

NEW JERSEY BOAT REGULATION COMMISSION MEETING
September 8, 2021
Toms River Yacht Club
1464 Riviera Avenue
Toms River, NJ 08753

I. MEMBERS PRESENT

Acting Chairman Ed Harrison Jr.
Kenneth Ryan
Shaun Blick
Philip Weisbecker Jr.
Bruce Strigh
Roland Gehweiler Jr.

STAFF

Sergeant Robert Frake	NJSP, Marine Services Bureau
DAG Vivek Mehta (Remote via phone)	Office of the Attorney General

PLEDGE OF ALLEGIANCE

II. SUNSHINE LAW ANNOUNCEMENT (OPEN PUBLIC MEETINGS LAW)

The meeting was called to order at 10:14 AM by Acting Chairman Ed Harrison Jr., at which time Acting Chairman Ed Harrison Jr. announced that this meeting is being held in compliance with the provisions of Chapter 231, Public Law 1975, known as the Open Public Meetings Act. Notice of this meeting was given by annual notice filed with the Secretary of State, the Department of Law and Public Safety website, the New Jersey State Police website and it was posted at State Police Headquarters, West Trenton, NJ.

III. MINUTES OF THE MARCH MEETING

Minutes from the July Boat Regulation Commission meetings were approved.

IV. UNFINISHED BUSINESS

- **Passenger Regulations on a Personal Water Craft (PWC):**

Shaun Blick was recognized for most recent wording of this proposed rule change. Bruce Strigh noted the difference between a child having their toes or their heels on the foot boards of the PWC, and stated the importance of being flat footed in the seated position. Age restrictions of the operator were mentioned as inherently regulated by the possession of a Boating Safety Certificate and the 16 years of age requirement for Personal Watercraft. Philip Weisbecker Jr. questioned the age restrictions for a passenger as well as any other requirements for a passenger seated in front of the PWC operator. Ed Harrison reminded of the original idea that an uncertified person should not be allowed to sit in front of the certified operator. Shaun Blick sought clarification for multi-seated PWC's regarding seating. Philip Weisbecker sought clarification for the discussion in general. Roland Gehweiler stated that some parents might feel safer with their children in front of them as passengers. Ed Harrison referred back to a discussion at the previous meeting pertaining to a child falling of the rear of a PWC without the operator's knowledge. Sgt. Robert Frake and Bruce Strigh stated the importance of secure footing on the foot boards for any passenger to the rear of the operator. Shaun Blick questioned his own wording from the prior meeting pertaining to passenger requirements on a PWC. Shaun Blick stated that he believes speed is the primary factor for PWC safety. Kenneth Ryan stated that we should take speed out of this particular conversation, because speed is a separate issue to address for navigation and safe operation. Sgt. Robert Frake reminded the group of the age requirement being sixteen for legal operation of a PWC. DAG Mehta suggested wording to include 'between the operator and the steering apparatus' instead of 'in front of the operator', for clarification with enforcement. Sgt. Robert Frake suggested the word apparatus might not be appropriate. Shaun Blick responded that 'steering controls' might be a better reference point. The Commission agreed upon verbiage of: "No person or persons shall ride between the certified operator and the steering controls of the personal watercraft."

- **Stand Up Paddle Boarding PFD Regulations**

Sgt. Robert Frake presented research on the topic which had been obtained from United States Coast Guard reports from the years 2019 and 2020. Phil Weisbecker Jr. mentioned that New York has seen fatalities involving Stand Up Paddleboards. Shaun Blick stated that a PFD might be a hindrance to operation and agreed that the statistics do not seem to support a new regulation. Attendee Melissa Danko stated that she is tethered to her board. Ed Harrison Jr. stated that the Delaware River has some moving water to take into consideration. Kenneth Ryan advised attendees that in 2010 the United States Coast Guard designated the Stand Up Paddleboards as a Vessel, and also mentioned that children age twelve and under are required to wear a PFD when on a Vessel while thirteen and over must have one in their possession. Commission was in agreement that proposal for Seasonal PFD wear changes will encapsulate the Stand Up Paddleboarders. Shaun Blick and Roland Gehweiler Jr. declared that current Stand Up Paddleboard regulations are sufficient and Acting Chairman Ed Harrison Jr. seconded this.

Commission addressed the topic of Stand Up Paddleboarding at night as pertains to lighting requirements. Kenneth Ryan addressed 360 degree visibility, and the Commission agreed to the challenges of achieving this. Hand held options were recognized as impractical due to using both hands for balance and paddling the vessel.

Sgt. R. Frake proposed wording for the Seasonal PFD mandatory wear proposal. Wording was proposed as follows: "No owner or operator of a recreational vessel less than twenty-one feet, including rowboats, canoes, kayaks, and stand-up paddleboards shall permit its operation between November first and June first, unless each person on board such vessel is wearing a securely fastened United States Coast Guard approved wearable Personal Flotation Device of an appropriate size while such vessel is underway." Kenneth Ryan proposed seasonal time window for mandatory wear to expire every May first, instead of June first. Ed Harrison mentioned that other states have been going in this direction. Bruce Strigh moved for the mandatory seasonal PFD wear to include what was read by

Sgt. Frake, but changing the June first date to May first. This motion was seconded and Approved by the Commission. The motion to pass this Seasonal Wear proposal overall was moved and seconded.

V. **NEW BUSINESS**

- Ed Harrison Jr. mentioned the National Safe Boating Council campaign and the possibility for outreach with them for the use of PFD's. Sgt. Frake advised the Commission of the New Jersey State Police's PFD outreach campaign in the Spring of 2021.
- Bruce Strigh questioned the need for helmet wearing on Personal Watercraft. None of the attendees were aware of any research or success for this particular topic on a national level.

VI. **PUBLIC COMMENT**

Melissa Danko of the Marine Trades Association of New Jersey inquired about the minutes being posted. Sgt Frake advised that the minutes have been posted for May. July will be posted next, as those minutes were just approved at this meeting. Melissa Danko also questioned two topics being discussed recently by the Commission, these being PWC Passenger rules and Seasonal Mandatory PFD Wear. DAG Vivek Mehta addressed the attendees stating in effect that once Commission adopts a rule, it then goes for public comment on the Office of Administrative Law website. Melissa Danko asked when the timing of the post would occur, to which DAG Mehta replied that the timing of the post is administrative. Shaun Blick asked DAG Mehta if the rule changes are going through on a rolling basis. DAG Mehta advised that the rules would change on a rolling basis. DAG Mehta stated that a new rule cannot be made in the middle of the boating season. Bruce Strigh stated the rules would be proposed and go through a public comment period. Shaun Blick also stated that the Governor's Office is involved with the review. DAG Mehta confirmed that there are various time frames for changes to the rules, but for the next boating season it would need to be adopted before a certain non-specific date.

VII. **EXPRESSION OF APPRECIATION**

Acting Chairman Ed Harrison Jr. expressed his appreciation to the providers of the facility.

VIII. **AGENDA FOR THE NEXT MEETING**

The Commission will continue the discussion regarding PWC helmet wear, working with the National Safe Boating Council for PFD wear outreach, and also discuss and approve the 2022 schedule.

IX. **DATE, TIME AND LOCATION OF THE NEXT MEETING**

The next Boat Regulation Commission meeting is tentatively scheduled to take place at 10:00AM on Wednesday, October 27, 2021, at the Raritan Yacht Club, 160 Water Street, Perth Amboy, New Jersey 08861.

X. **ADJOURNMENT**

The meeting was adjourned via motion at 11:14am by attending members.