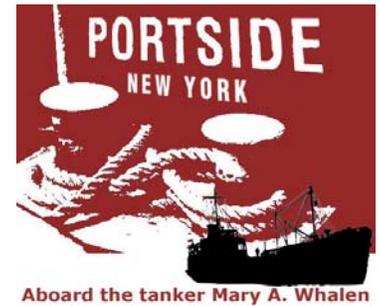


December 5, 2016

**New York City Council
Waterfronts Committee
Testimony by PortSide NewYork**



Via email

Re: NYC Council Improving Boater Safety in the City's Waterways
<http://legistar.council.nyc.gov/MeetingDetail.aspx?ID=516675&GUID=9C627122-BDF0-4917-9F2F-C0A004AC3137&Options=info&Search>

Thank you for holding this hearing. This is a very important topic, one that prompts our growing concern.

We previously testified before you on this topic on October 31, 2006 in a hearing “Rules of the Road, Boating Safety and Cooperation in New York City Waters.” We concluded that testimony by attaching an article about the risks associated with the rise of recreational boating, written by our President Carolina Salguero for the recreational boating magazine “Offshore” in 1999. In the seventeen years since that article, the number of recreational boats, especially human powered ones, and ferries has grown hugely in this harbor.

We understand that a catalyst for this hearing was the incident in the Hudson between a NY Waterways ferry and a kayak tour on August 30, 2016. As the USCG report for that incident is not yet complete, we will refrain from making any absolute conclusions about that incident save to say this was an accident waiting to happen.

We want to strongly state that PortSide supports increased use of the waterways by boats of all types – advocating to that is essential to our mission - and that we support recreational boating and wish to run such programs ourselves.

However, we see the risks rising from the combination of recreational and commercial boats – given certain physical characteristics of this harbor with its strong currents and harbor traffic and the specific practices of some players in this harbor.

We are concerned that current regulations are inadequate.

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Risks intensified by how boating was advocated

During the late 1990s to the early 2000s, there was a big push for “public access” to the waterfront.

Access advocates and paddling groups used a rights-driven language to bolster the campaign. Hand-powered boating in particular was promoting with advocacy language, eg “the right to get to the water’s edge.”

A stated goal was increasing the numbers of people that these groups got onto the water.

Boating was less promoted as an activity with centuries of traditions and skills behind it. This focus on the right to boat rather than the skill of boating contributes to some of the safety issues we now find in the harbor.

Similarly, artists increasingly see the water as a “space of liberty” and zone for conceptual art projects underway and at a dock. Several of these projects have sunk. We know several that have been hazards to navigation. We know of multiple incidents where attendees at arts-afloat parties have been at risk due to falling overboard (eg, into the Gowanus Canal).

We believe a culture of maritime heritage and the skills of boaters needs to be promoted more.

Specific Problems:

1. Boating licenses are not required for all recreational users (NYS mandates that just some pass a boating safety class). This means that many unskilled boaters are out there. It also means that merchant mariners cannot be sure of the skill level of the recreational boater; so even if there is no incident, the merchant mariner is thrust into a defensive, and stressful, stance when encountering recreational boaters in this harbor.
2. Hand powered vessels are not required to be registered and marked, so there is no way to accurately identify one in distress or causing a hazard.
3. The City Council cannot change NYS or USCG regulations about vessel identification or boating licenses.
4. Recreational boaters in this harbor, especially the kayaking contingent, have often been very resistant to boat registration and licensing making negotiated solutions hard. This pushes us, with some regret, to suggest it may be time for new rules.

Solutions to consider

- a. Consider the regulations from Chicago that we attach.
- b. Pass regulation that addresses 1 and 2 above by mandating licensing and boat registration for all boats launched from City property (parks, marinas, street ends).

For harbor tours, such as the NY Waterways-kayaker incident:

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- c. Require that paddling tours make VHF radio contact with ferry operators before departure and not leave the dock until they have an answer
- d. Require a minimum ratio of tour guide to tourists.
- e. Have tours use established routes so the merchant mariner knows where to look for them.
- f. Consider prohibiting tours that include inexperienced paddlers from certain areas at certain times. Sunset-rush hour opposite a busy ferry terminal is such a possible location.
- g. When developers seek City permits for waterfront developments on private property that include a boating component, mandate that they conform to proposed regulation b above.

PortSide NewYork's Credentials

- PortSide NewYork is a living lab for better urban waterways. PortSide NewYork works to activate NYC's waterfront, specifically the BLUEspace, the water part of it. PortSide shows how to combine the working waterfront, public access and community development.
- PortSide has extensive experience with vessel operations. We are responsible for a retired 172' coastal oil tanker. We engage the services of tugboats to move it.
- Our plans since 2005, includes creating a maritime center that provides a landing for multiple vessel types. As a result, we work with vessel operators of many types and sizes.
- We have brought more visiting vessels to Brooklyn than major parks.
- We confer extensively with merchant mariners and recreational boaters
- Our President has a USCG OUPV Captain's license and rows, kayaks, sails and powerboats. Her documentary and advocacy work has had her spend time on tug boats, barges, ice breakers, Staten Island ferries in addition.

We encourage the City Council to get in touch for any follow up questions or to be referred to any of the sources we consulted to inform our testimony.

Best wishes for your holiday season!

Sincerely,



Carolina Salguero
President
PortSide NewYork

(1) attachment included

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