

The Rules of the Nautical Road

by Brian Blankinship

The Inland Navigation Rules are based on the International Regulations for Prevention of Collisions at Sea 1972 (72COLREGS). These two laws govern the rules of the nautical road. In our area, the 72 COLREGS apply on the ocean and the Inland Rules apply everywhere else.

Unfortunately, they are not clear about where kayaks fall in the Responsibility Between Vessels or right of way. I addressed this question to the Division of Maritime and International Law, Headquarters, US Coast Guard (USCG) who stated:

- We have rights and responsibilities as vessels despite not specifically being addressed in the definition.
- Kayaks must obey the law (Inland Navigation Rules) whenever it says for "vessels" to do something or avoid doing something.
- When the rule says "power-driven" or "sailing" vessels, it does not apply to us.

In this article I will try to simplify these rules. To shorten the article, I only included the points most relevant to us. The source document (.pdf) can be downloaded at the US Department of Homeland Security and the US Coast Guard website as

<http://www.navcen.uscg.gov/?pageName=navRulesContent>

or <http://www.navcen.uscg.gov/?pageName=navRuleChanges>

Rule 1 Application: Kayaks are included and so are the waters we travel in (except lakes or ponds that can't be navigated to the sea).

Rule 2 Responsibility: If you operate your kayak in a negligent manner, or violate these rules and cause an accident or incident, you can be held accountable. You must take actions, including those not in the rules, to avoid an accident.

Rule 3 General Definitions: The term "vessel" includes kayaks. "Power-driven" or "sailing" vessels do not include kayaks unless under power motor or sail.

Part B - Section I - Rule 5 Look-out: You must keep watch for hazards or collision at all times.

Rule 7 Risk of Collision: EVERY vessel has a duty to avoid collisions, including us.

Rule 8 Action to Avoid Collision: You are required to take action to avoid collision early enough, and with sufficient change in direction, that the other vessels can clearly see you are changing course. The vessel you are avoiding may have to maneuver closer to you in order to avoid other larger and faster vessels. Keep your head on a swivel and be aware of your surroundings.

If you have right of way, you must still act prudently and either maintain course or turn away from the vessel that does not have right of way, which is known as the "burdened vessel."

Rule 9 Narrow Channels and Rule 10 Traffic Separation Schemes: Kayaks should never travel in channels or traffic lanes unless there is no way to avoid it. If so, stay to the right. If you are in a channel or traffic lane and interfere with a large ship, you are violating the law.

Only cross channels when it is safe to do so, as close to a right angle to the channel as possible. It is safest to cross from marker to marker and you are the burdened vessel (you have to give right of way to vessels following the channel).

Section II - Rule 13 Overtaking: If you pass another vessel, you must yield right of way. If being passed, maintain course.

Rule 14 Head-on Situation: When meeting head-on, alter course to starboard (right) so that each vessel shall pass on the port (left) side of the other, just like driving a car. While this specifically applies to two power-driven vessels, this is the way most boats will react, thus you should also.

Rule 15 Crossing Situation: Just like driving a car, the vessel on the right has right of way.

Rule 16 Action by Give-way Vessel: When yielding right of way, do it early and clearly.

Rule 17 Action by Stand-on Vessel: If you have right of way, keep on your course, but you can, and must, maneuver to avoid collision. If you have to yield right of way, you must keep out of the way, which may require stopping.

Rule 18 Responsibilities Between Vessels: Power vessels are NOT required to yield to kayaks as a class. ALL vessels (including kayaks) must avoid impeding a vessel that must stay in a channel or otherwise can't maneuver because it is not deep enough. An example would be a large ship or barge.

It is not clear if kayaks have to yield to sailing vessels (like power vessels do). Since the rules are based on the concept that the more maneuverable yield to the less maneuverable, it certainly would be good seamanship to yield to sailing vessels, and I strongly encourage it.

Section III - Rule 19 Conduct of Vessels in Restricted Visibility: When in restricted visibility, be ready to avoid all ships. You will not show up on their radar and they won't be able to see or hear you. A VHF radio might alert them to your presence, but large commercial ships most likely won't be able to maneuver to avoid you. Stay in the shallows.

If you remember nothing else from this article, follow Rule #2 (all must act to avoid collision) and the law of gross tonnage (the biggest vessel is going to win). By following all these rules (laws) you will not only avoid citations and accidents, you will also be a better ambassador for the sport of sea kayaking.