



SEA TRIALS



by James E. Mercante, Esq.

Five Short Blasts Do Not Mean *Hello*

Say you are fishing in a channel and you hear five short and rapid blasts of a whistle? What does it mean?

- a) Italy has just won the World Cup.
- b) The fishing is better over here, come on over.
- c) I have a fish on my line, stay clear.
- d) Get out of my way.
- e) What are you doing out here in a navigation channel when I am a ship the size of three football fields, cannot maneuver well here and will likely run you down.
- f) Danger - I doubt you are taking sufficient action to avoid collision.

The answer, found in the International Regulations for Prevention of Collisions at Sea (COLREGS or Navigation Rules), is f. (COLREGS Rule 34 Maneuvering and Warning Signals). This is the internationally recognized danger signal. However, d and e are really what the ship captain or state pilot is likely thinking. The concern, of course, is pleasure boats and charter vessels fishing in shipping lanes such as Ambrose Channel, Sandy Hook Channel, and the Raritan Bay reaches, or any other shipping lane or traffic separation scheme. Big, and really big, merchant ships enter and depart the Port of New York and New Jersey daily. On weekends, these large and deeply laden ships unwittingly share the shipping lanes with literally hundreds of fishing boats looking to hook some keepers in the fish-friendly contours of these deep water channels. The large ships are restricted in their ability to maneuver around the small boats that dot the congested

seascape. The problem is magnified when local fishing magazines advertise a commercial shipping lane such as Ambrose Channel as the hot spot of the week.

The commercial shipping lanes can be a perilous place to fish for the unwary mariner. Two teenagers in an inflatable raft journeying through The Narrows had to be rescued from the path of an oncoming cargo ship. A fisherman in a pleasure craft could not start his engines as a tanker approached close enough to touch in Ambrose Channel. The boater, who had children aboard, didn't know he was in the channel! Another boat was nearly run down by a containership because the operator did not know what side of the buoys he should be on. Pleasure craft tie up to buoys in the channel.



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And, vessels obstruct the visibility of the navigation aids to the detriment of ship pilots that rely on buoys to navigate and plan the next maneuver.

There have been so many near misses that



the Coast Guard last year issued a stern reminder to recreational boaters to avoid shipping lanes in the Port of New York and New Jersey and initiated Operation Clear Channel. The purpose was and still is to patrol the shipping lanes and issue stiff fines and penalties to boat operators who obstruct a navigable channel. This mission calls for enforcement

action, with the waters patrolled by Coast Guard cutters, small patrol boats, Coast Guard Auxiliary, and the Coast Guard's rigid hull inflatables sporting machine guns on the bow (not for use against fisherman).

Some relevant Navigation Rules include Rule 10 applicable to Traffic Separation Schemes. Rule 10(g) states that a vessel shall so far as practical avoid anchoring in a traffic separation scheme. Rule 10(i) mandates that a vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane, and 10(j) provides, generally, that a vessel of less than 20 meters in length or a sailing vessel, shall not impede the safe passage of a power-driven vessel following a traffic lane. Rule 8 Action to Avoid Collision, mandates that a vessel required not to impede the passage of another vessel shall take early action to allow sufficient sea room for the safe passage of the other vessel. Failure to comply can result in a collision, and civil liability.



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The violation of a Navigation Rule that results in a collision can have serious civil liability implications for the boat owner who causes personal injury, property damage or costly ship's delays arising from a casualty.

The boating community should also be aware of the penalty provisions of federal law that warrant a fine up to \$5,000 and possible boat seizure for violating navigation rules. Title 33 of the U.S. Code, Section 2072(a) Liability of operator for civil penalty, states that Whoever operates a vessel in violation of the navigation rules is liable to a civil penalty of not more than \$5,000 for each violation. Section 2072(b) Liability of vessel for civil penalty; seizure of vessel, states that every vessel operated in violation

of the navigation rules for which a civil penalty is issued, may be seized and proceeded against in federal court. This means if you can't or don't pay the

penalty, your fishing asset may be seized and sold to satisfy the penalty. That stings!

The Coast Guard, marine police, and even Coast Guard Auxiliary are serious. They're cracking down for the safety of life at sea. The other day on the water I noticed an undercover marine police boat. I also understand that police are patrolling incognito on jet skis! It should be as clear as red right turn... getting in the way of a big ship not only can be a huge problem, but can cost big money. If you do get caught, at least make sure the fish in your fish box are legal size. If not, that'll be one dangerous and expensive outing in a so-called hot fishing spot.

Bottom Line: Steer clear of shipping lanes. Boaters should keep in mind that it takes one of these heavily-laden ships a good mile to stop its headway.

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