

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

**MINUTES FOR
THE BOATING ADVISORY BOARD MEETING**

Monday, February 7, 2022

8:30 a.m.

Harrisburg, Pennsylvania

Members

Chair Loren Lustig

Scott Ballantyne

Michael Murray

Elizabeth Winand

Members Ex Officio

Timothy D. Schaeffer, Executive Director

Laurel L. Anders, Secretary

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

TABLE OF CONTENTS

I.	Roll Call	1
II.	Introduction of Guests	1
III.	Review and Approval of Minutes from the June 14, 2021 Meeting.....	1
IV.	Awards and Presentations	1
V.	Election of Board Vice-Chair	1
VI.	Public Comment.....	2
VII.	Old Business	
	a. 2021 USCG Performance Report Summary	2
	b. 2021 Boat Registration & Launch Permit Overview	3
	c. 2021 Boating Incident Analysis & Fatality Summary	3
	d. Review of Final Rulemaking from 2021.....	3
VIII.	New Business	
	a. Amendment to 58 Pa. Code § 97.2 (Fire extinguishers).....	4
	b. Amendment to 58 Pa. Code § 111.20 (Crawford County)	5
	c. Amendments to 58 Pa. Code § 109.4 (Waterskiing, aquaplaning, kiteskiing and similar activities), § 103.3 (Restriction for special areas), § 105.1 (Conditions requiring immediate corrective action), § 105.3 (Unacceptable boating practices), § 111.2 (Allegheny County), § 111.3 (Armstrong County), § 111.6 (Berks County), § 111.13 (Carbon County), § 111.58 (Susquehanna County), § 111.64 (Wayne County), and § 111.66 (Wyoming County).....	6
IX.	Other Business	
	a. Report on PWC Hours of Operation.....	14
X.	Discussion Items	
	a. Legislative Update	14
	b. Boating Facility Grant Overview.....	14
	c. ATON Program Overview	15
	d. Livery Workgroup Preview	15
	e. Paddlesports Products	15
	f. NASBLA Update	15
	g. Boating Safety Summit 2022	15
	h. Announce National Safe Boating Week (May 21-27)	15
XI.	Other Business.....	15
XII.	Adjournment.....	15

I. Roll Call

The meeting was called to order by Chair Loren Lustig at 8:30 a.m. Chair Loren Lustig and members Scott Ballantyne, and Elizabeth Winand were present. Executive Director Timothy Schaeffer, Secretary Laurel Anders, and Ryan Dysinger were also present. A quorum was present.

In addition to the members of the Board, the following Commissioners were present: Commission President Richard Kauffman, Commissioner Charles Charlesworth, Commissioner Richard Lewis, Commissioner John Mahn, and Commissioner Donald Anderson. The following Commission staff were present: Wayne Melnick, Chief Counsel; Robert Caccese, Assistant Council; Chad Whitaker, Administrative Officer; Sean Gimbel, Strategic Initiatives and Special Projects Coordinator; Adam Spangler, Boating Safety Education Specialist; Bernie Matscavage, Director of Administration; Katie Brashear, Assistant Director of Administration; Scott Bollinger, Statewide Public Access Program Manager; Clyde Warner, Director of Law Enforcement; Brian Barner, Deputy Executive Director; Julie Carraghan, Legislative Liaison; Paul Fawcett, Chief of Waterways and Marina Management; Richard Morder, Aids to Navigation Manager.

II. Introduction of Guests

Guests included: Richard Raudabaugh and Rick Taylor of the U.S. Coast Guard (USCG) Auxiliary.

III. Review and Approval of Minutes from the June 14, 2021 Meeting

A motion was made by Scott Ballantyne and seconded by Elizabeth Winand to approve the June 14, 2021 minutes. The motion carried.

IV. Awards and Presentations

Chair Lustig, Executive Director Schaeffer, and Secretary Anders presented a framed print to Commissioner Mahn whose term on the Boating Advisory Board recently ended when he was appointed to Commissioner. A framed print was also presented to USCG Auxiliary Liaison, Richard Raudabaugh who recently retired from his position.

V. Election of Board Vice-Chair

Chair Lustig nominated Scott Ballantyne for Vice Chair to fill the term vacated by previous member John Mahn. Hearing no other nominations, Loren Lustig called for a motion to close nominations. A motion was made by Elizabeth Winand and seconded by Loren Lustig to close nominations for Vice Chair. Loren Lustig called for a vote to elect Scott Ballantyne as Vice Chair. All members of the board present voted in favor and Scott Ballantyne was elected as Vice Chair. An annual election for the Chair and Vice Chair will be conducted at the Board's summer meeting.

VI. Public Comment

Rick Taylor, USCG Auxiliary, introduced himself as the new State Liaison and discussed his new role. He explained his initiatives for working with the PFBC, including goals for more in-person boating safety courses and more media visibility to promote boating safety topics.

VII. Old Business

A. 2021 USCG Performance Report Summary

Laurel Anders provided an overview of the Commission's performance report to the USCG for the federal fiscal year (FFY which runs from October 1, 2020, through September 30, 2021). This report consists of six elements: Boating safety education, accident reporting, boating law enforcement, partnerships and liaison, boat registration, and public access. These elements are required to be met in order to be eligible for Recreational Boating Safety funding from the USCG.

Laurel provided an update on the Boating Safety Education program. PFBC instructors, volunteer instructors, and WCOs across the state teach in-person boating courses, as well as partner at the local level to co-instruct courses. A PowerPoint presentation has been developed over the past year that contains key speaking points and embedded videos that makes teaching the course consistent. While in-person courses are effective, the majority of students prefer the convenience of taking courses online, via courses like Boat-Ed, Boater Exam, and ilearntoboat.com. There is also a free, non-certification paddlesports course offered as well. Until 2020, the number of boating safety certificates issued by the Commission has stayed consistent after a spike in 2000 when it was made mandatory for personal watercraft use. In 2020, due to a perceived combination of COVID-19 impacts and PFBC promotion of the online courses, the number rose dramatically. The PFBC has also increased our boating safety efforts through outreach using such tools as: non-certification paddling programs, kayak fishing programs, virtual programs, print and digital products, web materials, social media, shows and events, and video clips on our YouTube page.

Laurel provided an update on the Commission's Water Rescue Program. The courses offered include Water Rescue for the First Responder, Water Rescue & Emergency Response, Emergency Boat Operations & Rescue, Ice Rescue & Emergency Response, and Advanced Line Systems Rescue. A goal of the water rescue program is to expand training to our partners and other agencies, as well as PFBC staff who work on and around water. The Commission recently partnered with the Pennsylvania State Police to ensure each of their 4,500 troopers will have basic water safety gear as well as training. In FFY 2021, the Commission certified 3,021 students through the Water Rescue Program which meets or exceeds various levels (Awareness, Operations, Technician) of National Fire Protection Association standards. This is an increase of 629 more students than FFY 2020. Over 1,400 students were certified in the 2.5-hour Water Rescue for the First Responder course (often referred to as the Awareness course) last year. The Water Rescue Program consists of 206 in-state volunteer instructors that provided over 7,500 hours of training in 2021. This number has been steadily growing since 2012 after establishment of full-time water rescue staff. The PFBC water rescue program is the largest of its kind in the United States.

B. 2021 Boat Registration & Launch Permit Overview

Bernie Matscavage provided an update on FFY 2021 boat registration activity. The Commission registered over 169,000 watercraft during FFY 2021, which is nearly a 7% increase, exceeding both FFY 2019 and 2020 registrations. The largest segment of transactions is boat registration renewals. New boat registrations exceeded the number of boat transfers. Over 45,000 titles (including 21,000 new titles) and title transfers were processed, exceeding both FFY 2019 and 2020. The largest segment of registered motorboats was the “less than 16 feet in length” category, followed by the “16 feet to 19 feet” group. Almost 17,500 unpowered boats were registered. Over 150,000 launch permits were sold in FFY 2021, with 80% being 2-year permits. There was a record high of over 256,000 total active launch permits in 2021.

C. 2021 Boating Incident Analysis & Fatality Summary

Adam Spangler provided an overview of the 2021 Boating Incident Analysis & Fatality Summary. Overall, there has been a long-term downward trend in recreational boating fatalities in Pennsylvania. Currently, there are three fatalities per 100,000 registered boats. From January 1 to December 31, 2021, there were 56 reportable recreational boating incidents in Pennsylvania resulting in 37 injuries requiring medical treatment beyond first aid. The most common type of incident was collision with vessel or capsizing. Total property damage associated with incidents amounted to \$382,253. Unfortunately, there were nine fatal accidents with nine fatalities in calendar year 2021, which is a decrease of two fatalities from the previous year. None of the victims were wearing life jackets at the time of the incidents. Life jackets were carried onboard, but not worn by seven victims. The remaining victims had none or insufficient life jackets onboard. The 10-year average is 11.6 fatalities per year.

Adam provided an overview of cold weather data relating to boating incidents and fatalities. In 2012, a new regulation went into effect that required all boaters on boats less than 16 feet in length or any canoe, kayak, or paddleboard to wear a life jacket from November 1st to April 30th of each year. It has been 10 years since this regulation has been in effect, providing a large sum of data to analyze. Two graphs were shown, one with cold weather incident data from 2002 through 2011, and one with incident data from 2012 through 2021. The graphs showed the number of incidents by month, increasing around April/May and peaking in July, then tapering off into September/October, which coincided with most of the boating activity in Pennsylvania. The red bars on the chart showed the percentage of incidents resulting in fatalities which was much higher from November thru April due to cold water temperatures resulting in cold water shock from victims who end up in the water. Based on current accident statistics since the cold weather requirement has gone into place, we see that the number of accidents still peaks around July, however the percentage of accidents that resulted in fatalities during the cold weather months has gone from almost 100% in the previous 10-year timeframe to approximately 50% in the current 10-year timeframe presumably due to the life jacket wear requirement.

D. Review of Final Rulemaking from 2021

Laurel Anders provided a summary of rulemaking that was enacted as a result of the Board’s recommendations in 2021. The U.S. Army Corps of Engineers requested that the PFBC make a change to 58 Pa. Code § 111.6 relating to water ski regulations for Blue Marsh Lake in Berks

County. The requested amendment was presented to the BAB at the June meeting and voted on as final rulemaking by the Commission at their October meeting. The amendment went into effect January 1, 2022.

The U.S. Army Corps of Engineers requested that the PFBC make a change to § 111.43 relating to horsepower limitations on Shenango River Lake in Mercer County to amend the horsepower restriction from 10 to 20. The amendment was presented to the BAB at the June meeting and was voted on as final rulemaking by the Commission at their October meeting. The amendment went into effect January 1, 2022.

Commissioner Lewis discussed the idea of developing a boating safety alert program that would be published in the Pennsylvania Boater & Angler magazine as well as on the PFBC social media platforms. The safety alerts would document case histories of actual incidents in which boating related near misses or fatalities occurred. This would serve as another means to promote safe boating practices to the public.

VIII. New Business

A. Amendment to 58 Pa. Code § 97.2 (Fire Extinguishers).

Commentary:

In October 2021, the U.S. Coast Guard (USCG) published a [final rule](#) amending the fire extinguishing equipment regulations for recreational vessels propelled or controlled by propulsion machinery (33 CFR Parts 1 and 175, and 46 CFR Part 25). This rule relieves owners of these recreational vessels from certain inspection, maintenance, and recordkeeping requirements that are more suited for commercial vessels and establishes that portable fire extinguishers on recreational vessels shall be maintained in “good and serviceable” condition. The “good and serviceable” standard of this rule maintains the substantive requirements of the National Fire Protection Association’s standard 10 without extra burdens and requirements for recreational boaters. The new standard will continue to ensure that portable fire extinguishers are in good working order and ready for immediate use without imposing unnecessary burdens on the public. Commission staff recommend updating Title 58 Pa. Code to reflect these changes.

Staff propose the following changes to § 97.2:

§ 97.2. Fire extinguishers.

* * * * *

(c) Fire extinguishers carried in compliance with this section shall be maintained in [a usable condition] **“good and serviceable” working condition** and [shall be charged] in compliance with the specifications on the manufacturer’s certification label, **meaning: [Gauges shall be operable and nozzles shall be free of obstruction. In prosecutions for violations of this section, there shall be a rebuttable presumption that a fire extinguisher is not usable if its gauge shows that the extinguisher is discharged.]**

- (i) It has a pressure gauge reading or indicator in the operable range or position, if there is one;**
- (ii) The lock pin is firmly in place;**
- (iii) The discharge nozzle is clean and free of obstruction; and**
- (iv) The portable fire extinguisher does not show visible signs of significant corrosion or damage.**

In prosecutions for violations of this section, there shall be a rebuttable presumption that a fire extinguisher is not usable if its gauge shows that the extinguisher is discharged.

* * * * *

Briefer:

Laurel L. Anders, Director, Bureau of Boating

Action:

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

B. Amendment to 58 Pa. Code § 111.20 (Crawford County).

Commentary:

Woodcock Creek Lake is a 333-acre flood control project managed by the U.S. Army Corps of Engineers (USACOE) in Crawford County. Recently, the USACOE Project Manager submitted a request through their Pittsburgh District Office to change the local policy to a 20-horsepower limitation on this impoundment. They are requesting this horsepower change to allow increased boating opportunities in response to recent upward trends in boating activity. Staff at the project have requested the Commission adopt the same regulatory amendment in Title 58 Pa. Code so that Waterways Conservation Officers can continue to assist in enforcement of this boating regulation.

Staff propose the following change to § 111.20:

§ 111.20. Crawford County.

* * * * *

(e) *Woodcock Creek Lake.*

(1) The use of motors in excess of **[10]20** horsepower is prohibited.

* * * * *

Briefer:

Laurel L. Anders, Director, Bureau of Boating

Action:

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

C. Amendments to 58 Pa. Code § 109.4 (Waterskiing, aquaplaning, kiteskiing and similar activities), § 103.3 (Restriction for special areas), § 105.1 (Conditions requiring immediate corrective action), § 105.3 (Unacceptable boating practices), § 111.2 (Allegheny County), § 111.3 (Armstrong County), § 111.6 (Berks County), § 111.13 (Carbon County), § 111.58 (Susquehanna County), § 111.64 (Wayne County), and § 111.66 (Wyoming County).

Commentary:

On September 28, 2021 the National Association of State Boating Law Administrators (NASBLA) membership adopted a [model act for safe boating practices for boat-towed watersports](#). This act was originally adopted in 2003, then modified in 2004, 2005, and 2007 to reflect safety issues and current trends in recreational boating activity. In February 2020, the NASBLA Enforcement and Training Committee accepted a charge to examine and update an earlier version of the act, based on new equipment and technologies in towed watersports activities. The revised model act was presented to the NASBLA membership and voted upon at the 2021 annual conference in Pittsburgh, Pennsylvania. Commission staff have reviewed and selected relevant portions of the act to incorporate and modernize its regulations in 58 Pa. Code § 109.4 (Waterskiing, aquaplaning, kiteskiing and similar activities), § 103.3 (Restriction for special areas), § 105.1 (Conditions requiring immediate corrective action), § 105.3 (Unacceptable boating practices), § 111.2 (Allegheny County), § 111.3 (Armstrong County), § 111.6 (Berks County), § 111.13 (Carbon County), § 111.58 (Susquehanna County), § 111.64 (Wayne County), and § 111.66 (Wyoming County). The proposed amendments also include corrections to inconsistent wording relating to these changes. The proposed amendments are intended to clarify the regulations but not modify currently prohibited or allowable activities.

Staff propose the following changes:

§ 109.4. Waterskiing [, **aquaplaning, kiteskiing, and similar activities**] **and other boat-towed watersports.**

(a) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Boat-towed device—An inflatable tube or other device designed to be sat, stood, kneeled, or laid upon while being towed through or on water behind a boat. The term includes water skis, aquaplanes, kneeboards, inner tubes, inflatable hot dogs, air mattress, parasails, kite skis, and similar devices.

Boat-towed watersports—Activities that involve being towed by a boat or riding in or on the wake of a boat such as, but not limited to, waterskiing, wake surfing, and tubing

Competent observer—A person who has the ability to assess when a **[skier] person being towed behind a boat** is in trouble, knows and understands the waterskiing hand signals, and is capable of helping **[a skier] a person being towed**.

*PF*D—Personal Flotation Device **as defined in § 97.1**.

Trick-skier—A water-skier who can be identified by body movements and skiing positions, which readily differentiate the trick-skier from the ordinary “forward” skier engaged in straight skiing or slalom and jump events, and also by the following:

- (i) *Skis*. Short (38 inches—40 inches) and wide (8 inches—9 inches) with no keels on bottom.
- (ii) *Speed of tow*. Slow (12—18 miles per hour).
- (iii) *Rope*. Short (40 to 50 feet) and often with toehold strap attached to handle.

Wake surfing—A competitive or recreational water sport in which a person on a wake board or similar style board rides in or on the wake of a motorboat.

Water ski—A **[device] single or pair of long flat runners designed to be** used by a person **[to be towed through or on] for planing over** water **while being towed** behind a boat. **[The term includes conventional water skis, aquaplanes, kneeboards, inner tubes, inflatable hot dogs, air mattress, parasails, kite skis and similar devices.]**

Waterskiing—A competitive or recreational water sport in which a person is towed across the water’s surface behind a boat in any fashion on a water ski as defined in this subsection or on **[his] their** bare feet.

(b) **[Skiing hours] Hours**. **[Ski activities] Waterskiing and other boat-towed watersports** are prohibited between the hours of sunset and sunrise.

(c) *Observer required*. The following conditions apply:

(1) *General rule*. Except as otherwise provided in this subsection, it is unlawful for a person to operate a boat towing or otherwise assisting a person on water skis **or other boat-towed watersports** unless there is at least one competent observer in the boat in addition to the operator of the boat. The observer shall be positioned in the boat to observe the progress of the person being towed. It is unlawful for a person to water ski **or ride a towed device** being towed by a watercraft or device not containing an operator and observer as required by this subsection.

(2) *Special conditions*. The Executive Director, or a designee, may issue a permit to allow a limited exception to paragraph (1). A permit issued under this paragraph will permit operation of a boat towing a **[water skier] water-skier** without an observer, in addition to the operator, on board the boat. These operations will be permitted only under the following conditions:

- (i) Both the operator of the boat and the **[water skier] water-skier** meet safety training requirements as evidenced by documented completion of a safe boating course and active membership in a State or National waterskiing organization, which provides members with information on waterskiing safety.
- (ii) The operator fulfills the definition of a “competent observer” as set forth in this section, wears an approved PFD and is a person 18 years of age or older.
- (iii) The boat is equipped with the following:
 - (A) A rearview mirror which is at least 5 inches by 10 inches configured so that the operator may at all times observe the progress of the person being towed.
 - (B) A ski platform.
 - (C) A boom, towing eye, or pylon mounted permanently inside the hull of the boat to which the towing rope is secured.
- (iv) Only one person is being towed.
- (v) The water skis **[or other device]** on which the person is riding are attached only to the person and not to the boat.
- (vi) Conditions, including weather, other boating activities, and congestion in the vicinity of the proposed operation, do not impede safe and prudent boat or waterskiing operations.
- (vii) The waterskiing takes place before the hour of 10 a.m. on a day other than a weekend or holiday. The Executive Director, for good cause shown, may permit waterskiing under this section on a Saturday or Sunday before the hour of 10 a.m. if the Executive Director finds that other boating activities on the waters at the same time will not interfere with the **[water-skiing] waterskiing**.
- (viii) The waterskiing takes place on waters described and approved for the operations in the permit.
- (ix) The waterskiing takes place when the Executive Director or a designee indicates in the permit.
- (x) The boat towing the **[water skier] water-skier** displays a special water ski flag of a size and design approved by the Commission.
- (xi) The permittee carries the permit onboard while operating the boat towing a **[water skier] water-skier** without an observer.
- (d) *Umbilical or remote controls.* A person may not operate a device which is controlled by a person connected to the power source by means of an umbilical or remote control, or both, which tows the person on or through the water.
- (e) **[Ski tow] Tow ropes. [Ski tow] Tow** ropes may not exceed the following lengths:
 - (1) Conventional water skis and similar devices—80 feet.
 - (2) Nonreleasable kite ski—150 feet.

(3) Releasable kite ski—500 feet.

(4) Parasails—300 feet.

(5) Commercial winch boat parasails—600 feet.

(f) *PFDs*. It is unlawful for a person to operate a boat on the waters of this Commonwealth for:

(1) Waterskiing **and other boat-towed watersports (except wake surfing)** unless each person being towed is wearing a United States Coast Guard approved wearable PFD in accordance with § 97.1 (relating to personal flotation devices). Inflatable PFDs may not be used to meet this requirement.

(2) Wake surfing unless the wake surfer is wearing a United States Coast Guard approved wearable PFD in accordance with § 97.1 or water ski wetsuit as defined in subsection (g). Inflatable PFDs may not be used to meet this requirement.

(g) *Water ski wetsuits*. A person engaged in slalom skiing on a marked course or a person engaged in barefoot, jump or trick skiing, or wake surfing may elect to wear a wetsuit designed specifically for the activity in lieu of the United States Coast Guard approved wearable PFD required in § 97.1. A United States Coast Guard approved wearable **[PDF] PFD** described in § 97.1 shall be carried in the tow boat for each skier electing to wear a water ski wetsuit. The nonapproved water ski wetsuit device shall meet the following criteria:

(1) The device shall be marked by the manufacturer as a water ski wetsuit.

(2) The device shall be constructed of nylon covered neoprene or similar material and may have either long or short sleeves or be sleeveless. The device may have legs.

(3) The device shall be equipped with additional flotation padding material of a close cell nonabsorptive type such as PVC foam or Ensolite®. This flotation/padding shall be sewn into the device according to the following:

(i) On the front extending from the clavicle to the top of the pelvis vertically and covering the front rib cage area and covering as much of the side area as feasible. A maximum gap between padded areas on the side of the suit under the arm is 4 inches.

(ii) On the rear of the device, padding/flotation material shall cover the area from the top of the shoulder blade to the top of the pelvis and span the entire width of the back.

(iii) Padding/flotation shall be at least 1/2-inch thick. This thickness excludes the thickness of covering material.

(h) *Starting and returning from shore or dock*. Notwithstanding the slow, no wake restrictions contained in § 103.3(b) (relating to restriction for special areas), skiers are permitted to start from the shore or dock if the traffic situation permits this to be done safely and in accordance with other water ski regulations. A **[water skier] water-skier** is not permitted to be returned to dock or shore under power. The skier shall release outside the 100-foot limit. The skier may then coast or glide toward the shore or dock, if

the skier does not endanger life and property in so doing and steers clear of swimmers, docks and boats.

(i) *Ski ramps and jumps.* Ski ramps or jumps, authorized in accordance with § 113.10 (relating to permits for installation and lighting of floats, ski ramps and other floating structures) shall have attached on each side a sign which will be evidence that the installation is authorized and warn boaters against mooring or drifting within 100 feet of the jump while it is in use.

(j) *Kiteskiing and parasailing.* The following additional restrictions are applicable to kiteskiing and parasailing:

(1) Kiteskiing and parasailing is prohibited on waters where waterskiing is prohibited or is subject to special regulation.

(2) Kiteskiing or parasailing is prohibited on water when other boating activities or congestion impedes safe and prudent operations.

(3) Kite skiers and parasailers may not fly over or under overhead obstructions such as power and telephone lines or bridges; nor may they fly over dams, locks, docks, launching ramps, swim areas, marinas, or congested areas.

(k) *Wake surfing.* Boats engaged in the activity of wake surfing are limited to slow, no wake speed when within 200 feet of the following:

- (1) Shore line.
- (2) Docks.
- (3) Launching ramps.
- (4) Swimmers or downed skiers.
- (5) Persons wading in the water.
- (6) Anchored, moored, or drifting boats.
- (7) Floats, except for ski jumps and ski landing floats.
- (8) Other marked areas.

* * * * *

§ 103.3. Restriction for special areas.

(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.

* * * * *

§ 105.1. Conditions requiring immediate corrective action.

A condition requiring immediate corrective actions shall exist when a boat:

* * * * *

(8) Is pulling a [water skier] **water-skier or other boat-towed watersports participant** without the required observer aboard.

* * * * *

§ 105.3. Unacceptable boating practices.

It is unlawful to:

* * * * *

(8) Operate within 100 feet of a water-skier **or other boat-towed watersports participant** being towed by another boat.

* * * * *

(11) Operate a motorboat at any speed when towing a person on waterskis or other **boat-towed** devices using a tow rope of 20 feet or less as measured from the transom of the boat. This prohibition does not apply to wake surfing as defined in § 109.4 (relating to waterskiing [, **aquaplaning, kiteskiing and similar activities**] **and other boat-towed watersports**).

* * * * *

§ 111.2. Allegheny County.

(a) *Allegheny River*. The following special regulations apply to the Allegheny River:

* * * * *

(2) The area behind Nine Mile Island, Mile 10.0 to Mile 10.4 is a designated ski zone. Boats not actively engaged in towing [**water skiers**] **water-skiers or other boat-towed watersport participants** are limited to slow, no wake speed.

(b) *Monongahela River*. Waterskiing [**is**] **and other boat-towed watersports are** prohibited from the Glassport Bridge (Mile 19.4) to the Union Railroad Bridge (Mile 21.1) at Clairton.

* * * * *

§ 111.3. Armstrong County.

(a) *Crooked Creek Lake*.

(1) A boat may not tow more than one **[water-skier] boat-towed device** on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

* * * * *

§ 111.6. Berks County.

(a) *Blue Marsh Lake.*

* * * * *

(3) A boat may not tow more than one **[water ski] boat-towed** device.

* * * * *

§ 111.13. Carbon County.

(a) *Beltzville Lake—Beltzville State Park.*

* * * * *

(3) Waterskiing **[is] and other boat-towed watersports are** prohibited except between sunrise and sunset in the designated ski zone. Boats in this zoned area shall operate in a counter-clockwise direction. Boats not engaged in waterskiing **and other boat-towed watersports** shall remain outside the ski zone area while waterskiing **[is] and other boat-towed watersports are** in progress. A boat may not tow more than one **[water ski] boat-towed device** on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

* * * * *

§ 111.58. Susquehanna County.

* * * * *

(d) *Laurel Lake.*

* * * * *

(3) *Restrictions on operation of boats powered by internal combustion motors.* Operation of boats powered by internal combustion motors is subject to the following restrictions:

(i) **[Ski] Towed devices.** A boat may not tow more than one **[water ski] boat-towed** device.

(ii) *Upper Lake.* Boat speed is limited to slow, no wake speed except that, during the period from noon until 6 p.m., no more than two boats powered by internal combustion motors may, at any one time, operate at speeds greater than slow, no wake speed in the

marked boat operating zone. Boats operating in the marked zone shall circle in a counter-clockwise direction and shall be subject to the restrictions in this subsection and the code and this subpart. It is unlawful to water ski **or tow any other boat-towed device** or to operate a boat at greater than slow, no wake speed at any location on the upper lake from 6 p.m. until noon of the following day.

(iii) *Lower Lake.* It is unlawful to water ski **or tow any other boat-towed device** or to operate a boat at greater than slow, no wake speed at any time at any location on the lower lake.

* * * * *

§ 111.64. Wayne County.

(a) *Duck Harbor Pond.*

* * * * *

(2) A boat may not tow more than one **[water ski] boat-towed device** on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

* * * * *

(b) *Long Pond.*

* * * * *

(2) Waterskiing **[is] and other boat-towed watersports are** permitted from 10 a.m. until 5 p.m. on weekends and holidays and from 10 a.m. until sunset on weekdays other than holidays.

(3) A boat may not tow more than one **[water ski] boat-towed device** on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

* * * * *

§ 111.66. Wyoming County.

Lake Winola.

* * * * *

(2) A boat may not tow more than one **[water ski] boat-towed device** on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

* * * * *

Briefer:

Laurel L. Anders, Director, Bureau of Boating

Action:

A motion was made by Scott Ballantyne and seconded by Elizabeth Winand to recommend these amendments to the Commission. The motion carried.

IX. Other Business

A. Report on PWC Hours of Operation

Laurel Anders provided an overview of a request that staff received to expand legal hours of personal watercraft (PWC) operation. The request sought to extend legal operational hours to one hour after sunset and one hour before sunrise with the use of proper navigational lights, to expand recreational opportunities. Commission staff contacted 15 states regarding their PWC regulations and incident statistics, as well as NASBLA and the PWC industry for their input. Staff presented a white paper (Exhibit A) that summarized their research and input from the Personal Watercraft Industry Association (PWIA). Additionally, staff shared information that the requestor provided in support of the expansion of legal operating hours. After discussion, the Board recommended that no changes be made to current legal hours of operation for PWC found in 58 Pa. Code § 109.3.

X. Discussion Items

A. Legislative Update

Julie Carraghan provided a legislative update which included a report on efforts to align boat registration expiration with the calendar year via Senate Bill 403. This bill would provide a customer service improvement for boaters as well as reduce decal-related law enforcement encounters during peak spring and summer boating months. This bill is awaiting second, as well as third and final, consideration in the Senate. House Bill 1153 is the companion bill.

B. Boating Facility Grant Overview

Scott Bollinger provided an overview of the Commission's Boating Facility Grant Program. Originally created in 2005, the program provides grants to local governments and non-profit entities for planning, acquisition, development, and rehabilitation of public boat launches (non-PFBC owned) in the state. The goal is to ensure Pennsylvania's recreational boaters have access to high-quality boating facilities. The grant provides up to 50% of project costs. The applicant must provide a 50% match, which can consist of cash or in-kind services as well as federal, state, or local grants. The applicant must own or have a long-term lease of the property, keep the facility open for at least 25 years, obtain matching funds, provide for operation and maintenance, and obtain the necessary permits for the construction.

Scott also provided an update on the current round of grant applications. Fifteen grant applications were received with requests for funding ranging from \$13,500 to \$245,700 and totaling approximately \$1.57 million. Staff are currently reviewing the applications and will make recommendations to the Commission and Executive Director in April 2022.

C. ATON Program Overview

Paul Fawcett provided an overview of the newly revised Aids to Navigation (ATON) program. He talked about recent changes and updates, including a preview of the new webpage, U.S. Aids to Navigation link, PATON application, guidelines for ATON plans, and the process to report a missing or damaged buoy using an e-form. Paul also discussed the revised ATON program manual.

D. Livery Workgroup Preview

Adam Spangler provided an overview of plans to create a Livery Workgroup to address challenges associated with boat rental businesses, also known as liveries. Title 58 Pa. Code Chapter 147 currently contains livery regulations. Results of the Livery Workgroup's efforts may include regulatory amendments, revisions to existing educational guidelines and materials, establishment of best practices for Waterways Conservation Officers, and enhancements to maintaining livery contact information and resources. The Livery Workgroup will include Boating staff and Waterways Conservation Officers who will engage select liveries as well as DCNR staff in their review of current regulations and suggested improvements.

E. Paddlesports Products

Adam Spangler provided an update on paddlesports outreach products. Adam discussed the continued increase in paddling activity and two new products. A new paddlesports requirements poster has been produced that will be posted at popular paddling locations and be made available for our boating partners. A new vessel identification decal will be mailed as a courtesy with PFBC launch permits and will also be available at regional offices. The decal will provide launch permit users a place to write their name and phone number which will assist with recovering their boat if it is lost.

F. NASBLA Update

Laurel Anders provided an update on NASBLA related items including the many beneficial links and resources on the NASBLA website. She also discussed the several NASBLA committees that PFBC staff participate in and the Commission's recent Boat Operations and Training (BOAT) accreditation that was announced in September 2021.

G. Boating Safety Summit 2022

Laurel Anders provided an update on plans for a 2022 Boating Safety Summit to coincide with National Safe Boating Week. Current plans for the summit include virtual and pre-recorded sessions on relevant boating topics as part of a social media campaign. Commission staff are working with partners toward producing content in multiple languages. Staff will provide an update on plans and invite BAB members to engage.

H. Announce National Safe Boating Week (May 21-27)

Laurel Anders announced that National Safe Boating Week will be May 21-27, 2022. The Commission's focus will be on life jacket use and incorporation of the Boating Safety Summit content.

XII. Adjournment

The meeting was adjourned at 1:37 p.m.



**Pennsylvania Fish and Boat Commission
Personal Watercraft Operation – Requested Expansion of Hours
Report Prepared October 2021**

Background

In 1993, the Pennsylvania Fish & Boat Commission (Commission) first established regulations specific to personal watercraft (PWC) operation in [Chapter 109 of 58 Pa. Code \(relating to specialty boats and waterskiing activities\)](#). The Commission established legal hours of PWC operation as follows:

§ 109.3. Personal watercraft.

* * *

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

* * *

Request

In May 2021, the Commission received a request to expand the legal hours of PWC operation for up to one hour before sunrise and one hour after sunset, with the use of proper navigational lights. According to the requestor, PWCs are being used for more general recreational purposes in recent years and this expansion of legal operating hours would allow for people to get on the water early in the morning for fishing, or families that are enjoying the sunset to return to the dock afterwards.

Research – State Regulations

Commission staff consulted the National Association of State Boating Law Administrators (NASBLA) Reference Guide to State Boating Laws which was compiled in 2007 and contains several tables of state responses related to recreational boating safety and public law. [Table 4.6-Personal Watercraft Operation](#) is specific to laws and regulations relevant to PWC operation, including operation during specific hours. At the time the data was collected, 15 states indicated they allowed PWC operation after sunset and/or before sunrise. In July 2021, Commission staff asked these states for their laws or regulations along with feedback regarding accidents, near misses (if known/documented), or other issues associated with PWC operation during low-light or restricted visibility (i.e., dawn/early morning or dusk/late evening). The responses from those states are compiled in Chart 1 of this report.

In a map provided to the Commission by the requestor, 12 states were identified as allowing PWC operation after sunset and before sunrise (see Chart 2). The states identified in this map are mostly consistent with those in NASBLA's Table 4-6, with only a few discrepancies. The map is included in this report, although the source and date are unknown.

Research - Industry

Commission staff also consulted with the Personal Watercraft Industry Association (PWIA) regarding their [Model Legislation Text/PWC Act](#) which NASBLA adopted in 2005. The model act includes language in Section 3 (#5) stating that “no person shall operate a personal watercraft at any time between the hours of sunset and sunrise.” The PWIA’s response to the Commission’s inquiry regarding the requested regulatory expansion is included as an attachment to this report. It is important to note that it is common practice for individual states and/or NASBLA to consult with industry groups for input regarding regulations and laws. The PWIA was instrumental in establishing PWC operator guidelines and educational recommendations in partnership with NASBLA to help reduce accidents and user conflicts. PWIA has been a trusted Industry partner for more than two decades.

Commission staff found that navigational lighting is generally not available as a standard option on new recreational PWCs. (Some specialized—and very expensive—search and rescue models are equipped with lighting.) Since a very limited number of manufacturers produce PWC lights, bicycle lights are sometimes suggested as alternate after-market accessories that can be useful in emergency situations where an operator is out past legal riding hours (e.g. run out of gas or break down). The most economical and available bicycle lights are generally small but bright white headlights and red taillights which do not meet the requirements for navigational lights and, in some cases, may be prohibited by state regulations that restrict the use of bright, forward-facing, white lights (as in [58 Pa. Code § 95.3\(h\)](#) relating to docking lights).

Staff Recommendation

Based on staff research and input from NASBLA member states and PWIA, Commission staff recommend no changes to the hours of operation for PWC found in 58 Pa. Code § 109.3(d).

Chart 1. Responses from states identified in NASBLA’s Table 4.6 (PFBC, 2021).

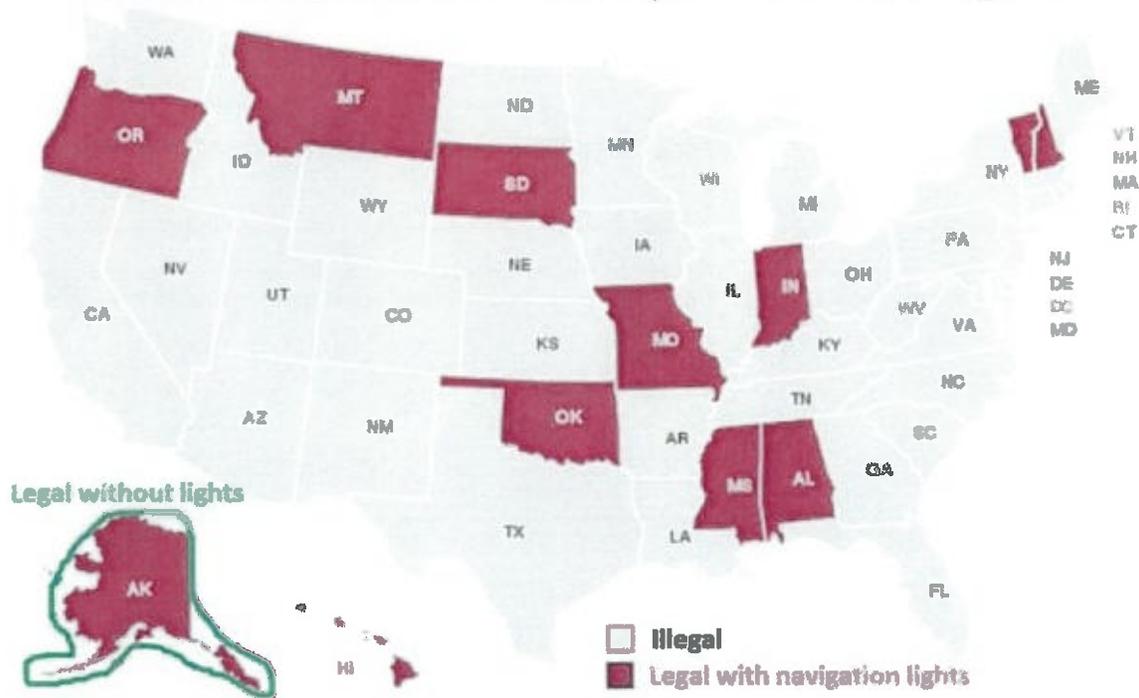
State	Laws/Regulations	Notes	Accidents
Montana	State laws don’t specifically address PWCs when restricting operations after sunset. Rather, vessels without lights are restricted from operating. Technically, a PWC could display legal navigational lights and operate during these times.	Not aware of any documented instances where a PWC has been equipped with lighting and operated after sunset. Issues have been on PWC without lights operating after sunset.	Not aware of any night-time PWC accidents recently.
Colorado	Nighttime Operation Prohibited: The law prohibits the operation of a PWC between one half hour after sunset to one half hour before sunrise, even if the PWC is equipped with proper navigational lights.	We do not allow for the addition of navigation lights on PWCs.	No response.
Michigan	324.80205 Operation of personal watercraft. Sec. 80205. (5) A person shall not operate a personal watercraft on the waters of this state during the period that begins at sunset and ends at 8 a.m. As used in this subsection, "sunset" means that time as determined by the National Weather Service.	Michigan does not allow PWC operation after sunset, even if lights are installed. The info in Table 4.6 is out-of-date for Michigan. Updated regulation provided.	No response.
South Dakota	42-8-102. Personal watercraft--Rules of operation. No person may operate a personal watercraft: (3) Between sunset and sunrise unless the personal watercraft is equipped with navigation lights as required by the Department of Game, Fish and Parks by rules promulgated pursuant to chapter 1-26.	No response.	No response.
Mississippi	Night-time usage is illegal, unless equipped with proper navigational lights in accordance with USCG regulations.	No response.	No incidents of PWC accidents during night-time operation.
District of Columbia	DCMR Title 19 Chapter 10 states it is not illegal to operate a jet ski after sunset or prior to sunrise if they have all USCG required navigational lights.	Not commonly encountered on DC waterways. Rarely see PWCs out at night.	No reportable incidents/accidents involving PWCs during these hours in the last 8 years. However,

			there are stories of PWC operators not seeing anchor lines at night, resulting in serious injury or death.
Missouri	No state laws/regulations provided.	Few PWCs operate at night.	Has not experienced a disproportionate number of boat crashes involving PWC and lighting issues.
Arkansas	Thirty minutes after sunset and 30 minutes before sunrise is standard language used with other regulations (e.g. hunting hours). PWCs can't operate at night under any circumstances.	No response.	No response.
Vermont	Hours of PWC operation are between sunrise and sunset. Operation is not allowed between sunset and sunrise.	No response	No response.
Oregon	Oregon Administrative Rules - 250-021-0030 – PWC Operating Rules. (4) A person must not operate a personal watercraft at any time between sunset and sunrise unless equipped with lights as prescribed in OAR Chapter 250, Division 011.	Three violations have been documented since January 1, 2019, related to no lights on PWC after hours.	Can't recall recent incidents involving PWCs after dark.

Note: No responses were received from Indiana, Oklahoma, Alabama, New Hampshire, and Rhode Island.

Chart 2. Provided by requestor (source/date unknown).

States that allow PWC operation at night





December 8, 2021

Ms. Laurel Anders
Pennsylvania Fish and Boat Commission
PO Box 67000
Harrisburg, PA 17106-7000

Dear Ms. Anders,

The Personal Watercraft Industry Association (PWIA) welcomes this opportunity to comment on the research done by the Pennsylvania Fish and Boat Commission regarding the factors that should be considered should it expand the hours of legal operation for personal watercraft (PWC) to one hour before sunrise until one hour after sunset.

By way of introduction, PWIA's members include BRP Inc., manufacturer of Sea-Doo® brand PWC; Kawasaki Motors Corp., U.S.A, manufacturer of Jet Ski® brand PWC, and Yamaha Motor Corporation, USA, manufacturer of WaveRunner® brand PWC. The Personal Watercraft Industry Association (PWIA) was founded in 1987 to represent PWC manufacturers in the United States and to promote the safe, responsible operation of the vessels.

PWIA's mission is simple: to ensure the fair treatment of PWC manufacturers and operators when local, state, and federal government officials consider boating regulations. We support and advocate for reasonable regulations, strong enforcement of boating and navigation laws, and mandatory boating safety education for all PWC operators.

PWIA's members do not manufacture PWCs that are equipped for nighttime operation for the general public, therefore our owner's manuals and other educational materials state clearly that PWC should not be operated before sunrise or after sundown. We stand by that position for the new vessels we provide to authorized PWC dealers to sell to the general public.

We support the many legal and safe uses of PWC, particularly as they have evolved to be a family watercraft used for fishing, sightseeing, towing and general boating. However, amending regulations to allow nighttime operation of a PWC carries with it significant responsibilities on the part of the owner and law enforcement.

PWC operators who want to operate their vessels at night in the few states that allow nighttime operation must buy navigation lights in an aftermarket kit or off-the-shelf inventory and install them to meet U.S. Coast Guard (USCG) mandates for motorized vessels less than 12 meters long. The USCG regulations are precise. The forward navigation lights must be configured so that there is exactly a 112.5-degree sector of visibility for the red and for the green light and those sectors cannot overlap. The white stern light must be configured to be visible in a 135-degree sector of visibility to the rear or a 360-degree arc. The stern running light must be a least one meter above the height of the forward navigation lights. All lights must be visible for a minimum of one nautical mile. Should the state of Pennsylvania decide to legalize PWC

operation one hour before sunrise and one hour after sundown, PWIA recommends that it consider creating an educational program to ensure that operators know that law enforcement will strictly enforce the requirements for nighttime navigation, both in regard to the required equipment and time of day. It should also be prepared to distribute through its website or other means the information PWC owners must know to adapt their watercraft for night navigation.

Thank you for this opportunity to comment on this matter. Please contact me at any time with any questions or concerns at ddickerson@nmma.org or (202) 737-9761.

Sincerely,

A handwritten signature in cursive script that reads "David Dickerson". The signature is written in black ink and is positioned below the word "Sincerely,".

David Dickerson
Executive Director