

US SAILING Board of Directors Meeting  
Monday, July 20, 2009

Present: Dick Allsopp, Dean Brenner, President Jim Capron, John Dane III, Susan Epstein, Vice President Tom Hubbell, Gary Jobson, Leslie Keller, Patty Lawrence, Jerry Montgomery, Bill Stump, Jim Tichenor, and non-voting Ex Officio members, Secretary Fred Hagedorn and Executive Director Charlie Leighton.

Observers and Guests included Walt Chamberlain, Rob Overton, Dick Rose and Ron Trossbach.

- 1) The meeting was called to order by President Capron at 8:02 pm EST.
- 2) Secretary Hagedorn called the roll and announced that a quorum was present.
- 3) The Consent Calendar was approved:
  - a) Minutes of the Board of Directors of its June 15, 2009.
  - b) The holding of the Lightning World Championships in the USA in 2009.
  - c) The holding of the 2.4 mR World Championships in the USA in 2009.
- 4) President's Report – President Capron reported US SAILING had submitted the interim report to the USOC on July 1, 2009 as required by the Hearing Panel decision. Capron noted that since then, much of the attention of USOC's Senior Management has been taken up with the new USOC/Comcast TV Network; and the fallout from that announcement. It has been reported that the Hearing Panel has met. ISAF is still very interested in this situation and are monitoring it closely.

On a side note, the US SAILING Appeals Committee has received a case in which the appellant claims that the USOC Due Process Checklist (Hall vs. US SAILING paragraph 38), applies, and that a hearing is required. The Racing Rules of Sailing outline the process for an appeal, which do not include a hearing. So it is possible we may have another arbitration request soon.

Relative to the Interim Report discussed above, we did commit to the USOC to keep a low profile in our response. Therefore, in accordance with an agreement with Hall's counsel, we did not publish the report when we sent it. However, since then the report was published by another source so it is now posted on our website. We have informed both the USOC and Hall's counsel that we have now posted it, and that our agreement is moot.

Capron noted that the ISAF meeting in November is shaping up to be a low key affair – it is the first year of the quadrennium. Some delegation members have expressed concern with about attending because of the missiles being tested by North Korea. ISAF has informed us that the meeting is still on. Some key decisions have already been made. For example, the IOC will make its decision regarding a potential 11th medal

before the November ISAF meeting, and that if one is granted to Sailing, it will be allotted to the Multi-hull – Tornado equipment.

Finally, the discussions between the America's Cup Defender and Challenger about a possible deal that was made by the ISAF continue to heat up. Until we know what the "deal" between the various parties is, we agreed to not take a position in this discussion.

- 5) Executive Director's Report - Executive Director Leighton reported that US SAILING is continuing to do better than many NGB s in this economy. We are "in the green," and we are currently projecting a small surplus at the end of the year! Membership is ahead of both last year and the year before, fundraising is very positive, and morale in the office remains strong – attributed in part to the continuing education program the Leighton has instituted and the guest speakers who are coming in to help teach the course, including Jerry Kirby who is coming in this week and George David, Chairman of the Board at United Technologies, who is coming in to see us in August.

Universal Studios has contacted US SAILING regarding a movie that they are making starring Zach Efron. We are working to provide them with plenty of US SAILING products to potentially be in the movie! It is just great that learning to sail is being seen as a cool thing to have in the movies, what a great message for the kids of America!

- 6) Treasurer's Report – Treasurer Keller reported that we continue to be on track to submit the Form 990 to the Board for its review and approval at the September 21, 2009 meeting of the Board of Directors. The Audit is also on track to be ready for that meeting as well. Keller also noted that in 2009 our Legal and Professional Fees account is budgeted at \$25,000, and that to date we have paid invoices using about 50% of the account for Trademark and other normal, run of the mill uses. We are beginning to look at our overall business to determine our options as the year progresses. If we continue to get more Arbitration requests, our legal costs will rise, and as an NGB we are required to defend all such arbitration requests.
- 7) Olympic Report – Chairman Dean Brenner reminded the Board that the team is in the height of regatta season and that we have been seeing some very strong results. It is a simple fact that we have more sailors sailing full-time or nearly full-time in the first year of a quad than we have seen in the past. It is a natural result of our being able to provide more resources to our athletes.

High Performance Director Kenneth Andreasen has had a dynamic impact on our overall program, and has indeed begun a massive transformation of our culture. More of our sailors are working together, they are sharing resources, and are working together to raise their collective performance.

We have also begun the second phase of our long-range plan for Olympic sailing. We are beginning to increase and broaden the exposure of our athletes and our program. Dan Cooney is making significant strides in this arena, and there are three marketing initiatives the board should be aware of:

1. Facebook. We have a fan page and already 1,000 fans. Our goal is 10,000 fans by the opening of the 2012 games. Check it out and see who is posting...
2. National Speaking Tour. We hope to participate in 5 of the 15 US SAILING Speaker Series dates, and take our program on the road to yacht clubs around the country!
3. Medallist Newsletter. Working with the Marketing Department, we hope to bring out a quarterly publication as an e-newsletter on Olympic and Paralympic goings on. It will contain exclusive content and will be targeted toward donors, sponsors, as well as the casual fan.

#### 8) ISAF Submissions

- a) It was **MOVED**, seconded and APPROVED to submit to the ISAF proposed changes to the Racing Rules of Sailing (listed below) to be effective in 2013. (please see Attachment A)
  - (1) RRS 14
  - (2) RRS 18.2(c)
  - (3) RRS 18.4
  - (4) RRS 32.1
  - (5) Definition – *Proper Course*
  - (6) Race Signals, Abandonment Signals
  - (7) Appendix L, Instruction 11.1
  - (8) Appendix L, Instruction 12.3

- b) It was **MOVED**, seconded and APPROVED to submit to the ISAF the attached proposed change to Special Regulation 3.08.3. (please see Attachment B)

- 9) Draft Regulations 12.03 and 12.04 (see Attachment C) were shared and discussed. They are an outgrowth of the Interim Report to the USOC, submitted July 1, 2009. Draft Regulation 12.03 encourages organizing authorities to utilize active sailors on their protest committees – something most events already are accomplishing without thinking about it. Draft Regulation 12.04 deals with the proposal to the USOC on how US SAILING might handle future selection events for “Protected Competitions.”

It was **MOVED**, seconded and APPROVED to direct the Secretary to disseminate Draft Regulations 12.03 and 12.04 to all potentially impacted committees and to the House of Delegates for comment and recommendations, and for the Secretary to report back what has been learned at the August 17, 2009 meeting of the Board of Directors.

#### 10) Old Business

- a) Secretary Hagedorn noted that a status report of the most recent accomplishments of the Windsurfing Task Force had been sent to Board members earlier in the day and that it was a worthwhile read.

- b) President Capron noted that the Secretary had distributed some information regarding the recognition of a class in the USA. Capron expressed that we need to think about our responsibilities to National Classes, especially when they are also International Classes. Capron proposed that we host a Round Table discussion regarding the process of recognition, and the responsibilities of the parties, including responsibilities required by the Sports Act, to be held at the AGM this fall.

11)NEW BUSINESS

None

12)The meeting was adjourned at 9:49 pm EST.

Respectfully submitted,

Frederick H. Hagedorn  
Secretary

**REPORTING COMMITTEE – RACING RULES  
OTHER COMMITTEE –**

**Racing Rules of Sailing**

**Rule 14**

A submission from US SAILING

Proposal:

Change rule 14 to:

**14 AVOIDING CONTACT**

A boat shall avoid contact with another boat if reasonably possible. However, a right-of-way boat or one **taking room or mark-room to which she is** entitled to ~~room or mark-room~~ **room or mark-room** [No further changes.]

Current Position:

See above.

Reason:

The current rule has undesirable implications in situations in which a boat entitled to room or mark-room is given that room or mark-room, but does not avail herself of it. Here is an example. Suppose that boats W and L are approaching a leeward mark to be left to starboard. Both are on starboard tack and they are overlapped when they reach the zone. W is entitled by rule 18.2(b) to mark-room from L, and L gives W mark-room. Despite having mark-room, W bears off and makes contact with L. There is no damage or injury. (Case 70 covers a similar incident.)

It would have been easy for W to have avoided contact with L. She could have done so by simply availing herself of the mark-room that L had given her. However, under current rule 14, W cannot be penalized for breaking rule 14 because

- she is a boat entitled to mark-room,
- at no time was L not giving her mark-room, and
- the contact caused neither damage nor injury.

Under the proposed wording for rule 14, W would be penalized for breaking rule 14 because at the time of the contact she was not taking the mark-room that L was giving her.

The proposed rewording of rule 14's second sentence brings the implications of that sentence into accord with the intent of the sentence – i.e., to protect a boat from penalization only when

- she is taking room or mark-room to which she is entitled,
- the boat required to give her room or mark-room does not do so, and
- there is contact that causes neither damage nor injury.

**REPORTING COMMITTEE – RACING RULES  
OTHER COMMITTEE –**

**Racing Rules of Sailing**

Rule 18.2(c)

A submission from US SAILING

Proposal:

Change the text of rule 18.2(c) to read as follows:

- (c) When a boat is required to give *mark-room* by rule 18.2(b), she shall continue to do so even if later an *overlap* is broken or a new *overlap* begins. However, ~~if either boat passes head to wind or~~ if the boat entitled to *mark-room* **passes head to wind or** leaves the *zone*, rule 18.2(b) ceases to apply.

Current Position:

See above.

Reason:

It has become clear that the second sentence of rule 18.2(c) allows a manoeuvre that is potentially dangerous and contrary to the intent of rule 18. At an offwind mark, a boat required to give mark-room under rule 18.2(b) can avoid that obligation by turning past head-to-wind. She may then become entitled to mark-room at the last minute, under rule 18.2(a).

In fleet racing, consider the following common situation at a leeward mark. A group of overlapped, slow-moving boats has just entered the zone. Boat T is initially clear astern of them all, and moving faster. Instead of sailing outside the other boats and rounding behind them in an orderly fashion, Boat T can sail directly toward the mark, luff quickly past head to wind and bear away. She is now overlapped inside at least some of the other boats. T's obligation to give all the boats in the group mark-room under rule 18.2(b) no longer applies, but as inside boat she is now entitled to mark-room herself, under rule 18.2(a). Furthermore, she may be entitled to mark-room even if the other boats are unable to give it, because rule 18.2(e) may not apply. Finally, Boat T does not even have to be in the zone when she turns past head to wind, provided the other boats are in the zone at that time.

This is also a problem in team racing, where boats congregate at marks as part of normal strategy (to set a 'mark trap'), changing the game in a way contrary to what most team racers

want. Many team racers also participate in fleet races, and this tactic will inevitably migrate to fleet racing.

Rule 18.2(c) correctly turns off 18.2(b) when the boat that was clear ahead or inside at the zone turns past head to wind. That boat is entitled to mark-room and has the choice of whether she wants to give up her entitlement. But a boat which is required to provide mark-room should not be permitted to avoid her obligation simply by turning past head to wind. That would negate a key principle of both the new rule 18 and its predecessors – namely, that a boat's obligation to give mark-room is "locked-in" when the first boat enters the zone.

This feature in rule 18 is new in 2009 and is unintended. It is inconsistent with the purpose of rule 18, which is to provide fair, orderly, and stable assignments of mark-room. The main reason why the zone was extended to three lengths is so that boats would have enough time and space to sort out their mark-rounding rights and responsibilities. If a boat can enter the zone and later take action to void her obligation to give mark-room, that could lead to disorderly and potentially dangerous mark roundings.

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**REPORTING COMMITTEE – RACING RULES  
OTHER COMMITTEE –**

**Racing Rules of Sailing**  
Rule 18.4

A submission from US SAILING

Proposal:

**18.4 Gybing**

When an inside *overlapped* right-of-way boat must gybe at a *mark* to sail her *proper course*, until she gybes she shall sail no farther from the *mark* than needed to sail that course. ~~Rule 18.4 does not apply at a gate mark.~~

Current Position:

As above.

Reason:

A primary purpose of rule 18.4 is to produce safe, orderly roundings at leeward marks. The last sentence of current rule 18.4 does not help accomplish this; in fact, it has the opposite effect.

At a gate mark, the last sentence of current rule 18.4 permits a tactic that is not allowed at any other mark at which the rule applies. It permits an inside overlapped right-of-way boat that is in the zone to abandon her proper course and sail in any direction she pleases. The most likely reason for doing this would be to gain an advantage over other boats by forcing them to make unexpected manoeuvres. This is contrary to the main purpose of rule 18.4. It can lead to surprises for outside boats, and it is an exception to the way this rule works at any other mark.

The deletion of the last sentence of the current rule is proposed because that sentence allows unpredictable last-second tactical manoeuvres inside the zone and because it is not necessary in order to permit the inside boat to sail her proper course around either gate mark. Rule 18.4 with that sentence removed will provide the same 'game' at a gate mark as at any other mark where the rule applies.

In addition, the deletion of the last sentence of rule 18.4 makes the rule simpler by eliminating an exception.

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**REPORTING COMMITTEE – RACING RULES  
OTHER COMMITTEE –**

**Racing Rules of Sailing**  
Rule 32.1

A submission from US SAILING

Proposal:

Change rule 32.1 as follows:

- 32.1** After the starting signal, the race committee may shorten the course (display flag S with two sounds) or, **before it leaves the racing area,** *abandon* the race (display flag N, N over H, or N over A, with three sounds), as appropriate,
- (a) because of an error in the starting procedure,
  - (b) because of foul weather,
  - (c) because of insufficient wind making it unlikely that any boat will *finish* within the time limit,
  - (d) because a *mark* is missing or out of position, or
  - (e) for any other reason directly affecting the safety or fairness of the competition,
- or may shorten the course so that other scheduled races can be sailed. However, after one boat has sailed the course and *finished* within the time limit, if any, the race committee shall not *abandon* the race without considering the consequences for all boats in the race or series.

Current Position:

As above.

Reason:

After returning ashore, the race committee may learn of circumstances that occurred during a race (such as a missing mark or problems signaling a course change) that may have made the race 'unfair' for some or even all of the competitors. Typically, it will learn of this from just a few of the competitors. Currently, the race committee may then abandon the race under rule 32.1(e).

A better policy would be to require that the race committee request redress. That would allow the protest committee to open a hearing and elicit testimony from all competitors, not just those

who made a report to the race committee. The protest committee could abandon the race or, based on fairness, it could give redress to just those boats that were affected.

The proposal also fixes a small potential problem when the race committee abandons ashore due to an unfair circumstance that only affected a few competitors. Under rule 32.1(e), it would be 'proper' for the race committee to abandon and presumably there would be no grounds for a request for redress even though a fairer arrangement might be to give redress to just those competitors affected. Requiring a request for redress for abandonment ashore gives the protest committee the option to make some other, fairer arrangement.

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**REPORTING COMMITTEE – RACING RULES  
OTHER COMMITTEE –**

**Racing Rules of Sailing**  
*Definition Proper Course*

A submission from US SAILING

Proposal:

***Proper Course*** A course a boat would sail to ~~finish~~ **finish the race and clear the finishing line and marks** as soon as possible in the absence of the other boats referred to in the rule using the term. A boat has no *proper course* before her starting signal

Current Position:

As above.

Reason:

The proposed change solves two problems in the current definition.

The first is a technical problem. The current definition does not define Proper Course in the way that competitors use the term. The proposal aligns the wording with what competitors think the definition currently says – that is, a proper course is one a boat would take to sail the remainder of the course and then cross the finishing line as soon as possible, in the absence of other boats referred to in the rule. The problem with the current definition is that ‘finish’ is a defined term that makes no reference to sailing the course, only to crossing the finishing line from the direction of the last mark. Strictly speaking, a boat’s proper course may well be to head for the finishing line without completing the course. By replacing the defined term ‘finish’ (in italics) with the phrase ‘finish the race’ (‘finish’ not in italics), the proposed definition eliminates the problem.

The second problem is with the term Proper Course at the finish. For example, the definition Mark-Room depends on Proper Course for its application. Without the added words ‘and clear the finishing line and *marks*’ a keep-clear boat entitled to mark-room at a finishing mark would lose her right to room as soon as her bow crosses the finishing line. After a boat finishes she continues to be racing, as that term is defined, until she ‘clears the finishing line and marks’, and therefore the rules of Parts 2, 3 and 4 still apply to her. The current definition Proper Course implies that a boat does not have a proper course after she finishes. This causes problems with the application of rules 17, 18 and 23, all of which refer to a boat's proper course and clearly presume that, after the starting signal, such a course exists. The proposal fixes that problem by extending the definition to include the time after she finishes and before she clears the finishing line and marks.

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**REPORTING COMMITTEE – RACING RULES  
OTHER COMMITTEE –**

**Racing Rules of Sailing**  
Race Signals, Abandonment Signals

A submission from US SAILING

Proposal:

Change the text in Race Signals, Abandonment Signals to read as follows:

**N** All races **in progress** ~~that have started~~ are *abandoned*. [No further change.]

**N over H** All races **in progress** are *abandoned*; **all boats return to shore**. Further signals ashore.

**N over A** All races **in progress** are *abandoned*; **all boats return to shore**. No more racing today.

Current Position:

As above.

Reason:

This proposal conforms the wording of Race Signals to accepted practice. Typically, abandonment is used to void a race that is currently in progress. However, for **N over H** and **N over A** the reference is to ‘all races’, which literally includes races that were sailed and successfully completed earlier in the day. And, for **N** the phrase ‘that have started’ is not helpful because it would literally include any races started that day when what is intended is only races that have started but are not yet completed. The phrase ‘in progress’ for all three signals eliminates the problem and any potential confusion.

As reworded, **N over H** and **N over A** apply only to races in progress but when those signals are used the race committee wants all boats to go ashore, often for reasons of safety, regardless of whether they have started a race. For this reason, the phrase ‘all boats return to shore’ is added. Thus, boats in a race in progress are told ‘this race is abandoned’ and all boats are told ‘go ashore’.

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**REPORTING COMMITTEE – RACING RULES  
OTHER COMMITTEE –**

**Racing Rules of Sailing**  
Appendix L, Instruction 11.1

A submission from US SAILING

Proposal:

Insert the following paragraphs between the first and second options in Instruction 11.1.

**(OR)**

*For large fleets and long starting lines.*

**11.1**

Races will be started by using rule 26 with the following addition:

An attention signal (flag F with one sound) will be made five minutes before the warning signal. The race committee will designate the course to be sailed before or with the attention signal. Flag F will be removed with one sound one minute before the warning signal. This changes rule 27.1.

Current Position:

None. A similar instruction was in Appendix L in the 2005-2008 edition of the racing rules, but it does not appear in the current rulebook.

Reason:

When there is a large fleet or a long starting line, boats need more than five minutes notice of the start in order to determine the course and position themselves for the start. The current instruction that partially covers this topic is Instruction 5.4. But the proposed instruction has an important feature that Instruction 5.4 lacks – i.e., it requires the course to be signaled five minutes before the warning. Competitors need to be able to determine the course and, after they do so, have sufficient time to position themselves for a start at any point on the starting line. With a long line, which is needed for a large fleet, it is often not possible to do this in five minutes. The proposed instruction would allow five additional minutes, which in the past has proven to be adequate.

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**REPORTING COMMITTEE – RACING RULES  
OTHER COMMITTEE –**

**Racing Rules of Sailing**  
Appendix L – New Instruction 12.3

A submission from US SAILING

**Proposal:**

Add new Instruction 12.3 to read as follows:

- 12.3** When displayed (with no sound) while boats are finishing, flag H means ‘No more races today.’

**Current Position:**

None.

**Reason:**

The proposed new instruction provides competitors with clear, positive information as they finish as to whether or not to return to shore.

## Appendix B

### Title: PROPOSED AMENDMENT TO OFFSHORE SPECIAL REGULATION 3.08.3

#### Subtitle: Hatches

A submission from the US SAILING Association

Proposal

Delete current 3.08.3 and insert new 3.08.3:

|                      |  |                                     |
|----------------------|--|-------------------------------------|
| <b><u>3.08.3</u></b> | <b><u>Downflooding</u></b>   |                                     |
| <b><u>a)</u></b>     | <b><u>A hatch, which shall include any opening port, shall be:</u></b>   |                                     |
| <b><u>i)</u></b>     | <b><u>so arranged as to be above the water when the hull is heeled 90 degrees;</u></b>   | <b><u>Mo0,1,2,3,4</u></b>           |
| <b><u>ii)</u></b>    | <b><u>permanently attached; and</u></b>  | <b><u>**</u></b><br><b><u>—</u></b> |
| <b><u>iii)</u></b>   | <b><u>capable of being firmly shut immediately and remaining firmly shut in a 180 degree capsize (inversion).</u></b>  | <b><u>**</u></b><br><b><u>—</u></b> |
| <b><u>b)</u></b>     | <b><u>Hatches over lockers that open to the interior of the vessel shall be included in this requirement.</u></b>  | <b><u>**</u></b><br><b><u>—</u></b> |
| <b><u>c)</u></b>     | <b><u>A yacht may have a maximum of four (two on each side of the centerline) hatches that do not conform to the requirement of OSR 3.08(a)(i), provided the opening of each is less than 0.071 sq m (110 sq in).</u></b>  | <b><u>Mo1,2,3,4</u></b>             |
| <b><u>d)</u></b>     | <b><u>A hatch shall not be required to comply with OSR 3.08.3(a)(i) or counted as a hatch under 3.08(c), provided the hatch complies with ISO12216 design category A and is clearly labeled and used in accordance with the following instruction: “NOT TO BE OPENED AT SEA.”</u></b>  | <b><u>Mo1,2,3,4</u></b>             |
| <b><u>e)</u></b>     | <b><u>Effective for boats of a series begun after January 1, 2009, a certificate signed by the designer or other person who performed a downflooding analysis shall be carried on board stating compliance with this OSR 3.08.3. This certificate shall clearly identify which hatches, if any, do not meet the requirements of OSR 3.08(a)(i) and are therefore subject to OSR 3.08(c) or (d). For purposes of this rule the vessel’s displacement condition for the analysis shall be not less than the Light Craft Condition LCC (in conformity with 6.3 of the EN ISO 8666 standard and 3.5.1 of the EN 12217-2 standard).</u></b> | <b><u>Mo0,1,2,3,4</u></b>           |
| <b><u>f)</u></b>     | <b><u>If a vessel is not required to have, and does not have, on board a certificate described in OSR 3.08.3(e), a hatch that does not cross the centerline of the vessel shall be presumed not to satisfy OSR 3.08.3(a)(i).</u></b>   | <b><u>Mo0,1,2,3,4</u></b>           |

## Current Position

|        |   |    |
|--------|---|----|
| 3.08.3 | A companionway hatch extending below the local sheerline, shall:  |    |
| a)     | not be permitted in a yacht with a cockpit opening aft to the sea (3.09.6)  | ** |
| b)     | be capable of being blocked off up to the level of the local sheerline, provided that the companionway hatch shall continue to give access to the interior with the blocking devices (e.g. washboards) in place | ** |

## Reason

Effective 1 January 2009 Section 3.08 of the Offshore Special Regulations was amended by, among other things, modifying 3.08.1 and inserting a new 3.08.2. These provisions deal with hatches forward of the maximum beam station. The purpose of the amendments was to recognize that many production boat builders have in the past installed and continue to install ports in the sides of coach roofs that are larger than the maximum permitted (0.071 m<sup>2</sup>). To accommodate builders and to preserve the fundamental purpose of the regulation the amendments provide that hatches larger than the maximum are permitted provided they remain closed while at sea.

The former 3.08.2, which effective 1 January 2009 has been renumbered 3.08.3, essentially requires that hatches be:

- 1) above the water when the boat is heeled to 90 degrees;
- 2) permanently attached; and
- 3) capable of being shut immediately if the boat capsizes.

This rule was limited by ISAF Special Regulations Subcommittee Interpretation No. 1 dated January 3, 2003, which provided that a hatch only included openings that a person could pass through. This interpretation effectively excluded from the definition of "hatch" most opening ports on the sides of coach roofs and other small hatches.

Effective 1 January 2008, this rule was amended to permit two hatches on either side of the centerline that do not conform to requirement 1) above, provided each was less than 0.071 m<sup>2</sup> in area. In November 2008 Interpretation No. 1 was withdrawn as it was inconsistent with the amended regulation.

The amended rule combined with the withdrawal of Interpretation No. 1 creates the unintended consequence of disqualifying a very large number of existing yachts. Many yachts have more than two opening ports smaller than 0.071 m<sup>2</sup> or at least one opening port larger than 0.071 m<sup>2</sup> on their coach roof sides. Examples of such yachts include those manufactured by Beneteau, X-Yachts, Dehler, J/Boats, Valiant, Tartan, and Pacific Seacraft. Given the narrow side decks now common on many production boats, these ports are very likely to be immersed when the boat is heeled to 90 degrees. In addition, it has become increasingly common for yachts to have outward opening hatches on top of the coach roof just inboard of the coach roof sides. Small hatches over head compartments are a typical example. These hatches are often larger than 0.071 m<sup>2</sup> and may also be under water in a 90 degree knockdown. A boat having any of these features very likely would not satisfy the current OSR 3.08.3.

A further problem with the current rule is that if a yacht has not had a downflooding analysis performed (or actually been inclined to 90 degrees), it is difficult to know whether or not it complies with the rule.

Yachts with a series date earlier than 1 January 2009 are not required to have a downflooding analysis. This leaves race organizers and participants in a difficult position.

The proposed rule attempts to balance the serious danger posed by downflooding through open ports with the legitimate desire of builders and owners to have well ventilated boats. It should not be forgotten that poorly ventilated yachts can cause off watch crew to lose sleep and may increase the risk of dehydration. These to some extent are countervailing safety concerns.

The proposed OSR 3.08.3 would retain the provisions of the existing rule, but for Category 1-4 races would extend the exception now in OSR 3.08.2 relating to hatches forward of the maximum beam station to all hatches that might flood in a knockdown. This change would permit existing seaworthy boats that satisfied the OSRs up until the withdrawal of Interpretation No. 1 to compete without extensive modification.

Specifically the proposal would make the following changes. For Category 0 races the proposed rule eliminates the current exception allowing up to four opening hatches below the 90 degree downflooding line. For Category 1 through 4 races the four hatch exception is retained and a new exception would be added so that hatches that are labeled and used in accordance with the instruction "NOT TO BE OPENED AT SEA" would not be subject to the rule. This proposal would allow boats that satisfied the rule before the interpretation was withdrawn to race, but would require nonconforming hatches to remain closed. As noted above, the proposal is makes OSR 3.08.3 consistent with the recently added 3.08.2, which provides the same exception for inward opening hatches forward of the maximum beam station. There seems to be little justification for providing this exception for hatches in the bow area and not for other hatches.

The proposal provides that in the absence of a downflooding analysis any hatch that is not on the centerline will be presumed to be immersed in a 90 degree knockdown. This is a conservative presumption, and it provides race participants and organizers the certainty they need to determine whether or not a grandfathered yacht complies with the rule. Under the current rule there is no mechanism for determining compliance with the rule for boats with a series date earlier than 2009, and in such circumstances it can be expected that the rule would be ignored.

## Appendix C

### DRAFT Regulations for discussion by Select Committees and the House of Delegates

#### 12.03 Athlete Requirement on Protest Committees.

12.03.a For all sailing competitions in the United States, US SAILING and encourages every race and regatta organizer to name its protest committee such that at least 20% of its membership is comprised of active sailors who compete in events that are at the level of the event in questions (or at higher levels of competition).

12.04 For sailing events held in the United States that are "protected events" as described in USOC Bylaws Section 1.3(u)(2), US SAILING will have the following special procedures:

- a. appoint protest committees that are comprised of US SAILING Certified Judges, at least 20% of whom will be elite level athletes as defined in the US SAILING Definition of "sailor-athletes." The Chair of the Protest Committee shall be a US SAILING Senior Certified Judge.
- b. an accelerated appeals process of "Field of Play" issues as permitted under the Racing Rules of Sailing.
- c. arrange for a US SAILING Review Board panel to be on stand-by to conduct any eligibility hearing in the event of a grievance; coupled with an expedited process to permit prompt resolutions.
- d. ensure that at least 20% of the above appeals committee and Review Board shall be comprised of at least 20% elite level athletes as defined in the US SAILING Definition of "sailor-athletes."