

National Association of Charterboat Operators



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Westport (WA) Charter Assn.

January 7, 2005

Office of Technical and Information Services
Architectural and Transportation Barriers Compliance Board
1331 F Street, NW, suite 1000
Washington, DC 20004-1111

Re: Comments for development of accessibility guidelines under the ADA for small vessels.

Dear Members:

We thank you for this opportunity to comment on the above. NACO is an association of charter boat owners and operators representing over 3000 members. Our members are located through out the country from Alaska to Maine to the Gulf of Mexico and include Hawaii and the Caribbean. The vessels our members operate range in size from small zodiac inflatables to 100' headboats. The majority of our members own or operate uninspected and T class vessels of less than 100 gross tons carrying fewer than 150 passengers and fewer than 49 overnight passengers. These vessels range in length from 12' to 100' and have beams from 5' to 30'. Passenger capacity will range from 2 up to 149 passengers. The vast majority of the USCG uninspected 6 passenger classes of vessels are typically converted pleasure vessels manufactured production line style and not built to any ADA standards. The smaller "guide" type vessels are generally small center console outboard vessels that are purposely built to carry 4 or 5 people with limited walk around space. The larger T class USCG inspected vessels will vary from production line vessels brought into USCG inspected vessel standards or purposely built for specific activity such as fishing, sightseeing, diving, etc. I need to point out that coming into USCG inspected vessel compliance generally means adding more height to rails, more height to sides, additional bulkheads, watertight doors and hatches with raised areas off the deck to prevent water from running under the door, additional hand rails for safety, specified physical dimensions for passenger seating and capacity, among many other requirements. Many USCG safety requirements for vessels are contrary to mobile accessibility within the vessel. I will provide line drawings of several different types and sizes of the vessels we own and operate at the hearing on Monday January 10, 2005.

I would like to briefly discuss the 4 options you have presented plus add our suggestion for another option. We view option 1 as completely unattainable. As you will be able to see by the line drawings provided, the vessels we own and operate will not be able to come in to compliance with even the most minimum requirements of large passenger vessels. The most minimum requirements would cause extensive modification to our vessels which would have severe negative impacts to the safety and operation of these vessels. Vessels are much like aircraft as they are designed for specific purposes for operation in extreme environments. In many cases a small addition of undesigned

weight, different configuration of bulkhead location and size, expansion of areas designed to be small, can dramatically alter the vessels stability and could cause severe negative safety issues when operating in rough seas. We oppose option 1 and suggest it not be considered.

Option 2 also has many problems for us. The deck areas of most of the vessels we own and operate have to allow for the immediate and speedy elimination of water from waves and weather. Consequently, the proposed requirement of openings no larger than a 1 inch diameter sphere on deck surfaces of accessibility would not be reasonable, it would create unsafe conditions and would thus cause U.S.C.G. vessels to lose their Certificate of Inspection, thus their ability to carry more than six passengers. The vessels all have exposed deck areas which are the areas of accessibility thus reducing deck opening to no more than 1 inch in diameter could cause a vessel to contain too much water in an area which could result in an extreme unseaworthy and hazardous condition. Most vessels do not have a minimum of 32 inch opening for accessible areas and walkways. Expansion of current areas to meet this proposed requirement could cause stability issues. Most sailing vessels will have many cables and lines supporting the mast and sails and will have limited areas for wheelchair accessibility due to the nature of the design and integrity of the vessel. They will also generally have limited area on the main deck and with steep stairs to the main cabin where the head and other facilities will be located. We contend it would be most impractical and certainly jeopardize the vessel stability by trying to alter the original vessel design. The threshold proposal would also create a hazardous condition and in many cases would be contrary to USCG requirements. The transfer requirements proposed would be extremely difficult to install as in most cases there is not enough space available on the small vessels and the manually or mechanically operated booms and winches could cause stability issues.

The proposed head dimensions also could cause stability problems and in many cases are just impossible. Many vessels do not have a lot of space to dedicate to large heads. Marine heads are not areas used for comfort or relaxation as in many cases the head area is where many passengers become seasick. Experience has shown that the less time spent in a head the less likely someone will become seasick. Therefore the vast majority of marine heads are designed to be functional but to get in and get out. Much like an airplane, the head area is one where the design of the craft is such that the head area is wasted space and so it purposely designed small with little impact on vessel stability. Expansion of the area could dramatically affect vessel stability. In some cases, vessels use porta potties in very small areas barely large enough for the device. In some cases heads are not even required to be on a vessel. In almost all circumstances the head on vessels are extremely small and will be difficult to modify. The ladder/step issue would also be difficult to change as in many cases vessels have traditional steps but at angles of traditional ladders. The angle of the steps/ladders is such to reduce access space to increase other area space. Modification of this space could affect the designed stability of the vessel.

Option 3 needs more input as to projected costs of building or altering vessels to be ADA compliant. As I have stressed above, alteration of vessels to comply with the proposed requirements could cause severe stability problems thus creating serious safety issues for all passengers. In regards to new construction costs of design changes to existing plans or totally new design could be so costly that it would prevent building of such vessels. The tourism market is limited in net income. The vast majority of charter boat owners are family owned and operated. They operate on very limited budgets and generally are in business because of the family history of the business. While we are open to the possibility of new vessels being designed to be ADA compliant, we respectfully request more information on

the costs of such new construction compared to the typical new vessel costs.

Option 4 is looking at passenger capacity for implementation. This is difficult to address because there are so many different type vessels that have capacity for similar numbers of passengers and then there are similar vessels that have capacity for different numbers of passengers. An example is a typical 50' sportfisherman with an 18' beam. There could be two identical vessels with the only exception that one is USCG uninspected and only be able to carry up to 6 passengers and the other is USCG inspected and has a USCG certificate to carry 25 passengers. The only difference between the two vessels is a piece of paper issued by the USCG. Another case is a 35' sportfisherman with a 12' beam and USCG certified to carry 12 passengers. There could be along side this vessel a 75'USCG uninspected vessel with a 22' beam that would be limited to 6 passengers. Vessels are truly no one size fits all and passenger capacity is not always relative to vessel size.

Option 5, the NACO option is to exempt small passenger vessels from mandatory ADA compliance. For all the reasons stated above plus the fact that vessels, especially small passenger vessels, are much like airplanes and in some cases more dependant on the environment than aircraft. The reason for being more dependant on the environment than airplanes is that the FAA regulates airplanes more stringently than any water born agency. Vessels generally move freely depending on the person in charge of the vessel. Where airlines are controlled when and where to fly, vessels are generally not. Sea conditions change at a moments notice. Vessel stability and reaction is based on the original design and therefore responds in certain ways. Minor changes to weight, bulkhead configuration, water elimination from decks, and a host of other factors can dramatically affect how the vessel functions and therefore the safety of passengers and crew. We therefore request that small passenger vessels be exempt from required ADA compliance and look forward to working with you on this most important issue.

There are over 16,000 recreational for-hire fishing vessels alone in the United States. This includes both salt and freshwater. It does not include the thousands of sightseeing, diving, water taxi service, sailing and other tourism for-hire vessels. The possible impact from the proposed requirements can be substantial. Safety for all the passengers we carry is of paramount importance to us. Our sector has an extremely good record and reputation for accommodating the physically challenged. We work hard for our passengers to ensure safety and service. NACO is the leading voice for the charter boat fleet in the United States and appreciates this opportunity to comment. We welcome your advice and will be happy to answer any questions you may have now or in the future. We also would like to thank Mr. Beatty for his help and guidance. His efforts have been extremely helpful and he has gone out of his way to provide information to us. Again, thank you this opportunity to speak.

Sincerely,

R.F.Zales, II
President