



UNITED STATES COAST GUARD

REPORT OF THE INVESTIGATION INTO THE ILLEGAL SMALL PASSENGER VESSEL STIMULUS MONEY (NJ 8563HN), CAPSIZING WITH LOSS OF LIFE ON JULY 12, 2022



MISLE ACTIVITY NUMBER: 7509951. MISLE CASE NUMBER: 1312118.

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

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16732/IIA #7509951
19 Aug 2024

**CAPSIZING OF THE MOTOR VESSEL STIMULUS MONEY RESULTING IN
THE LOSS OF TWO LIVES WHILE OPERATING ON THE HUDSON RIVER
IN THE VICINITY OF INTREPID PIER 90, MANHATTAN, NEW YORK
ON JULY 12, 2022**

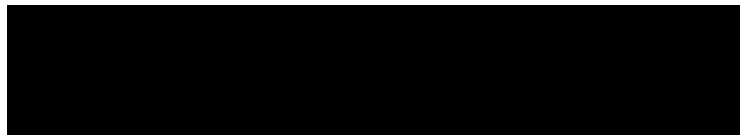
ACTION BY THE COMMANDANT

The record and the report of the investigation convened for the subject casualty have been reviewed. The record and the report, including the findings of fact, analysis, conclusions, and the recommendation are approved subject to the following comments. This marine casualty investigation is closed.

ACTION ON RECOMMENDATION

Recommendation 1: It is recommended that the Coast Guard Office of Investigations and Casualty Analysis (CG-INV), implement formal Coast Guard wide policy and guidance outlining illegal passenger vessel initiatives to structure standard enforcement and investigations guidance with an emphasis on educational outreach.

Action: I concur with this recommendation. CG-INV has initiated the development of a national level policy regarding illegal passenger vessel protocols to provide the Coast Guard and its law enforcement agency partners standardized procedures regarding detection, investigation, and enforcement of illegal small passenger vessel operations. The Coast Guard intends to promulgate the new guidance as a Navigation and Vessel Inspection Circular (NVIC).



J. D. NEUBAUER
U.S. Coast Guard
Acting Chief, Office of Investigations
& Casualty Analysis (CG-INV)



16732
18 Sep 2023

**ILLEGAL SMALL PASSENGER VESSEL STIMULUS MONEY (NJ 8563HN),
CAPSIZING WITH LOSS OF LIFE ON JULY 12, 2022**

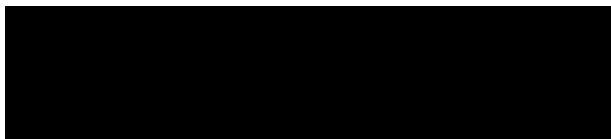
**ENDORSEMENT BY THE COMMANDER,
FIRST COAST GUARD DISTRICT**

The record and the report of the investigation convened for the subject casualty have been reviewed. The record and the report, including the findings of fact, analysis, conclusions, and recommendations are approved subject to the following comments. It is recommended that this marine casualty investigation be closed.

ENDORSEMENT/ ACTION ON RECOMMENDATIONS

Safety Recommendation 1. It is recommended that the Coast Guard Office of Investigations and Casualty Analysis (CG-INV-1), implement formal Coast Guard wide policy and guidance outlining illegal passenger vessel initiatives to structure standard enforcement and investigations guidance with an emphasis on educational outreach.

Endorsement: Concur; Reports of illegal passenger vessel operations and their subsequent tragic mishaps continue to rise throughout the First Coast Guard District and other waterways of the United States. Such mishaps that end in the tragic deaths of boaters garner negative media attention and could subsequently degrade confidence in the safety measures that are heavily promoted by the United States Coast Guard. In order to prevent future marine casualties stemming from illegal charter vessel operations, the implementation of a more aggressive and unified approach designed to mitigate illegal passenger vessels would meet the goal of preserving life, promoting maritime safety, and facilitating commerce. Utilization of the fusion of multiple United States Coast Guard assets in the fields of intelligence, response, prevention, and enforcement along with port partners and industry counterparts may compel compliance through a combination of targeted educational outreach efforts along with subsequent enforcement actions.



R. J. SCHULTZ
Captain, U.S. Coast Guard
Chief of Prevention, First Coast Guard District

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
United States Coast Guard
Sector New York

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16732
24 Jul 2023

[REDACTED]
From: Z. Merchant, CAPT
CG Sector New York (s)
To: Comdt (CG-INV)
Thru: CGD One (dp)

Subj: STIMULUS MONEY CAPSIZING WITH LOSS OF LIFE ON JULY 12, 2022.

Ref: (a) Title 46 United States Code, Chapter 63
(b) Title 46 Code of Federal Regulations, Part 4
(c) Marine Safety Manual, Volume V, COMDTINST M16000.10 (series)
(d) Marine Investigations Management and Documentation Requirements, CG-INV
Policy Letter 3-18

1. In accordance with the above references, the Sector New York Investigations Division conducted a Marine Casualty Investigation into the capsizing of the illegal small passenger vessel STIMULUS MONEY with loss of life on July 12, 2022.

2. I have reviewed and concur with the Report of Investigation's findings of fact, conclusions, findings of concern, and recommendations. Please find the enclosed Report of Investigation, formatted in accordance with reference (d), for your review and approval.

#

Enclosure: (1) Report of Investigation into the illegal passenger vessel STIMULUS MONEY capsizing with loss of life on July 12, 2022.



16732
July 20, 2023

ILLEGAL SMALL PASSENGER VESSEL STIMULUS MONEY (NJ 8563HN), CAPSIZING WITH LOSS OF LIFE ON JULY 12, 2022

EXECUTIVE SUMMARY

On July 12, 2022, at approximately 1441, the NJ state registered recreational vessel STIMULUS MONEY (NJ 8563HN) was underway to conduct for hire sight-seeing tours. The vessel was launched out of Carteret Public Boat Launch, Carteret, NJ with 12 passengers and one operator onboard, and was operating in the vicinity of Intrepid Pier 90, Manhattan, NY. The STIMULUS MONEY was transiting in tandem with a personal watercraft (Jet Ski) being operated by the Owner of the STIMULUS MONEY. The Owner would take one passenger off the STIMULUS MONEY at a time for a private cruise around New York Harbor on the jet ski. At the time of the incident, there were no passengers onboard the Jet Ski and all 12 passengers were onboard the STIMULUS MONEY in addition to one operator.

The STIMULUS MONEY was underway southbound on the Hudson River with two passengers riding in bow seating and ten passengers riding in stern seating behind the Operator with engine speeds at approximately 6,000 RPM (estimated between 30-40mph). The Jet Ski was riding in proximity alongside the starboard bow when the STIMULUS MONEY encountered a set of three swells, which introduced sea water over the bow into the forward seating area of the vessel. The two passengers riding in the bow began to move towards the stern of the vessel while the Operator brought both throttles to the neutral position. The sudden reduction in propulsion coupled with a 4th swell to the bow of the STIMULUS MONEY caused the bow to submerge up to the windshield. The Operator attempted to bring the bow out of the water by pushing the starboard throttle full ahead accelerating the starboard engine to approximately 7,800 RPMs, exceeding the manufacturer recommended "Wide Open Throttle" of 7,600 RPMs. This caused the bow of the vessel to dive further into the water, and the starboard quarter to thrust out of the water, capsizing the STIMULUS MONEY in the port side direction.

The capsizing resulted in 12 passengers and one operator being ejected overboard into the Hudson River. Approximately four minutes later, three New York Waterways Ferries arrived on scene to render emergency rescue assistance along with the New York Police Department (NYPD) Harbor Unit and New York Fire Department (FDNY) Dive Rescue Team. Ten conscious passengers and one operator were recovered in varying medical states. FDNY Dive Rescue Team recovered two unconscious passengers trapped underneath the STIMULUS MONEY who were transferred to Mount Sinai Hospital and Bellevue Hospital in Manhattan, NY where they were both pronounced deceased on arrival due to drowning. The 10 recovered passengers and one operator were treated at both Mount Sinai Hospital and Bellevue Hospital

and released. The vessel was recovered by Army Corps of Engineers Salvage Team via crane vessel and then transferred shore side to NYPD Harbor Unit, Bronx, NY via trailer.

The STIMULUS MONEY incurred major damage as a result of the capsizing, resulting in the total constructive loss of the vessel. The Operator onboard STIMULUS MONEY was tested for drugs and alcohol by the New York State Police, yielding a positive result for marijuana metabolites.

As a result of the investigation, the Coast Guard determined the initiating event to be the capsizing of the STIMULUS MONEY. The subsequent events were determined to be, 1) 13 persons were ejected from the vessel into the Hudson River, 2) The death of two passengers due to drowning.

Causal factors contributing to this casualty were: 1) Inexperienced operator of the STIMULUS MONEY, 2) The number of persons onboard the vessel exceeded the manufacturer's data plate, 3) Failure to heed NOAA Small Craft Advisory, 4) Failure of the Operator to wear the engine shut-off cord, and 5) Illegal passenger vessel operation.

INVESTIGATING OFFICER'S REPORT

1. Preliminary Statement

This marine casualty investigation was conducted, and this report was submitted in accordance with Title 46, Code of Federal Regulations (CFR), Subpart 4.07, and under the authority of Title 46, United States Code (USC) Chapter 63.

1.1. The Coast Guard was the lead agency for all evidence collection activities involved in this investigation. The New York Police Department assisted with evidence collection during this investigation.

1.2. All times listed in this report are in Eastern Standard Time using a 24-hour format and are approximate.

2. Vessel Involved in the Incident



Figure 1. Stock photograph of Yamaha AR240, Courtesy of Google Images.

Official Name:	STIMULUS MONEY
Identification Number:	NJ 8563HN – NJ State Registration
Flag:	U.S. State New Jersey
Vessel Class/Type/Sub-Type	Recreational
Build Year:	2020
Dry Weight:	3,660 lbs.
Length:	7.3 meters (24 feet)
Beam/Width:	2.6 meters (8 feet 6 inches)
Draft/Depth:	0.41 meters (1 foot 4 inches)
Main/Primary Propulsion: (Configuration/System Type, Ahead Horse Power)	Yamaha 1812cc HO Twin Jet Drive, 360 horsepower
Owner:	[REDACTED]
Operator:	[REDACTED]

3. Deceased, Missing, and/or Injured Persons

Relationship to Vessel	Sex	Age	Status
Julian Vasquez (Passenger 1)	M	7	Deceased
Lindelia Vasquez (Passenger 2)	F	48	Deceased
[REDACTED] (Passenger 3)	F	51	Injured
[REDACTED] (Passenger 4)	F	32	Injured
[REDACTED] (Passenger 5)	F	42	Injured
[REDACTED] (Passenger 6)	F	18	Injured
[REDACTED] (Passenger 7)	F	54	Injured
[REDACTED] (Passenger 8)	M	25	Injured
[REDACTED] (Passenger 9)	F	27	Injured
[REDACTED] (Passenger 10)	M	44	Injured
[REDACTED] (Passenger 11)	F	20	Injured
[REDACTED] (Passenger 12/Charterer)	M	30	Injured

4. Findings of Fact

4.1. The Incident:

4.1.1. On July 11, 2022, the Charterer contacted the Owner of the STIMULUS MONEY to book a sight-seeing trip in New York Harbor on July 12, 2022, for himself and 11 additional passengers, six of which were visiting from Colombia. The agreement made via phone conversation was that the trip was to be paid for after it was completed for the sum of \$150 per hour for an approximate four hour voyage.

4.1.2. On July 12, 2022, at 1034 hours, The National Oceanic and Atmospheric Administration Weather Service issued an Urgent Marine Weather Message stating a

Small Craft Advisory for New York Harbor was to remain in effect until 2100 July 12, 2022. Stating, “Inexperienced mariners, especially those operating smaller vessels, should avoid navigating in hazardous conditions.”

4.1.3. On July 12, 2022, at 1059 hours, 12 passengers and the STIMULUS MONEY Owner embarked the vessel at Carteret, NJ Public Launch to begin the sight-seeing voyage of New York Harbor. The Operator embarked on a Jet-Ski alongside the STIMULUS MONEY as part of the sight-seeing voyage to provide rotating individual tours to the passengers onboard STIMULUS MONEY.

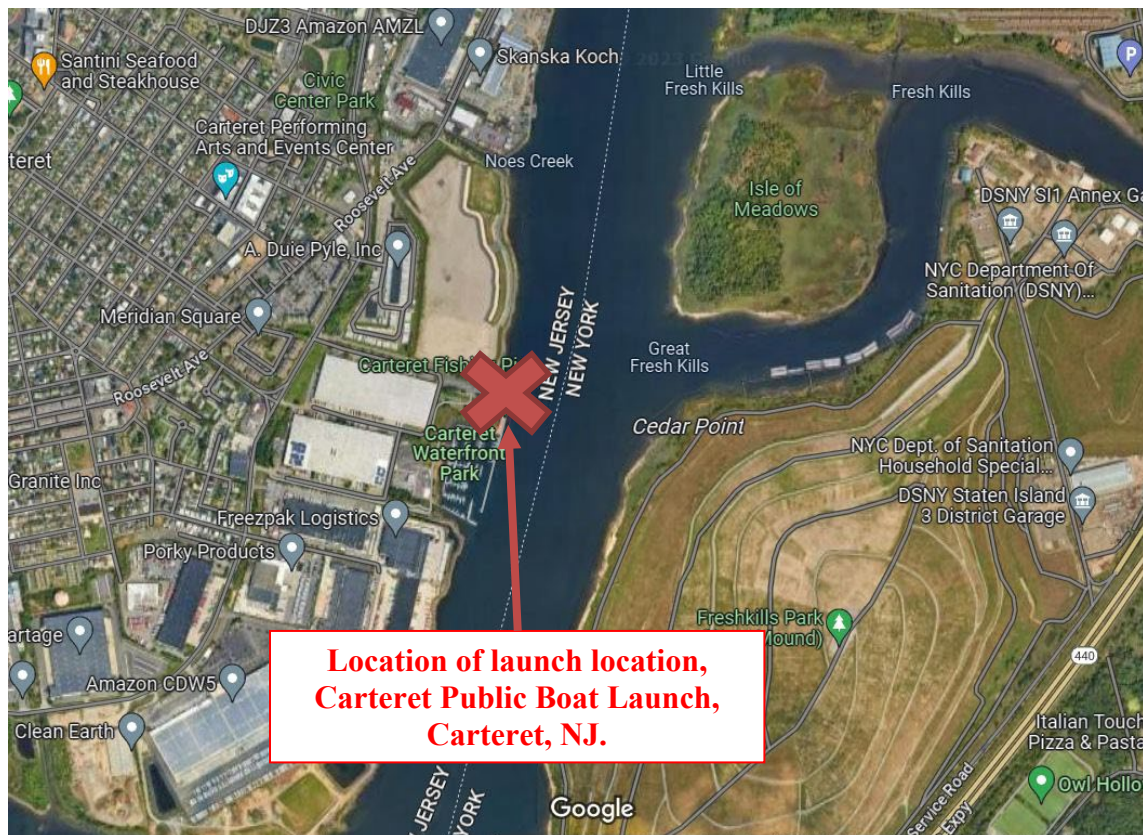


Figure 2. Photograph of trip launch location Carteret Public Boat Launch, Carteret, NJ, source Google Maps

4.1.4. At 1100 hours, the small passenger vessel STIMULUS MONEY departed Carteret Public Boat Launch, Carteret, NJ with 12 passengers and the Owner onboard, exceeding the 12-person maximum capacity indicated on the manufacturer’s data plate, in transit to New York Harbor. The Operator departed alongside the STIMULUS MONEY on the Jet-Ski.

4.1.5. At 1200 hours, the Owner of the vessel rotated from operating STIMULUS MONEY to operating the Jet-Ski in order to take one passenger at a time for a private tour in the vicinity of the Statue of Liberty. The Operator rotated from the Jet-Ski to the STIMULUS MONEY where he remained until the time of the incident.

4.1.6. At 1300 hours, the small passenger vessel STIMULUS MONEY and Jet-Ski were underway to a private yacht club in the vicinity of the George Washington Bridge, NY where the vessel moored in order for the passengers to have lunch.

4.1.7. At 1400 hours, the small passenger vessel STIMULUS MONEY and Jet-Ski were underway from the private yacht club in the vicinity of the George Washington Bridge to return to Carteret Public Boat Launch, Carteret, NJ to complete the sight-seeing tour.

4.1.8. At 1440 hours, the STIMULUS MONEY was underway in the vicinity of the Intrepid Pier 90, Manhattan, NY, moving at 30-40 mph with both engines at approximately 6,000 RPM. The Jet-Ski with only the Owner onboard was making way approximately 10-15 yards off the starboard side.

4.1.9. At 1441 hours, two passengers, Passenger 1 and Passenger 2, were seated, riding on the bow of the STIMULUS MONEY and 10 passengers were sitting behind the Operator in the stern seating of the vessel. The STIMULUS MONEY was traveling at an estimated 30-40 mph southbound on the Hudson River.

4.1.10. At 1441 hours, the STIMULUS MONEY encountered a series of three swells that introduced water over the bow of the vessel into the forward passenger area, and the two passengers on the bow moved to the stern with the other ten passengers behind the Operator.

4.1.11. The Operator reduced the speed of the STIMULUS MONEY by bringing both port and starboard engine throttle controls to under 3,000 RPM. This maneuver contributed to the bow of the vessel submerging completely underwater up to the windshield when a fourth swell overtook the bow.

4.1.12. The Operator attempted to bring the bow up from under the water by engaging the throttle full speed ahead at approximately 7,800 RPM, exceeding the manufacturer wide open throttle recommendation of 7,600 RPM.

4.1.13. The STIMULUS MONEY capsized in the direction of port side bow. The overturning of the vessel ejected all 12 passengers and the Operator into the Hudson River. A total of 13 persons entered the water.



Figure 3. Photograph of casualty location in front of the Manhattan Cruise Terminal, Hudson River, Manhattan, NY, source Google Maps.

4.1.14. At 1445 hours, three New York Water Ways Ferries, the NYPD Harbor Unit, and the FDNY Dive Rescue Team arrived on scene to render emergency rescue assistance and initiate recovery of two persons not yet found. FDNY Dive Rescue Team extracted 10 passengers and the Operator who were recovered conscious in various medical conditions.

4.1.15. At 1505 hours, FDNY Dive Rescue Team recovered the remaining two passengers who were unconscious and trapped underneath the overturned vessel and then transferred them to shore side emergency services.

4.1.16. At 1600 hours, Passenger 1 was pronounced deceased on arrival by medical examiners at Mount Sinai Hospital with drowning as the cause of death.

4.1.17. At 1606 hours, Passenger 2 was pronounced deceased on arrival by medical examiners at Mount Sinai Hospital with drowning as the cause of death.

4.1.18. On July 12, 2022 the weather conditions at the time of the incident in New York Harbor were as follows: South winds at 15 to 20 knots with gusts up to 25 knots and seas were 3 to 4 feet.

4.1.19. The Operator was not wearing the engine “shut off cord” lanyard around his wrist at the time of the incident.

4.1.20. The deceased Passenger 1 was wearing a properly donned type-III life vest at the time of recovery and the deceased Passenger 2 had a type-III life vest partially donned. 10 other passengers were not wearing life vests at the time of the incident.

4.1.21. The Operator tested positive for marijuana metabolites immediately following the casualty via New York State Police Breathalyzer. Investigators were unable to determine if the Operator’s actions during this incident were affected by the use of marijuana.

5. Analysis

5.1. **Inexperienced Vessel Operator:** The Operator had been operating the STIMULUS MONEY for approximately two months prior to the incident, one to two days per week between Lake Hopatcong, NJ, and New York Harbor. He had two summer seasons experience of operating watercrafts prior to the incident. The Operator did not hold a U.S. Coast Guard issued license to operate a Small Passenger Vessel. He had no formal training in operating a jet drive vessel, or any other vessel, especially in heightened sea states. Small Passenger Vessels carrying over six passengers with at least one for hire require a USCG Master’s license obtained by passing an exam with minimum experience requirements in addition to passing a background check, physical, and DOT drug testing. If the Operator had formal training and the proper credentialing, he may not have overloaded the vessel with passengers while traveling at a high rate of speed during a Small Craft Advisory. A licensed, prudent, and experienced mariner operating a Small Passenger Vessel in the same conditions may have controlled the vessel as directed in the Yamaha AR240 Owner’s Manual through “quartering”. Video evidence shows that the Operator did not use this method when encountering the series of swells that ultimately overtook the bow (fig. 4).

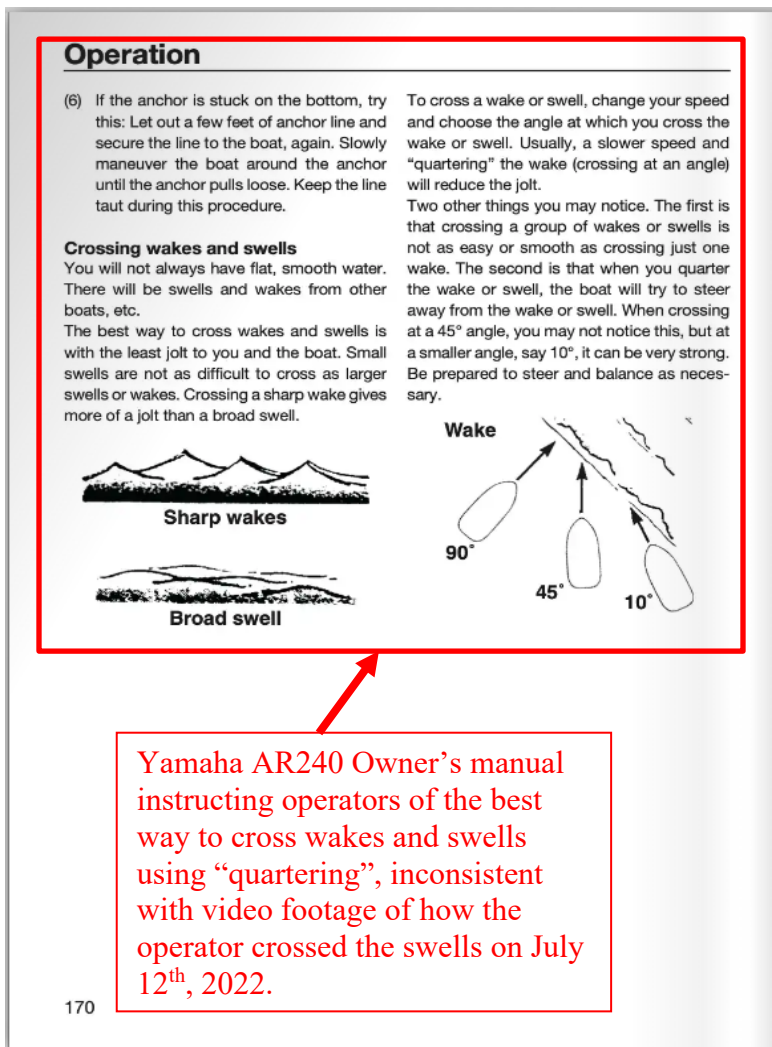


Figure 4. Photograph of Yamaha AR240 Owner's Manual Page 170 providing operator information on how to properly cross wakes and swells.

5.2. **Excessive Passenger Count Onboard Vessel Exceeding Vessel Data Plate:** The STIMULUS MONEY was loaded with 13 total persons at the time of the incident, consisting of 12 passengers and one operator. This exceeded the maximum capacity for the vessel as indicated on the manufacturer's data plate (fig. 5). Investigators were unable to obtain the weight of each person onboard, but using the assumed average weight per passenger of 185 pounds in accordance with 46 CFR 170.090(d)(1), the vessel also exceeded the weight limit.



Figure 5. Photograph of STIMULUS MONEY Data Plate taken at NYPD Harbor Unit, Marshall's Island, NY post casualty taken July 12th, 2022, Provided by USCG.

The passengers were unevenly distributed throughout the vessel (fig. 6), in contrast with manufacturer's direction outlined in (fig. 8) about even weight distribution. (fig. 7) depicts even weight distribution and the vessel being operated beneath maximum capacity.

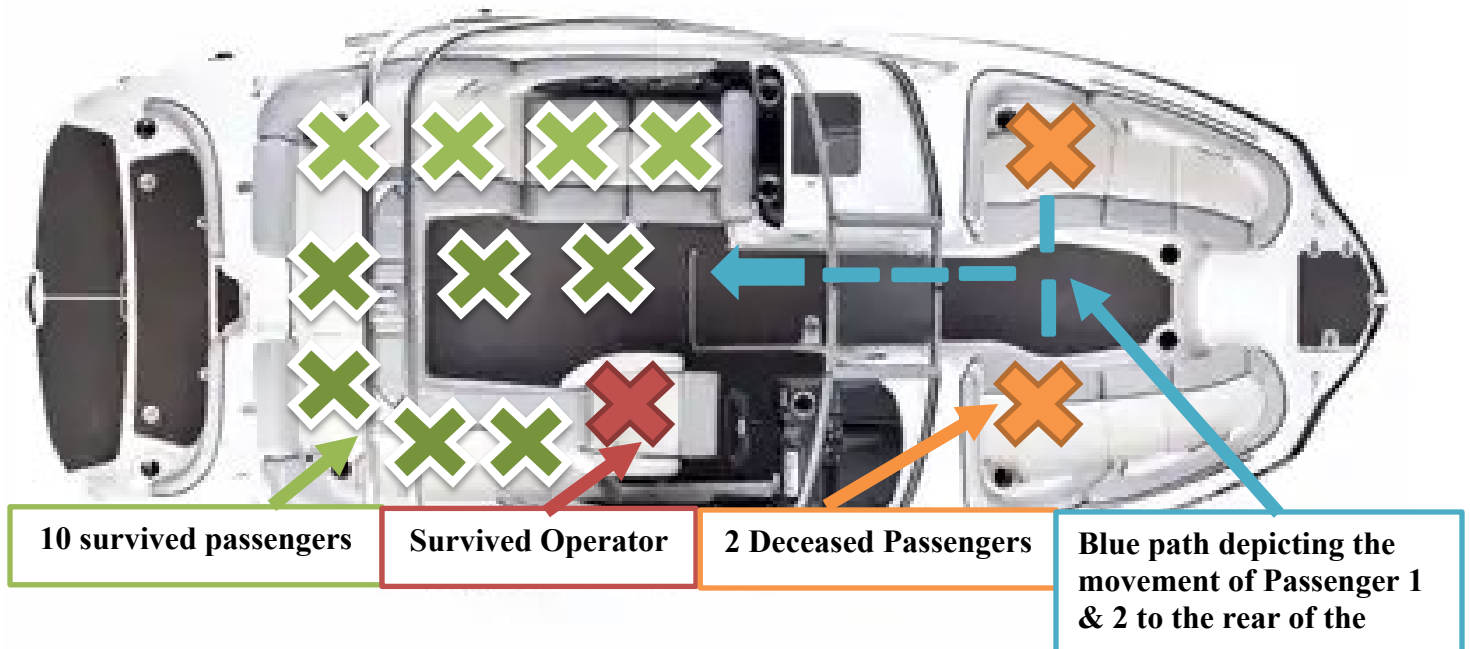


Figure 6. Stock photograph of Yamaha AR240 Seating arrangement and the positions of the passengers/operator when the series of swells were encountered, Provided by Google Images.



Figure 7. Stock photograph of Yamaha AR240 with a total of 4 persons onboard, showing limited spacing for comparison of STIMULUS MONEY 13 person count, courtesy of Google Images.

Maximum Capacity standards are outlined by the manufacturer in the Yamaha AR240 owner’s manual (fig. 8). Small Passenger Vessels carrying more than six passengers, with at least one for hire, require a stability letter, or stability test to prevent a compromise in stability that could result in the capsizing of the vessel. Small Passenger Vessels require a USCG Certificate of Inspection (COI) during which stability standards are reviewed by a qualified CG Marine Inspector. Furthermore, COIs are required to be posted showing the total allowed passenger count. If the Owner had acquired a COI for the STIMULUS MONEY as required, the total passenger count and stability standards may have been adhered to and prevented this casualty.

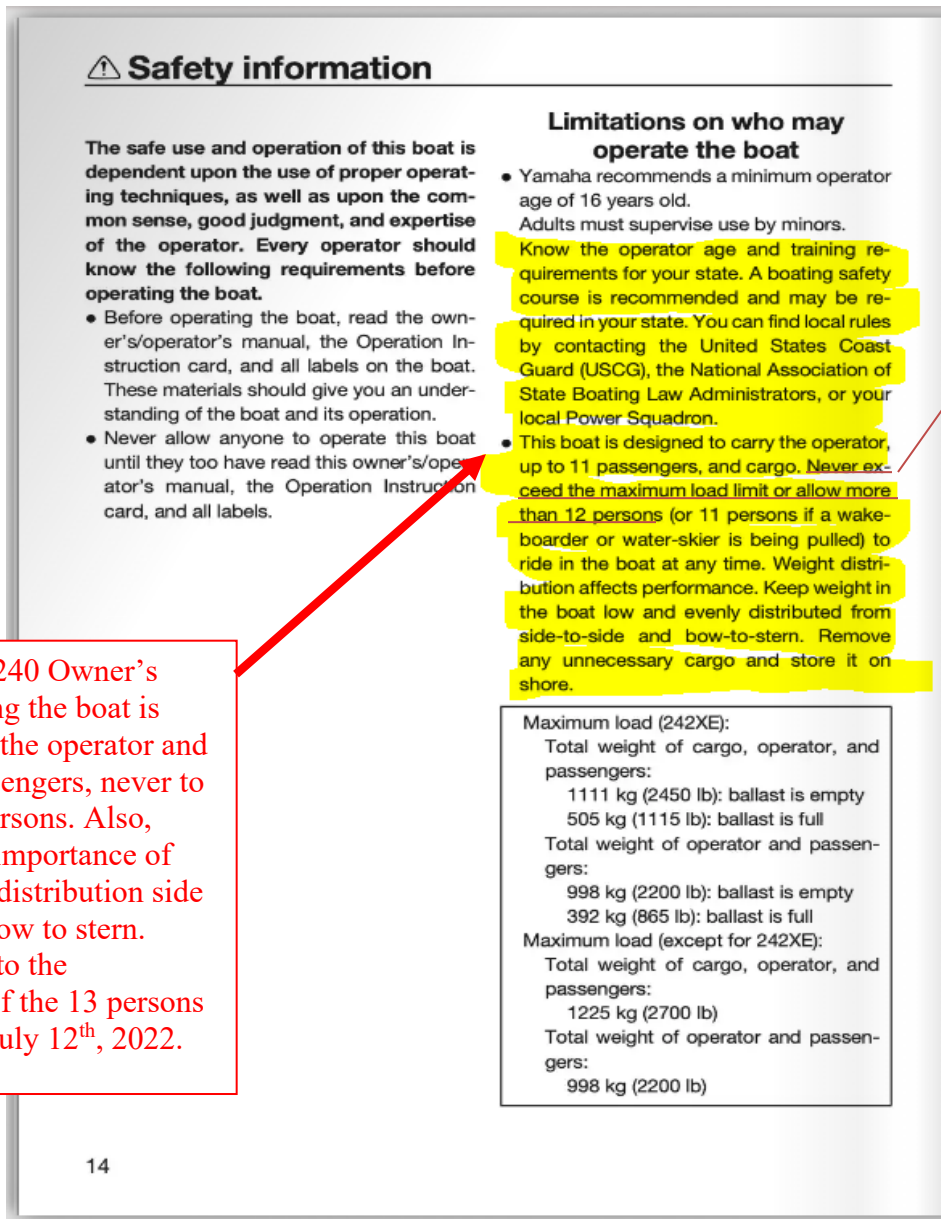


Figure 8. Photograph of Yamaha AR240 Owner's Manual Page 14 showing maximum load limit for passengers and weight distribution instructions.

5.3. **Failure to Heed NOAA Small Craft Advisory:** The National Oceanic and Atmospheric Administration (NOAA) Weather Service issued an Urgent Marine Weather Message covering New York Harbor for a Small Craft Advisory (fig. 9). The Small Craft Advisory stated, “Inexperienced mariners, especially those operating smaller vessels, should avoid navigating in hazardous conditions.” The weather conditions at the time of the incident in New York Harbor were as follows: South winds 15 to 20 knots with gusts up to 25 knots. 3-4 foot seas in and around New York Harbor. The Owner and Operator's inexperience in operating Small Passenger Vessels for hire may have contributed to them not checking for urgent weather messages. The urgent weather message was publicly posted on the USCG Broadcast Notice to Mariners page prior to the STIMULUS MONEY departing Carteret, NJ, for the sightseeing tour. If the Owner and Operator were properly trained in conducting Small Passenger Vessel operations and taking note of weather forecasts in accordance with manufacturer's direction (fig. 10), they may have checked for and heeded the NOAA Small Craft Advisory for the particular area the tour was transiting, potentially avoiding the weather conditions and the series of swells that contributed to the vessel capsizing.

NOAA Weather Message issued on July 12, 2022, at appx 10:34 am warning mariners of a Small Craft Advisory for New York Harbor.

...SMALL CRAFT ADVISORY REMAINS IN EFFECT UNTIL 9 PM EDT THIS EVENING...

* WHAT...South winds 15 to 20 kt with gusts up to 25 kt.

* WHERE...Long Island Sound, New York Harbor, Peconic and Gardiners Bays, and South Shore Bays from Jones Inlet through Shinnecock Bay.

* WHEN...Until 9 PM EDT this evening.

* IMPACTS...Conditions will be hazardous to small craft.

PRECAUTIONARY/PREPAREDNESS ACTIONS...

Inexperienced mariners, especially those operating smaller vessels, should avoid navigating in hazardous conditions.

Figure 9. Photograph of NOAA 12 July 2022 Small Craft Advisory posted on NAVCEN.USCG.GOV Broadcast Notice to Mariners.

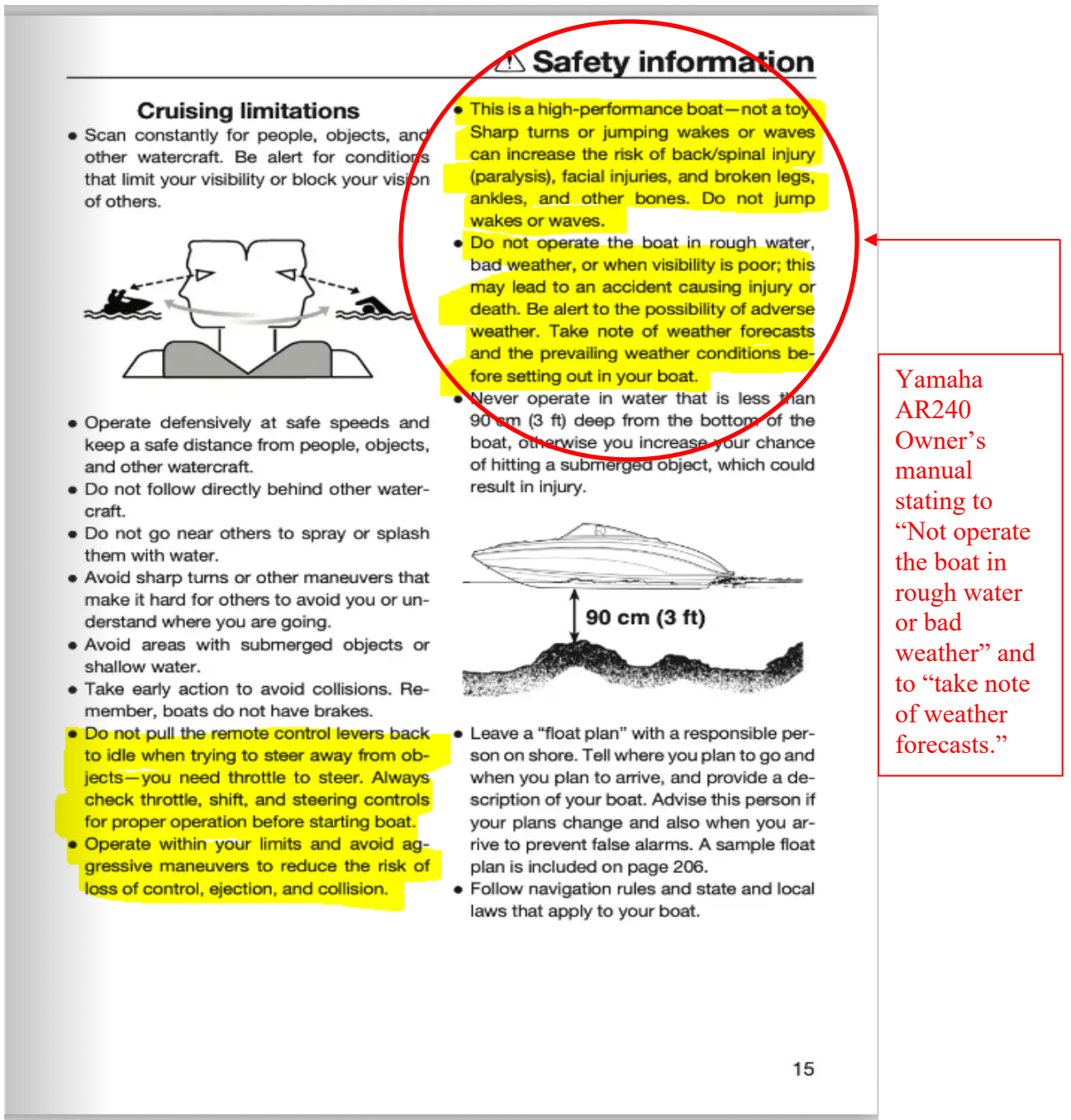


Figure 10. Photograph of Yamaha AR240 Owner's Manual Page 15 warning against the operation of the vessel in bad weather conditions.

5.4. Failure of Operator to Wear Engine Shut-Off Cord:

5.4.1. The Yamaha AR240 Twin Jet Drive boats, including the STIMULUS MONEY, are equipped with a safety device that is worn around the operator's wrist in the event they are abruptly moved from the operating position (fig. 11). The safety device immediately shuts down the engines, which instantaneously reduces the engine RPMs to zero. On July 19, 2022, the attending Yamaha Master Technician conducted an evaluation of the vessel post casualty, while it was in the custody of the NYPD Harbor Unit and confirmed that the lanyard was still intact and attached to the shut-off cord at

the time of the incident. This indicates that the Operator was not wearing the lanyard properly, or at all at the time of the casualty. The starboard engine reached a maximum speed of 7,800 RPMs leading up to the capsizing of the vessel. If the lanyard had been attached to the Operator properly, the engines may have been shut down as the Operator was shifted from the helm due to the vessel beginning to turn towards the port direction after encountering the series of swells. The securing of the engines by way of the engine kill switch would have dropped the RPMs immediately from approximately 7,800 to 0 RPMs, likely reducing the amount of thrust contributing to the momentum that overturned the vessel.

5.4.2. The type of life vests that were recovered from the two deceased passengers were Type III life vests that are not designed to turn unconscious people face up in the water. Type I life vests are designed for open, rough waters where rescue may be slow to arrive. Type I life vests are also designed to turn unconscious wearers face-up in the water, providing better potential at prohibiting asphyxiation by drowning. Both deceased passengers were found trapped under the overturned vessel. If they were wearing Type I Coast Guard approved life vests, as required by small passenger vessel regulations, the passengers may have potentially been floating in the upright position underneath the vessel. It could not be determined whether there were viable air gaps between the overturned vessel and the water.

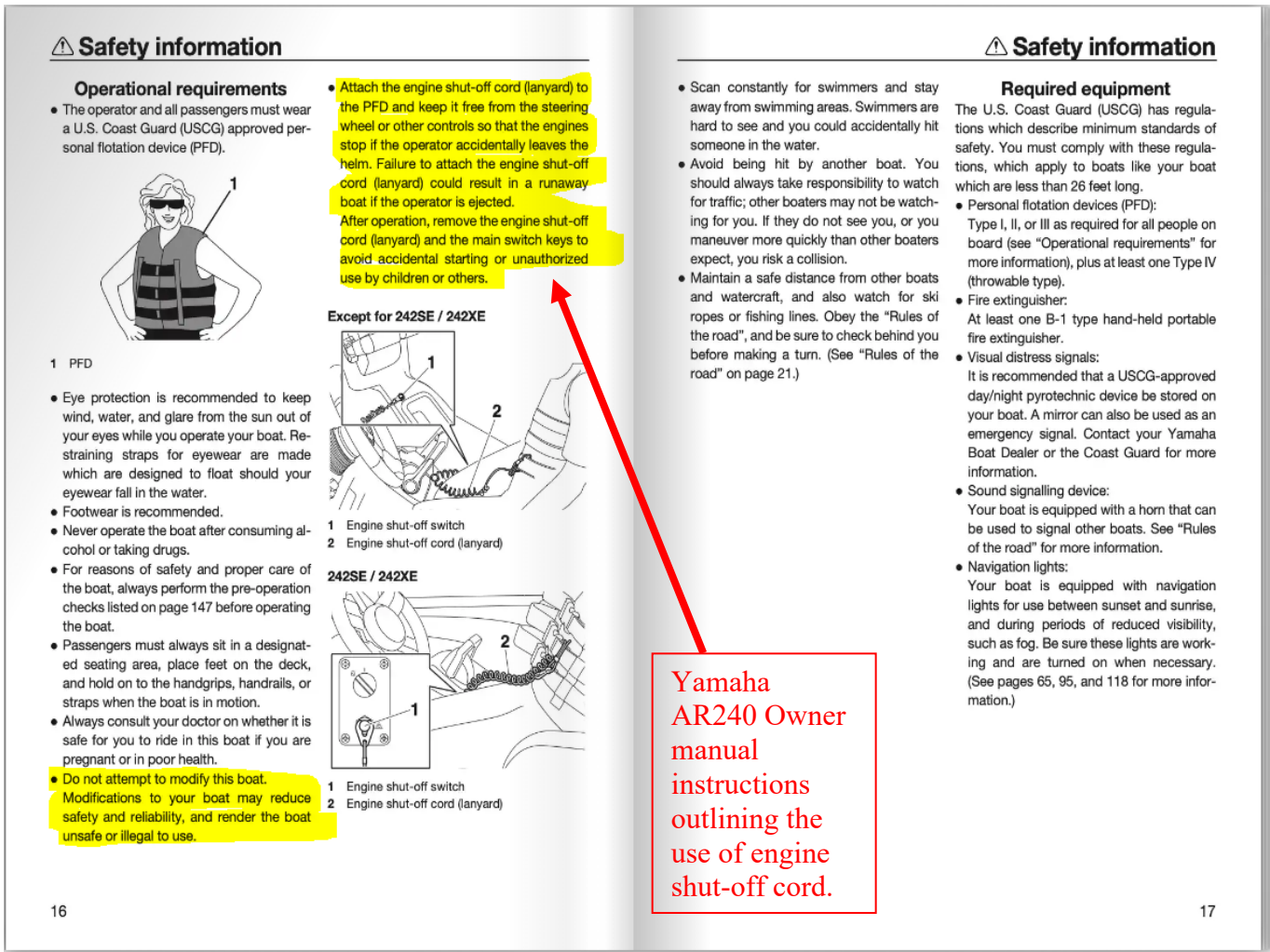


Figure 11. Photograph of Yamaha AR240 Owner's Manual Page 16 showing proper donning and operation of the engine shut-off lanyard.

5.5. Illegal Passenger Vessel Operation:

5.5.1. The Owner, Operator, and the Charterer confirmed that the sightseeing tour was for hire with a total of 12 passengers scheduled. A vessel under 100 GT carrying six or more passengers, with one being for hire requires a COI and inspection for compliance with applicable sections of 46 Code of Federal Regulations Subchapter T. The required annual Coast Guard inspections, in addition to complying with regulations under Subchapter T, include having a credentialed master operating the vessel. The Owner and Operator were illegally operating this vessel, not heeding multiple lifesaving, construction, stability, and firefighting regulations. These regulations are verified by U.S. Coast Guard Marine Inspectors for the safety of life onboard. If the Owner had properly followed regulatory requirements through obtaining a COI, including compliance with stability requirements, the vessel may have been equipped for the routes and conditions it was being operated on and potentially have avoided capsizing. If small passenger vessel safety requirements and regulations were heeded and this vessel/operator was operating in accordance with 46 CFR Subchapter T, the causal factors that contributed to this casualty would have likely been mitigated.

5.5.2. Additionally, if the Operator had been subjected to DOT drug testing prior to the incident he may have not met the requirements to hold a Merchant Mariner Credential. Small Passenger Vessel operations are required to be enrolled in a drug testing program as outlined in 46 CFR Subchapter T regulations. The operator admitted to using marijuana the days prior to the incident but stated he was not under the influence while he was operating the vessel. New York State Police do not have the ability to definitively decipher whether the Operator was under the influence of Marijuana at the time of the incident based off of the positive metabolite reading.

6. Conclusions

6.1. Determination of Cause:

6.1.1. The initiating event for this casualty occurred when the STIMULUS MONEY capsized in the Hudson River. Causal factors leading to this event were:

6.1.1.1. Inexperienced operator of the STIMULUS MONEY

6.1.1.2. The number of persons onboard the vessel exceeded the manufacturer's data plate.

6.1.1.3. Failure to heed a NOAA Small Craft Advisory.

6.1.1.4. Failure of the Operator to wear the engine shut-off cord.

6.1.1.5. Illegal passenger vessel operation.

6.1.2. The capsizing of the STIMULUS MONEY caused 12 passengers and one operator to be ejected from the vessel into the Hudson River resulting in the death of Passenger 1 and Passenger 2, who became trapped beneath the vessel. It is possible that the lifejackets contributed to them being trapped underneath the vessel, however our investigation could not prove this. The Office of Chief Medical Examiner for the City of New York listed the cause of death for both Passenger 1 and Passenger 2 as described in 4.1.16 and 4.1.17.

6.2. Evidence of Act(s) or Violation(s) of Law by Any Coast Guard Credentialed Mariner Subject to Action under 46 USC Chapter 77: There were no acts of misconduct, incompetence, negligence, unskillfulness, or violations of law by a credentialed mariner identified as part of this investigation.

6.3. Evidence of Act(s) or Violation(s) of Law by U.S. Coast Guard Personnel, or any other person: This investigation did determine there were acts of negligence, unskillfulness, and violations of law by the Owner and Operator of the STIMULUS MONEY that contributed to this casualty.

6.4. Evidence of Act(s) Subject to Civil Penalty: Civil penalties for this offense are recommended. Evidence of acts that would warrant civil penalty were identified.

6.5. Evidence of Criminal Act(s): This investigation did identify violations of criminal law and has been referred to Department of Justice.

6.6. Need for New or Amended U.S. Law or Regulation: This investigation identified no matters needing new or amended U.S. law or regulation.

7. Actions Taken Since the Incident

7.1. U.S. Coast Guard Sector New York Investigations Division partnered with Sector New York Small Boat Stations to conduct illegal passenger surge operations, resulting in the termination of two separate illegal passenger for hire voyages throughout the remainder of the 2022 summer boating season. The U.S. Coast Guard Sector New York Investigations Division is conducting continued outreach and education to recreational and Small Passenger Vessel owners and operators as well as posting informational signs at marinas throughout Sector New York's Area of Operation throughout New York and New Jersey to inform the public and deter illegal passenger operations.

8. Recommendations

8.1. Safety Recommendation:

8.1.1. Safety Recommendation 1. It is recommended that the Coast Guard Office of Investigations and Casualty Analysis (CG-INV-1), implement formal Coast Guard wide policy and guidance outlining illegal passenger vessel initiatives to structure standard enforcement and investigations guidance with an emphasis on educational outreach.

8.2. Administrative Recommendations:

8.2.1. Recommend this investigation be closed.



Lieutenant, U.S. Coast Guard
Investigating Officer