

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

**MINUTES FOR
THE BOATING ADVISORY BOARD MEETING**

Thursday, February 25, 2016

10:00 a.m.

Harrisburg, Pennsylvania

(Teleconference)

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Members

Chair Henry Grilk
Vice-Chair Mary Gibson
Michael LeMole
Loren Lustig
Andrew Talento

Members Ex Officio

John A. Arway, Executive Director
COL Corey L. Britcher, Secretary
Ryan Dysinger for Cindy Adams Dunn, Secretary for the
Department of Conservation and Natural Resources

The Forty-Fifth Meeting of the
Pennsylvania Fish and Boat Commission's Boating Advisory Board

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I. Roll Call

The meeting/teleconference was called to order at 10:00 a.m. All members of the board were in attendance or on the call. A quorum was present.

Commission President Edward Mascharka was on the call.

In addition to the members of the board, the following Commission staff were present or on the call: Brian Barner, Deputy Director for Administration; Andrew Shiels, Deputy Director for Field Operations; Michele Jacoby, Director of Engineering; Wayne Melnich, Assistant Counsel; Laurie Shepler, Chief Counsel; Bernie Matscavage, Director of Administration; Eric Levis, Press Secretary; John Shero, Director of Information Technology; Steve Kralik, Director Outreach, Education, and Marketing; Tim Schaeffer, Director Policy and Planning; LTC Larry Furlong, Law Enforcement; Gail Burkholder, Administrative Officer Bureau of Law Enforcement; Ryan Walt, Boating and Watercraft Safety Manager Bureau of Law Enforcement

II. Introduction of Guests

Chris Schenck, Chesapeake Bay Yacht Clubs Association; Patricia Berger, Legislative Budget and Finance Committee; Ann Marie Grilk

III. Approval of the February 12 and July 31, 2015 Meeting Minutes

Motion made by member Lustig and seconded by Vice-Chair Gibson to approve the February 12th minutes with amendment to the last paragraph under subsection B. on page 5. The motion carried.

Motion made by Member Lustig and seconded by Vice-Chair Gibson to approve the July 31st minutes with amendment to the last sentence in section V. Other Business on page 9. The motion carried.

IV. Election

Chairman Henry Grilk opened the floor for nominations for Chair. Member Loren Lustig inquired if the current slate of officers were interested in continuing to serve in that capacity. Both Chairman Grilk and Vice-Chair Mary Gibson indicated that they were. Member Lustig then made a motion to reelect both Chairman Grilk and Vice-Chair Gibson and to close the nominations. Member Michael Lemole seconded the motion. Motion was put to a vote and carried.

V. Public Comment

Chris Schenk representing the Chesapeake Bay Yacht Clubs Association introduced herself and her organization and asked about partnerships between the CBYCA and PFBC. COL Britcher

indicated that he would be the point of contact for PFBC and looked forward to discussing possible partnerships.

VI. Old Business

A. Review of Final Rulemaking from 2015.

COL Britcher provided a summary of final rulemaking that was enacted as a result of the Board's recommendations in 2015.

Amendment to §53.8 (Boats). Removed the length and material restrictions for inflatable boats used on PFBC property.

Amendment to §105.4 (Overloading and improper loading). Adding clarifying language related to capacity plates and violations of capacities.

Amendment to §111.40 (Luzern County). Removed the 18 foot restriction for boats on Lilly Lake allowing for boats 20 feet in length or less and with a maximum horsepower restriction of 60.

Amendments to §97.1 (PFD), §109.3 (PWC), §109.4 (Waterskiing), and §115.11 (PFD). Changes to PFD labeling to comply with changes made by the USCG to Federal regulation.

Amendment to §109.3 (PWC). Amended skiing capacity to reflect that required by all other boats.

Amendment to §111.4 (Beaver County). Clarifying language for the No Wake Area on the Little Beaver Creek.

Amendment to §111.9 (Bucks County). Clarifying language for the No Wake Area on the Neshaminy Creek.

Amendment to §111.21 (Cumberland County). Removal of the designated ski area on the Conodoguenet Creek.

Amendment to §111.23 (Delaware county). Clarifying language for the No Wake Area on Darby Creek.

Amendment to §111.39 (Lehigh County). Elimination of the skiing prohibition on the Lehigh River at the Allentown pool.

Amendments to §111 (Special Regulations Counties). Removed redundant language already covered in §107.2 referencing electric motors only on PFBC and DCNR lakes.

B. Summary of 2015 USCG Performance Report

Ryan Walt provided an overview of the Commission's performance report to the U.S. Coast Guard for October 1, 2014 through September 30, 2015 (the federal fiscal year). During this period, Pennsylvania reported 4 recreational boating fatalities. This equates to an average of approximately 13.2 fatalities per year over a ten-year period which is a slight decrease. There appears to be no apparent trend year to year.

The number of boat registrations continues to decrease slightly, most significantly in the small boat category (under 16 feet in length). Chairman Grilk and Commissioner Mascharka discussed how the PFBC could track and possibly reengage these small boat owners. Comment was made that they may be operating without the required registration. Executive Director Arway asked COL Britcher to run citation report to see if there are any trends with boats of this size and an increase in citations for no registration.

C. Boating Accident Analysis & Fatality Summary

From January 1 to December 31, 2015, there were 58 reportable boating accidents resulting in 44 injuries requiring medical treatment. The most common type of accident was Skier Mishap (12) followed closely by Capsizing (10). Property damage amounted to \$91,493 which was \$124,144 less than the amount reported in 2014. One accident comprised \$25,000 or 27% of that total. There were four recreational boating fatalities in the calendar year 2015. One of the victims was wearing a life jacket at the time of the mishap; two others had them on board but were not wearing them.

Discussion ensued about the dramatic drop in fatalities from 17 in 2014 to four in 2015. COL Britcher cautioned the board that statistically the drop is great but that other factors such as weather play a major role in Recreational Boating Safety and the low number this year is probably a direct result of poor weather for much of the boating season.

VII. New Business

A. Amendments to Sections 93.3 (Application for Boat Registration) and 93.102 (Application Procedure and Contents of Applications for Certificates of Title).

Commentary:

On April 27, 2012, the U.S. Coast Guard amended its regulations related to numbering undocumented vessels and reporting boat accidents when it issued changes to 33 CFR Parts 173, 174, 181 and 187. These changes align and modernize terminology used in the Standard Numbering System (SNS), the Vessel Identification System, and accident reporting; require verification of vessel hull identification numbers; require SNS vessel owners to provide personally identifiable information; and provide flexibility for States and territories in administering these regulations. Together, the changes are intended to improve boating safety efforts, enhance law enforcement capabilities, clarify requirements for all stakeholders and promote the Coast Guard strategic goals of maritime safety and security. As such, states have until January 1, 2017 to implement these changes.

Since 2012, the Commission has been working on effecting the necessary changes to its systems to be in compliance with the amended Coast Guard regulations. Significant changes needed to be coded into our registration and titling system (RATS) and its accompanying database. Coordination with the Department of Revenue was required to revise the REV-336 Instruction for Application for Pennsylvania Boat Registration and/or Boat Title form.

The majority of the required updates reflects nomenclature and vessel data category grouping changes and are considered as “housekeeping.” Among these changes is standardizing how all states will now define “Vessel Type.” Hull material has been expanded to include Rubber/Vinyl/Canvas instead of referring to this class of hull material as “Other.” The Coast Guard also relabeled data categories. What we previously referred to as “Propulsion Type” is now called “Engine Drive Type.” This category, which identifies a boat’s engine drive, includes the terms, Inboard, Outboard, Pod Drive, Stern Drive and Other. In addition, the Coast Guard refined how states categorize the manner in which a boat will be operated. The Coast Guard now restricts a boat’s reported usage as Pleasure, Commercial Passenger, Livery/Rental, Commercial Fishing, Dealer and Other Commercial Operation.

While these required changes are administrative in nature, the Commission must also collect and provide to the Coast Guard personally identifiable information that uniquely ties a boat to an owner. This will be accomplished by creating a unique identification number for each boat owner by collecting and then combining the vehicle driver’s license of the owner with his or her date of birth. This unique identifier once entered into the system will match the boat’s hull identification number with a single individual instead of

simply linking it to a name. This will greatly benefit law enforcement when dealing with lost or stolen boats.

Staff accordingly propose the following amendments to §§ 93.3 and 93.102:

§ 93.3. Application for boat registration.

(a) New registration. Application for a boat registration for a new boat or a used boat that was not previously registered in this Commonwealth shall conform with the following:

(1) Forms. The owner of a boat desiring registration shall apply on Form REV-336, provided by the Commission. The completed form shall be forwarded to the Fish and Boat Commission, Division of Licensing and Registration.

(2) Required information. The applicant shall provide the following information on the application (REV-336) for a boat registration:

(i) The name, mailing address, residence address, phone number, county and zip code of the owner. If there is more than one owner, the principal owner shall be listed first.

(ii) **If the owner is an individual, the driver's license number, if any. If the owner is a manufacturer, jobber or dealer, the tax identification number.**

(iii) The name of the person from whom the boat was purchased.

(iii) **(iv)** The State registration number, if any, currently assigned to the boat.

(v) Make and model.

(iv) **(vi)** The hull material, such as, wood, steel, aluminum, plastic, **[or]** fiberglass, **rubber/vinyl/canvas** or other.

(v) **(vii)** The full Hull Identification Number (HIN).

(vi) **(viii)** The **[make, model and]** year built, if known.

(vii) **(ix)** The length of the boat in feet and inches.

(x) The type of boat, such as, air boat, auxiliary sail, cabin motorboat, houseboat, inflatable boat, open motorboat, paddlecraft, personal watercraft, pontoon boat, rowboat, sail only or other.

(viii) **(xi)** The type of **[propulsion] engine drive**, such as, outboard, inboard, sterndrive, **pod drive** or **[unpowered] other**.

[(ix)] (xii) The type of fuel, such as, gas, diesel, **electric** or other.

(xiii) The type of propulsion, such as, propeller, waterjet, air thrust, manual, sail or other.

[(x)] (xiv) The temporary validation [**decals number**] **expiration date**, if one was issued.

[(xi)] (xv) The primary [**usage**] **operation** such as, pleasure, rental/livery, manufacturer/dealer/jobber, commercial passenger, **charter fishing, commercial fishing, other commercial operation**, and the like.

[(xii)] (xvi) *A certificate of ownership.* For initial registration in this Commonwealth this shall be supported by title, bill of sale, a complete Form PFBC-734 “Affidavit of Purchase/Ownership” or other positive proof of ownership.

[(xiii)] (xvii) The date the applicant completed the form.

[(xiv)] (xviii) The signature of the owners and certification, under penalty of law, that they are the owners of the boat and that the information contained in the application is true and correct.

[(xv)] (xix) Complete Sales and Use Tax information.

[(xvi)] (xx) The date of birth of the primary registrant **and co-registrant**.

(3) Manufacturers, jobbers or dealers. Paragraph (2)[(iv) — (x)] (vi) – xiv) and [(xvi)] (xx) do not apply to manufacturers, jobbers or dealers.

(4) Boat rental business. Paragraph (2)[(viii)] xi and [(ix)] (xii) does not apply to a boat rental business if a motor is not rented with the boat.

(5) Incomplete or incorrect applications. Incomplete or incorrect applications will not be processed until completed and may be returned by the Commission to the applicant or issuing agent.

* * *

§ 93.102. Application procedure and contents of applications for certificates of title.

(a) Boat owners shall apply for a certificate of title on Form REV-336, provided by the Commission. The completed form shall be forwarded to the Commission at the address listed on the application.

(b) The applicant shall provide the following information on the application (REV-336) for a title:

(1) The name, mailing address, residence address, phone number and zip code of the owner. If there are co-owners, the applicants shall provide information relating to both owners and indicate whether the boat is owned as joint tenants with right of survivorship or as tenants in common.

(2) The date of birth of the primary purchaser **and co-owner**.

(3) The name of the person from whom the boat was purchased.

(4) The State registration number, if any, currently assigned to the boat.

(5) The hull material, such as wood, steel, aluminum, plastic, fiberglass, **rubber/vinyl/canvas** or other.

(6) The full Hull Identification Number (HIN).

(7) The make, model and year built, if known.

(8) The length of the boat in feet and inches.

(9) **The type of boat, such as, air boat, auxiliary sail, cabin motorboat, houseboat, inflatable boat, open motorboat, paddlecraft, personal watercraft, pontoon boat, rowboat, sail only or other.**

(10) The type of [propulsion] **engine drive**, such as, outboard, inboard, sterndrive, **pod drive** or [unpowered] **other**.

[(10)] **(11)** The type of fuel, such as, gas, diesel, electric or [unpowered] **other**.

(12) **The type of propulsion, such as, propeller, waterjet, air thrust, manual, sail or other.**

[(11)] **(13)** The primary [usage] **operation** such as, pleasure, rental/livery, manufacturer/dealer/jobber, commercial passenger, **charter fishing, commercial fishing, other commercial operation**, and the like.

[(12)] **(14)** For boats with outboard internal combustion motors, the serial number, the manufacturer's name and the horsepower rating. If there are two motors, the applicant shall provide information for both motors.

[(13)] **(15)** The names and addresses of each lienholder (in the order of priority).

[(14)] (16) The date of lien encumbrance.

[(15)] (17) The date applicant completed the form.

[(16)] (18) The signature of the owner.

[(17)] (19) Complete Sales and Use Tax information.

* * *

Briefer:

Bernie M. Matscavage, Director, Bureau of Administration

Action:

A motion was made by member Tolento and seconded by member Lustig recommend this amendment to the Commission. The motion carried.

B. Amendment to Section 111.9 (Bucks County).

Commentary:

In 1997, the Commission enacted several regulations on the Delaware River to mirror New Jersey state law. One of those regulations was the slow, no wake zone on Paunacussing Creek from the mouth to the vicinity of Green Hill Road from 12:01 a.m. on the Friday before Memorial Day until midnight on Labor Day.

A recent review of this regulation found that it was never enacted in New Jersey and is not being enforced by either state. In discussions with the New Jersey State Police (agency with jurisdiction), Commission staff learned that New Jersey has no desire to add this requirement to its boating law. Based on New Jersey's decision and the fact that Pennsylvania has not enforced it in recent history, staff recommend removal of the regulation.

Staff propose the following changes to § 111.9:

§ 111.9. Bucks County.

* * *

(d) *Delaware River.*

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

* * *

[(ii) From the mouth of Paunacussing Creek, approximately 3,000 feet to a point in the vicinity of Green Hill Road, effective from 12:01 a.m. on the Friday before Memorial Day until midnight on Labor Day.]

* * *

(3) [The requirements in this subsection that affect waters of joint jurisdiction with New Jersey are effective May 1, 1997.

(4)] * * *

Briefer:

COL Corey L. Britcher, Director, Bureau of Law Enforcement

Action:

A motion was made by member Lustig and seconded by member Talento recommend this amendment to the Commission. The motion carried.

VIII. Other Business

Tim Schaeffer gave an update on the Senate proposal to give the PFBC the authority to establish their own fees. At the time of the meeting there were 18 senators that had signed the co-sponsorship memo.

Executive Director Arway invited the BAB to the 150th Anniversary celebration on March 30th at the PA State Museum starting at 6:00 p.m.

IX. Discussion Items

None

X. Adjournment

A motion to adjourn was made by member Lustig and seconded by member Tolento. The motion carried and the meeting was adjourned at 11:11 a.m.