



**YACHT RACING ASSOCIATION
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DECISION ON APPEAL, Appeal #10-02
EXPEDITIOUS, #18478 vs ELAN, #87700
Spring One-Design Regatta, Race #3
St. Francis YC, March 20, 2010

April 30, 2010

SUMMARY OF SITUATION:

ELAN and EXPEDITIOUS were sailing upwind along the City Front, on port tack, approaching the entrance to the west harbor of the San Francisco Marina. The tide had been flooding so the boats were staying close to the shore, but they had to leave the jetty (peninsula) to port as they passed the harbor entrance. After tacking off the shore, EXPEDITIOUS was clear astern on a line to windward of the course sailed by ELAN, but EXPEDITIOUS was sailing slightly faster.

As the boats approached the end of the jetty, EXPEDITIOUS acquired an overlap to windward of ELAN as their courses converged. As EXPEDITIOUS was about to pass the jetty, she struck a submerged rock, suffered damage, and retired from the race.

EXPEDITIOUS filed a valid protest after the race. In the protest hearing that followed, ELAN was disqualified for breaking RRS 19.2(b), after which she submitted this appeal.

FACTS FOUND BY THE PROTEST COMMITTEE:

1. ELAN was leeward on port tack beating to windward.
2. EXPEDITIOUS was on port tack, sailing a slightly lower course.
3. EXPEDITIOUS was windward, but not overlapped with ELAN.
4. At 5 boat lengths from the obstruction, there was a boat length of lateral separation.
5. EXPEDITIOUS is footed off going approximately 10% faster than ELAN.
6. At 3 boat-lengths from the obstruction, ELAN gets a lift and alters course towards the obstruction.
7. At 2 boat-lengths from the obstruction, EXPEDITIOUS establishes an overlap to windward of ELAN with about 1/2 boat-length of lateral separation.
8. At 1 boat-length from the obstruction, the overlap is advanced to approximate 2-3 feet with a 1/4 of a boat-length of lateral separation.
9. As ELAN reaches the obstruction the overlap is approximately 3-4 feet with 3-4 of lateral separation.
10. As ELAN passes the obstruction, EXPEDITIOUS hits the obstruction with approximate 2 feet of lateral separation from ELAN.
11. EXPEDITIOUS was damaged and retired because of the damage.

CONCLUSIONS OF THE PROTEST COMMITTEE:

1. When the boats were at the obstruction, ELAN and EXPEDITIOUS were overlapped.
2. EXPEDITIOUS was overlapped and to windward and was required to keep clear of ELAN and she did so.
3. ELAN altered course and failed to give EXPEDITIOUS room to keep clear of the obstruction.
4. ELAN the outside boat failed to give EXPEDITIOUS the inside boat room between ELAN and the obstruction.

DECISION AND APPLICABLE RULES:

ELAN is disqualified for breaking RRS 19.2(b)

BASIS FOR APPEAL BY ELAN:

1. The protest committee's diagram does not accurately represent the obstruction, and the facts found are not supported by the diagram.
2. The protest committee applied the wrong RRS, 19.2(b). The appropriate rule for these circumstances is 19.2(c) under which ELAN should be exonerated.
3. Even applying rule 19.2(b), the protest committee did not interpret the rule correctly, and ELAN should be exonerated.

DECISION OF APPEALS COMMITTEE:

A fundamental issue in this case is whether the peninsula (jetty) was a continuing obstruction or not. An obstruction can be both a non-continuing or continuing one as boats approach and pass it, and the timing of the establishment of overlaps is important. As the boats approached the obstruction it was not a continuing one as the focus of the boats was to sail a course around the obstruction not to sail a course along side it and RRS 19.2(b) applied for overlaps established during that time. Once that first corner of the obstruction was passed, then the obstruction became continuing for a short distance (approximately 75 feet in this case), and RRS 19.2(c) would have applied with respect to any new overlap established as the boats sailed along the edge of the obstruction.

In this case, the overlap was established prior to the boats reaching the obstruction and thus RRS 19.2(b) applied. ELAN's obligation to attempt to give room at the obstruction began as soon as an overlap was established and continued until the obstruction, including that part of it that could be characterized as continuing, had been cleared unless she was unable to do so. The burden was on ELAN to show that they were unable to give EXPEDITIOUS room from the time the overlap began. The fact that EXPEDITIOUS did not have room to pass the obstruction in a seamanlike way is demonstrated by contact with the obstruction and the close proximity of the two boats at the time of contact. Neither the facts found, nor the supplemental information submitted by ELAN, support a claim that they were unable to give room as required.

The appeal is denied.

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

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