

PALM BEACH VESSEL TRAFFIC STUDY WORKSHOP  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
3301 GUN CLUB ROAD, WEST PALM BEACH, FL.  
JANUARY 21, 2009 – 6:00 PM – 8:30 PM

The workshop was called to order at 6:00 p.m. by Captain Carol Keyser.

Members of the Boating and Waterway staff in attendance were: Captain Carol Keyser, Lieutenant Ed Cates, Ms. Tara Alford, and Mr. Ryan Moreau, FWC - GHQ, Tallahassee; and Mr. Bill Sargent, FWC - St. Petersburg;

Local FWC Law Enforcement was: Lieutenant Atwell Pride, FWC - West Palm Beach.

Other attendees included: Ms. Joy Blinn and Mr. Roger Anderson, PBS&J; Mr. Joe Embres, USCG; and Dr. Russell Watkins and Dr. Charles Sidman, UF - Sea Grant.

Also present were members of the Consensus Group consisting of: Mr. Gene Folden, Ms. Val Kattel, Ms. Amy Tolderund, Dr. Ted Schiff, Mr. Mark Tamblyn, Mr. Gerald Ward, and Mr. Leonard Rubin.

There were 30 stakeholders (including Consensus Group members) in attendance.

Captain Keyser provided a short presentation on FWC's authority and the existing boating safety rule (68D-24.017 FAC). This presentation also contained an overview by Dr. Russell Watkins, Sea Grant, who outlined the matrix component of the vessel traffic study. All attendees were asked to review the various focus areas along the ICW and provide their input relative to revisions to existing boating safety zones.

The questions and comments below were taken from the audience.

Mr. Larry Smith, Attorney - Bert Winters Park, Juno Park Area – He represents three residents in this area. He has a hard time believing that the study is fully accurate in terms of the actual incidents which have happened in this area. He advised that his clients are interested in a year-round Idle Speed - No Wake zone for all boats in this area. This group is going to work on their own to gather additional information that will provide information in the positive to this zone request. He went on to advise that the ICW in this area is very narrow, has a swift current, and that most folks at this meeting voted in favor of an Idle Speed – No Wake zone.

Ms. Daniela Evans, Property Owner – North Palm Beach – She lives at Everglades Condominiums, and believes the area north of the Parker Bridge up to (north) the next boating safety zone is in desperate need of regulation. She advised that area was used by water skiers and that the potential for serious boating accidents gets greater every year. She advised that this group desires an Idle Speed - No Wake zone north of the Parker Bridge.

Mr. John Reilly, City of Boca Raton – He is concerned about the Highland Beach area, which in actuality is across the waterway from the City of Boca Raton. He

PALM BEACH VESSEL TRAFFIC STUDY WORKSHOP  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
3301 GUN CLUB ROAD, WEST PALM BEACH, FL.  
JANUARY 21, 2009 – 6:00 PM – 8:30 PM

Believes the sight distance criteria are not correct for this area. He does not believe this area meets the necessary criteria. He also pointed out that we might want to look at the 'dot' process, as several attendees placed all three of their dots on one area.

He offered the City of Boca Raton's facility for our next meeting.

He also mentioned the Spanish River Bridge. (FWC is looking at making the boating safety zone at this location consistent with other bridge crossings in the state).

Mr. Larry Kelleher, Concerned Boater – He stated he is an engineer and a licensed boat captain with over 30 years' boating experience. He has been a resident along the ICW for many years, and has observed the subject area (between Bert Winter Park and Juno Park) on weekdays and weekends, every month of the year, during daylight and nighttime, from his house. Due to the physical limitations of this area (narrow, strong currents, seawalls, tides) and the congestion, he advised that extremely hazardous conditions are regularly created. He wants to know what makes this area different from the areas north of Parker Bridge and north of Indiantown Bridge, both of which have long been designated 'No Wake' zones.

He advised these hazardous conditions are not only just a weekend problem, nor a size of vessel nor a seasonal problem only. These hazards occur day and night, 365 days a year because of the narrow width of the ICW in this area, the 'S' turn, the congestion, the two marinas and two boat ramps, the boat and yacht sales and service businesses, and the six alcohol-serving restaurants all located within this limited focus area.

He advised this is an extremely dangerous area, as is demonstrated by the fatalities, injuries and accidents about which there was much testimony at the last workshop. A solution based on the time of the year, the size of the vessel, or day of the week does not solve the problem caused by the physical limitations of this area and the daily congestion. It would make no more sense than to have roadside speed limits dependent on the day of the week or the season of the year. Road speeds are set by road conditions and congestion, as should be 'No Wake' areas.

He stated that the Marine Industry has a paid lobbyist that is opposing this effort. They are more focused on speed and boat sales than on safety. There is no correlation between boat sales and ICW speed limits. There is, however, a very strong correlation between speed and accidents, injuries, and fatalities. He believes the paid lobbyist for the Marine Industry would be better served to focus on operator competence and safety rather than opposing a 'No Wake' designation for a dangerous 1 mile stretch of the ICW, or they will soon be faced with a growing initiative to license boat operators. After all, you need a driver's license for a 200

PALM BEACH VESSEL TRAFFIC STUDY WORKSHOP  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
3301 GUN CLUB ROAD, WEST PALM BEACH, FL.  
JANUARY 21, 2009 – 6:00 PM – 8:30 PM

HP car, but there are currently no requirement to demonstrate any ability, competence, or knowledge of maritime laws in order to operate a 2,000 HP boat.

He advised that this area is probably the most dangerous one-mile stretch of the ICW in Palm Beach County. He does not know why it is taking so long to study this. He wants to know how many injuries, accidents, and fatalities do we have to have to see the need to make this section of the ICW a 'No Wake' zone. Do not base your conclusions on faulty data due to underreporting of incidents nor on a lack of citations in an area that sees little to no enforcement. Also, do not succumb to the paid lobbyist pressure, which should be more focused on safety, boat ramps, sales tax and insurance issues that on a 'No Wake' zone designation.

He asked if anyone would want to be responsible for the next child killed in this area due to a speed-related accident because you did not make this a safe 'No Wake' zone.

As an anecdote, he advised he watched three manatees (two adults and a calf) feeding under his dock recently. One of the adults had enormous open cuts down its back, obviously from a boat propeller. Obviously, reducing the speed to only 25 MPH in this section of the ICW isn't the answer, either.

He also mentioned barge usage just north of this area, which he stated also affected vessel traffic safety in this area. (Mr. Mark Tamblyn responded to all present that a marine contractor was leasing this area known as MSA617 from FIND, but it will not be turned into a park.)

Mr. Jeff Kuehl – Property Owner – North Palm Beach – He has grown up on the water. Mr. Kuehl advised that Commissioner Karen Marcus is onboard with the desire to regulate the ICW south of the Bert Winter zone on the ICW. The residents are concerned for their guests, workers, etc., that might be visiting and/or working on their property. He mentioned boat yards that are testing in this area (which is also a manatee zone). Mr. Kuehl believes that rules are made to be changed, and believes this rule needs changing. He doesn't believe that folks are coming to the meetings because it is known that regulation needs to be enacted in this area. For the record, Mr. Kuehl stated his group wanted an Idle Speed - No Wake zone, year-round. He advised to keep it simple, and less is better. He doesn't believe that an extra five minutes is going to make anyone's boating experience any less positive.

Mr. Edward B. Kattel – Property Owner – North Palm Beach – He resides on the ICW and has boated for 60 years. The area of concern is the 900' stretch of the ICW just north of the Parker Bridge. He advised of approximately three to four miles of canals (North Palm Beach Waterway) to the west which are home to canoes, kayaks, etc. He added that when you add boats stacking up in the ICW waiting for Parker Bridge to open with water skiers in the area, it's going to result in a serious boating accident.

PALM BEACH VESSEL TRAFFIC STUDY WORKSHOP  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
3301 GUN CLUB ROAD, WEST PALM BEACH, FL.  
JANUARY 21, 2009 – 6:00 PM – 8:30 PM

Ms. Val Kattel – Property Owner – North Palm Beach – She requested clarification on the 190' extension to the existing northern Parker Bridge zone. She also requested that the distance between this zone and the southern end of the PGA zone be changed to Idle Speed - No Wake. She advised they are plagued by water skiers and tubers, many of whom are violating the existing manatee zone. She also advised that they have secured buy-in from the Village of North Palm Beach's Safety Office. She questioned the logic behind leaving this very small area of the ICW for the loss of one to two minutes. She believes that the boat population is going to only grow over the next twenty years, with grave consequences.

Mr Pat Sisselberger – Sugar Sands (55 and Older community) – Singer Island – He lives just north of the Blue Heron Bridge on the east side of the ICW. He advised that wakes from boats in the northern portion of the ICW are creating hazardous wakes and turbulence. He believes that the existing boating safety zone (Blue Heron Bridge) should be extended north to the Lake Park Marina. This problem is causing many of the residents to be unable to use their boats for fear of injury.

Mr. Ralph T. Castagna – Property Owner – Oak Harbour – Lives on the ICW just north of the PGA Bridge. He wants the Bert Winter zone extended to incorporate the Oak Harbour establishment into an Idle Speed - No Wake zone. Wakes from the ICW are damaging boats in this area.

Mr. Wayne McCormick – Property Owner – Oak Harbour – He also lives in the Bert Winter area. He advised his community is overwhelmingly in favor of an Idle Speed - No Wake zone. He advised that vessels in this area create hazardous boating conditions; additionally, at low tide the waterway is obstructed by the seawalls in this area. He offered the Oak Harbour facility for any fact-finding needed by FWC. He advised there is not enough law enforcement, and that everyone is getting 'meeting-weary'.

Mr. Gerald Ward – Coastal Engineering – He wants the twenty-one bridge zones mapped in normal 'rulemaking' style and make them consistent. The zone is currently Idle Speed – No Wake from the Indiantown Bridge to the Jupiter Inlet; he believes it could become a Slow Speed - Minimum Wake zone the entire stretch. He advised that Palm Beach County has three boat ramp parks on the ICW. He wants us to contact the county about the boat ramp at Indiantown Bridge, Light Harbor Park, and Boynton Beach/Delray Beach area. Based on the consensus meeting, he believes that we need to reevaluate the boating accidents and citations used in the study.

Mr. Bill Payne – Property Owner – He talked about a proposed park which is north of the Donald Ross Bridge. (Mr. Mark Tamblyn responded that it would be a canoe/kayak park leased from FIND in the area of Lake Worth Creek MS614.)

PALM BEACH VESSEL TRAFFIC STUDY WORKSHOP  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
3301 GUN CLUB ROAD, WEST PALM BEACH, FL.  
JANUARY 21, 2009 – 6:00 PM – 8:30 PM

***The following comments were received after the workshop via email:***

Mr. Dane C. Fleming, Property Owner and Businessman - Third Mate Unlimited – (Mr. Fleming did not attend the meeting but provided the following comments via electronic mail letter. The letter has been added (verbatim) to the project file.)

My family owns property in Oak Harbor, and I operate vessels in the area.

I have worked as an expert witness and investigator in the maritime industry for the past 10 years, and during those years, I have found that three common causes of boating accidents is the *lack of knowledge of the rules of the road, boater safety and basic seamanship.*

The area in question, Juno Beach Park north to Bert Winters Park, contains two blind bends, a narrow channel, and a multitude of marinas, intersecting canals, and a high volume of boat traffic.

The rules of the road take into account all of these characteristics and are addressed in Rule 6 Safe Speed, Rule 8 Action to Avoid Collision, Rule 9 Narrow Channels, and Rule 34 Sound and Light signals. Given the terms of the Rules of the Road, it is evident that the area in question creates a hazardous condition in which action must be taken.

—INLAND—

*Steering and Sailing Rules - RULE 6 - Safe Speed - Every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions.*

*In determining a safe speed the following factors shall be among those taken into account:*

*(a) By all vessels:*

*(i) the state of visibility;*

*(ii) the traffic density including concentration of fishing vessels or any other vessels;*

*(iii) the maneuverability of the vessel with special reference to stopping distance and turning ability in the prevailing conditions;*

*(iv) at night, the presence of background light such as from shore lights or from back scatter of her own lights;*

*(v) the state of wind, sea, and current, and the proximity of navigational hazards;*

*(vi) the draft in relation to the available depth of water.*

*(b) Additionally, by vessels with operational radar:*

*(i) the characteristics, efficiency and limitations of the radar equipment;*

*(ii) any constraints imposed by the radar range scale in use;*

*(iii) the effect on radar detection of the sea state, weather, and other sources of interference;*

PALM BEACH VESSEL TRAFFIC STUDY WORKSHOP  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
3301 GUN CLUB ROAD, WEST PALM BEACH, FL.  
JANUARY 21, 2009 – 6:00 PM – 8:30 PM

- (iv) the possibility that small vessels, ice and other floating objects may not be detected by radar at an adequate range;*
- (v) the number, location, and movement of vessels detected by radar; and*
- (vi) the more exact assessment of the visibility that may be possible when radar is used to determine the range of vessels or other objects in the vicinity.*

In referring to Rule 6, the state of visibility at the "s curve" is greatly reduced, thus deeming a prudent mariner to reduce speed or proceed at a safer speed to reduce the risk of collision. The traffic density in the area is greatly increased with the narrowing of the channel at the "s curve", as well as the amount of private docks, marinas, and intersecting canals. These are all factors that would increase the traffic density, and the increase for a risk of collision. The manageability of vessels obviously is predicated on each particular vessel. Vessels with larger drafts will be more restricted to the center of the channel, and also have less maneuverability due to bank cushion and suction affects on their particular vessel. Whereas smaller vessels will be greatly affected by the "washing machine affect" from other vessel wakes bouncing off of the sea-walls close proximity, and making it easier for them to lose control of their vessel and increase the risk of collision. Under paragraph (a) parts (v) and (vi) in rule 6 all conditions are present in the stretch between Juno Beach Park and Bert Winters Park, and would demand safe speeds. Without a speed restricted zone, it leaves the boater who lacks the knowledge and understanding of the rules of the road to determine what a safe speed may be, which given the number of incidents in the area, would NOT be a safe speed as to take proper and effective action to avoid collisions as predicated in Rule 6 of the Rules of the Road.

*-INLAND-*

- Steering and Sailing Rules - RULE 8 - Action to Avoid Collision - (a) Any action taken to avoid collision shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship.*
- (b) Any alteration of course or speed to avoid collision shall, if the circumstances of the case admit, be large enough to be readily apparent to another vessel observing visually or by radar; a succession of small alterations of course or speed should be avoided.*
  - (c) If there is sufficient sea room, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that it is made in good time, is substantial and does not result in another close-quarters situation.*
  - (d) Action taken to avoid collision with another vessel shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other vessel is finally past and clear.*
  - (e) If necessary to avoid collision or allow more time to assess the situation, a vessel shall slacken her speed or take all way off by stopping or reversing her means of propulsion.*
  - (f)*

PALM BEACH VESSEL TRAFFIC STUDY WORKSHOP  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
3301 GUN CLUB ROAD, WEST PALM BEACH, FL.  
JANUARY 21, 2009 – 6:00 PM – 8:30 PM

*(i) A vessel which, by any of these rules, is required not to impede the passage or safe passage of another vessel shall, when required by the circumstances of the*

*case, take early action to allow sufficient sea room for the safe passage of the other vessel.*

*(ii) A vessel required not to impede the passage or safe passage of another vessel is not relieved of this obligation if approaching the other vessel so as to involve risk of collision and shall, when taking action, have full regard to the action which may be required by the rules of this part.*

*(iii) A vessel, the passage of which is not to be impeded remains fully obliged to comply with the rules of this part when the two vessels are approaching one another so as to involve risk of collision.*

In creating a slow speed or no wake zone in the area in question, the state of Florida, and Palm Beach County would be taking affirmative action in reducing the risk of collision by forcing the boater to be traveling at a safer speed and more able to take appropriate action to avoid a collision by altering course, further reducing speed, or taking all way off. Slower speeds in the highly congested areas will give the operator of the vessel more time to assess if a risk of collision exists and take proper action to avoid a potential collision, and allow for safe passage with other vessels.

*—INLAND—*

*Steering and Sailing Rules - RULE 9 - Narrow Channels - (a) (i) A vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable.*

*(ii) Notwithstanding paragraph (a)(i) and Rule 14(a), a power-driven vessel operating in narrow channels or fairways on the Great Lakes, Western Rivers, or waters specified by the Secretary, and proceeding downbound with a following current shall have the right-of-way over an upbound vessel, shall propose the manner and place of passage, and shall initiate the maneuvering signals prescribed by Rule 34(a)(i), as appropriate. The vessel proceeding upbound against the current shall hold as necessary to permit safe passing.*

*(b) A vessel of less than 20 meters in length or a sailing vessel shall not impede the passage of a vessel that can safely navigate only within a narrow channel or fairway.*

*(c) A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway.*

*(d) A vessel shall not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within that channel or fairway. The latter vessel shall use the danger signal prescribed in Rule 34(d) if in doubt as to the intention of the crossing vessel.*

*(e)*

*(i) In a narrow channel or fairway when overtaking, the power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by*

PALM BEACH VESSEL TRAFFIC STUDY WORKSHOP  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
3301 GUN CLUB ROAD, WEST PALM BEACH, FL.  
JANUARY 21, 2009 – 6:00 PM – 8:30 PM

*sounding the appropriate signal prescribed in Rule 34(c) and take steps to permit safe passing. The power-driven vessel being overtaken, if in agreement, shall sound the same signal and may, if specifically agreed to take steps to permit safe passing. If in doubt she shall sound the danger signal prescribed in Rule 34(d).*

*(ii) This Rule does not relieve the overtaking vessel of her obligation under Rule 13.*

*(f) A vessel nearing a bend or an area of a narrow channel or fairway where other vessels may be obscured by an intervening obstruction shall navigate with particular alertness and caution and shall sound the appropriate signal prescribed in Rule 34(e).*

*(g) Every vessel shall, if the circumstances of the case admit, avoid anchoring in a narrow channel.*

The area of the blind "s-turn" has shoaling on North West portions of the northern half of the turn and South East portion of the southern portion of the turn, which greatly reduce the depth and width of the channel, thus limiting deeper draft vessels as to where they can operate safely in the channel. The deeper draft vessels are restricted to operate more toward the center of the channel as to avoid grounding thus giving them the more right- of- way. The deeper draft vessels are also those of greater length giving them the right of way over the smaller vessels that are able to maneuver in shallower drafts and maintain a safe passage in relation to the deeper draft, or larger vessels. As previously stated, larger draft vessels are more restricted to the center of the channel, and their maneuverability characteristics are affected by the vessel bank cushion and suction affects.

In referring to paragraph e(i), and paragraph f, I would venture to say that the residents that live in the close proximity of the narrower part of the channel and blind s-curve, rarely, if EVER hear sound signals from vessels as required as noted.

—INLAND—

*Sound and Light Signals - Abbreviated - RULE 34 - Maneuvering and Warning Signals -*

*(a) When power-driven vessels are in sight of one another and meeting or crossing at a distance within half a mile of each other, each vessel underway, when maneuvering as authorized or required by these Rules:*

*(i) shall indicate that maneuver by the following signals on her whistle: one short blast to mean "I intend to leave you on my port side"; two short blasts to mean "I intend to leave you on my starboard side"; and three short blasts to mean "I am operating astern propulsion".*

*(ii) upon hearing the one or two blast signal of the other shall, if in agreement, sound the same whistle signal and take the steps necessary to effect a safe passing. If, however, from any cause, the vessel doubts the safety of the proposed maneuver, she shall sound the danger signal specified in paragraph (d) of this Rule and each vessel shall take appropriate precautionary action until a safe passing agreement is made.*

PALM BEACH VESSEL TRAFFIC STUDY WORKSHOP  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
3301 GUN CLUB ROAD, WEST PALM BEACH, FL.  
JANUARY 21, 2009 – 6:00 PM – 8:30 PM

*(c) When in sight of one another:*

*(i) a power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by the following signals on her whistle: one short blast to mean "I intend to overtake you on your starboard side"; two short blasts to mean "I intend to overtake you on your port side"; and*

*(ii) the power-driven vessel about to be overtaken shall, if in agreement, sound a similar sound signal. If in doubt she shall sound the danger signal prescribed in paragraph (d).*

*(d) When vessels in sight of one another are approaching each other and from any cause either vessel fails to understand the intentions or actions of the other, or is in doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt shall immediately indicate such doubt by giving at least five short and rapid blasts on the whistle. This signal may be supplemented by a light signal of at least five short and rapid flashes.*

*(e) A vessel nearing a bend or an area of a channel or fairway where other vessels may be obscured by an intervening obstruction shall sound one prolonged blast. This signal shall be answered with a prolonged blast by any approaching vessel that may be within hearing around the bend or behind the intervening obstruction.*

*(g) When a power-driven vessel is leaving a dock or berth, she shall sound one prolonged blast.*

*(h) A vessel that reaches agreement with another vessel in a headon, crossing, or overtaking situation, as for example, by using the radiotelephone as prescribed by the Vessel Bridge-to-Bridge Radiotelephone Act (85 Stat. 164; 33 U.S.C. 1201 et seq.), is not obliged to sound the whistle signals prescribed by this Rule, but may do so. If agreement is not reached, then whistle signals shall be exchanged in a timely manner and shall prevail.*

As previously stated, the proper use of sound signals in the area of question or as the case may require, is greatly under used in order to maintain safe passage of vessels as promulgated by the rules of the road.

Palm Beach County contracted to have a Vessel Traffic Study conducted of the counties waterways, and in referencing to the area between Juno Beach Park, and Bert Winters park, several discrepancies have been noted, from completely missing one of the largest privately owned marinas at Oak Harbor to the total lack of any data in referencing blind curves, and the number of accidents that have occurred in the area as pointed out by many of the residence.

In reviewing the minutes of the November 19, 2008 meeting, in which I attended, the minutes are extremely limited, and much of the personal accounts of accidents, injuries, and near misses have been omitted. The area of the dangerous "s-curve" was mentioned by the citizens in attendance but an area of not great concern or safety by the Vessel Traffic Study.

PALM BEACH VESSEL TRAFFIC STUDY WORKSHOP  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
3301 GUN CLUB ROAD, WEST PALM BEACH, FL.  
JANUARY 21, 2009 – 6:00 PM – 8:30 PM

After briefly reviewing the minutes of both the November 19, 2008 and January 21, 2009 meetings it can be noted that between the two meetings 28 people spoke in reference to the area between the PGA Bridge north to Bert Winters Park. Out of those 28 people 6 people mentioned that the "s-curve" was a hazard, 8 people felt or mentioned that the data contained in the Palm Beach County Vessel Traffic Study was flawed in one manner or the other, 10 people felt that the area created a dangerous situation, 15 people mentioned that they felt that the area should be a

"No Wake Zone", 3 people had specifically mentioned near accidents, and 10 people gave direct reference to witnessing accidents, personal injury, and property damage. In reviewing all of the minutes, there was NOT one mention of opposition to creating a "No Wake Zone".

The Rules of the Road, and the comments and concerns of the local residents, it clearly indicates that given the nature of the area in question it is in dire need of a mandatory "No Wake Zone".

My comment to the government officials in Tallahassee and Palm Beach County, wake up and listen to the people that live in the area, and are witnesses to the near misses, and minor accidents and not that of a report that is found to be not totally accurate.

(End of Mr. Fleming's comments.)

----

During the course of the consensus group meeting as well as the workshop the question was asked as to the definition of what constitutes a 'blind corner' as it pertains to *68D-23.105(1)3. Within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area where an intervening obstruction to visibility may obscure other vessels or other users of the waterway.*

We contacted our Assistant General Counsel, Captain Alan Richard, who provided us with the following:

In this context, a blind corner is one "that you cannot see around" as you operate you boat.<sup>1</sup> Our rule is intended to address situations in which there is "a corner or other feature where the road or course ahead is concealed from view."<sup>2</sup> Read *in pari materia* with the rest of the sentence, a corner is "blind" if it presents "an intervening obstruction to visibility may obscure other vessels or other users of the waterway."<sup>3</sup> Please remember that under the Navigation Rules, "A vessel nearing a bend or an area of a narrow channel or fairway where other vessels may be obscured by an intervening obstruction shall navigate with particular alertness and caution ...."<sup>4</sup>

PALM BEACH VESSEL TRAFFIC STUDY WORKSHOP  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
3301 GUN CLUB ROAD, WEST PALM BEACH, FL.  
JANUARY 21, 2009 – 6:00 PM – 8:30 PM

Vessels operating in areas where the corner of a land mass, trees or other vegetation, or just the layout of the waterway can block the operator's view of the waterway and conceal the presence of other vessels or other people using the waterway should slow down. Consider this excerpt for one case addressing this issue:

Given the ... obstructed view of the channel in the direction which Schneider was traveling ... , Schneider should have approached and entered the channel at a much slower speed. According to Collier [the south Carolina

DNR Boating Accident Investigator], a safe speed for a boat traveling in Schneider's direction would have been approximately three miles per hour, or an otherwise near-idle speed. On the other hand, Schneider conceded that he was traveling close to thirty to thirty-five miles per hour as he approached the channel and merely slowed to twenty-five to thirty miles per hour as he turned into the channel. In light of the evidence presented, such a speed was obviously unreasonable under the circumstances and posed a danger not only to Schneider himself but to others in the area as well.<sup>5</sup>

Because many boat operators lack formal training and do not possess the knowledge or experience necessary to take this action on their own, our rules authorize the installation of regulatory markers implementing a slow speed restriction.

<sup>1</sup> "blind corner." *WordNet 3.0*. Princeton University. 22 Jan. 2009. <Dictionary.com <http://dictionary.reference.com/browse/blind> corner>.

<sup>2</sup> "blind." *Oxford English Dictionary*. Oxford University Press. 22 Jan. 2009. <[http://dictionary.oed.com.proxy.lib.fsu.edu/cgi/entry/50023593?query\\_type=word&queryword=blind&first=1&max\\_to\\_show=10&sort\\_type=alpha&result\\_place=2&search\\_id=CPgi-FiPc4F-6882&hilite=50023593](http://dictionary.oed.com.proxy.lib.fsu.edu/cgi/entry/50023593?query_type=word&queryword=blind&first=1&max_to_show=10&sort_type=alpha&result_place=2&search_id=CPgi-FiPc4F-6882&hilite=50023593)>

<sup>3</sup> Fla. Admin. Code R. 68D-23.105(1)(b)3.

<sup>4</sup> Inland Navigation Rule 9(f), 33 U.S.C. § 2009(f) (identical to International Navigation Rule 9(f)).

<sup>5</sup> *Todd v. Schneider*, 2003 WL 23514560, 2004 A.M.C. 409 (D.S.C. 2003).

-----

Lastly, Mr. Gerald Ward provided the Marine Recreational Industry 2008 Economic Update. A copy of this document can be found on our website just below the link for these minutes.

The audience was asked for additional comments; none were provided and the workshop adjourned at 8:15 p.m.

--End of Minutes.