

## **FUTURE WORKING PARTIES**

### **Traffic Separation Schemes (TSS)- RRS 48.2**

A paper by Stan Honey, Chair Oceanic and Offshore Committee, 18 October 2018

Should we set up a working party to suggest a few standard ways to handle Traffic Separation Schemes (TSS) by Event Organizing Authorities (OA's)? This could potentially be an appendix to the RRS, similar to the existing Appendix SY and Appendix WP concerning superyacht racing and racing around waypoints. Alternately it could just be a document posted on the World Sailing website with sample approaches to SI's.

If the Oceanic and Offshore Committee chooses to set up a working party, the following individuals have offered to serve:

- Rear Admiral Chris Oxenbould AO RAN (Rtd)
- Dick Rose, Racing Rules Committee member
- Stan Honey, offshore navigator, OOC Chair
- Romain Gautier, IJ, Jury member Vendee Globe and Route du Rhum
- Stefan Kuntsmann and Richard Slater have been involved in this discussion and might be convinced to serve.

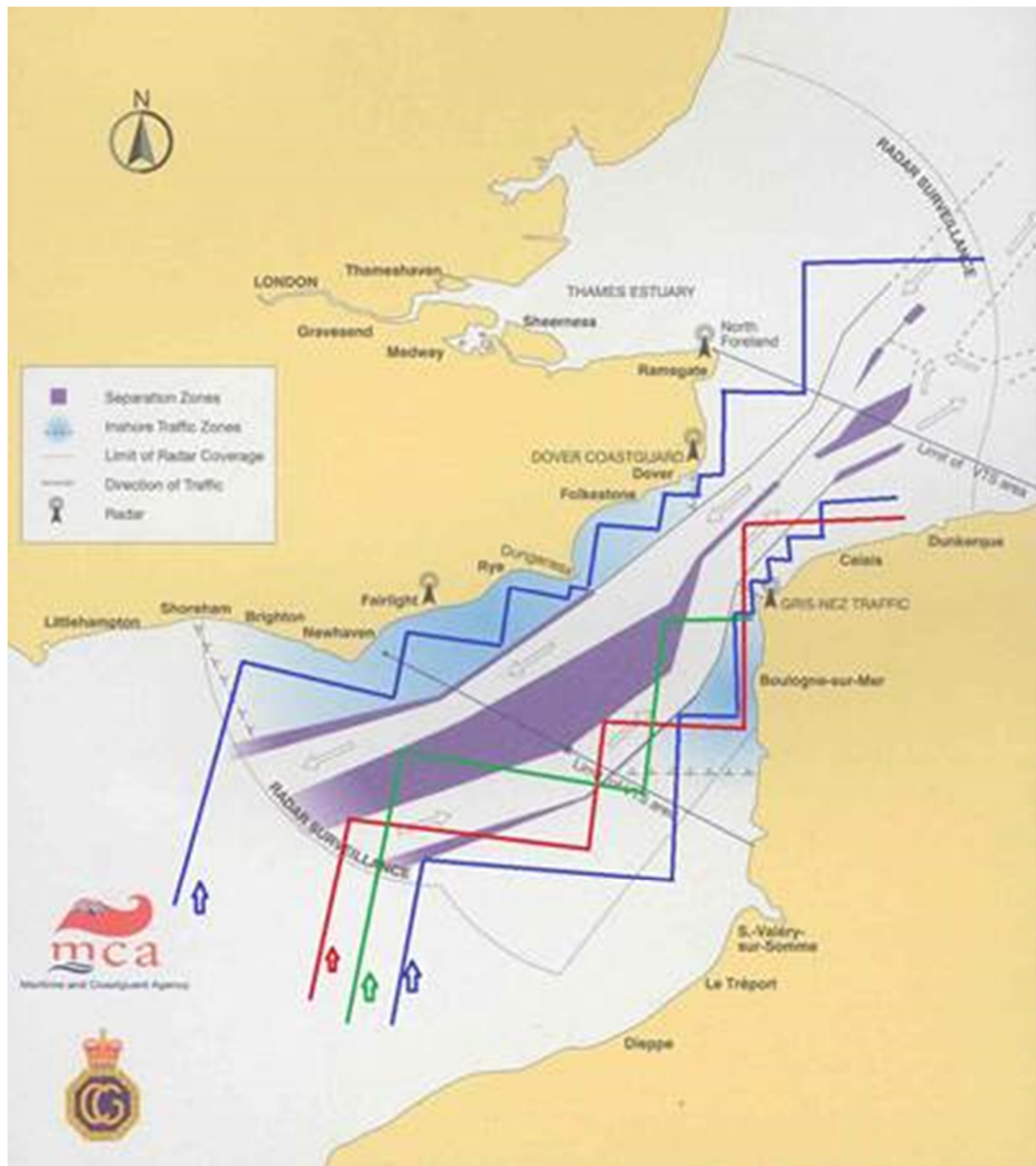
IRPCAS Rule 10 can be interpreted and applied in different ways. International Maritime Organizations (IMOs) state that the inconsistency in the IRPCAS is intentional to allow the IRPCAS to work in a wide variety of situations and that the IRPCAS work fine the way they are. The IMO's won't further define them. The IRPCAS are, nevertheless, drafted VERY differently than the RRS that we are used to interpreting rigorously and formally, and we race under the IRPCAS in certain situations and are subject to protest for violating them.

In addition to the internal inconsistencies, IRPCAS rule 10 is handled very differently in different parts of the world by OA's.

- There are major harbors where a significant portions of races take place within the TSS:
  - Examples of these areas in the US include Charleston, Los Angeles, and San Francisco. Wording in SI's vary for these areas, but the SI's generally build on IRPCAS 10(j). IRPCAS 10(j) states: "... a sailing vessel shall not impede the safe passage of a power-driven vessel following a traffic lane."
  - SI's often modify this to state that "yachts shall not impede, or present a threat of impeding, the safe passage of any vessel following a traffic lane. If a vessel in a traffic

- lane sounds its five horn danger signal, or if a vessel using a lane, a pilot, or a VTS files a report or brings an action against a yacht, that yacht will be protested by the RC.
- This approach works. Commercial vessels and pilots appreciate the consideration shown by the racers. Racers appreciate being able to race in the waters that include a TSS. Racers nearly always lose these protests and so pay attention.
  - Cautious racers communicate with nearby ships via VHF so that the ships know the yacht intends to keep clear and is not posing a threat of impeding the navigation of the ship.
- There are very busy TSS's, that are in the vicinity of very large racing fleets, but where there is enough surrounding water for the yachts to avoid the TSSs entirely. A good example of this is the Fastnet Race. The RORC defines that all TSSs will be treated as obstructions, and stipulates that yachts shall not enter areas designated as obstructions. This works well where there is sufficient water surrounding the TSSs for yachts to stay entirely clear of them.
  - Finally there are areas that racing yachts must pass through, where the TSS's cover so much water that the yachts essentially have to use the TSSs. One example is the Straits of Dover and southern North Sea. The problem in these cases is that IRPCAS Rule 10 has many internal inconsistencies making it difficult to work out exactly how a racing yacht can use the TSS?
- When should a RC protest?
- The blue courses in the diagram are generally considered to be permitted.
  - The red course is more aggressive, but if the direction of travel of the yacht is always within 90 degrees of the direction of the traffic lane, there is an argument that it is ok.
  - The green course is more aggressive still. The center separation zone is used by various vessels, for example for fishing, and so there is an argument that the center separation zone is available for sailing and that this course is also ok. Some RC's state that the green track may be compliant, "if a boat is, through its conduct and/or communication, neither impeding nor presenting a threat of impeding vessels using the scheme." Some RC's state that they will not attempt by themselves to ascertain the angle that a yacht is sailing in a traffic lane but if a ship, pilot, VTS, or other maritime authority send a report or bring an action against a yacht for impeding the passage of a vessel in a lane, or of sailing in a lane against the direction of the lane, the RC will protest.

Should we set up a Working Party to consider whether to address this? It is possible that the best answer is to not touch it and leave it entirely to the OA's to address as we do now. If we try to address it how should we approach it? Should we work with the Racing Rules Committee to draft an Appendix TSS that provides suggested options to the OA's to consider Or should we just leave TSSs alone because the OA's have it well in hand and we don't want to further complicate our sport?



Comments on the above from Dick Rose, Racing Rules Committee member:

7 October

Hi Stan,

I have reread IRPCAS Rule 10. I have some experience with TSS issues from experience with the TSS on Puget Sound and with the TSS on San Francisco Bay. I would be honored to work with you and your colleagues on a working party set up to address the issues you present. I think such a working party should include a few persons familiar with the problems TSS causes for racing and also, if possible, a lawyer with knowledge of cases involving the IRPCAS and Traffic Separation Schemes.

My quick answers to the set of questions you put to us are below.

I think it would be helpful to set up an informal meeting in Sarasota to discuss these issues.

Cheers,

Dick Rose

***Your questions (in bold italics) with my answers below them:***

***Should we set up a Working Party to consider whether to address this?***

Yes. Someday we'll have a serious incident involving a TSS, and, in addition to the injury or damage it might cause, we may well find our racing curtailed by government authorities as a result of such an incident. It's better to be proactive and act now, rather than after such an incident.

***It is possible that the best answer is to not touch it and leave it entirely to the OA's to address as we do now. If we try to address it, how should we approach it?***

***Should we work with the Racing Rules Committee to draft a Case that provides suggested options to the OA's?***

***Is this an appropriate use of the Casebook?***

I will address these three questions together.

There is an important (and rather subtle) issue involving the racing rules and IRPCAS Rule 10 that you haven't raised:

The racing rule that requires a boat racing, when she meets a vessel not racing, to comply with the IRPCAS is the 3<sup>rd</sup> sentence in the preamble to Part 2 in *The Racing Rules of Sailing* (RRS). Because that sentence is in Part 2 of the RRS, it cannot be changed by a rule in the notice of race, a rule in the sailing instructions, by a MNA's prescription, or by a class or handicap system rule (see racing rule 86.1; there are exceptions to rule 86.1 in rule 86.2 or rule 86.3 but they are cumbersome and rarely used except for major events).

From your discussion, it looks to me as if the racing community needs several optional TSS-related rules, Option 1, Option 2, etc., from which a particular event's organizers can select the appropriate option and make it applicable for their event. These options will probably be too specialized and too detailed to add within the RRS. *The Case Book* only interprets the rules in the RRS, so it is probably not appropriate to include these options in a case.

In my opinion, the best location for these options would be in a special purpose appendix to the RRS 'published' on the World Sailing website. (There are two examples of such appendices now on the website which some of you may have seen: Appendix SY, Superyacht Racing Rules, and Appendix WP, Rules for Racing Around Waypoints.) The big advantage to using such an appendix is that it can change rules of Part 2 and, if necessary, any definitions in the RRS. It can also contain some advice to readers about when each option is preferred to other options

***Should we just draft and post some sample SI's on the Offshore part of the World Sailing website for the OA's to consider?***

That sounds like a good idea.

***Or should we just leave TSSs alone because the OA's have it well in hand and we don't want to further complicate our sport?***

No. See my answer to the first question above.

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