



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

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**JUDGE EDWARD R. KORMAN'S RULING
IN THE LIMITATION PROCEEDING ARISING
FROM THE STATEN ISLAND FERRY ACCIDENT**

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New York, Feb. 26, 2007 – The Hon. Edward R. Korman in United States District Court for the Eastern District of New York ruled in the limitation proceeding arising from the Staten Island ferry case today.

"We are disappointed by the Court's ruling," said Michael A. Cardozo, New York City Corporation Counsel. "This was a terrible tragedy, and our hearts go out to those affected by the accident. The accident occurred, however, because Assistant Captain Richard Smith took over the operation and navigation of the ferry, when he was unfit to do so, and did not disclose that fact to anyone.

"The Court has already found him criminally responsible for his actions," Cardozo added. "We respectfully disagree with the Court's conclusion that the City was negligent with regard to this accident. We believe that the Ferry's policies and practices were safe on October 15, 2003, as they have been throughout its hundred-year history. We are considering our appellate options."

Following the accident, to ensure that the ferry operation was not only safe but that it was guided by the best and most modern practices of the maritime industry, the Department of Transportation (DOT) engaged the Global Maritime and Transportation School (GMATS) at the United States Merchant Marine Academy to review the entire Staten Island Ferry operation. In addition, DOT retained Admiral Robert North, who is a former U.S. Coast Guard Captain of the Port of New York to work with GMATS. Based on GMATS' recommendations and working with Admiral North, DOT implemented system wide changes which enhanced the safety and efficiency of the Staten Island Ferry system. Today, the Staten Island Ferry system is the only U.S. maritime operator which complies on a fully voluntary basis with the rigorous standards of the International Maritime Organization's Safety Management System. In sum:

- A Safety Management System has been established which delineates clear levels of authority and lines of communication. Written procedures have been developed to standardize all aspects of the ferry operation, including the boats, terminals, maintenance operation, management and administration. Through enhanced technical and professional training, quality assurance, and internal and external audits, these written procedures have been incorporated into the day-to-day ferry operations.
- As an integral component of the Safety Management System, a comprehensive technical and professional development program has been designed and implemented specifically for Staten Island ferryboat crews and shore-based personnel. Some of the training is for the purpose of ensuring that the ferry operation will continue to meet Coast Guard mandates. Other training addresses specific job duties, vessel operations, security, equipment procedures, safety, environmental compliance and other aspects of the Safety Management System.

- A new management structure has been developed and staffing has been augmented in specific aspects of the operation. Key to the new management structure was the hiring of a Chief Operations Officer to provide critical leadership in continuing to improve operations, and implement the Safety Management System. In addition to the Chief Operations Officer, the new management team consists of an Executive Director of Safety and Security, a Director of Ferry Operations, a Director of Ferry Engineering, a Senior Port Engineer, a Senior Port Captain and a Safety Manager.
- A Bridge Team Management Program has been established, which sets out specific responsibilities for all personnel in the pilot house and ensures that their activities are closely coordinated to facilitate safe navigation and other supervisory responsibilities. The program includes a rotating pilot house complement of three licensed officers, with two officers being in the pilot house at all times. The third officer will be available for necessary supervision, and for emergencies.
- The Staten Island Ferry operation has upgraded and improved its equipment and taken advantage of newer technology. Its radar equipment has been updated. Automated Radar Plotting Aids and Automatic Identification Systems have been installed.

Other safety enhancements have been placed in effect with respect to emergency operations and lifesaving capabilities and the policies to be followed in various weather conditions have been formalized. DOT remains committed to monitoring the operation and evaluating new technologies continually in its effort to best accomplish its goal of preserving the overall safety of the Staten Island Ferry operation. 186 claims were filed after the accident. Of those, 119 have been settled, for a total of \$27.6 million, and two have been discontinued. The amounts paid in settlement ranged from \$500 to \$9,000,000. Sixty-five claims remain pending.

In the criminal proceedings brought in this matter, Richard Smith was convicted of 11 counts of seaman's manslaughter and one count of making false statements, and was sentenced to 18 months in prison. Patrick Ryan, former director of ferry operations, was convicted of one count each of seaman's manslaughter and of making a false statement, and was sentenced to a year and a day imprisonment. John Mauldin, former Port Captain, was convicted of making a false statement to investigators and sentenced to two years probation. Former Captain Michael Gansas, who was charged with making a false statement to investigators, entered into a deferred prosecution agreement premised upon his cooperation. Finally, Dr. William Tursi, Smith's physician, was convicted of making a false statement with respect to Smith's medical condition and sentenced to six months' home confinement. All of the convictions were based on guilty pleas.

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