



THE YACHT RACING ASSOCIATION of SAN FRANCISCO BAY
1070 MARINA VILLAGE PARKWAY, SUITE 202-G
ALAMEDA, CALIFORNIA 94501
Phone: 415-771-9500; Fax: 415-276-2378
E-mail: info@yra.org

DECISION on APPEAL: AAC 16-09; Monterey Peninsula YC Protest Committee decision of Rolly v. Yankee
Monterey Peninsula Yacht Club Luke's Regatta Race 3, 11 September 2016

February 28, 2017

SUMMARY OF SITUATION

On September 11, 2016 the Shields class participated in a race of the Luke's Regatta. An incident occurred between two boats, *Rolly* and *Yankee*, near the Race Committee signal boat at the start of race 3. Both boats filed protests which were heard together by the Protest Committee on the evening of September 20, 2016. *Rolly* was disqualified at that hearing. *Rolly* appealed the decision of the Protest Committee. The Association Appeals Committee returned the matter to the Protest Committee to reopen the hearing and hear additional witnesses excluded from the original hearing (reference appeal AAC16-07). The Protest Committee reopened the hearing December 9, 2016 and found additional facts.

US Sailing received from *Rolly* a request to appeal the December decision of the Protest Committee on December 15, 2016 that was forwarded to the Appeals Committee of the Yacht Racing Association of San Francisco Bay on December 19, 2016.

FACTS FOUND BY PROTEST COMMITTEE:

- 1) Parties agree the incident occurred in race 3.
- 2) Yankee (Hull 187) established an overlap to leeward of Rolly (Hull 209) below the starting line approximately 15 seconds before the start. The boats sailed overlapped for a period of time before 209 abruptly altered course in a windward direction. 209's stern struck 187 in the starboard aft quarter. Damage was minimal.
- 3) Appeals book case 24 applies.
- 4) Conclusion: 209 disqualified under rule 11.

ADDITIONAL FACTS FOUND BY PROTEST COMMITTEE (DECEMBER):

- 5) The main boom of Rolly was out and luffing starting from the time the overlap was established. It remained that way up to and beyond the time of contact between hulls.

CONCLUSIONS, APPLICABLE RULES, AND DECISION OF PC:

- Rule 11 was violated by 209.
- Boat 209 is disqualified from race 3 on 9/11/16.

NEW CONCLUSIONS, APPLICABLE RULES, AND DECISION OF PC(DECEMBER):

- Original conclusions and decision are not altered.

APPELLANT BASIS FOR APPEAL:

- The appellant restates testimony and evidence heard by the PC after the incident.
- The Appeals Committee should consider a clear breach of rules 15 and 16.

ASSOCIATION APPEALS COMMITTEE DECISION:

The Appeal is denied. The decision of the Protest Committee is upheld with changes as follow:
Rolly (Hull #209) also broke rule 14.

When *Yankee* established her overlap to leeward, she was obligated by rule 15 to initially give *Rolly* room to keep clear. She did this, since the boats sailed parallel courses for a period of some time without contact. A windward boat's right to room to keep clear under rule 15 exists only briefly, at the time the overlap begins. Since contact occurred with no luff by *Yankee*, and only after *Rolly* had luffed abruptly, *Yankee* fulfilled her obligation under rule 15 to initially give *Rolly* room to keep clear, and *Rolly* was properly disqualified under rule 11.

As *Yankee*, the right of way boat under rule 11, did not change course, rule 16 did not apply.

Concerning the contact, it was reasonably possible for *Rolly* to avoid it but she failed to do so, and therefore broke rule 14. *Yankee* was unable to avoid the contact, so she did not break rule 14.

Best Regards,

The Appeals Committee of the Yacht Racing Association of San Francisco Bay
Michael Gross, Chair

Cc:

Richard Clark, Protest Committee Chair
Larry Gamble, *Rolly*, appellant
Michael Polkabla, *Yankee*, party

Appeals Committee Members:

John Christman
Paul Kamen
Tom Roberts
John Siegel