

Racing Rules of Sailing

Rule 14

A submission from US SAILING

Proposal

14 AVOIDING CONTACT

A boat shall avoid contact with another boat if reasonably possible. However, **if a boat has right of way or is entitled to room or mark-room and if she is complying with the other rules of Part 2,** ~~a right-of-way boat or one entitled to room or mark-room~~

- (a) **she** need not act to avoid contact until it is clear that the other boat is not *keeping clear* or giving *room* or *mark-room*, and
- (b) **she** shall **be exonerated for breaking** ~~not be penalized under~~ this rule unless ~~there is~~ **the** contact ~~that~~ causes damage or injury.

If the proposal is accepted, here, without underlining, bold or struck-through words, is how rule 14 would read:

14 AVOIDING CONTACT

A boat shall avoid contact with another boat if reasonably possible. However, if a boat has right of way or is entitled to *room* or *mark-room* and if she is complying with the other rules of Part 2,

- (a) she need not act to avoid contact until it is clear that the other boat is not *keeping clear* or giving *room* or *mark-room*, and
- (b) she shall be exonerated for breaking this rule unless the contact causes damage or injury.

Current Position

As above

Reason

The current second sentence of rule 14, which includes rules 14(a) and 14(b), grants protection to a boat even when she is breaking a rule of Part 2 other than rule 14. The following simple incident provides an example. Two boats, A and B, are on the same tack on a downwind leg in strong wind. A is a short distance clear ahead of B. B is on a track to pass to windward of A. A luffs suddenly into B's path. B promptly does all she can to keep clear, but A has not given her room to do so and there is contact with damage. Clearly A breaks rule 16.1, but she does not break current rule 14. A had right of way and before she luffed B was keeping clear. Therefore, under rule 14(a), A was under no obligation to act to avoid contact. As soon as A luffed, B was no longer keeping clear and

A became obligated under rule 14 to avoid contact if reasonably possible, but by that time it was no longer possible to avoid contact.

Boat W in Case 70 provides another example of a boat that failed to break current rule 14 while she was breaking another rule of Part 2. Her failure to break current rule 14 was also due to the wording of that rule's second sentence.

The second sentence of rule 14 was intended, by incorporating a principle from the *International Regulations for Preventing Collisions at Sea*, to avoid burdening a boat with a *de facto* requirement to keep clear while she has right of way or the right to room and she is complying with the rules. It was not intended to provide such protection to a boat which is breaking one or more of the other rules of Part 2. The proposed changes to that sentence restore its intended effect.

The statement in rule 14(b) that a boat 'shall not be penalized under this rule' leaves open the question of whether breaking rule 14 (by making contact with another boat when it was reasonably possible to avoid doing so) is condoned or simply not penalized. This places competitors who try to comply with the rules at a disadvantage to those who merely try to avoid penalties – exactly the opposite of the intended effect. Also, a right-of-way boat or a boat entitled to room that touches another boat without damage is nonetheless required by Sportsmanship and the Rules and rule 2 to take a penalty. The proposed wording eliminates both these problems and does so by using wording that is consistent with the exoneration wording used in rules 18.5, 20.2 and 64.1(c).

This submission is part of a 'package' of related submissions from US SAILING involving penalties, exoneration and rules compliance. The submissions in this 'package' are those involving Sportsmanship and the Rules, Rule 14, Rule 44.1, Rules 44 and 64.1(c), a new definition Exonerate and two submissions involving Rule 44.1(b).
