

National Association of Charterboat Operators



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Virginia Charter Boat Assn.
Westport Charterboat Association

June 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:

Please accept these as additional comments to our January submission. We appreciate the extension of the comment period to provide this information and for the opportunity to comment.

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 124' headboats. Some of the larger headboats operating out of Southern California are limited Solas class vessels along with being USCG certified to carry more than 6 passengers on ocean routes.

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 34'. 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 2 to 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 would like to briefly discuss the 4 options you have presented in addition to suggesting another option.

- We view option 1 as completely unattainable.

As you have seen by the line drawings provided last January, the vessels we own and operate will not be able to come into compliance with even the most minimum requirements of large passenger vessels. These 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 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 a severe unseaworthy and hazardous conditions.

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 vessels 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 additional stability issues.

The proposed head dimensions would cause stability problems and in many cases are just impossible. Many vessels do not have 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. Years of 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 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 is purposely designed small with little impact on vessel stability. Expansion of the area could dramatically affect vessel stability. In some cases, vessels use portable 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 and safety problems thus creating serious safety issues for all passengers. In addition to our primary concern for the safety of all passengers and crew, any design changes could reduce the number of passengers allowed to be carried by regulation, thus reducing our ability to remain profitable in the market place. New construction cost of design changes to existing plans or a 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 with little or no operating capital and generally are in business because of the family history. 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 current new vessel costs.

- Option 4 is looking at passenger capacity for implementation.

This is difficult to address because similar vessels 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, therefore they only 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. No one size fits all applies to charter vessels, in other words passenger capacity is not always relative to vessel size.

- Option 5 the NACO option is to exempt small passenger vessels from mandatory ADA compliance.

We again stress this option 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. There are several reasons for being more dependant on the environment than airplanes. One is 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.

I would also like to point out something about airline compliance. Certain size airplanes are required to have a head space and isle space to accommodate specially designed wheelchairs. I have seen some of these special wheel chairs and have studied their size and dimensions. You may be familiar with them and if so have noticed how narrow the wheel base is compared to the height. Use of something similar to them on a vessel would be very unsafe as when a vessel is in a sea state causing the vessel to pitch and roll, a narrow devise is very unseaworthy and unsafe as it is extremely easy to turn over.

We have seriously studied the options and sought to make suggestions in the spirit of compliance on requirements we felt we could safely comply with. However, I have spent over 40 years on the water and have owned and operated many types of vessels. I have been a U.S. Coast Guard licensed Captain since I was 19 years old. I have seriously researched and thought of anything we could do to modify some vessels to be more accommodating of the physically challenged. I have only been able to come up with adding more safety rails and maybe adding stainless steel or aluminum plates over gunnels to provide an

area for someone to sit and turn and then board the vessel. While adding new materials such as plates and rails seems to be a good jester, they just don't make sense.

You don't need a plate wrapped around a smooth gunnel as a place for someone to sit. The gunnel has and is used today for such purpose without the plate, which by the way after being in the sun gets hot enough to fry eggs. Almost all vessels have more than enough rails already as even when a vessel is in an extremely calm condition, which is generally rare, when another vessel runs by their wake will cause your vessel to pitch and roll.

We understand there is a U.S Coast Guard representative sitting on your board to provide advice about vessels, regulations which affect their design and building, regulations affecting seaworthiness and manning, and passenger capacity. We believe that if this person has had any sea service that he/she should clearly be able to explain the issues we have discussed.

I would also like to say that while we are concerned with costs of modifications, our foremost and primary concern is with the safety of all passengers and crews while at sea. As an industry we have always worked hard to accommodate every individual so they can enjoy the nation's marine resources. Vessels are unique in that they are floating objects subject to environmental conditions on the water which cannot be controlled. We highly recommend a regulatory impact review of any proposals and will be glad to assist where we can in that review.

Because of all we have stated we still feel and respectfully request that small passenger vessels be exempt from required ADA compliance and look forward to working with you on this most important issue. Our members and people in our industry are very concerned about physically challenged individuals and being able to accommodate them in our activities. Our primary concern is for safety. We want to work with you every way we can to find some common ground in order to provide safe and enjoyable activity for every individual.

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. Again, 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. I would like to offer my services to meet with you at your convenience to be able to explain our concerns further. I believe if I could sit with you I could help you understand our vessels and operations better. Again, thank you this opportunity to speak.

Sincerely,

R.F.Zales, II
President