>	Recreational fishing vessel	Commercial fishing vessel
<b>Year built</b>	2003	1998
<b>Official number (US)</b>	1140253	1067364
<b>IMO number</b>	N/A	8958136
<b>Construction</b>	Fiberglass	Steel
<b>Length</b>	61.75 ft (18.82 m)	79.20 ft (24.14 m)
<b>Draft</b>	5.33 ft 1.63 m)	8 ft (2.44m)
<b>Beam/width</b>	18.16 ft (6.79 m)	24.01 ft (7.32m)
<b>Gross and/or ITC tonnage</b>	72 gross tons	136 ITC gross tons
<b>Engine power; manufacturer</b>	Twin Caterpillar C30s 1,550 hp (1,156 kW)	Caterpillar 3412 1,800 hp (1,342 kW)
<b>Persons on board</b>	8	4

**NTSB investigators worked closely with our counterparts from Coast Guard Marine Safety Detachment Victoria, Texas, throughout this investigation.**

For more details about this accident, visit [www.nts.gov](http://www.nts.gov) and search for NTSB accident ID DCA18FM031.

**Issued: July 31, 2019**

The NTSB has authority to investigate and establish the probable cause of any major marine casualty or any marine casualty involving both public and nonpublic vessels under Title 49 *United States Code*, Section 1131. This report is based on factual information either gathered by NTSB investigators or provided by the Coast Guard from its informal investigation of the accident.

The NTSB does not assign fault or blame for a marine casualty; rather, as specified by NTSB regulation, “[NTSB] investigations are fact-finding proceedings with no formal issues and no adverse parties . . . and are not conducted for the purpose of determining the rights or liabilities of any person.” Title 49 *Code of Federal Regulations*, Section 831.4.

Assignment of fault or legal liability is not relevant to the NTSB’s statutory mission to improve transportation safety by conducting investigations and issuing safety recommendations. In addition, statutory language prohibits the admission into evidence or use of any part of an NTSB report related to an accident in a civil action for damages resulting from a matter mentioned in the report. Title 49 *United States Code*, Section 1154(b).