



Pinellas County Boating Safety Zones
Draft Rule Amendment - 68D-24.010
April 18, 2013



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

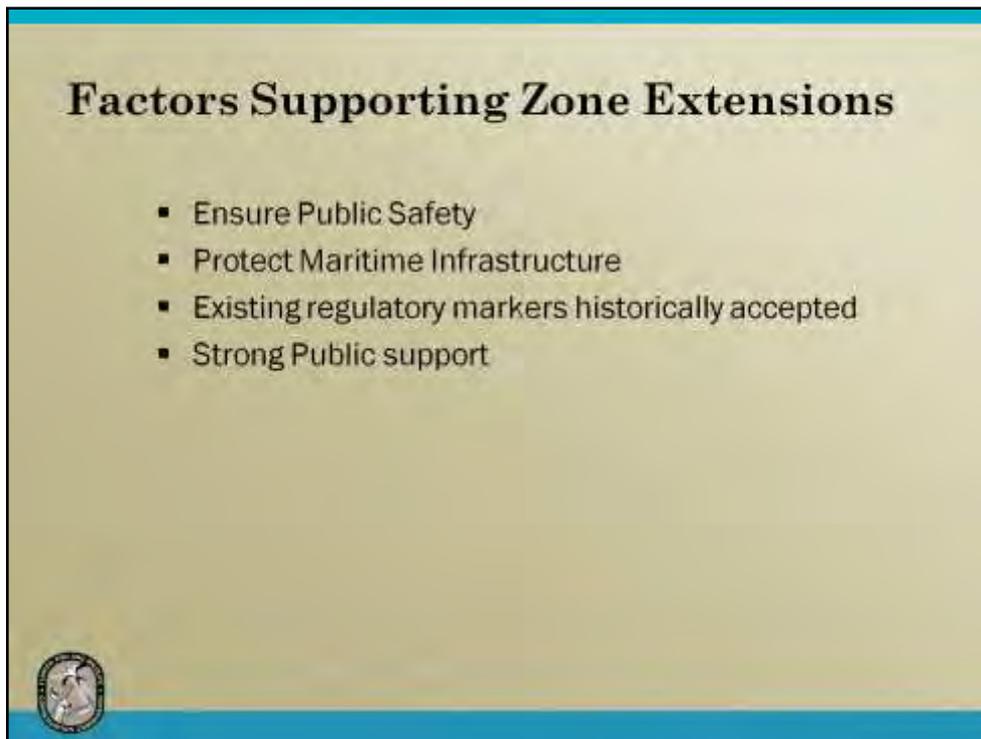
This is a presentation about the Commission's Rule 68D-24.010, Pinellas County Boating Restricted Areas. This rule delineates boating safety zones on the Florida Intracoastal Waterway in Pinellas County. The need for this rule revision process originated from a staff review of legal zone boundaries and regulatory waterway marker (sign) locations in Pinellas County.

Proposed Rule Amendments

- Extend two zones to match historical regulatory marker locations
- Expand "channel only" zones to include entire bridge span widths and, in one instance, shoreline to shoreline.
- Extend one zone due to change in maritime and bridge infrastructure.
- Remove "30 MPH in Intracoastal Waterway (ICW)" regulation outside the bridge zones
- Include new language excluding areas outside the ICW when describing shoreline to shoreline zones
- Remove marker maintenance responsibility from the City of Clearwater and Pinellas County
- Update rule maps and make changes to rule language



- The proposed rule amendment would extend two boating safety zones to match the legal zone boundary to the historical location of the regulatory waterway markers.
- It would also expand existing "channel only" or limited width bridge zones to include entire bridge span widths and one "channel only" zone will be expanded to regulate from shoreline to shoreline.
- The boating safety zone at the Memorial Causeway Bridge in Clearwater would be extended south due to changes in bridge and maritime infrastructure.
- It would remove the 30 MPH regulation within the ICW right-of-way for those areas not included in the bridge zones.
- Rule language would change in order to exclude canals, tributaries, boat basins, etc. that fall outside the boundary of the ICW and that local governments can already regulate according to Florida Statute.
- The proposed rule would remove responsibility of placement and maintenance of the boating safety zone markers from the City of Clearwater and Pinellas County.
- The proposed rule would update all the rule maps and make changes to rule language to provide clarity for the legal description of zone boundaries.



The staff proposal is to extend some regulatory zones in order to match the boundaries as currently marked. Staff considerations include the following:

Reducing the length of the specific zones may lead to boating safety concerns. This waterway is a generally narrow body of water with a lot of boat traffic, and the zones as posted have provided appropriate locations for speed transitions. Additionally, boat operators in the area have become accustomed to the current zone boundaries as posted for nine years or more, and moving the regulatory markers to different locations may contribute to boater confusion. The speed transitions which occur at zone boundaries require vigilance on the part of all boat operators involved, and maintaining zone boundaries in locations which have become familiar over many years lessens safety concerns.

Due to the narrow water body and frequency of traffic, reducing the zone lengths would increase the risk of boating accidents due to wake damage on vessels stored in the water within the zones as currently posted.

Public input received to date has been in support of modifying the rule to reflect the zone boundaries as they are currently marked. Staff repeatedly heard public comment that such rule changes reflect a “common sense” solution to the current situation and minimizes boating safety concerns.



The markers currently posting the Park Boulevard Bridge boating safety zone have been at their location since at least 1995. The current rule language measures the southern boundary of the boating safety zone 5,766 feet from the Park Boulevard Bridge and the northern boundary measures 2,950 feet from the bridge. As currently marked, the southern boundary of the zone is 7,000 feet from the bridge and the northern boundary is 3,500 feet from the bridge. This would result in an increase of 1,234 feet to the southern boundary and an increase of 550 feet to the northern boundary when adjusting the rule language to match the current marker locations.

Staff proposes the rule language be changed to reflect the historical marking of the zone at Park Boulevard Bridge.

Park Boulevard Bridge (South)

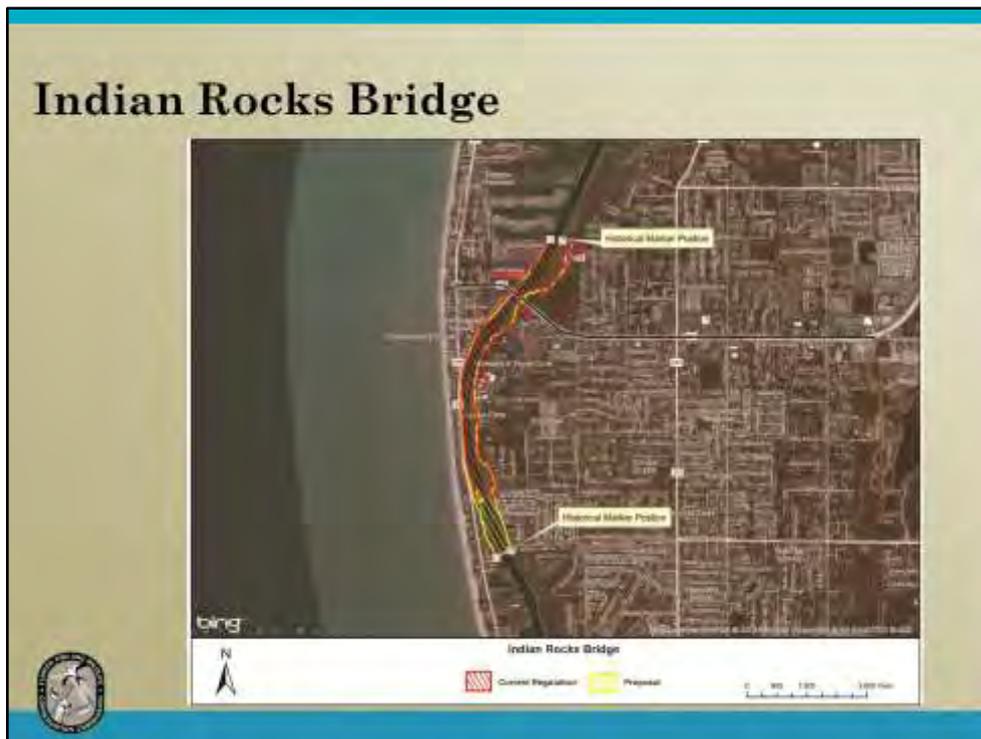


This slide gives a snapshot of the area on the southern boundary for the Park Blvd. Bridge zone with the extension of approximately 1,230 feet. Notice that the area has many entry points for traveling vessels. Also, notice that as currently marked, vessels traveling in this area are coming on and off plane at different speeds in an area of high visibility with ample room to safely navigate.

Park Boulevard Bridge (North)



This slide is a snapshot of the northern boundary of the Park Blvd. Bridge zone showing an extension of 550 feet. South of the point where the zone is currently marked, the waterway is quite narrow. Boaters entering the area where you can come back on plane do so where the waterway opens up with more room to safely navigate.



The markers currently posting the Indian Rocks Bridge boating safety zone have been at their location since at least 1995. The current rule language measures the southern boundary of the boating safety zone 6,928 feet from the Indian Rocks Bridge and the northern boundary measures 1,850 feet from the bridge. As currently marked, the southern boundary of the zone is 8,300 feet from the bridge and the northern boundary is 1,900 feet from the bridge. This would result in an increase of 1,372 feet to the southern boundary and an increase of 50 feet to the northern boundary when adjusting the rule language.

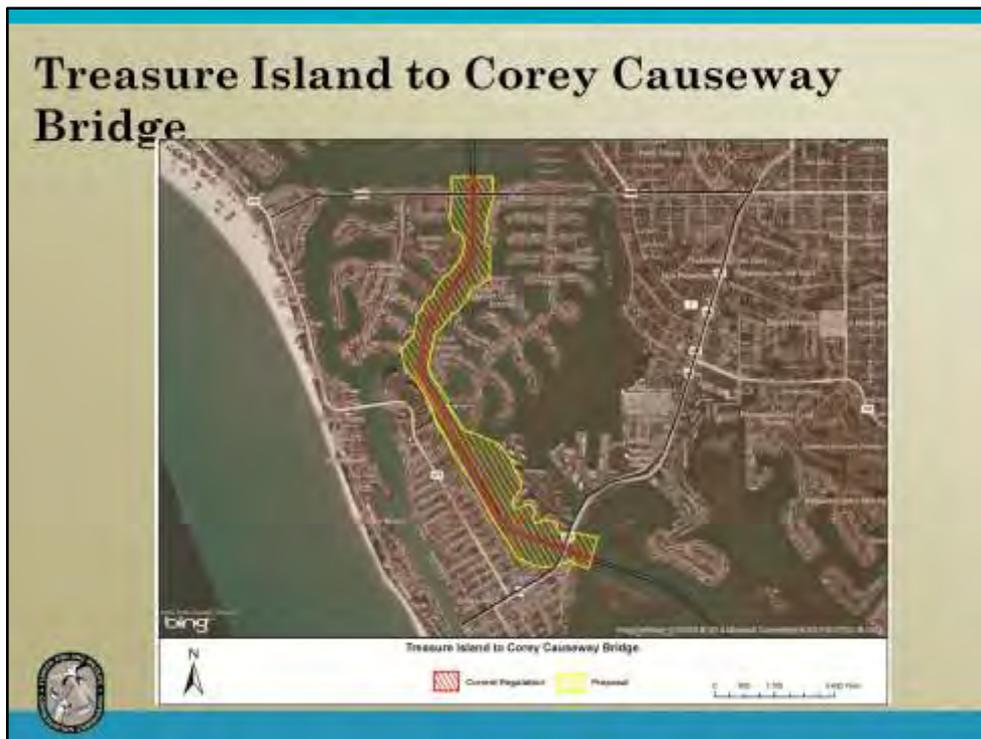
Staff proposes the rule language be changed to reflect the historical marking of the zone at Indian Rocks Bridge.



This slide is a snapshot of the southern boundary of the Indian Rocks Bridge zone showing the extension of approximately 1,370 feet.



This is a snapshot of the northern boundary of the Indian Rocks Bridge zone showing the extension of 50 feet to the zone.



The Treasure Island to Corey Causeway zone is currently regulated as slow speed minimum wake in the ICW channel only. The markers in this area do not state that the restriction is “channel only,” which implies to boaters that the zone is regulated shoreline to shoreline.

To mark this area appropriately as currently regulated, the markers need to indicate this is a “channel-only” restriction. Such a change would encourage boat operators to operate at higher speeds in an area, while the current markers discourage operation at other than Slow Speed Minimum Wake. Creating a situation which requires boats using the channel to travel off-plane while other boats travel past at planing speed will create enforcement challenges and safety concerns due to both the inconsistency in vessel speeds and merging vessel traffic coming from numerous entry points on either side of the waterway.

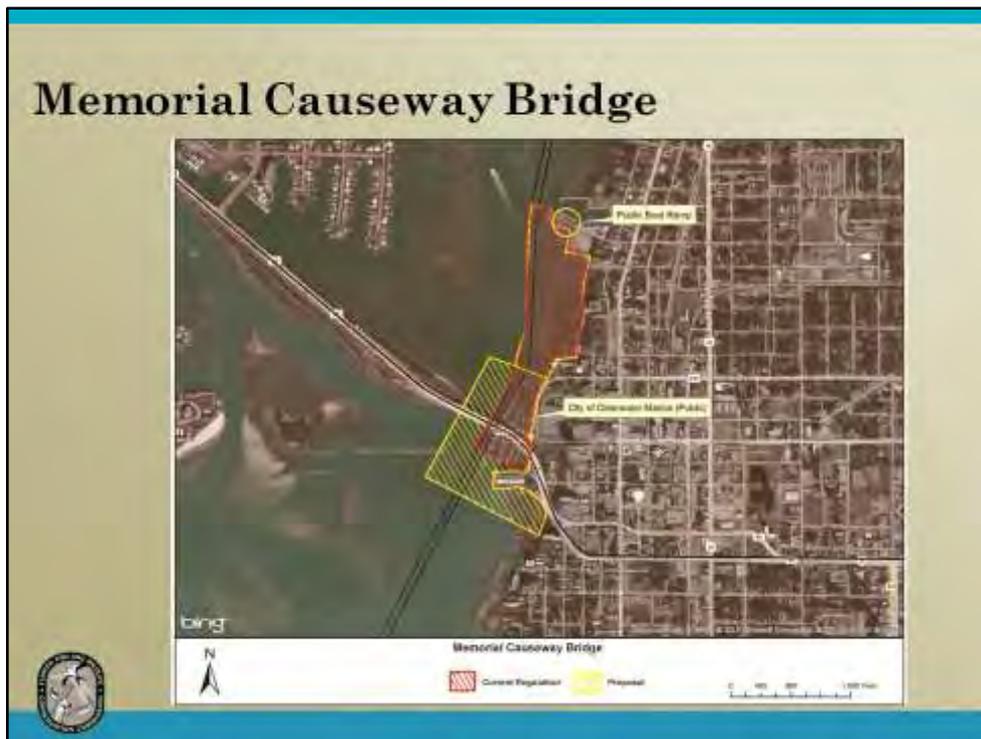
Staff proposes to regulate this area as Slow Speed Minimum Wake from shoreline to shoreline.



The proposed rule would change both a “channel only” zone and a “channel to southern shoreline” zone to include the entire span of the bridges. This comes at the recommendation of law enforcement and the public that attended our public meeting. The public was already under the assumption that the zones included the entire width of the bridge as part of the existing regulatory zone. They noted that boats cutting through the outside spans of the bridge likely pose a public safety threat to other boaters within the channel. Maps and rule language will be updated to clarify the new regulation.



The proposed rule would change this “channel only” zone to include the entire span of the Belleair Causeway Bridge. This comes at the recommendation of law enforcement and the public that attended our public meeting. The public already assumed that the current zone includes the entire width of the bridge. They noted that boats cutting through the outside spans of the bridge posed a public safety threat to other boaters within the channel. Also, the bridge has been changed to become a higher clearance bridge with much wider spans allowing for vessels to cut around the current regulatory zone present in the channel. It should be noted that a new public boat ramp has also been established in close proximity to the bridge adding more vessels to the traffic pattern in this area. Maps and rule language will be updated to reflect this change.



The proposed changes to the Memorial Causeway Bridge are based upon changes to bridge and maritime infrastructure. At one time the bridge was a low clearance bridge with safe navigation only being available through the bridge fender system. The bridge has since changed to a high clearance bridge with wider spans and no longer has a fender system, allowing vessels to cut outside the current regulatory zone. Also, within the past two years the City of Clearwater has built a public marina that is directly beneath the Memorial Causeway Bridge, and the public facility is directly affected by vessels cutting outside the regulatory zone and creating large wakes. To compensate for these changes and to provide public safety for those transiting under the bridge and/or using the public marina, we propose the following changes:

- An extension of 500 feet to the southern boundary of the regulatory zone to give a buffer to the southern-most dock of the City Marina. This 500 foot buffer mirrors what local governments are authorized by law to establish outside the Intracoastal Waterway by local ordinance.
- Widening the zone to include all spans of the bridge to compensate for the change in bridge infrastructure.



The proposed rule would change this “channel only” zone to include the entire span of the bridge. This comes as a recommendation of law enforcement and the public that attended our public meeting. The public already assumed the zone includes the entire width of the bridge. They noted that boats cutting through the outside spans of the bridge posed a public safety threat to other boaters within the channel. Maps and rule language will be updated to reflect this change.

Remove the county-wide 30 mph speed restriction in the ICW

- The restriction has been neither posted nor enforced.
- Such a restriction would encourage boat operators wishing to travel at higher speeds to operate outside the marked channel.
- Both law enforcement and the public supported removing this restriction.



Staff identified the ICW right-of-way only 30 mph speed restriction as a concern. This was a topic of discussion with both local law enforcement and the public. It has neither been posted nor enforced and has been in place since at least 2000.

Concerns which were identified due to such a restriction included encouraging boat operators who wish to travel at speeds above 30 mph to do so outside the marked channel; which ,in some areas, are not safe locations to travel due to water depth.

During discussion with law enforcement and the public, strong support for removing this restriction was present and officers would continue to prevent operation at unsafe speeds through enforcement of other specific state laws.

Exclusion language for Shoreline Zones

- Language for shoreline to shoreline zones which would exclude tributaries, creeks, canals, channels, boat basins, etc.
- Local governments already have the authority to establish local boating safety zones in these areas



Staff observed that the current rule maps are inconsistent in their depiction of the state boating safety zones in the areas of canals which adjoin the ICW and in boat basins.

Since local governments are authorized by state law to adopt restricted areas in many of these areas, this proposal includes language to specifically describe our shoreline to shoreline zones as excluding tributaries, creeks, canals, channels, boat basins, etc.

Public Input

- September 2012 meeting in Clearwater
- Diversity of public support for proposal



Boating and Waterways staff held a public meeting at the Clearwater Community Sailing Center in Clearwater on September 6, 2012. FWC staff and 14 members of the public, representing a diverse cross-section of local waterway users, attended the public meeting. These users included members of the US Coast Auxiliary, marina owners and operators, local law enforcement, members of local boater groups, operators of large vessels, sailboats and small vessels. Comments and unanimous support received at the public meeting and subsequent staff evaluations based on those comments have shaped the current proposal.

Staff Recommendation

- Approval to file Notice of Propose Rule
- Obtain final approval at June Commission Meeting
- If requested, staff will hold another public meeting prior to the June Commission meeting in the local area



Staff recommends that the Commission approve publishing the Notice of Proposed Rule, as provided in the background materials, in the Florida Administrative Register. Staff will bring the rule back to the June Commission meeting for final approval. As a result of the public support for these rule changes, staff is recommending that another public meeting be held prior to the June Commission meeting only if requested by a member of the public, in accordance with 120.54(3), Florida Statutes.