



**THE YACHT RACING ASSOCIATION of SAN FRANCISCO BAY**  
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DECISION on APPEAL: AAC18-01, WINGS v. ROGUE

Oakland YC 2018 Sweet 16 Series Race 10, July 25, 2018

October 6, 2018

### **SUMMARY OF SITUATION**

On Wednesday evening July 25, 2018 the Columbia 5.5 Meter Class participated in a race of the 2018 Sweet 16 Series, a series of races held between May 2 and June 20. On that evening an incident occurred between 5.5 Meter boats WINGS and ROGUE on an upwind leg. After the race WINGS and ROGUE each filed a protest. The Protest Committee heard the protests on August 9, 2018.

After some correspondence between WINGS and US Sailing, beginning August 16, 2018, WINGS sent an appeal of the Protest Committee decision to US Sailing on August 28, 2018. The appeal was forwarded to the Appeals Committee of the Yacht Racing Association of San Francisco Bay on August 29, 2018

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

1. Rogue was on port sailing close hauled on the second windward leg.
2. Rogue was on port overlapped to windward of Wings.
3. Rogue and Wings were sailing within 1 1/2 boat lengths of the harbor docks on their port side on an oblique course toward the docks.
4. Wings altered to windward luffing their jib near the end of the obstruction then altered back to their previous course.
5. Rogue was unable to sail further to windward because of the boats and docks on their port side.
6. Rogues bow hit Wings transom on the port side one foot forward of the stern.
7. Neither boat incurred damage.
8. Neither boat took a penalty.

Diagram: Diagram not endorsed

### **CONCLUSIONS, APPLICABLE RULES, AND DECISION OF PC:**

1. Rogue to windward failed to keep clear of Wings to leeward, as required by RRS 11.
2. Although it was reasonably possible, Rogue, the keep clear boat, did not avoid contact with Wings, as required by RRS 14.
3. Wings, the outside boat at an obstruction, failed to give Rogue room to pass the obstruction, as required by RRS 19.2

Rogue is to be scored DSQ for race 10.

Wings is to be scored DSQ for race 10.

**APPELLANT BASIS FOR APPEAL:**

- a. Wings was given a DSQ for a violation of Rule 19.2
  - i. Rogue was Clear Astern prior to becoming overlapped by one foot to weather.
  - ii. Rule 19.2 c suggests that 19.2 may not apply to all situations.
    - 1. *While boats are passing a continuing obstruction, if a boat that was clear astern and required to keep clear becomes overlapped between the other boat and the obstruction and, at the moment the overlap begins, there is no room for her to pass between them, she is not entitled to room under rule 19.2(b). While the boats remain overlapped, she shall keep clear and rules 10 and 11 do not apply.*
- b. Wings' expanded protest included potential violations of Rules 60.1 and Rule 2. The US Sailing Judge has provided his committee's decision on every rule included in Wings protest but has repeatedly refused to provide a copy of his committee's decision on Rule 2.

**ASSOCIATION APPEALS COMMITTEE DECISION:**

The appeal is denied. The decision of the Protest Committee is not changed.

The appeal filed by WINGS did not meet the requirements of Appendix R2.1.

The Protest Committee decided the protest on August 9, 2018 and informed the parties of the decision on the same day. The following day, WINGS requested a written decision under RRS 65.2 which was acknowledged by the Protest Committee on August 10, 2018. An initial written decision was provided to WINGS. After correspondence between WINGS and the Protest Committee, a revised written decision was provided on August 11, 2018. Correspondence between WINGS and the Protest Committee continued through August 15, 2018. On August 16, 2018, WINGS began corresponding with US Sailing regarding a possible appeal and eventually sent the appeal to US Sailing on August 28, 2018. US Sailing received the appeal the following day. The time period between the receipt of the written decision on August 11, 2018 and sending the appeal to US Sailing exceeded the time limits in Appx R2.1.

Best Regards,

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

Cc:

Mike Jackson - Appellant  
Thomas Allard - PC Chair  
Ryan Nelson – Party

Appeals Committee Members:

John Christman  
Rob Overton  
Tom Roberts  
John Siegel