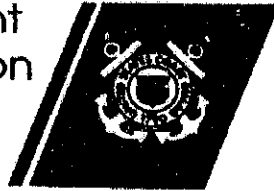


U.S. Department  
of Transportation  
United States  
Coast Guard



# Boating Safety Circular 77

Federal Register / Vol. 60, No. 153 / Wednesday, August 9, 1995 / Proposed Rules

40545

33 CFR 183

[CGD 95-041]

**Propeller Accidents Involving  
Houseboats and Other Displacement  
Type Recreational Vessels**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Reopening of comment period.

**SUMMARY:** In a notice published May 11, 1995(60 FR 25191), the Coast Guard solicited comments from all segments of the marine community and other interested persons on various aspects of propeller accident avoidance. The comment period closed July 10, 1995. In response to the notice, the Coast Guard received over 100 letters. Various parties including the National Association of State Boating Law Administrators (NASBLA) requested an extension of the comment period. This notice reopens and extends the comment period.

**DATES:** Comments must be received on or before November 7, 1995

**ADDRESSES:** Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406)(CGD95-041), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

**FOR FURTHER INFORMATION**

**CONTACT:** Mr. Alston Colihan, Auxiliary, Boating, and Consumer Affairs Division, (202) 267-0981.

**SUPPLEMENTARY INFORMATION:**

**Request for Comments**

The Coast Guard encourages interested persons to participate in this request for comments by submitting written data, views or arguments. Persons submitting

comments should include their names and addresses and identify this notice (CGD 95-041). Please submit two copies of all comments and attachments in an unbound format, no larger than 8.5 by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. All comments received after the close of the initial comment period and before the reopening of the comment period will also be considered.

**Background information**

The Coast Guard solicits comments from all segments of the marine community and other interested persons on various aspects of propeller accident avoidance, including: (1) the economic and other impacts of establishing a requirement for propeller guards on recreational houseboats and other displacement vessels; (2) suggestions on alternatives to propeller guards which should also be considered; (3) recommendations on the applicability of regulations; and (4) the concerns of the recreational vessel livery and charter industries.

Persons submitting comments should do so as directed under Request for Comments above, and specify the area(s) of concern on which comments are being submitted, state what impacts may result from one or more alternatives identified, suggest other alternatives, and provide reasons to support the information provided on potential impact or suggested alternatives.

The Coast Guard will consider all relevant comments in determining what action may be necessary to address propeller accidents involving houseboats and other displacement-type recreational vessels.

Dated: August 2, 1995

**Rudy K. Peschel,**

*Rear Admiral, U.S. Coast Guard, Chief,  
Office of Navigation Safety and Waterway  
Services*

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COMPLETED

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## 33 CFR 183

[CGD 95-041]

**Propeller Accidents Involving Houseboats and Other Displacement Type Recreational Vessels****AGENCY:** Coast Guard, DOT.**ACTION:** Notice; request for comments.

**SUMMARY:** Boating accidents involving propeller strikes often generate a great deal of interest and concern. As a result of a serious accident involving a rented houseboat which occurred in 1993, for example, the Coast Guard has received considerable correspondence seeking the initiation of a rulemaking project to establish mandatory requirements for propeller guards on recreational houseboats and other displacement-type (non-planing) vessels, including those leased by livery operations. The Coast Guard wants to get an understanding of the public's present feelings about the use of propeller guards or possible alternatives to propeller guards on these vessels. In order to identify and consider the potential impacts such a requirement may have on the boating public, boat owners, boat operators, manufacturers, and livery companies leasing such vessels, the Coast Guard is requesting comments from interested parties.

**DATES:** Comments are requested by July 10, 1995.

**ADDRESSES:** Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 95-041), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this notice. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters.

**FOR FURTHER INFORMATION**

**CONTACT:** Mr. Alston Colihan, Project Manager, Auxiliary, Boating, and Consumer Affairs Division, (202) 267-0981.

**SUPPLEMENTARY INFORMATION:****Request for Comments**

The Coast Guard encourages interested persons to participate in this request for

comments by submitting written data, views or arguments. Persons submitting comments should include their names and addresses and identify this notice (CGD 95-041). Please submit two copies of all comments and attachments in an unbound format, no larger than 8.5 by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

**Background and Purpose**

The Federal statutes in 46 U.S.C. 4302 which authorize the Coast Guard to develop boating safety standards specify that such standards must be based upon a demonstrated need. In establishing a need, the Coast Guard must:

(1) consider the extent to which the regulations or standards will contribute to boating safety;

(2) consider relevant available boating safety standards, statistics and data, including public and private research and development, testing and evaluation;

(3) not compel substantial alteration of a recreational vessel or equipment that is in existence, or the construction or manufacture of which is begun before the effective date of the regulation, but subject to that limitation may require compliance or performance, to avoid a substantial risk of injury to the public, that the Secretary considers appropriate in relation to the degree of hazard that the compliance will correct; and

(4) consult with the National Boating Safety Advisory Council.

Current regulations in 33 CFR 173 and 174 require the operator of any vessel numbered or used for recreational purposes to file a Boating Accident Report (BAR) if the vessel is involved in an accident that results in: (1) loss of life; (2) personal injury which requires medical treatment beyond first aid; (3) damage to the vessel and other property exceeding \$500; or (4) complete loss of the vessel. Boat operators are required to report their accidents to authorities in the State where the accident occurred, or directly to the Coast Guard if the accident occurred in Alaska. However, ongoing research indicates only a small percentage of reportable non-fatal boating accidents are reported each year.

Currently available data does not support a need for Federal regulations to require propeller guards on houseboats. Over 31,000 boating accidents were reported to the Coast Guard for the years 1989 to 1993. The BAR data base indicates that 17 "Struck By Boat or Propeller" accidents

involving houseboats were reported, with 16 injuries and one fatality. Three accidents resulting in three injuries were of the category, "Struck by Boat," and 14 were of the category, "Struck by Propeller," and resulted in 13 injuries and one fatality.

**Solicitation of Views**

The Coast Guard solicits comments from all segments of the marine community and other interested persons on various aspects of propeller accident avoidance, including: (1) the economic and other impacts of establishing a requirement for propeller guards on recreational houseboats and other displacement vessels; (2) suggestions on alternatives to propeller guards which should also be considered; (3) recommendations on the applicability of regulations; and (4) the concerns of the recreational vessel livery and charter industries.

Persons submitting comments should do so as directed under Request for Comments above, and specify the area(s) of concern on which comments are being submitted, state what impacts may result from one or more alternatives identified, suggest other alternatives, and provide reasons to support the information provided on potential impact or suggested alternatives.

The Coast Guard will consider all relevant comments in determining what action may be necessary to address propeller accidents involving houseboats and other displacement-type recreational vessels.

Dated: May 3, 1995

**G.A. Penington,**

*Rear Admiral, U.S. Coast Guard, Chief,  
Office of Navigation Safety and Waterway  
Services*