



**YACHT RACING ASSOCIATION  
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DECISION ON APPEAL, Appeal #09-02  
JetStream (a JS9000) vs Vuja De (an Ultimate 24)  
Richmond - South Beach Race, Sportboat Class  
Host: Singlehanded Sailing Society, Date: 8-22-09

October 3, 2009

### **SUMMARY OF SITUATION:**

Before the start of the SSS Richmond-South Beach Race on 8/22/09, a collision occurred between Jetstream (a JS9000) and Vuja De (an Ultimate 24), two boats both entered in the Sportboat class, Doublehanded division. The starting area was in Point Potrero Reach, a relatively narrow body of water which extends from ESE to WNW and is separated from San Francisco Bay proper by a breakwater. Wind was from the SW at 12-15 knots with occasional higher gusts. The collision occurred about two minutes before the Warning signal for the Sportboat class and about 200 feet behind the start line. Vuja De, broad reaching on starboard tack, struck Jetstream on the starboard quarter with her starboard bow. Jetstream protested Vuja De for violating RRS 11 (on the same tack, overlapped) and 14 (avoiding contact). A protest hearing was conducted on 8-28-09, at which time it was decided that JetStream broke RRS 15, but no penalty was assessed because the incident occurred before the boats were racing. JetStream has appealed the decision.

### **FACTS FOUND BY PROTEST COMMITTEE:**

1. Before the boats came into close proximity, Vuja De (VD), closer to the start line, tacked from port to starboard and bore away to a broad reach. JetStream (JS) was sailing slowly on port tack with the main luffing, on an approximately reciprocal course that would have taken her to leeward of VD if each had held her course.
2. When the boats were about 120 feet apart, JS initiated a slow tack to starboard. At the same time, VD had accelerated or was accelerating from a speed of about 3 knots coming out on her tack, to about 6 knots.
3. At about 60 feet of separation, JS completed her tack but continued to luff her main and had little way on, at which time the helmsmen of the two boats made eye contact and both began hailing.
4. VD released both sheets fully and attempted to steer hard to port (leeward), but the rudder cavitated such that there was no steering control.
5. At VD's speed of 6 knots, about 6 seconds elapsed from the beginning of hailing at 60 feet separation until impact.

### **CONCLUSIONS, APPLICABLE RULES, AND DECISIONS OF THE PROTEST COMMITTEE**

Although JS acquired right of way by completing her tack onto starboard, she did not give VD room to keep clear in the prevailing conditions. Therefore JS broke RRS 15.

Because the incident occurred before the boats were racing, per the preamble to RRS Part 2, no penalty is assessed.

## **BASIS FOR APPEAL BY JetStream:**

At the time JS completed her tack to starboard, VD was approximately three boat-lengths away and six seconds from contact. JS was moving slowly, with main luffing, with right-of-way per RRS 11. There was ample time for VD to change course and keep clear of JS. Although VD tried to turn and avoid contact, she had lost steering control, and continued on a course toward JS. JS cites ISAF Case 99 (opening summary) which places the burden on VD to avoid JS in such circumstances.

By the time JS realized VD was not going to keep clear, it was too late for JS to avoid contact. JS cites ISAF Case 92 (opening summary) as being relevant and which supports her position that she did not break RRS 14.

JS also notes that early on, when both boats were on port tack, VD was first to tack to starboard. As VD completed her tack to starboard, she continued to alter course to a broad reach back toward JS. Thus VD broke RRS 16.1 by turning continuously toward JS as JS was slowly tacking from port to starboard. JS claims VD changed course toward JS too late for JS to keep clear.

## **DECISION OF APPEALS COMMITTEE:**

Prior to the 6-second positions, both boats had been altering course and the right of way between them may not have been clear. However, at 6 seconds, both boats saw each other and VD became obligated to keep clear, per RRS 11.

At this point, VD was more than two of her boat-lengths from JS, which should have been sufficient distance, under normal circumstances, for VD to change course and avoid JS. However, VD was traveling at such a speed that she was unable to alter course and avoid JS. It is the responsibility of a boat's crew to understand and anticipate which maneuvers are possible under the existing conditions and which maneuvers might be ineffective - i.e., a cavitating rudder is no excuse for a burdened boat's failure to keep clear, especially when other options are available. We believe our circumstances are similar to those in Case 99 and that the principles stated in the first sentence of the preamble to that case apply to our situation. We rule that VD broke RRS 11.

Regarding RRS 14, although VD attempted to avoid JS as soon as he saw the situation develop, it was his original miss-judgment, either excessive speed or turning the wrong way, that caused the collision. Thus, we rule VD also broke RRS 14.

We believe that JS was sailing at less than half the speed of VD during the final 6-second interval, and that it was impossible for JS to do anything to avoid contact once she realized that VD was not going to keep clear. We rule that JS did not break any rules.

The protest committee's decision that no penalty should be assessed is correct for the reason they stated.

THE APPEALS COMMITTEE OF THE YACHT RACING ASSOCIATION OF SAN FRANCISCO BAY.

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