

**COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA FISH AND BOAT COMMISSION**

**MINUTES FOR  
THE BOATING ADVISORY BOARD MEETING**

**Monday, February 6, 2023**

**9:00 a.m.**

**Harrisburg, Pennsylvania**

**Members**

Chair Scott Ballantyne

Vice Chair Rocco Ali

Steven Ketterer

Loren Lustig

Elizabeth Winand

**Members Ex Officio**

Timothy D. Schaeffer, Executive Director

Laurel L. Anders, Director of Boating, Secretary to the Board

Ryan Dysinger for Cindy Adams Dunn, Secretary for the  
Department of Conservation and Natural Resources

## TABLE OF CONTENTS

I.	Call to Order, Welcome, and Roll Call.....	1
II.	Introduction of Guests.....	1
III.	Review and Approval of Minutes from the June 2022 and December 2022 meetings.....	1
IV.	Election of Board Chair and Vice-Chair.....	1
V.	Public Comment.....	
VI.	Old Business	
	a. Calendar-Year Boat Registration Implementation – Katie Brashear (10 min)	
VII.	New Business	
	a. Amendment to 58 Pa. Code § 107.5 (Streams less than 200 feet across)	
	b. Amendment to 58 Pa. Code § 109.3 (Personal watercraft)	
	c. Amendment to 58 Pa. Code § 111.22 (Dauphin County)	
	d. Amendments to 58 Pa. Code § 111.42 (McKean County) and § 111.62 (Warren County)	
	e. Amendment to 58 Pa. Code § 111.60 (Union County)	
VIII.	Other Business	
IX.	Discussion Items	
	a. PFBC Strategic Plan – Sean Gimbel (15 min)	
	b. Boating Facility Grant Overview – Scott Bollinger (10 min)	
	c. Livery Workgroup Update – Adam Spangler (10 min)	
	d. Boating Incident Testimonial – April Allen (15 min)	
	e. Boating Incident & Fatality Trends and Observations – Laurel Anders (30 min)	
X.	Adjourn	

## **I. Call to Order, Welcome, and Roll Call**

The meeting was called to order by Chair Loren Lustig at 9:00 a.m. at the Commission's Harrisburg Headquarters. Board members in attendance included Chair Loren Lustig, Vice Chair Scott Ballantyne, Rocco Ali, Steven Ketterer, Elizabeth Winand, Timothy Schaeffer, Laurel Anders, and Ryan Dysinger. A quorum was present.

In addition to the members of the Board, Commissioner Richard Lewis (Boating At-Large) was present, along with the following Commission staff: Adam Spangler, Boating Safety Education Specialist; Bob Caccese, Director of Policy and Planning and Acting Chief Counsel; Katie Brashear, Director of Administration; Vienna Vasquez, Assistant Counsel; Mark McLaughlin, Chief of Waterways and Marina Management; John Shero, Director of Information Technology; Mike Parker, Director of Communications; Rich Morder, ATON Manager; Jeff Sabo, Assistant Director of Law Enforcement; Sean Gimbel, Strategic Initiatives and Projects; and Amy Higley, Administrative Officer.

## **II. Introduction of Guests**

Guests included: Rick Taylor, U.S. Coast Guard (USCG) Auxiliary State Liaison Officer; April and Barry Allen; and Louise Lustig.

## **III. Review and Approval of Minutes from the June 2022 and December 2022 meetings**

A motion was made to approve both sets of meeting minutes by Steven Ketterer and seconded by Scott Ballantyne.

## **IV. Election of Board Chair and Vice-Chair**

A motion was made to nominate Scott Ballantyne as Board Chair by Rocco Ali and seconded by Steven Ketterer. Hearing no other nominations, Loren Lustig closed nominations and called for a vote to elect Scott Ballantyne as Board Chair. The motion carried.

Loren Lustig thanked the PFBC staff and BAB members, both past and present for their support, encouragement, and patience during his time as Board Chair. He handed off the Chair's role to Scott Ballantyne.

A motion was made to nominate Rocco Ali as Vice-Chair by Loren Lustig and seconded by Steven Ketterer. Hearing no other nominations, Scott Ballantyne closed nominations and called for a vote to elect Rocco Ali as Vice Chair. The motion carried.

## **V. Public Comment**

Rick Taylor, USCG Auxiliary State Liaison Officer commented he was glad to be here and happy to assist in any way he could.

## VI. Old Business

An overview of calendar-year boat registration implementation was provided by Katie Brashear. She reminded the Board that Act 28 of 2022 was signed into law on June 27, 2022. The Board then voted to recommend relevant proposed regulatory amendments to the Commission on December 5, 2022. The proposed rulemaking was advanced to the Commission on January 23, 2023, and was approved. The amendments will be considered as final rulemaking at a future Commission meeting, likely April or July 2023. Staff will begin issuing calendar-year boat registrations on October 1, 2023, valid from January 1, 2024 through December 31, 2025. Based on the deadline established in Act 28 of 2022, the deadline to promulgate final rulemaking is December 27, 2023.

A number of the Commission's business processes need to be updated to reflect the calendar-year registration change. The Bureau of Information Technology is in the process of updating the Registration and Titling System (RATS) to reflect the new expiration dates. Bureau of Administration staff are working with NIC, the HuntFishPA vendor, to update the system and ensure the new renewal period is processing correctly. Administration staff are coordinating with PennDOT regarding the processing of boat registration renewals. Updates were made to the registration renewal form, processing timelines, and to the interagency agreement to reflect these process-related date changes. Administration staff are preparing guidance to boat registration issuing agents and will provide updated information to the Bureau of Outreach, Education and Marketing as it's ready for publication, including the review of 2024 Fishing Summary and Boating Handbook in August 2023.

## VII. New Business

### A. Amendment to 58 Pa. Code § 107.5 (Streams less than 200 feet across).

#### Commentary:

In 58 Pa. Code § 103.3(a), "boats are limited to slow, no wake speed when within 100 feet of the shoreline; docks; launching ramps; swimmers or downed skiers or other boat-towed watersports participants; persons wading in the water; anchored, moored, or drifting boats; floats, except for ski jumps and ski landing floats; or other areas so marked. This subsection does not apply in a zoned ski area or authorized ski return areas when those areas are found within the areas described in this subsection." According to this regulation, boats operating in a waterway less than 200 feet across would be within 100 feet of either shoreline and restricted to slow, no wake speed operation. Therefore, 58 Pa. Code § 107.5 is redundant and can be eliminated.

Staff propose the following changes to § 107.5:

§ 107.5. Streams less than 200 feet across.

(a) **[A boat may not exceed slow, no wake speed on an area of a stream that measures less than 200 feet across except where special regulations have been**

**promulgated by the Commission that provide for zoned areas where higher speeds are permitted under controlled conditions.**

**(b)]** It is unlawful for a person to operate an air-propeller driven boat, an all-terrain vehicle, an air cushion effect vehicle or similar craft on an area of a stream that is less than 200 feet in width except when special regulations provide otherwise.

Briefer:

Laurel L. Anders, Director, Bureau of Boating

Action:

A motion was made by Steven Ketterer and seconded by Elizabeth Winand to recommend this amendment to the Commission. The motion carried.

**B. Amendment to 58 Pa. Code § 109.3 (Personal watercraft).**

Commentary:

Currently 58 Pa. Code § 109.3 defines personal watercraft. The definition is inconsistent with federal regulations and precludes efoils, jetboards, and electric powered personal watercraft since they are not powered by internal combustion motors. Therefore, efoils, jetboards, and electric powered personal watercraft technically cannot be registered as personal watercraft in Pennsylvania, and general boating regulations apply. For example, they may operate between the hours of sunset and sunrise if displaying proper lights, they must carry but are not required to wear life jackets, and operators are not required to possess a boating safety education certificate as do all other personal watercraft that meet the current definition in the Pennsylvania Fish and Boat Commission's (Commission) regulations.

Federal regulations allow for the inclusion of efoils, jetboards, and electric powered personal watercraft in the personal watercraft classification for registration purposes. Additionally, the National Association of State Boating Law Administrator's (NASBLA) Vessel Identification, Registration and Titling Committee reports that the federal definition includes motorized surfboards and mechanically propelled personal hydrofoils, and recommends that states register these boats as personal watercraft.

Staff recommend updating the Commission's regulations to match the federal definition in 33 CFR 174.3.

Staff propose the following changes to § 109.3:

§ 109.3. Personal watercraft.

(a) As used in this section, "personal watercraft" means a boat **[less than 16 feet in length which meets the following conditions:**

**(1) Uses an internal combustion motor powering a water jet pump as its primary source of motive propulsion.**

**(2) Is] propelled by a water-jet pump or other machinery as its primary source of motive power and designed to be operated by a person sitting, standing or kneeling on the boat, rather than [**being operated by a person**] sitting or standing [**inside**] within the vessel's hull.**

(b) It is unlawful for a person to operate, or be a passenger onboard, a personal watercraft on the waters of this Commonwealth unless the person is wearing a United States Coast Guard approved wearable personal flotation device in accordance with § 97.1 (relating to personal flotation devices). Inflatable personal flotation devices may not be used to meet this requirement.

(c) A person operating a personal watercraft equipped by the manufacturer with a lanyard type engine cutoff switch shall attach the lanyard to his person, clothing or personal flotation device as appropriate for the specific vessel.

(d) A person may not operate a personal watercraft between sunset and sunrise.

(e) Subsections (b) and (c) do not apply to a performer participating in a permitted regatta, race, marine parade, tournament or exhibition or to a person preparing to participate in the event at the location and within 48 hours prior to the event.

(f) Except as otherwise provided in this subpart, a person may not operate a personal watercraft on the waters of this Commonwealth unless the person has obtained a Boating Safety Education Certificate as defined in § 91.6 (relating to Boating Safety Education Certificates).

Briefer:

Laurel L. Anders, Director, Bureau of Boating

Action:

A motion was made by Steven Ketterer and seconded by Rocco Ali to recommend this amendment to the Commission. The motion carried.

**C. Amendment to 58 Pa. Code § 111.22 (Dauphin County).**

Commentary:

A slow, no wake zone currently exists on a channel of the Susquehanna River between Bashore Island and the west shore of the river, downstream of Goldsboro, Pennsylvania,

in Dauphin County. This area was established to protect private cabins that existed on the west side of the island at the time. The island is owned by York Haven Power and the cabins were demolished in 2018-2019, so there is no need for the special slow, no wake restriction on this channel. The channel is generally shallow and weedy, which limits boating activity and speed of operation. Boats must still comply with 58 Pa. Code § 103.3(a), which states that “boats are limited to slow, no wake speed when within 100 feet of the shore line; docks; launching ramps; swimmers or downed skiers or other boat-towed watersports participants; persons wading in the water; anchored, moored, or drifting boats; floats, except for ski jumps and ski landing floats; or other areas so marked. This subsection does not apply in a zoned ski area or authorized ski return areas when those areas are found within the areas described in this subsection.”

Staff propose the following change to § 111.22:

§ 111.22. [Dauphin County] **Reserved.**

**[(1) *Susquehanna River, Lake Frederick.* Boats are limited to slow, no wake speed between Bashore Island and the York County shoreline.]**

Briefer:

Laurel L. Anders, Director, Bureau of Boating

Action:

A motion was made by Scott Ballantyne and seconded by Rocco Ali to table until next BAB meeting for time to communicate with property owners. The motion carried.

**D. Amendments to 58 Pa. Code § 111.42 (McKean County) and § 111.62 (Warren County).**

Commentary:

Allegheny River Reservoir, also known as Kinzua Dam, is a 7,647-acre impoundment in McKean and Warren County operated by the U.S. Army Corps of Engineers (USACE). Many of the controlled areas on the lake are indicated in the Pennsylvania Boat and Fish Commission’s (Commission) regulations and are marked with aids to navigation (i.e., buoys) by the USACE. The area near Elijah Run, in the southeastern portion of the reservoir in McKean County, is currently marked by USACE as slow, no wake to protect the boat launch area; however, it is not part of the Commission’s regulations. Adding this location to the existing regulations for Allegheny River Reservoir in 58 Pa. Code will assist with enforcement of this restriction. Commission staff also recommend adding a generic subsection (vii below) to the McKean and Warren County regulations that appears in regulations on some other USACE waters which allows them to respond quickly to areas that become problematic by marking them accordingly.

Staff propose the following changes to § 111.42 and § 111.62:

§ 111.42. McKean County.

*Allegheny River Reservoir (Kinzua Dam).*

(1) Boats are limited to slow, no wake speed in the following areas:

- (i) Chappel Bay.
- (ii) Morrison Run Bay.
- (iii) From the sewer plant at Kiasutha to the headwaters above Red Bridge.
- (iv) Willow Bay.
- (v) Sugar Bay.

**(vi) Elijah Run boat launch.**

**(vii) Other coves, bays, inlets, arms and areas marked with slow, no-wake buoys.**

(2) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

\* \* \* \* \*

§ 111.62. Warren County.

*Allegheny River Reservoir (Kinzua Dam).*

(1) Boats are limited to slow, no wake speed in the following areas:

- (i) In the vicinity of camping areas and boat launch areas.
- (ii) Dew Drop Bay.
- (iii) Wolf Run Bay.
- (iv) Hodge Bay, North and South Branch.
- (v) Cornplanter Bay.
- (vi) Billies Bay.
- (vii) Willow Bay beginning at the boat launch ramp.

**(vii) Other coves, bays, inlets, arms and areas marked with slow, no-wake buoys.**

(2) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.



Briefer:

Laurel L. Anders, Director, Bureau of Boating

Action:

A motion was made by Rocco Ali and seconded by Loren Lustig to recommend this amendment to the Commission. The motion carried.

**E. Amendment to 58 Pa. Code § 111.60 (Union County).**

Commentary:

Boating has historically been prohibited at Halfway Lake at R.B. Winter State Park due to the small size of the lake (approximately 6 acres). In recent years, the Pennsylvania Department of Conservation and Natural Resources (DCNR) agreed to allow unpowered boats to operate on the lake. Therefore, the Pennsylvania Fish and Boat Commission must update its regulations.

Staff propose the following changes to § 111.60:

§ 111.60. Union County.

*Halfway Lake—R.B. Winter State Park.* **[Boating is prohibited.] It is unlawful to operate a boat powered by a motor.**

Briefer:

Laurel L. Anders, Director, Bureau of Boating

Action:

A motion was made by Ryan Dysinger and seconded by Elizabeth Winand to recommend this amendment to the Commission. The motion carried.

**VIII. Other Business**

Commissioner Richard Lewis commented that he was alerted to a federal law that prevented boats from anchoring in the main navigation channel of the Allegheny River, while he was in Pittsburgh at a boating conference a few years ago. The Commissioner noted that the local Waterways Conservation Officer (WCO) brought this to his attention and mentioned he was not able to enforce the law since the PFBC did not have a corresponding regulation. Laurel Anders stated she was aware of the concern and consulted with Lieutenant Colonel (at that time) Tom Burrell and Colonel Clyde Warner and it was determined to not pursue a corresponding regulation. Lieutenant Jeff Sabo clarified that upon further investigation, it was not determined to be a prevalent issue and the PFBC has relevant regulations to address any instances of this.

## **IX. Discussion Items**

### **A. PFBC Strategic Plan**

Sean Gimbel provided an update on the strategic planning effort that's currently underway. He mentioned the current strategic plan will expire on June 30, 2023, and the new plan will take effect on July 1, 2023. In the summer of 2022, PFBC brought in consultants from the Association of Fish & Wildlife Agencies Management Assistance Team (AFWA MAT). They discussed the roles of Commissioners, the Executive Director, and staff, and shared strategic plans from other state wildlife agencies. The big takeaway is that the Commissioners are happy with the current direction the agency is heading. Moving forward, the new strategic plan will mostly be a continuation of the things we have been working on. There will be no changes to our current vision and mission statements.

Guiding principles are ideas that we want to be permeated throughout the agency. The proposed guiding principles for the new plan include:

- Safety: maximize the safety of our staff, anglers and boaters, agency partners, and the public.
- Asset Stewardship: prudently manage the agency's finances, equipment, infrastructure, and property.
- Resource First: keep the health of the Commonwealth's aquatic resources, along with the individuals and organizations who benefit from them, at the forefront of agency decisions and actions.
- R3: consider the impacts our decisions and actions have on the recruitment, retention, and reactivation of anglers and boaters of all ages, abilities, cultures, and interests.
- Resilience: evaluate and proactively adapt to and mitigate the effects of climate change, invasive species, and other environmental pressures on fishing, boating, and aquatic resources.
- Holistic Approach: consider entire systems, whether larger geographies (e.g., watersheds) or multiple disciplines (e.g., fisheries management, access, habitat, outreach), when developing solutions to specific problems.
- Partnership: engage partner organizations with programs, projects, and initiatives.

Proposed strategic priorities for the new plan include workforce, public access, communication, fish and habitat, infrastructure, non-game species, and habitat.

The next steps are to continue to work with our staff, get another round of input from the Commissioners, and have the draft plan ready by the end of June. Current thinking is the plan will have a three-year timeframe. The previous plan was a five-year plan. There is no time frame required in legislation and the Commissioners are in discussion about how long the new strategic plan should last.

### **B. Boating Facility Grant Program Overview**

Mark McLaughlin provided an overview of the Commission's Boating Facility Grant Program (BFGP). He discussed the eligible applicants, project activities, and construction activities that qualify for the BFGP, as well as the match funding requirements and applicant responsibilities.

The BFGP was established in 2005 with the purpose to provide grants to local governments and non-profit groups for the planning, acquisition, development, and rehabilitation of public boating facilities located in the Commonwealth. The grant program is available statewide each year with applications due December 30th. Funding is derived from boat registration and launch permit fees, state fuel taxes, and various federal grants. The Commission has received 230 grant applications since 2005 (there were seven years the grant program was not offered due to financial limitations) that have been reviewed, evaluated, and presented to the Board of Commissioners. The Commission has approved a total of 109 projects with estimated total costs exceeding \$25.58 million (36% provided by the Commonwealth, 64% provided by the applicant). Staff received 22 applications for the current year. The total amount to complete all projects is \$5.85 million and the funding requested from the Commission is approximately \$2.24 million. The application review process should be complete by the end of February 2023 and staff will make funding recommendations to the Commission at the April meeting.

### **C. Livery Workgroup Update**

Laurel Anders noted the very first Boating Advisory Board meeting was held on February 17, 1964, and had a discussion of boat liveries as the first agenda item. Today, we are still working toward making boat rental operations a safe and enjoyable boating opportunity in Pennsylvania.

Adam Spangler provided a Livery Workgroup update. He mentioned that staff have spent a significant amount of time gathering information about the current boat livery situation in Pennsylvania, including concerns and challenges, from a variety of perspectives including a staff workgroup (consisting of Boating and Law Enforcement staff), DCNR (which has a large number of rental concessionaires in State Parks), and a variety of livery operations themselves. Our information-gathering phase has revealed that we have very limited information about current boat rental businesses in PA. Our lists are incomplete and outdated and current regulations do not require boat rental businesses to provide the Commission with any livery operation information. This limits our ability to connect people with rental opportunities, communicate with rental businesses about new/updated regulations and educational resources, and build relationships so that when any issues arise, we can have a productive conversation to address them. We would also like to visit their operations to assist with their equipment each spring to make sure everything is safe for their customers and proactively deal with any deficiencies. Also, our current safety orientation and educational resources could stand to be improved to provide more specific information regarding the type of boat being rented, up-to-date and accurate information, and the use of technology.

Commission staff recently learned that the National Boating Safety Advisory Council is working on a study to investigate rental boat incident data, the different types of rental situations (traditional rentals and peer-to-peer rentals), operational and educational requirements for each state, and best practices. The task committee will produce a report of its findings and recommendations to the USCG for improvements to rental vessel safety. We hope to gain information from this study that will inform our work in Pennsylvania. In addition to paying attention to that study and its finding, our next steps include investigating a mechanism to collect and maintain livery contact information, to connect with livery operators across Pennsylvania, possibly through a webinar or survey to let them know that we're working on some changes and

get their early feedback on those changes, and we'll consider this information as we draft amendments to Chapter 117 regulations and educational guidelines.

Adam Spangler can also gather national information regarding what other states are implementing through his participation in the NASBLA Education Committee and Paddlesports Subcommittee.

Loren Lustig questioned if renters get the proper safety education before taking their rented vessel out on the water. Current regulations require the livery to provide a safety orientation, however the Livery Workgroup has discussed an additional requirement that liveries present an operations orientation on the vessel they are renting before leaving the dock. Elizabeth Winand commented that the growth in rental businesses has become a real challenge for safe boating since some businesses do not provide an adequate safety/operation orientation. Staff acknowledge it will be challenging to track and contact all the liveries, but it would be beneficial for developing and providing guidance for safe and proper rental operations.

#### **D. Unpowered Boats Update**

Adam Spangler provided an update that the Commission's launch permit decal for unpowered boats was updated with a new, more modern image. We have also produced a new vessel identification sticker (following the lead of the USCG Auxiliary, some other states, and some paddling organizations) that assists with locating a boat owner if their boat gets washed away. These are sent to customers when a launch permit is purchased. These decals may also be obtained at the PFBC Regional Law Enforcement Offices, the Farm Show, the Great American Outdoor Show, and the Pittsburgh Boat Show, along with certain other shows/expos. The PFBC produced these in limited quantities as a pilot test this year to see how they are received by boaters.

We are also making extra effort to encourage unpowered boaters to register their canoes, kayaks, and paddleboards (instead of purchasing launch permits) because of the additional benefits to registration, including every state recognizes valid PA boat registrations, (our launch permit is specific only to PA), registered boats are issued renewal reminders which are easy to process online and ensure you stay up to date, registration helps with recovering a lost or stolen boat, information stored in PFBC's boat registration database is useful for contacting the boat owner and potentially eliminating unnecessary searches associated with unoccupied loose boats, and valid boat registrations help to leverage federal funding for PA boating programs. The PFBC developed simplified instructions for unpowered boat registration and posted them on our website to help encourage more registrations over launch permits.

#### **E. Boating Incident Testimonial Update**

Laurel Anders stated that about eight years ago, one of our Waterways Conservation Officers called her and indicated a family member of a fatal boating accident wanted to tell her story. He asked if she wanted to work with the family member. Laurel contacted the individual and they met over coffee while the family member told her story. It had an impact on Laurel and she wanted to help share it so it could have an impact on others. Together they produced a video and collaborated on a National Safe Boating Week activity. Recently, the family member reached out

again. She indicated that 2023 is the 10th year anniversary of the unfortunate incident that changed her family's and their friends' lives forever. Once again, Laurel met with her and they committed to working together on some projects this year in the hopes that they can impact others to make wise decisions around the water.

April Allen was introduced and she shared her story. She stated that one lie we all can get caught up in is, "it can't happen to me." She emphasized that it's important to follow boating safety regulations, always wear a lifejacket, and know the capacity of your boat because it only takes one time and your life could be changed forever. The tragedy that April shared happened on June 1, 2013. She shared with the hopes of getting her story out to the public, to prevent others from suffering similar losses.

## **F. Boating Incident & Fatality Trends and Observations**

Laurel Anders discussed the state's recreational boating incidents and fatality trends and how most scenarios are preventable. When compared to other states' statistics, Pennsylvania has a relatively low number of incidents and deaths. In regard to terminology, "accident" implies it was total chance; "-incident" implies it was preventable. There are several different influences that contribute to incident trends such as weather and water conditions, manufacturing improvements and safety equipment enhancements, laws and regulations that are designed to improve safety, the economic influence on participation, use of drugs and alcohol, and pre-existing medical conditions. Due to the complexities of the influencing factors, it is a challenging goal to further reduce the number of deaths and injuries associated with recreational boating in Pennsylvania. Yet we all agree it is a worthwhile goal.

Commissioner John Mahn had asked that staff provide an overview and discussion of incident statistics in the Boating Committee meeting on January 23rd. It seemed appropriate to have a similar discussion with the Boating Advisory Board as well. The Commission started collecting recreational boating incident data in 1988. All of the Commission's data is entered into the USCG's Boating Accident Reporting Database (BARD). The BARD allows us to run queries to conduct an analysis of the data. We also produce annual reports that include some basic analysis from BARD. These reports are posted on the Commission's website. In 2022, there were 41 recreational boating incidents, involving 48 vessels (a decrease of 38 from 2021), 30 injuries, a total of \$88,750 in property damage, and 9 fatalities (same as 2021).

In addition to looking at individual year-to-year data, staff look at long-term data to help identify trends. Since the creation of the National Recreational Boating Safety (RBS) Program in 1971, recreational boating has become significantly safer. A primary goal of the RBS Program and Pennsylvania's Boating Program is to continue to reduce the number of incidents, injuries, and deaths. Long term, we see an overall downward trend in both accidents and fatalities with 2022 being the lowest number of reported incidents on record. However, we will never be satisfied until there are zero deaths.

In 2010, we took a close look at incident statistics and noticed that when the water temperatures were seasonally cold (roughly November through April), the percentage of those accidents resulting in deaths was high even though the number of accidents was very low. Conversely, the number of accidents was typically highest during the peak of the boating season (summertime)

yet the percentage of accidents resulting in deaths was quite low. We concluded that exposure to cold water was killing boaters who were at risk of falling overboard from small, unstable boats. Staff worked with the Boating Advisory Board and Board of Commissioners to establish a new regulation that went into effect in 2012 that required all boaters on boats less than 16 feet in length or any canoe or kayak to wear a life jacket from November 1st to April 30th of each year. Last year (2022) was the 10-year anniversary of this regulation. The accidents that occurred in 2002 through 2011 during November through April timeframe were compared to 2012 through 2022, November through April timeframe and the percentage of those accidents resulting in death was cut nearly in half. This is one way to measure the success of the regulation, however there is no way for the PFBC to know how many close calls there were or when life jackets saved lives.

In regard to boating participation data, the PFBC relies on the USCG-funded National Recreational Boating Safety Survey (NRBSS) which was most recently conducted in 2018 and a final report was released in 2020. Because of the way the data is collected, analyzed and reported, the data is a bit dated by the time we receive it. The survey is intended to be conducted every 5 years however the USCG is waiting on Office of Management & Budget approval to conduct the next survey. The survey standardizes and analyzes national and state-specific data. It uses “boat days” and “boat hours” as standardized measures of participation and to calculate risk. The 2018 data revealed that boating accidents involving a fatality for all boats in the United States occurred at a rate of 120 per 100 million boat days in 2018. This means that the risk of a boating accident resulting in a fatality is 120 for every 100 million boat days or .0000012%.” Pennsylvania’s risk ratio total (motorized and human-powered combined) is 114 per 100 million boat days, 17 per 100 million boat hours, 159 per 100 million motorized boat days, 20 per 100 million motorized boat hours, 88 per 100 million human-powered boat days, and 14 per 100 million human-powered boat hours. PA’s raw accident statistics show that our fatal accidents are almost evenly split (50/50) between motorized and human-powered boats. The disparity between our raw numbers and the NRBSS data is related to the number of days and hours spent on the water by motorboaters and paddlers (with paddlers spending more days/hours, in general). Although this was a brief overview of incident data, we are constantly considering various observations and interpretations of the data to help us develop strategic approaches to improve boating safety in Pennsylvania. We are interested in your observations and interpretations of the data as well, so please let us know if you have any questions about the data or want us to run further analyses.

Tim Schaeffer mentioned the question brought up by Commissioner B.J. Small at the January Board of Commissioners meeting: Should the requirement to wear a lifejacket be extended to go into effect in October instead of November? As boaters are on the water in early fall and with the temperatures changing, he wondered if it would be beneficial to make this change? Commissioner Lewis stated we would need to know how many accidents happened in October to bring this discussion to the table. Staff indicated additional data analysis and discussion would follow.

## **IX. Adjournment**

A motion to adjourn was made by Rocco Ali and seconded by Steven Ketterer. The motion carried and the meeting was adjourned at 11:52 a.m.