

Dead Right? Just Plain Dumb!

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In all civilized exchanges, there must be protocols and rules. "After you, Alphonse... No, Gaston, I insist, you first..." So on and so forth... The COLREGs are all about this, with the clear focus on preventing collisions at sea. The consequences of such an event can be far worse than Alphonse and Gaston wedging themselves into a door jamb together. This column is about being right, not dead right – Rules 16, 17 and 18.

A little bit out of order, but to put a bright light of focus on Rule 17 is the simple reciprocal of Rule 16. So, what is Rule 16? Simply this:

Rule 16 says – "Every vessel that is directed to keep out of the way of another vessel shall, so far as possible, take early and substantial action to keep well clear."

Rule 16 means – just that. If you are the give-way vessel, telegraph your move to keep well clear. See Rule 8, "Speed, Baby, Speed – What's Safe and Where?", Long Island Boating World, July 2010, for the prescribed way.

But Rule 17 has some subtle nuances that, in failing to understand them, may, in fact, lead to more collisions at sea than people recognize. Call it what you will – but getting into a collision at sea because you thought you had the "right of way" is just plain dumb, bad seamanship and potentially fatal.

What Does Rule 17 Say?

Rule 17-a-i states: Where one of two vessels is to keep out of the way, the other shall keep her course and speed. OK, that is easy enough. What's the big deal?

17-a-ii states: the latter (the stand-on vessel) may, (emphasis mine) however, take action to avoid collision by her maneuver alone, as soon as it becomes apparent that the vessel required to keep out of the way is not taking appropriate action in compliance with these Rules.

Right. If the other guy isn't doing what he is supposed to do, I can do it for him. Still got it...

17-b states: When, from any cause, the vessel required to keep her course and speed finds herself so close that collision cannot be avoided by the action of the give-way vessel alone, she shall (emphasis mine) take such action as will

best aid to avoid collision.

Huh? How is 17-b different from 17-a-ii..? A key difference – as you may have already surmised – is that 17-a-ii says the stand-on vessel **may** take action while 17-b says the stand-on vessel **shall** (which means **must** in COLREG-speak) take action. The burden to avoid collision is now shared. Remember, in front of an admiralty or maritime board, 100% blame is apportioned and it is never 100-0. You can't claim that you were forced into a collision because of 17-b, which, by the way, affirmatively says that no matter what the stand-on vessel does, the give-way vessel is not relieved of her duty to act. And if there is a 17-d, there must be a 17-c...

17-c states: A power-driven vessel which takes action in a crossing situation in accordance with the subparagraph 17-a-ii of this Rule to avoid collision with another power-driven vessel shall, if the circumstances of the case admit, not alter course to port for a vessel on her own port side.

If she won't give way to you, the vessel on her starboard side, i.e., the offending vessel is on your port side, you may turn to starboard and run alongside her (resist the urge to mount a boarding party!). But don't forget the aspect of "suction" that we wrote about in the May column (see "**Break All The Rules!**", May 2010, *Long Island Boating World*, <http://www.atlanticmaritimeacademy.com/images/LIBW-1005-colreg-1-4.pdf>), which spoke about the collision between *HMS Hawke*, a British man o'war, and the *RMS Olympic*. Like the *Hawke*, you might get sucked into the very vessel that was the proximate cause of the collision at sea. It is re-printed here for your reading convenience and in the interest of your ever-expanding seamanship knowledge. From "Break All the Rules":

"...there is a famous naval collision that speaks directly to this circumstance. It happened on September 20, 1911 and it involved the 882-foot ocean liner *RMS Olympic* and the 360-foot British man-o'-war *HMS Hawke* near the Isle of Wight.

Hawke saw *Olympic* on her port side but not reacting to signals and whistles, so *Hawke* put the helm over hard to starboard to

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attempt to run parallel. Within seconds, the suction effect of the far larger *RMS Olympic* pulled the *HMS Olympic*, but White Star, the owner of the *RMS Olympic*, countered that *Hawke* was at fault as the over-taking vessel and steered directly into her. After many scientific experiments using the technology of the day, *Hawke* withstood the challenge based on the suction effect of the *RMS Olympic*. The captain of the *RMS Olympic* said that, "In all my 31 years as a White Star captain, I have never heard of such a theory as suction."

The captain's name was Edward J. Smith. His next commission was a ship even grander than the *Olympic*. It was *RMS Titanic*."

Having said all this, what is Rule 18 about then? While it would seem intuitive that vessels engaged in certain activities or sizes would have a certain priority that fold nicely into the concept of "stand-on" and "give-way", it is far more complicated than just the Big Boat Rule – Big Boats Rule!

Under Rule 18, and then expanded with respect to Lights and (Day) Shapes by Rules 23-28 (a future column), the priority of vessels in sight of each other is:

1. NUC - Not Under Command. Due to mechanical or allied reasons, this vessel cannot control itself nor maneuver. The shape/light sequence is ball-over-ball/red-over-red ("red over red, the captain is dead!"). All vessels must give way to this vessel.

2. RAM - Restricted in Ability to Maneuver. By the nature of its work, this vessel just can't maneuver well. A dredger, for example, can't get her gear up to get out of your way, stand-on or give-way. The shape/light sequence is ball-over-diamond-over-ball/red-over-white-over-red. These two classes are often categorized as equal in priority. With that said, if a NUC is drifting down on a RAM, at least the RAM has the option to try to get her gear up.

3. CBD - Constrained By Draft. Surprisingly, this is not an Inland designation, where draft may matter more often. In any event, you can't force this vessel out of its channel since that would cause a collision at sea - with the bottom!

The shape/light sequence is a cylinder/red-over-red-over-red.

4. Engaged in Fishing. This isn't your neighbor in his Grady-White with a Penn reel in hand. This is a working vessel, trawling lines or nets. The light sequence depends on whether they are fishing or trawling. The shape is constant - two inverted cones, tip to tip. If she is fishing, the light sequence is red-over-white (red over white, we be fishin' tonight.). If she is trawling, the light sequence is green-over-white (green over white, we be shrimpin' tonight.).

5. Sailing Vessel. Not a sailing vessel with her engine on. That just makes her a funny looking power-driven vessel.

6. Power-Driven

7. Seaplane

Since a very small percentage of boaters are familiar with the Lights and Shapes, the skipper of such vessels as those in classes 1 through 4 had better be familiar with 5 or more short blasts. Countervailing this, the vessel claiming any of these privileges must display the Shape or Lights appropriate and, if they don't, it will weigh against them in a court. However, as I keep reminding you, remember that it is never 100-0 when the court renders its apportionment of blame.

BTW, how does Rule 18 interact with Rule 13? (See "Prevention of Collisions at Sea", March 2010, *Long Island Boating World*, <http://www.atlanticmaritimeacademy.com/images/LIBW-1003-colreg-start.pdf>)

Rule 13 dominates, subject to the facts. What does that mean? Well, assume that you are drift-fishing in your power-driven vessel in Moriches Bay and a sailing vessel overtakes you. Despite Rule 18's priority of order, the sailing vessel clearly is the give-way vessel in this case. She is overtaking you.

However, if you see a NUC drifting down on your stern, get out of its way. "Red-over-red, the captain is dead" – they can't maneuver around you!

BTW, if you are interested in being part of USCG Forces, email me at JoinUSCGAux2010@aol.com or go direct to John Blevins, who is in charge of new members matters, at FSO-PS@emcg.us and we will help you "get in this thing..."