**Meeting Notes**: NBF Legislative Director Earl Waesche

**National Recreational Boating Safety Coalition

April 10, 2013**

The Coalition met on April 10, 2013 at the offices of AAA in Washington, DC. Tom O'Day chaired the meeting.

**National Association of State Boating Law Administrators**

Charlie Sledd reported that with boating under the influence continuing to be a major factor in accidents and deaths on our nation’s waterways, officers with local, state and federal agencies will again team up for Operation Dry Water, a national BUI enforcement and awareness campaign.  For the fifth straight year, officers will be on the water providing heightened enforcement and awareness about the dangers of drinking while boating.  **Operation Dry Water 2013 is June 28-30**, just before the 4th of July – a holiday known for drinking and boating, and deadly accidents.  Launched in 2009 by the National Association of State Boating Law Administrators (NASBLA) in partnership with the United States Coast Guard, Operation Dry Water has been a highly successful effort to draw public attention to the hazards of boating under the influence (BUI) of alcohol and drugs.  In 2012, more than 4,500 officers from 505 local, state, and federal agencies across the country participated in Operation Dry Water.  Over the three-day weekend, law enforcement officers contacted 49,209 vessels and 113,116 boaters, made 337 BUI arrests, and issued 14,514 citations and warnings for safety violations.  Officers from all 56 U.S. states, trusts and territories are expected to participate June 28-30 in Operation Dry Water 2013.

The Ohio Department of Natural Resources Division of Watercraft has been officially accredited under NASBLA’s Boat Operations and Training (BOAT) Program.  Established by NASBLA and recognized by the United States Coast Guard, the BOAT Program was created to ensure the readiness of law enforcement and emergency response boat crews throughout the country.  Agencies who choose to adopt this national standard of training, typing and credentialing assure their ability to conduct missions on our nation’s waterways safely and effectively, and operate seamlessly with their federal, state, county, tribal and local maritime partners.  The Ohio Department of Natural Resources Division of Watercraft is the third department in the nation to be so accredited, joining the Massachusetts Environmental Police and the Louisiana Department of Wildlife and Fisheries Enforcement Division.

NASBLA Annual Meeting will be September 15-18, in Boise, ID.

**Coast Guard**
Vann Burgess described the effects of funds sequestration on the Coast Guard.  Although there have been no furloughs, there is a hiring freeze, and significant limits on travel and conferences.  As a result, the Boating Safety office is cutting back on some public outreach and other activities.  Other functions are not being accomplished as quickly as in the past.  Among other restrictions, the Coast Guard is sending only a single person to many of the major boating conferences, and the Boating Safety Advisory Council (BSAC) is conducting some meetings by teleconference rather than in person.

BSAC has recommended that the Coast Guard adopt a requirement that all persons wear a PFD while on a vessel 18 feet in length or less.  The proposal is now pending with Coast Guard leadership.  The BSAC recommendation regarding EPIRB carriage requirements also is pending with the Coast Guard.

The kill switch regulation is pending at the Department of Homeland Security, and then must be reviewed by the Office of Management and Budget.

Virginia became the first state to enact the Uniform Certificate of Title for Vessels Act.  Similar bills are being considered in other states.

The 2012 Annual Boating Statistics are due to be released in May.  Burgess expects that it will report a record low number of deaths last year.  For the first time, the recently-released 2011 National Recreational Boating Survey included exposure data, which will enable development of accident and fatality rates.  These results are posted on the Coast Guard website at [www.uscgboating.org](http://www.uscgboating.org/) <<http://www.uscgboating.org/>> .  He did not know when the results of the 2012 survey will be released as they are still in the validation phase.

In response to a comment that this might be a reflection of the economy, he noted that severe drought conditions in the Midwest and West also might have had an effect.  He explained that the drought greatly reduced the size of many lakes in that region, limiting boating activity in these areas.

Captain Francis Boros will assume command of the Boating Safety office in July.

The Sport Fish Restoration & Boating Trust Fund has received an additional $2.4 million in revenue from increased receipts, but will not be able to spend the additional funds due to sequestration limits.  However, the funds will remain in the fund, presumably to be spent in a later year.

**National Transportation Safety Board**
Rob Henry reported that NTSB is conducting three investigations of interest to coalition participants:

Trinity II - On Thursday, September 8, 2011, about 1225 central daylight time, the 78.5-foot-long liftboat Trinity II, while elevated and at work about 15 miles offshore in the Bay of Campeche, Gulf of Mexico, sustained damage to its stern jacking leg from severe weather associated with Hurricane Nate. Four US crewmembers and six non-US contractors were on board the vessel. When the stern jacking leg failed, causing the vessel to list, the master placed a mayday call over the radio and ordered everyone on board to abandon ship. All 10 persons, wearing lifejackets, entered the water where they clung to one of the vessel's 12-person lifefloats. Three days passed until search and rescuers located nine of the personnel. Two of them were dead by that time, and a third would die later at the hospital. Four days after finding the nine personnel, responders recovered the body of the 10th person. The six survivors sustained serious injuries. NTSB identified several safety issues of importance to recreational boaters:

\*\*\*\* **Inadequate weather preparedness**: Although both Trinity Liftboats and Geokinetics had company hurricane plans in place, neither plan addressed the risk posed by locally forming weather systems. Instead, the plans assumed that weather systems affecting the area of operation would arrive from the east and thus provide a few days' advance warning. Further, neither plan would be activated unless a named tropical weather system approached the area. However, in this accident, the conditions that eventually would produce Hurricane Nate developed locally from a strengthening surface low pressure system. As a result, the company hurricane plans were never activated, and the personnel on board the Trinity II had minimal advance warning to prepare.

\*\*\*\* **Improper use of available lifesaving equipment**: The Trinity II carried two inflatable liferafts that had recently been installed on board the vessel. Although the four Trinity crewmembers had completed training in how to operate lifesaving equipment, they inflated the first of the two liferafts on deck. Inflating the liferaft on deck-instead of throwing the canister containing the liferaft into the water, which was the proper method and was clearly illustrated in the launching instructions posted where the liferafts were stowed-caused the liferaft to blow away from the deck in the hurricane-force winds and vanish in the rough seas. The second liferaft was also lost in the high winds after a large wave hit the canister, causing the liferaft to inflate while still on board the vessel. Ultimately, the personnel ended up having to cling to a lifefloat, which, unlike the liferafts, did not provide out-of-water flotation, shelter from the elements, and food and water. Further, although the Trinity II was equipped with an emergency position indicating radio beacon (EPIRB), the crewmembers did not take it with them when the personnel abandoned the vessel. The EPIRB, had it been brought along and activated, would have enabled search and rescuers to narrow the search area and reduce the time the men had to spend in the water.

MV Delta Mariner - On January 26, 2012, at about 2123 local time, the MV Delta Mariner (US) allided with a span of the US 68/KY 80 Eggner Ferry Bridge in the vicinity of Aurora, KY, on the Tennessee River, which caused the center portion to collapse. The Delta Mariner was carrying rocket parts for the Air Force and NASA. No injuries reported on vessel and no traffic was reported on the bridge at the time of the collapse. NTSB launched three investigators (marine and highway) to join with a US Coast Guard team to investigate the accident. Early reports indicated the bridge navigation lights for the main channel were extinguished and the inland river pilot lined up for passage through the wrong span. In July NTSB recommended that Kentucky put a program in place to keep the navigation lights working on the bridges. Staff will present its report to the Board on May 14th.

Parasail Operations - On August 15, 2012, around 1515, one of two passengers participating in a tandem parasail flight fell from an approximate height of 200 feet into the Atlantic Ocean, near Pompano Beach, Florida, resulting in her death. The vessel was manned by a Coast Guard licensed master and one unlicensed deckhand at the time of the accident. The other passenger participating in the parasailing activity was not injured. The Coast Guard and the Florida Wildlife Conservation Commission were parties to the NTSB investigation of the accident. NTSB plans to produce a summary report of parasail safety based on both this accident and several earlier accidents where our lab has analyzed parasail components.

**Coast Guard Auxiliary**
Bruce Johnson described the role of the Auxiliary's State Liaison Officer (SLO) in each state.  The SLO's have a clear mandate in the states. They work with the Boating Law Administrator to supplement and co-ordinate with that office's activities, and conduct educational activities.  Legislative Liaison Officers monitor legislative activities in the state, but do not seek approval or rejection of any specific measures.  With Coast Guard approval, they may testify on bills by presenting relevant Coast Guard policies.  The Legislative Affairs Department was merged into public affairs about three years ago, and so has taken a much less prominent role recently.

**State Legislative Action**Tom O'Day distributed a summary of gaps in boater education and PFD laws, and 2012 legislative activities.  An updated summary, reflecting discussions at the meeting was circulated separately.David Dickerson (NMMA) also distributed a legislative summary and led a discussion of 2013 legislative activities.  Among the states highlighted:

**Georgia** - The General Assembly has passed and sent to the Governor SB 136 (Miller), which mandates boater education, raises the PFD use requirement to include children under age 13, and strengthens the BWI statute.  Governor Deal has 40 days in which to act, and is expected to sign the bill.

**Pennsylvania** - The Pennsylvania Fish and Game Commission is scheduled to consider next week a proposal that would prohibit riding on the bow or pontoon of a vessel.

**California** - SB 427 (Monning) expands the PFD requirement to include every description of a watercraft "or other contrivance used or capable of being used" as a means of transportation on the water.  The Senate Natural Resources and Water Committee will hear the bill on April 23.

**Maine** - LD 203 (Malaby) requires a person to wear a PFD while kayaking.  Heard by Joint Committee on Inland Fisheries and Wildlife on April 4.

**New Jersey** - SB 487 (Thompson) requires persons on boats less than 21 feet long to wear a PFD between November 1 and May 1.  Referred to Senate Transportation Committee.

**New York** - SB 1442 (Flanagan) Prohibits owner or operator of a rowboat, canoe, or kayak from operating the vessel unless each person on board is wearing a PFD.  Referred to Senate Cultural Affairs, Tourism, Parks and Recreation Committee.

**Virginia** - H.B. 1597 (Ward), Age 12 and younger PFD requirement was introduced, referred to House Agriculture, Chesapeake and Natural Resources Committee, but tabled in Committee

**Next Meetings**
The coalition will meet again on June 12 and November 6.  Tom O'Day will provide meeting details and an advance agenda shortly before then.