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Sound Off!

By Marilyn Raia

Who doesn't like to walk by a harbor and listen to the cacophony of sounds coming from the vessels passing by? Like the lights on a vessel, the various sounds coming from a vessel's bell, whistle, and gong give information to others about the vessel's size, course, and operations. Federal law dictates what type of bell, whistle, and gong should be on a vessel as well as when, where, and how they should be used. This article provides some sound signal basics.

Where the Sound Signal Rules are Found

Like the rules for vessel lighting (see *Pacific Maritime Magazine*, January 2013), the rules for sound signals are found in two places: the International Regulations for Preventing Collisions at Sea 1972 (known as the "Colregs" or "International Rules") and the Inland Navigational Rules Act of 1980 (known as the "Inland Rules"). The former is an international treaty adopted in 1972 and entered into force in 1977. The latter is a federal statute enacted by Congress in 1980. Rules 32-37 in both sets pertain to sound signals. They are similar, but have significant differences.

Particulars of Sound Signal Devices

The sound signal rules involve the use of three different types of signaling devices: a whistle, a bell, and a gong. The sounds of the bell and gong must be different from each other so as not to be confused. Contrary to common belief, the sound signal rules do not provide for the use of a foghorn except as a distress signal. The types of signaling devices that must be used on a vessel are dependent on the vessel's type, size, and operations. A vessel under 12 meters in length is not required to have a whistle, bell or gong. If it does not have these signaling devices, it still must have some way to give an effective signal.

The sound signal rules require a "short blast" and a "prolonged blast" of a whistle under certain circumstances. The former is defined as "about one second's duration." The latter is defined as "four to six seconds' duration."

Regulations applicable to the sound signal rules address the audibility distance of whistles and require large vessels to have a whistle audible at a greater distance than the whistle on a smaller vessel. The regulations specify the placement of the whistle on a vessel, i.e. at the highest practical point. They dictate the materials to be used in the construction of the bell and gong, as well as the bell's maximum diameter and the mass of the striker. A power-driven bell and gong are recommended but manual operation of the bell and gong's striker must be possible in an emergency.

Maneuvering and Warning Signals

A vessel's sound signals are a way the vessel can communicate navigation information to another vessel. Because the sound signal rules usually apply only when vessels are in sight of each other, a proper lookout should always be maintained.

Rule 34 sets forth the signals required for vessel maneuvering in various situations such as passing, overtaking, nearing a bend or an area where other vessels may be obscured, or leaving a dock or berth. In some respects, International and Inland Rule 34 are the same.

However, in others, they are quite different. The differences should not be overlooked by mariners who have occasion to travel where each applies.

For example, under International Rule 34(a), when vessels are in sight of each other, a power-driven vessel signals an intended course change with its whistle. One short blast means a turn to starboard; two short blasts mean a turn to port. Nothing more is required. Under Inland Rule 34(a), the whistle signals are the same for a course change to starboard and port but are limited in use to when two power-driven vessels are within sight and "meeting or crossing at a distance within one half mile of each other." Moreover, under the Inland Rules a vessel hearing the one or two blast whistle signal of another vessel must sound the same whistle signal if agreeable to the course change.

The International and Inland versions of Rule 34(c) pertain to overtaking situations and differ remarkably in their situational application, signals, and responses. For example, under International Rule 34(c), a vessel intending to overtake another vessel on its starboard side must sound two prolonged blasts followed by a short blast of the whistle. If the overtaken vessel is in agreement, it must respond with one prolonged blast, one short blast, one prolonged blast, and one short blast in that order on its whistle. Inland Rule 34(c) is totally different. Under that rule, a power-driven vessel intending to overtake another power-driven vessel must sound one short blast on the whistle. If in agreement, the overtaken power-driven vessel sounds the same signal, that is, one short blast on the whistle.

If there is any question about the safety of a maneuver, Rule 34(d) of both versions requires the sounding of the same danger signal, at least five short and rapid blasts on the whistle.

Under Inland Rule 34(g), a power-driven vessel is required to sound one prolonged blast when leaving a dock or berth. The International Rules do not have this requirement.

When vessels exchange signals, they must proceed promptly according to the signal given. A vessel responding to the signal of another is entitled to assume the other will act according to the signal given, unless it is clear the other cannot or does not intend to so proceed. Cross signals, such as a vessel responding to a single short blast with two short blasts, are not lawful. The lack of an answer to a signal should be assumed to be a disagreement with the intended course. When not receiving a response to a sound signal, the signaling vessel should proceed with extreme caution.

Signals in Restricted Visibility Conditions

Rule 35 pertains to the sound signals a vessel must give both during the day and at night when in or near an area of restricted visibility. The required signals vary depending on the type, size, and activity of the vessel. For example, a power-driven vessel making way through the water must sound one prolonged blast on the whistle at intervals of not more than two minutes. A vessel at anchor must ring its bell rapidly for five seconds at intervals of not more than one minute. And, if the anchored vessel is 100 meters or more in length, it must ring its bell in the forward part of the vessel and immediately after ringing its bell, it must sound its gong rapidly for five seconds in the after part of the vessel. An anchored vessel may also sound a short, a prolonged, and a short blast of the whistle to warn of its position. Rule 35 requires different signals for, among others, vessels that are towing another vessel, vessels being towed, vessels engaged in fishing, vessels engaged in pilotage, and vessels that are aground.

Other Sound Signals

Rule 36 allows a vessel needing to attract another vessel's attention to make any sound signal that cannot be mistaken for the sound signals required by the other rules. Rule 37 provides a variety of sound and other signals a vessel may use when in distress. The distress sound signals include a continuously sounding foghorn, a gun fired at one minute intervals, and red star shells.

Failure to Give or Answer the Proper Signal

As with other violations of the navigation rules, the failure to give the proper sound signal, and the failure to answer a signal when required, triggers the Pennsylvania Rule, derived from an 1873 United State Supreme Court case. Under the Pennsylvania rule, if at the time of a collision, a vessel is in violation of a statutory rule, that vessel is presumed to be at fault unless the violator can prove the violation did not and could not have played a role in the collision. It is a difficult burden but can be sustained.

In Orlando v. Puget Sound Tug & Barge Co, 519 F.Supp. 19 (W.D. Wash. 1980), Orlando's vessel, ***F/V Lynn Dee***, became disabled around midnight and a large portion of its gillnet was set out within the outbound Puget Sound VTS lane. The gillnet could not be retracted because of the engine failure. Another fishing vessel made fast alongside while attempts were made to start the ***Lynn Dee's*** engine. A dense fog then set in. At 0300, the tug ***Jodi R***, owned by the defendant, was towing an oil barge at dead slow speed in the outbound Puget Sound VTS lane and struck the ***Lynn Dee's*** gillnet. At the time of the collision, the ***Jodi R*** had been sounding the appropriate restricted visibility signal under the Inland Rules (one prolonged blast followed by two short blasts of the whistle). However, the district court found the ***Jodi R*** had violated a Puget Sound Gillnet Rule, which required it to give a certain signal (one prolonged blast followed by one short blast of the whistle) as well as shine a searchlight beam on the vessel's intended course. Because of the statutory violation, the district court applied the Pennsylvania rule. It did not impose any fault on the ***Jodi R*** however, because it held the rule violation was not, and could not have been, a cause of Orlando's damages.

An understanding of the sound signals required by the Inland and International Navigation Rules as well as by local rules is crucial for mariners. The sound signals convey important information about a vessel's course and operations and serve as a means of avoiding vessel collisions.

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