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14 November 2022

Appeal 2022-01

J/80 PELAGIA v J/80 RAVENETTE

2022 Aldo Alessio Race; 2022 Phyllis Kleinman Swiftsure Regatta
St. Francis Yacht Club
August 20-21, 2022

DECISION

SUMMARY OF SITUATION

PELAGIA and RAVENETTE were competing in a One Design Division in the Phyllis Kleinman Swiftsure Regatta consisting of five races over the two days of the regatta. In Race 3, PELAGIA protested RAVENETTE over an incident that occurred on a downwind leg.

A protest hearing was held on 20 August 2022. The protest by PELAGIA (37) alleged that right-of-way leeward boat RAVENETTE altered course abruptly and failed to provide windward boat PELAGIA room to keep clear.

FACTS FOUND BY PROTEST COMMITTEE:

1. Wind and sea conditions: Wind speed 25-28 knots with waves.
2. J88s #80 and #37 were sailing the downwind leg of race 3, #37 clear ahead of #80 on port tack.
3. The boats were traveling at 12-14 knots.
4. Approaching Alcatraz Island (400 meters away), #37 gybed to starboard.
5. 2 boatlengths and gybed and established a leeward overlap with boat 37. Lateral separation between the boats was 2-3 lengths.
6. Boat 80, to leeward, broached and luffed toward boat 37.
7. Boat 37, to windward, responded by luffing. Lateral separation between the boats was reduced to .5 boatlengths.
8. There was no contact between the boats.
9. There was damage to #37's jib inhauler, but no injuries.
10. Neither boat took a penalty. Both boats finished the race.

No diagram was endorsed or produced by the protest committee.

CONCLUSIONS, APPLICABLE RULES, AND DECISION OF PC:

1. Boat 37 to windward kept clear of boat 80 to leeward, as required by RRS 11.
2. When changing course boat 80, the right-of-way boat, gave boat 37 room to keep clear as required by RRS 16.1.

DECISION:

No rule broken. Protest dismissed.

APPELLANT'S BASIS FOR APPEAL:

PELAGIA appealed the decision on 9/3/22 on the grounds RRS 16.1 was broken by RAVENETTE, and that in order to avoid an imminent collision with the leeward boat who had lost control, PELAGIA had to sharply turn to windward above 80 degree TWA which resulted in a broach and minor damage to their boat. PELAGIA believed that they were not given enough time and space to comply with their obligations in a seamanlike way which would require a spinnaker takedown.

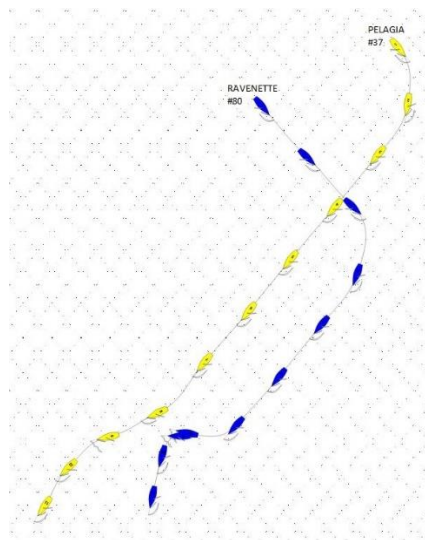
PROTEST COMMITTEE COMMENTS

In their initial response to the appeals committee notification letter sent to all parties on 9/20/22, the protest committee indicated that they had inadvertently omitted the first part of Fact #5. In their response on 9/26/22, they clarified that fact as follows:

Boat 80 crossed ahead of boat 37 by two boatlengths and gybed and established a leeward overlap with boat 37. Lateral separation between the boats was 2-3 lengths.

The appeals committee circulated the change to Fact #5 to the parties and inviting their comment. No comment was received.

The appeals committee determined that the facts found by the protest committee were inadequate and, acting under rule R5.4(b), asked the protest committee to supply a diagram to clarify the facts found. The protest committee responded with the following diagram.



SUBSEQUENT ACTIONS BY APPEALS COMMITTEE

The appeals committee circulated the incident diagram to the parties for comment. PELAGIA responded that they disagreed with the true wind angles at the time of their broach on the diagram and felt the lateral separation between the boats while on port tack was less than two lengths. No comment was received from RAVENETTE.

ASSOCIATION APPEALS COMMITTEE DECISION:**The appeal is denied.**

The appeals committee finds that the conclusions and decision of the protest committee are supported by the facts supplied. The committee recognizes and appreciates that in the prevailing conditions, keeping clear of a broaching, leeward boat is challenging and commends PELAGIA for their ability to do so. However, the protest committee's diagram, which does not conflict with the written facts found, illustrates that in positions 8 and 9, RAVENETTE was nearly stationary which provided PELAGIA the space to safely keep clear in a seamanlike manner. The committee concludes that PELAGIA'S subsequent broach was not compelled by RAVENETTE's action.

The Appeals Committee of the Yacht Racing Association of San Francisco Bay

s/John Siegel
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