

Log M-227

NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

ISSUED: November 7, 1983

Adopted 10/17/83

Forwarded to: the Governors/Legislative Leaders of the States of Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia

SAFETY RECOMMENDATION(S)

M-83-76

The National Transportation Safety Board has long been concerned about the role of alcohol in the many recreational boating accidents, fatalities, and injuries that occur annually. As early as 1969, the Safety Board recommended that the Coast Guard and States use the same boating accident report and that it should include, as one important item, whether intoxication or other physical impairment was involved. 1/ Recent recreational boating accidents have heightened the Board's concern. Moreover, there is increased public awareness of the hazards of alcohol use in all modes of transportation. We know that your State shares the concern of the Safety Board for the protection of the recreational boating public and those involved in other water-related activities who are placed in life-threatening situations by those who dangerously operate boats while under the influence of alcohol. 2/

Two recent accidents have highlighted the problem. On July 27, 1983, two recreational boats, one 17 feet long and one 30 feet long, collided on the Severn River near Annapolis, Maryland, killing four persons. The 30-foot boat went through the hull and then over the small vessel. All four persons killed were on the small vessel. There was evidence that considerable amounts of alcohol had been consumed by the persons in the 17-foot boat; the operator of the boat had a blood alcohol concentration (BAC) of 0.21 percent.

1/ Safety Recommendation M-69-47 was issued February 13, 1969, in the National Transportation Safety Board's "Study of Recreational Boat Accidents, Boating Safety Programs, and Preventive Recommendations."

2/ For more detailed information, read Safety Study—"Recreational Boating Safety and Alcohol" (NTSB/SS-83/02).

In a similar occurrence on August 31, 1983, a 26-foot recreational boat collided with the 95-foot dinner vessel DANDY on the Potomac River, Washington, D.C. The DANDY has a 200-passenger capacity. Fortunately, none of the dinner guests were injured when the recreational boat struck the bow of the DANDY. However, the operator of the small recreational boat was fatally injured. It was determined that the operator of the recreational boat had a BAC of 0.23 percent.

In both of these cases, the BAC was more than twice the generally accepted BAC of 0.10 percent established by the National Highway Traffic Safety Administration, the Congress, and most States, including the District of Columbia, as the level at which highway drivers are considered to be driving while intoxicated.

During its study of the role of alcohol in recreational boating accidents, fatalities, and injuries, the Safety Board found that the Coast Guard and State boating law authorities suspect alcohol use to be a major factor in the high number of recreational boating fatalities. However, representative and credible national statistics are not available. Several factors affect the national statistics issued by the Coast Guard, including:

- o Not all accidents are reported to the States or to the Coast Guard.
- o Only in the approximately 25 percent of the fatal accidents investigated by the Coast Guard is there any assurance of verification of injuries, property damage, or definitive primary and secondary causes.
- o Compliance with reporting requirements varies from location to location and is influenced by Coast Guard and State enforcement practices and programs.
- o Boating accident reports are usually completed by the person involved in the accident or next of kin, who may not provide accurate and objective information about the accident.

Nationally, there are no uniform reporting requirements or guidelines for collecting information on the use of alcohol in recreational boating accidents, fatalities, and injuries. For example, in 1982, the Coast Guard received reports on 5,377 recreational boating accidents which resulted in 1,178 fatalities, 2,682 injuries, and \$15.3 million in property damage. Based on data available to the Coast Guard, only 95 of these recreational boating accidents involved alcohol as a primary or secondary cause, resulting in 70 fatalities, 22 injuries, and property damage of \$46,700. This amounts to 1.8 percent of the accidents and 6 percent of the fatalities. However, based on some State data that have recently become available, the use of alcohol and its effects in recreational boating accidents, fatalities, and injuries appear to be grossly underreported. In two States, information received indicates that 35 to 38 percent of the fatalities in recreational boating accidents were "legally drunk" at the generally accepted BAC of 0.10 percent. Additionally, one State indicates that as high as 80 percent of the fatalities in 1 year were alcohol related, and in one State 75 percent of the accidents over a 3-year period were alcohol related.

Enforcement efforts for recreational boating are now primarily the responsibility of the States. However, a survey completed by the State of California's Department of Boating and Waterways revealed that in most States (39) and the District of Columbia,

there was no defined BAC for intoxication, yet it is unlawful to operate a vessel under the influence of alcohol in 49 of the 51 jurisdictions which responded to the survey. The Safety Board believes that all States and the District of Columbia should establish a defined level of intoxication to strengthen and improve the States' marine programs to handle alcohol-related incidents and accidents. Ideally, that level should be, based on research, set at 0.035 percent BAC. However, as a beginning, it would seem realistic that the level should be the same in each State as that set for driving a motor vehicle while intoxicated. Some States have levels as low as a 0.08 BAC, but most States have a level of 0.10 percent BAC. A 0.10 percent BAC has been generally accepted by the U.S. Congress, the States, and highway safety organizations, and is the level most generally accepted by the American public as "legally drunk." Moreover, the Safety Board believes that States should provide for chemical testing requirements to determine alcohol involvement in the event a recreational boat operator either is suspected of being intoxicated or is involved in an accident. Further, there are no Federal or uniform State requirements for toxicological tests in the event of a recreational boating fatality. Without these tests, it is very difficult for State boating law officials to obtain conclusive and objective information on the true impact of alcohol use in recreational boating accidents, fatalities, and injuries.

Therefore, the National Transportation Safety Board recommends that the Governor/Legislative Leaders of the States of Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia:

Adopt legislation to clearly define the level of legal intoxication for recreational boat operators in order to strengthen your State's enforcement program for reducing accidents, fatalities, injuries, and property damage caused by the use of alcohol. (Class II, Priority Action)
(M-83-76)

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility . . . to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations (P.L. 93-633). The Safety Board is vitally interested in any actions taken as a result of our safety recommendations and would appreciate a response from you regarding action taken or contemplated with respect to the recommendation in this letter.

BURNETT, Chairman, and McADAMS, BURSLEY, and ENGEN, Members, concurred in this recommendation. GOLDMAN, Vice Chairman, did not participate.


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