

**NASBLA Engineering, Reporting & Analysis Committee
Accident Reporting & Analysis Subcommittee**

**Accident Reporting Practices Survey (Identifying Gaps in Reporting)
Status Report**

Charge 3:

Strive to improve the reliability of boating accident reporting and data analysis by seeking solutions that will minimize the gaps in reporting incidents.

This 2008 charge represents an extension of a 2007 charge initiated by the former NASBLA Boating Accident Investigation Reporting & Analysis Committee (BAIRAC); It also is linked directly to an objective in the National RBS Strategic Plan – that is, to increase the reliability of boating accident reporting and data analysis through gap analysis and issue updated policy guidance to determine if an accident is reportable.

In late summer 2007, a workgroup under BAIRAC initiated a survey of the states to gather information regarding the states' accident report collection practices for 1) accidents required to be reported, but which the USCG has not been enforcing or encouraging collection; and 2) accident situations outside of the federal reporting requirements. (The text of the survey explanation/introduction appears at the end of this status report.)

During its March 14, 2008 session, the Accident Reporting & Analysis Subcommittee received a report from the task leader (via conference call) on the preliminary findings generated by this survey, as well as a summary of pertinent issues. The preliminary recommendation was to use the findings to develop an informational briefing and possible recommendation regarding a change in Title 33, Part 17 of the Code of Federal Regulations to allow for the uniform collection of accident reports. The Subcommittee asked NASBLA Committee staff to receive and review the raw survey responses and follow-up, as might be necessary, with non-responding jurisdictions to complete this portion of the charge. However, the task currently is on hold for receipt of the raw responses; if necessary, the project will carry over into the new Committee cycle.

The preliminary Summary of Issues generated by the survey is presented on the following pages of this status report.

DRAFT Summary of Issues (based on preliminary results)

Part One

The first part of the survey addressed accidents that are required to be reported, but for which the U.S. Coast Guard had not been enforcing or encouraging their collection.

The situation outlined for the respondent was:

- An accident occurring on sole state waters involving vessels required to be numbered and that are being operated for commercial purposes (mostly by for-hire operators).

Forty-one (41) jurisdictions responded to this survey. Of this group:

- Twenty-four (24), or 59 percent, said that these types of accidents were occurring.
- Of those jurisdictions where accidents were occurring, 18 (78 percent) said that they were collecting reports. Additionally, 14 of the 18, (78 percent) were entering them into the BARD system.
- Twenty-five (25) percent of respondents were not collecting these accidents. They either thought they were exempt, or knew the USCG was not encouraging their collection so did not have an active collection system in place.
- Of the jurisdictions not collecting or not forwarding these accidents to the USCG, most indicated that they would be able to comply with this requirement.

Part Two

This part of the survey gathered information regarding accident situations that were outside of federal reporting requirements. The situations were:

- Commercial whitewater trips with for-hire operators occurring on sole-state waters
- Commercial drift boat fishing with for-hire operators on sole state waters.
- Sanctioned racing events involving unnumbered vessels
- Other type of accident in which the federal regulations (listed in introduction) would not apply

Of the 41 respondents, 34 (83 percent) said that accidents were occurring in their jurisdictions that fell into this gap of reports that were outside of the federal reporting requirements.

Of the 34 jurisdictions that indicated accidents of this nature were occurring:

- 27 (79 percent) said racing accidents involving unnumbered vessels were occurring
- 20 (59 percent) said commercial whitewater accidents were occurring
- 14 (41 percent) said commercial fishing accidents were occurring

DRAFT Summary of Issues (continued)

Mandatory Collection

- Of the 27 jurisdictions with racing accidents, 13 (48 percent) had a form of mandatory collection
- Of the 20 with commercial whitewater accidents, 12 (60 percent) had a form of mandatory collection
- Of the 14 jurisdictions with commercial fishing accidents, six(6) said that they had a form of mandatory collection (43 percent).

It is important to note that, for instance, in the commercial whitewater category, several jurisdictions with significant whitewater industries were unable to mandatorily collect accident reports— California, Utah, North Carolina and South Carolina. Therefore, although 60 percent indicated a mandatory collection system was in place, the percentage of accidents reported may be much smaller due to missing data from jurisdictions with significant activity.

Number of Accidents In Gap

Although the survey attempted to collect number of reports that might be occurring, it was difficult to assess how many accidents were actually going unreported since there were so many situations lacking mandatory reporting, relying solely on voluntary reporting or no collection process at all.

BARD

Of the accident reports that have been collected, it appears that a number of accidents outside of the federal regulations are being entered into the BARD system already. In [the task leader's] conversations with [former USCG staff] Bruce Schmidt, he had only recently become aware of the fact that some of these accidents were in the BARD database.

The survey did not ask states how the information was being entered into BARD. If the accidents were being marked as non-reportable, then this would not be counted in the USCG statistics. If they were simply being entered into BARD with all the other accidents, then they already are being counted. It is unclear if there is any way to distinguish these accidents from others in the database. This would be a question for the USCG to address as they could work with each jurisdiction that is entering these accidents into BARD and see how the particular accidents are being entered.

As mentioned previously, there were a large number of circumstances in which only voluntary reporting or no collection of accidents at all were occurring. Therefore, there is the possibility of a large number of accidents existing that are not being collected to date.

DRAFT Summary of Issues (continued)

Preliminary recommendation from task leader

Several responding jurisdictions made it clear that unless Title 33, Part 17 of the Federal Code of Regulations were changed, they will be unable to collect these accident reports due to a lack of authority in the law. The recommendation would be that if the USCG decides that these “gap” accidents are important to the larger accident picture, Title 33 would need to be changed to allow for uniform collection of these accidents.

(2007 SURVEY) Introduction

The Code of Federal Regulations (33CFR 173 and 174) requires that accident reports be collected by state programs such as yours and submitted to the United States Coast Guard’s Office of Boating Safety if they are:

- Used for recreational purposes, or
- Required to be numbered

The Code of Federal regulations also requires that accident reports be collected by the Marine Safety Office of the United States Coast Guard if

- They are commercial in nature, and
- Are operating on federally navigable waterways

In looking at these regulations, there are two types of gaps that exist in accident reporting.

Gap, Type 1:

The first type of gap involves accident situations that are covered by the federal reporting requirements, but are not currently being collected by the U.S.C.G. Office of Boating Safety.

The USCG has only been enforcing accident reporting in which the vessel had been used for recreational purposes. “Vessels required to be numbered” encompasses more than just accidents involving recreational vessels.

There are accidents that are occurring on sole state waters involving numbered vessels involved in commercial activities. Currently these reports are not being actively or uniformly collected by the Office of Boating Safety even though these occurrences are covered by the federal regulations. Some states may be forwarding these reports already, but others have not been doing so.

Gap, Type 2:

The second type of gap is that the above-listed requirements do not cover all types of accidents occurring on the nation’s waterways. Reports that would not be required to be reported under federal law include (but are not limited to) the following circumstances:

- Commercial whitewater trips with for-hire operators occurring on sole-state waters
- Commercial drift boat fishing with for-hire operators on sole state waters.
- Sanctioned racing events involving unnumbered vessels
- Other type of accident in which the federal regulations (listed in introduction) would not apply.

Purpose of the Survey

We are trying to analyze the quantity of accidents that fit into these categories or others not listed. We realize that some state/territory numbering and reporting laws are more encompassing than federal law and that your state may have been collecting and counting some or all of these accidents. Therefore, the questions in this survey attempt to address the variety of ways that reporting is or is not taking place.

We will ask questions addressing accidents that:

- Occur within the federal reporting requirements, but involve situations currently not being enforced
- Occur outside of federal reporting requirements
- Whether these accidents occur in your state, and
- How you collect them and under what authority.