

DECISION

Request No.: 02

Protest by PC

Event: Spring Wednesday Night Racing Series Race Number: 1

Hearing Date: 2020-07-09

PARTIES AND WITNESSES

Request No.: 02: Protest Committee

Melges 24 - USA 657 - Personal Puff - Dan Hauserman

Melges 24 - AUS 219 - Blue Dream - Ryan Conner

Melges 24 - USA 680 - Rock Steady - Chay McIntosh

Witnesses: Ryan Conner (crew from AUS 219) and Hendrik Reidel (crew from USA 657)

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Hail not required

Red Flag Displayed: Not required

DECISION: Request Valid

PROCEDURAL MATTERS

1. Hearing was conducted remotely and online via Zoom.
2. Protest was filed by the PC based on information learned from a valid protest in Hearing #1.
3. Rudi Arnston represented AUS 219. (Ryan Conner had represented AUS 219 in Hearing #1)
4. All parties agreed to being recorded.
5. The PC Chair read the Code of Conduct to all parties as well as (potential witnesses) Blake Hoffmann, Ryan Conner and Hendrik Reidel. All agreed to it.
6. Witnesses were placed in the Zoom Waiting Room until called.

FACTS FOUND

1. The PC filed a Protest v. AUS 219, USA 657 and USA 680 after learning that USA 657 may have also been an involved party in the incident described in protest 1 as an allegedly hailed, port-tack, windward boat.
2. Immediately after learning of USA 657's possible involvement, Protest 2 was posted on the official Regatta Notice Board and additional email notices were sent to all parties on 7/2 and 7/7.
3. Sea state was moderate with winds at 10-12 knots.
4. AUS 219 (a Melges 24) was close-hauled on starboard on starboard layline approaching weather mark at 6.0-6.5 knots.
5. USA 657 (a Melges 24) was close-hauled on port, 2 boats below the port layline while approaching the starboard layline.
6. USA 680 (a Melges 24) was close-hauled on port, 3 boats below the port layline while approaching the starboard layline.
7. USA 680 was overlapped to lee of USA 657 with a 1 boat length gap between them, 1/2 boat length behind.
8. USA 680 and AUS 219 were on converging courses.
9. As USA 680 approached the starboard layline, she hailed, "Starboard, starboard!!!" to USA 657.
10. USA 657 heard the hail from USA 680 when she (USA 657) was 2 boat lengths from the weather mark, and immediately tacked to starboard.
11. USA 680 then tacked immediately, completing her tack when she was 2-2.5 boat lengths from the weather mark.
12. At the moment USA 680 became close-hauled and completed her tack to starboard, she was down-speed and directly in front of USA 219, 1.5-3.0 feet clear ahead of USA 219 which was approaching at full-speed.
13. Fearing an imminent collision with the outboard rudder and/or stern of USA 680, AUS 219 blew-out her main sail completely and bore away sharply to a position overlapped below USA 680 and below the lay-line.
14. There was no contact or injury.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

1. The protest is valid per RRS 60.3(a)(2), RRS 61.2 and RRS 63.
2. Given the ending position of USA 680 after she completed her tack in front of AUS 219, the timing of USA 680's hail to USA 657 required her tack 'immediately' to prevent a possibility of a collision between USA 680 and AUS 219.
3. By tacking immediately, USA 657 satisfied her obligations per RRS 20.2(b) and RRS 20.2(c).

4. USA 657 was required to respond "as soon as possible" to USA 680s hail per RRS 20.2(c). Because USA 657 was already prepared to tack in anticipation of the upcoming mark, she was able to tack immediately after USA 680s hail. Therefore USA 680 did not break either RRS 20.1 or 20.2(a).
5. At the moment USA 680 completed her tack and became a clear ahead boat over AUS 219, she had acquired ROW through her own actions and therefore became obligated per RRS 15 to initially give AUS 219 "Room" in the existing conditions to "Keep Clear" of USA 680 in a seamanlike way.
6. During that initial moment, AUS 219 had a reasonable apprehension of collision and maneuvered in an extraordinary and abnormal manner to keep clear, so USA 680 broke RRS 15.
7. Additionally, as USA 680 completed her tack to starboard within the zone, she was also obligated to provide "Mark Room" to AUS 219 per RRS 18.3.
8. By forcing AUS 219 to keep clear of USA 680 by avoiding her with an extraordinary and abnormal maneuver which ultimately placed her well below the layline, AUS 219 was no longer able to sail her proper course to the mark. Therefore USA 680 did not provide "mark room" and also broke RRS 18.3.
9. There was no injury or physical damage because of the action of USA 680. Therefore, the requirements for redress according to RRS 62.1(b) are not met.

DECISION

Date & Time: 2020-07-11 14:39 UTC

1. The PCs protest against USA 657 is dismissed.
2. USA 680 broke RRS 15 and RRS 18.3 and is to be scored DSQ.
3. AUS 219 is denied redress.

(References:)

- Definitions of, "Keep Clear", "Mark Room", "Room", "Proper Course".
- Cases 10, 21, 24, 27, 50, 93, 103, 118
- US Appeals 24, 45

PROTEST COMMITTEE

Chaired By: Thomas Allard (USA)

Committee Members: Gary Redelberger (USA), Danielle Lawson (USA)

Printed: 11 Jul 21:40