



# National Association of State Boating Law Administrators Engineering, Reporting & Analysis Committee

August 2009

## Charge Five – Complete Assessment of Survey on Gaps in Accident Reporting

### Final Report on Survey Results and Recommendations

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# National Association of State Boating Law Administrators Engineering, Reporting & Analysis Committee

## Charge Five – Complete the Assessment of Survey on Gaps in Accident Reporting

### Final Report on Survey Results and Recommendations

#### Background

In late summer 2007, a task group within NASBLA's former Boating Accident Investigation Reporting & Analysis Committee administered a survey to all U.S. states and territories to gather information regarding the jurisdictions' accident report collection practices. The primary purpose was to address the issue of boating accidents occurring *within* federal reporting guidelines but involving situations that were not enforced at the time of the survey, and accidents occurring *outside* of the reporting guidelines. Questions were developed to gauge the extent to which these accidents occurred in the responding states/territories and if so, how the reports were collected and under what authority.

Specifically, the survey provided respondents with this background on CFR guidance, abbreviated here:

The Code of Federal Regulations (33 CFR 173 and 174) requires that accident reports be collected by state programs and submitted to the U.S. Coast Guard's [Office of Auxiliary & Boating Safety] if they [the vessels] are:

- Used for recreational purposes or
- Are required to be numbered.

The CFR also requires that accident reports be collected by the USCG Marine Safety Office if they [the vessels] are:

- Commercial in nature and
- Are operating on federally navigable waterways.

For the benefit of respondents, the survey introduction described two types of gaps existing in accident reporting: 1) a gap involving accident situations covered by the federal reporting requirements, but not being collected by the U.S. Coast Guard (USCG)<sup>1</sup> and 2) a gap in that the federal requirements do not cover all types of accidents occurring on the nation's waterways.<sup>2</sup> The complete list of questions can be found in the APPENDIX of this report (pp. A1-A8).

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<sup>1</sup> The survey introduction went on to describe that ... "The USCG had 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."

<sup>2</sup> In the case of Gap Type 2, among the reports that would not be required to be reported under federal law are: 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; and various other types of accidents in which the federal regulations would not apply.

## The FY09 Charge and Rationale

In FY08 and carrying over into FY09, NASBLA’s ERAC – the successor to BAIRAC and two other NASBLA policy committees – was charged with completing the survey compilation and analysis.

Specifically, the Charge reads:

*To assist in efforts to improve the reliability of boating accident reporting, complete compilation and assessment of survey data regarding gaps in reporting. Determine relevance and timeliness to efforts of NBSAC Boating Accident Reporting (Regulatory Review) Task Force. Issue final report. (Modification of 2008 Carryover Charge. RBS 9.2)*

The rationale for carrying over the Charge was as follows:

*This carryover charge is linked to the National RBS Strategic Plan objective for complete and accurate accident reporting, and more specifically to strategies for increasing reliability by identifying and addressing reporting gaps. In late summer 2007, a workgroup of ERAC's predecessor committee 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. In the first quarter of 2008, even with some jurisdictions' responses outstanding, the ERAC project team developed a summary of issues that had surfaced in the preliminary survey results. The summary and further compilation of responses will be forwarded to the NBSAC Accident Reporting Regulatory Review Task Force for its continuing work. The information needs of that Task Force and the outcomes of its work (in recommending systemic and regulatory changes affecting reporting) will determine whether ERAC follows up with non-respondents to the original survey or coordinates with the Task Force to survey for additional information.*

In January/February 2009, the original survey compilation was reviewed, revised and reformatted. The results are summarized below, and the detail from the survey can be found in the tables presented in the APPENDIX of this report (pp. A9-A21).<sup>3</sup>

## Gaps in Accident Reporting: Summary of Survey Results

Forty-two (42) responses were received to this “Gap Analysis” survey conducted during the summer of 2007 – Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Guam, Idaho, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. Two responding jurisdictions completed only a portion of the survey.<sup>4</sup>

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<sup>3</sup> This narrative and compilation, prepared for ERAC by Committee staff liaison Dr. Deborah Gona, builds upon the work of the former BAIRAC workgroup, and in particular, the original survey administrator and initial compiler of the raw responses, Amy Rigby, California Dept. of Boating & Waterways.

<sup>4</sup> Arkansas responded only to Part One of the survey; North Carolina responded only to Part Two.

**PART ONE: Accident situations covered by federal reporting requirements, but not enforced or collected by USCG (see tables on APPENDIX pages A-10 through A-13)**

To facilitate response, the survey questionnaire described this circumstance for the respondent as: *an accident occurring on sole state waters involving a vessel that is required to be numbered and is being operated by a for-hire operator for commercial purposes.*

**Twenty-four (24) states and territories – or 59 percent of the respondents to this part of the survey – said that these types of accidents were occurring in their jurisdictions; 75 percent of them (18 jurisdictions) said that they were collecting reports fitting the criteria.** For the remaining 25 percent (six states), the vast majority said they had not been collecting reports because they thought they were exempt or said they knew about the requirements but had been told the USCG only wanted recreational reports. In one case, the respondent thought it was the USCG’s responsibility to collect the reports.

**Of the jurisdictions that said they were collecting reports on these accidents, nearly three-quarters also said they were submitting them to the USCG.<sup>5</sup>** The remainder said they did not submit the reports because they thought the USCG only wanted the recreational accident reports. Of those jurisdictions that either had not been collecting reports fitting the criteria or had not been submitting the reports they collected, 80 percent said they would be able to begin collecting and submitting them to the USCG.

A follow-up question about informal tracking of these accidents – intended for respondents who had not been formally collecting reports – was met with some confusion. Ten (10) states – some of which said they *had been* formally collecting reports and not submitting them, and some of which *had not been* collecting reports at all – said they had been informally tracking accidents anyway; however, there was no indication of how many accidents had been tracked this way.

**PART TWO: Accident situations falling outside the federal reporting requirements (see tables on APPENDIX pages A-14 through A-21)**

To facilitate response, the survey questionnaire described the circumstances as: *accidents involving commercial whitewater trips with for-hire operators and occurring on sole-state waters; commercial drift boat fishing with for-hire operators on sole-state waters; sanctioned racing events involving unnumbered vessels; and other types of accidents in which the federal regulations would not apply*

**Thirty-four (34) states and territories – 83 percent of respondents to this part of the survey – said that these types of accidents, which are outside the federal reporting requirements, were occurring in their jurisdictions.**

**For these respondents, the most prevalent accidents within this gap type involved sanctioned racing events (27 jurisdictions / 79 percent of respondents). Of these 27 jurisdictions that cited racing event accidents, 48 percent said they had some form of mandatory collection of reports.**

Next in line were commercial whitewater accidents (cited by 20 jurisdictions / 59 percent of respondents) and commercial fishing accidents (cited by 14 jurisdictions / 41 percent of respondents).

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<sup>5</sup> Not all of the 18 jurisdictions that said they had been collecting these reports actually responded to the follow-up question regarding whether or not they had been submitting them to the USCG. Only 16 states responded to the question.

**For jurisdictions reporting commercial whitewater accidents, 60 percent had some form of mandatory collection of accident reports.** Twelve (12) of these states provided information on the number of accident reports (mandatory or voluntary) issued in 2006, the year prior to the survey – a total of 107 reports across these states. **However, as the survey administrator noted in a preliminary summary of issues emerging from these responses,<sup>6</sup> at least four states with significant whitewater industries – California, Utah, North Carolina and South Carolina – said they did not have mandatory collection of reports.** As such, the percentage of accidents reported might be smaller than is actually the case due to missing statistics from jurisdictions with significant activity in this area.<sup>7</sup>

Also noted by the survey administrator, the responses from jurisdictions that said they collect the reports on accidents outside of the federal requirements – whether that collection is mandatory or voluntary – indicate that some percentage of these reports already had been entered into the BARD system.

## Recommendations for Future Action

This survey yielded interesting and useful initial information regarding the gaps in accident reporting and the states' practices. However, as the original survey administrator noted, it was difficult to assess how many accidents were going unreported as there were many situations lacking mandatory reporting, relying on voluntary submissions, or without a report collection process. Adding to the difficulty of assessing the extent of the reporting gaps was the absence of responses from 14 states and territories. Given the length and complexity of the original survey instrument and the lapse in time since its initial administration, it was not deemed feasible to replicate this particular survey process with the non-responding jurisdictions.

However, ERAC was charged not only with completing the assessment of this survey, but also determining the survey's relevance to the work of an external, related task force -- the Accident Reporting (Regulatory Review) Task Force, which had been established by the USCG in 2008 in response to Action Item 2008-81-01 of the National Boating Safety Advisory Council (NBSAC). The Task Force was formally charged with developing concepts for an improved accident reporting system that would improve accident underreporting and data accuracy issues. One of the issues under consideration was closing the gaps in reporting requirements.

The survey's summary narrative and the response tables -- along with the recommendation that the non-responding jurisdictions not be pursued at this time in this format -- were forwarded to the Task

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<sup>6</sup> Summary of Issues presented by the original survey administrator, Amy Rigby, Calif., via conference call participation in the March 15, 2008 meeting of the FY08 Accident Reporting & Analysis Subcommittee of ERAC.

<sup>7</sup> The survey included follow-up questions regarding the entities mandated to submit reports, the source of authority to mandate those reports, and in the case of voluntary reporting, the entities that voluntarily submit reports and the methods by which they are able to collect the reports (especially, the use of MOAs with agencies or the commercial outfitters). However, with these questions – as well as some others on the original survey – a small number of jurisdictions responded and there were some discrepancies in responses (some of which might be attributed to a combination of confusion on the reporting matters themselves, lack of information to report, and the lengthy survey instrument itself). As such, it is difficult to draw conclusions or meaningfully summarize the practices across the states. For detail, however, see the tables presented in the APPENDIX of this report, and especially those associated with Part Two, Q4, Q5, Q6 and Q7 (pp. A-18 through A-20).

Force Chair<sup>8</sup> in advance of the group's second meeting, which was conducted Feb. 17-18, 2009. The items were accompanied by an offer that ERAC develop and administer a new, separate information collection effort if the outcomes of the Task Force's work required such an effort of mutual interest and need.

At its February meeting, the Task Force drafted 15 recommendations, at least two of which involved accident reporting gap issues touched upon in the survey<sup>9</sup>; there was no indication that the Task Force<sup>10</sup> needed additional information from ERAC for its immediate work. The recommendations, as developed, would be presented to NBSAC at its April 2009 meeting.<sup>11</sup>

On March 6, 2009, during ERAC's full Committee session in which reports were delivered on this Charge Five and on the content of the NBSAC Task Force recommendations, the Committee members in attendance accepted the following recommendations on the Charge:

- That this final report on the survey findings be issued;
- That this Charge be considered complete for FY09; and
- That ERAC continue to monitor the outcomes of the NBSAC Accident Reporting Task Force recommendations and take them into consideration in developing future Committee charges.

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<sup>8</sup> Fred Messmann, then-Nevada Boating Law Administrator and NASBLA state member, and currently serving as Deputy Director, National Safe Boating Council.

<sup>9</sup> NBSAC Accident Reporting Task Force Recommendation #2 – Clarify, both through policy and regulation, which vessels qualify for boating accident reporting, as follows: .... ▪ Include language which requires accidents involving vessels participating in an authorized/permitted marine event (excluding sanctioned boat races) or commercial vessels such as whitewater rafts of drift boats to be relayed to the state reporting authority through the notification process.; and Recommendation #3 – Include exclusive [sole] state waters in accident reporting requirements. This recommendation suggests that CFR be amended to clearly identify that accidents occurring on state jurisdictional waters are also required to be reported.

<sup>10</sup> Two ERAC representatives – Vice Chairman Ken Ripley and member Gary Haupt -- were appointed to the Task Force in 2009 and attended the February session.

<sup>11</sup> The NBSAC Strategic Planning Subcommittee met on April 5, 2009, and subsequently moved the Task Force recommendations on boating accident reporting forward for approval by the General Council.

## **APPENDIX**

**SURVEY QUESTIONS - Pages A-1 through A-8**

**SURVEY RESPONSES - Pages A-9 through A-21**

## SURVEY QUESTIONS

### 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

### Part One

Part One of this survey will address the issue regarding accident situations that are covered by the federal reporting requirements, but are currently not being enforced.

All of the questions in Part One of this survey will involve the following circumstance:

- An accident occurring on sole-state waters involving a vessel that is required to be numbered and is being operated by a for-hire operator for commercial purposes

**Question 1: Are accidents occurring in your state or jurisdiction that fall into the above reporting gap?**

Yes  No

If you answered "Yes," please continue with Part One of the survey. If you answered "No," skip to Part 2.

**Question 2: Are you currently collecting reports that fit these criteria?**

Yes  No

If you answered, "yes, please skip to Question 4.

**Question 3: If you answered "No," to Question 2, why were you not collecting these reports?**

We did not know the federal reporting requirements required us to do so

Other reason \_\_\_\_\_

**Question 4: If you answered "yes" to Question 2, have you been submitting these reports to the U.S.C.G. Office of Boating Safety?**

Yes  No

If you answered "No," to Question 4, please answer Questions 5 and 6.

**Question 5: Why were you not submitting these reports to the U.S.C.G. Office of Boating Safety?**

We didn't know we were required to do so

Other reason (please list) \_\_\_\_\_

**Question 6: Will you be able to begin to collect and submit these reports to the U.S.C.G. Office of Boating Safety?**

Yes  No

If you answered "No" to Question 6, please answer questions 7 and 8.

**Question 7: Please provide the reason why you will be unable to collect and submit reports:**

**Question 8: If you have not been formally collecting reports, have you been informally tracking these accidents in any way?**

Yes  No

If you answered "Yes" to Question 8, please answer Questions 9 and 10.

**Question 9: How were you able to track these accidents?**

- Websites such as Americanwhitewater.org that list accidents
- Newsclippings or other media reports
- Other reports (list types) \_\_\_\_\_

**Question 10: How many of these types of accidents did you track in 2006? \_\_\_\_\_**

## Part Two

**Part Two of this survey will address reporting gaps created by accident situations that fall outside of the federal reporting requirements:**

- 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

**Question 1: Are accidents occurring in your state or jurisdiction that are outside of the federal reporting requirements, as listed above?**

Yes  No

If you answered "Yes", please continue the survey.

**Question 2: What types of accidents are occurring in your state or jurisdiction?**

Accidents involving:

- A. Commercial whitewater trips involving non-motorized vessels with for-hire operators on sole-state waters

- B. Commercial fishing trips involving non-motorized vessels with for-hire operators on sole state waters.
- C. Sanctioned marine competitions involving vessels not subject to inspection or numbering requirements
- D. Other type of accident in which the federal regulations would not apply  
*Please list type(s) of accident* \_\_\_\_\_

**Question 3: Is your state or jurisdiction able to collect reports on these accidents?**

Accidents that involve:

- A. Commercial whitewater trips involving non-motorized vessels with for-hire operators on sole-state waters

- Yes, mandatory submission: Number of accident collected in 2006 \_\_\_\_
- Yes, voluntary submission: Number of accidents collected in 2006 \_\_\_\_
- No—accidents are occurring, but we don't collect reports

- B. Commercial fishing trips involving non-motorized vessels with for-hire operators on sole state waters.

- Yes, mandatory submission: Number of accident collected in 2006 \_\_\_\_
- Yes, voluntary submission: Number of accidents collected in 2006 \_\_\_\_
- No—accidents are occurring, but we don't collect reports

- C. Sanctioned marine competitions involving vessels not subject to inspection or numbering requirements

- Yes, mandatory submission: Number of accident collected in 2006 \_\_\_\_
- Yes, voluntary submission: Number of accidents collected in 2006 \_\_\_\_
- No—accidents are occurring, but we don't collect reports

- D. Other type of accident in which the federal regulations would not apply. *Please list type of accident (if more than one type, please provide complete information for all types of accidents)* \_\_\_\_\_

- Yes, mandatory submission: Number of accident collected in 2006 \_\_\_\_
- Yes, voluntary submission: Number of accidents collected in 2006 \_\_\_\_
- No—accidents are occurring, but we don't collect reports

**Mandatory Submission of Accident Reports**

If you answered yes to *Mandatory Submission* in sections A-D of Question 3, please answer Questions 4 and 5. Otherwise, skip to Question 6.

**Question 4: What entities are mandated to submit reports to you? Check all that apply.**

- A. Commercial whitewater trips involving non-motorized vessels with for-hire operators on sole-state waters
  - a. My own agency \_\_\_\_\_
  - b. Other state or local agency \_\_\_\_\_

- c. Commercial whitewater outfitter\_\_\_\_\_
  - d. Member of public that paid for trip\_\_\_\_\_
  - e. Other(describe)\_\_\_\_\_
- B. Commercial fishing trips involving non-motorized vessels with for-hire operators on sole state waters.
- f. My own agency\_\_\_\_\_
  - g. Other state or local agency\_\_\_\_\_
  - h. Commercial fishing charter\_\_\_\_\_
  - i. Member of public that paid for trip\_\_\_\_\_
  - j. Other(describe)\_\_\_\_\_
- C. Sanctioned marine competitions involving vessels not subject to inspection or numbering requirements
- k. My own agency\_\_\_\_\_
  - l. Other state or local agency\_\_\_\_\_
  - m. Entity sanctioning event\_\_\_\_\_
  - n. Operator(s) involved in the race\_\_\_\_\_
  - o. Other(describe)\_\_\_\_\_
- D. Other type of accident in which the federal regulations would not apply.
- Type of Accident\_\_\_\_\_
- a. My own agency\_\_\_\_\_
  - b. Other state or local agency\_\_\_\_\_
  - c. Other(describe)\_\_\_\_\_

**Question 5: Please provide information regarding your authority to mandate report collection. Please complete sections that apply to you.**

- A. Commercial whitewater trips involving non-motorized vessels with for-hire operators on sole-state waters

I have been able to mandate the collection of these reports for the following reasons:

- \_\_\_A. Officers from my own agency are mandated by our agency's policy to submit reports.
- \_\_\_B. The authority to collect reports from agencies or persons outside of my agency is granted in our state law. (Please cite specific law)\_\_\_\_\_
- \_\_\_C. We have been mandating the collection of these reports because we thought they were covered by the federal accident reporting law.
- \_\_\_D. Other reason (please describe)\_\_\_\_\_

- B. Commercial fishing trips involving non-motorized vessels with for-hire operators on sole state waters.

I have been able to mandate the collection of these reports for the following reasons:

- \_\_\_A. Officers from my own agency are mandated by our agency's policy to submit reports.
- \_\_\_B. The authority to collect reports from agencies or persons outside of my agency is granted in our state law. (Please cite specific law)\_\_\_\_\_
- \_\_\_C. We have been mandating the collection of these reports because we thought they were covered by the federal accident reporting law.
- \_\_\_D. Other reason (please describe)\_\_\_\_\_

- C. Sanctioned marine competitions involving vessels not subject to inspection or numbering requirements

I have been able to mandate the collection of these reports for the following reasons:

- A. Officers from my own agency are mandated by our agency's policy to submit reports.
- B. The authority to collect reports from agencies or persons outside of my agency is granted in our state law. (Please cite specific law) \_\_\_\_\_
- C. We have been mandating the collection of these reports because we thought they were covered by the federal accident reporting law.
- D. Other reason (please describe) \_\_\_\_\_

- D. Other type of accident in which the federal regulations would not apply. *Please list type of accident (if more than one type, please provide complete information for all types of accidents)* \_\_\_\_\_

I have been able to mandate the collection of these reports for the following reasons:

- A. Officers from my own agency are mandated by our agency's policy to submit reports.
- B. The authority to collect reports from agencies or persons outside of my agency is granted in our state law. (Please cite specific law) \_\_\_\_\_
- C. We have been mandating the collection of these reports because we thought they were covered by the federal accident reporting law.
- D. Other reason (please describe) \_\_\_\_\_

### **Voluntary Submission of Accident Reports**

**Question 6: If you answered "yes" to Voluntary Submission in Question 3, please provide the following information regarding authority to collect reports. Please complete sections that apply to you.**

What entities voluntarily submit reports to you? Check all that apply.

- A. Commercial whitewater trips involving non-motorized vessels with for-hire operators on sole-state waters
  - a. My own agency \_\_\_\_\_
  - b. Other agencies taking reports \_\_\_\_\_
  - c. Other federal agencies taking reports \_\_\_ (list agencies) \_\_\_\_\_
  - d. Commercial whitewater outfitter \_\_\_\_\_
  - e. Member of public that paid for trip \_\_\_\_\_
  - f. Other(describe) \_\_\_\_\_
  
- B. Commercial fishing trips involving non-motorized vessels with for-hire operators on sole state waters.
  - a. My own agency \_\_\_\_\_
  - b. Other local or state agencies taking reports \_\_\_\_\_
  - c. Other federal agencies taking reports \_\_\_(list agencies) \_\_\_\_\_
  - d. Commercial fishing charter \_\_\_\_\_
  - e. Member of public that paid for trip \_\_\_\_\_
  - f. Other(describe) \_\_\_\_\_

C. Sanctioned marine competitions involving vessels not subject to inspection or numbering requirements

- a. My own agency\_\_\_\_\_
- b. Other local or state agencies taking reports\_\_\_\_\_
- c. Other federal agencies taking reports\_\_(list agencies)\_\_\_\_\_
- d. Entity sanctioning event\_\_\_\_\_
- e. Operator(s) involved in the race\_\_\_\_\_
- f. Other(describe)\_\_\_\_\_

D. Other type of accident in which the federal regulations would not apply.

Type of Accident\_\_\_\_\_

Type of Accident\_\_\_\_\_

- b. My own agency\_\_\_\_\_
- c. Other local or state agencies taking reports\_\_\_\_\_
- d. Other federal agencies taking reports\_\_(list agencies)\_\_\_\_\_
- e. Other(describe)\_\_\_\_\_

**Question 7: How are you able to voluntarily collect reports?**

- \_\_\_A. A cooperative agreement such as a Memorandum of Agreement or Understanding between other local or state agencies and my agency
- \_\_\_B. A cooperative agreement such as a Memorandum of Agreement or Understanding between federal agencies and my agency
- \_\_\_C. Cooperative agreement such as a Memorandum of Agreement or Understanding between commercial outfitter and my agency
- \_\_\_D. Voluntary submission of reports without any agreement
- \_\_\_E. Other method\_\_\_\_\_

**Question 8: If you are able to collect reports either in a mandatory or voluntary fashion, do you enter them into the BARD system?**

- A. A. Commercial whitewater trips involving non-motorized vessels with for-hire operators on sole-state waters entered into BARD  
Yes\_\_\_\_\_ No\_\_\_\_\_
- B. Commercial fishing trips involving non-motorized vessels with for-hire operators on sole state waters entered into BARD  
Yes\_\_\_\_\_ No\_\_\_\_\_
- C. Sanctioned marine competitions involving vessels not subject to inspection or numbering requirements entered into BARD  
Yes\_\_\_\_\_ No\_\_\_\_\_
- B. Other situation (list)\_\_\_\_\_ entered into BARD  
Yes\_\_\_\_\_ No\_\_\_\_\_

## Inability to Collect Reports

If your agency is unable to collect reports on any of the types of accidents mentioned in this survey, please answer Questions 9-13. Otherwise, you have completed the survey.

**Question 9: Please list the reasons why you are unable to collect reports.**

Reasons:

**Question 10: Even if you are unable to formally collect reports, are you able to informally track any of these types of accidents in any way?**

Yes\_\_\_ No\_\_\_

**Question 11: If you answered "yes," to Question 10, which types of accidents do you informally track?**

- \_\_\_ Commercial whitewater
- \_\_\_ Commercial non-motorized fishing
- \_\_\_ Sanctioned racing events involving non-motorized vessels
- \_\_\_ Other (please list)

**Question 12: How were you able to track these accidents?**

- \_\_\_ Websites such as Americanwhitewater.org that list accidents
- \_\_\_ Newsclippings or other media reports
- \_\_\_ Other reports (list types)\_\_\_\_\_

**Question 13: If you answered yes in any of the categories in Question 11, how many accidents did you track in 2006?**

<u># of Accidents</u>	<u>Category</u>
_____	Commercial whitewater
_____	Commercial non-motorized fishing
_____	Sanctioned racing events involving non-motorized vessels
_____	Other (please list)

<b>GAP ANALYSIS SURVEY -- RESPONDING JURISDICTIONS (N=42)</b>	
<b>Jurisdiction</b>	<b>Notes</b>
Alaska	
Arizona	
Arkansas	Responded only to Part 1
California	
Colorado	
Connecticut	
Delaware	
Florida	
Georgia	
Guam	
Idaho	
Illinois	
Iowa	
Kansas	
Louisiana	
Maine	
Maryland	
Massachusetts	
Mississippi	
Missouri	
Montana	
Nebraska	
Nevada	
New Hampshire	
New Mexico	
New York	
North Carolina	Responded only to Part 2
Ohio	
Oklahoma	
Oregon	
Pennsylvania	
Puerto Rico	
South Carolina	
South Dakota	
Tennessee	
Texas	
Utah	
Vermont	
Washington	
West Virginia	
Wisconsin	
Wyoming	
<p><b>SURVEY NOTES:</b> See survey questions also in this Appendix. Survey originally conducted summer 2007. Survey administered and originally compiled by committee member Amy Rigby, CA. Compilation reviewed and revised, January 2009, by Deborah Gona, NASBLA ERAC staff liaison.</p>	

PART ONE addressed Gap Type 1 -- accident situations **covered** by federal reporting requirements, but currently not enforced and not collected by the USCG. All questions in this Part involved the following circumstance: An accident occurring on sole state waters involving a vessel required to be numbered and operated by a for-hire operator for commercial purposes.

**(PART ONE: Q1) Accidents that fall into the above described reporting gap occurring in the jurisdiction? (N=41)**

<b>Jurisdiction</b>	<b>Yes</b>	<b>No</b>	<b>Notes</b>
Alaska	X		
Arizona	X		
Arkansas		X	
California	X		
Colorado		X	
Connecticut		X	
Delaware		X	
Florida	X		
Georgia		X	
Guam		X	Left blank on survey, but survey administrator believes "No" because Guam has no sole state waters
Idaho	X		
Illinois	X		
Iowa		X	
Kansas		X	
Louisiana	X		
Maine	X		
Maryland		X	
Massachusetts	X		Bass fishing, parasailing
Mississippi		X	
Missouri	X		
Montana	X		
Nebraska		X	
Nevada	X		
New Hampshire	X		
New Mexico		X	
New York	X		
Ohio	X		
Oklahoma		X	
Oregon	X		
Pennsylvania	X		
Puerto Rico		X	
South Carolina	X		
South Dakota		X	
Tennessee	X		
Texas	X		
Utah	X		Only due to new USCG request, not state law
Vermont		X	
Washington	X		
West Virginia		X	
Wisconsin	X		
Wyoming	X		
<b>TOTALS</b>	<b>24</b>	<b>17</b>	

**(PART ONE: Q2) These jurisdictions said the described accidents had been occurring. Jurisdiction collecting reports that fit these criteria? (N=24)**

<b>Jurisdiction</b>	<b>Yes</b>	<b>No</b>	<b>Notes</b>
Alaska		X	
Arizona	X		
California		X	
Florida	X		
Idaho	X		
Illinois		X	"Not for reporting purposes"
Louisiana		X	
Maine	X		
Massachusetts	X		
Missouri	X		
Montana	X		
Nevada	X		
New Hampshire	X		
New York	X		
Ohio		X	
Oregon	X		
Pennsylvania	X		
South Carolina	X		
Tennessee	X		
Texas	X		
Utah		X	
Washington	X		
Wisconsin	X		
Wyoming	X		
<b>TOTALS</b>	<b>18</b>	<b>6</b>	

<b>(PART ONE: Q3) These jurisdictions said they had not been collecting reports fitting this criteria. Why not? (N=6)</b>			
<b>Jurisdiction</b>	<b>Thought exempt from Federal Requirements</b>	<b>Thought the Fed Regs required it, but were told USCG only wanted recreational, so haven't actively collected</b>	<b>Thinks or thought it was the USCG's responsibility to collect these</b>
Alaska	X		
California		X	
Illinois		X	
Louisiana			X
Ohio	X		
Utah	X		
<b>TOTALS</b>	<b>3</b>	<b>2</b>	<b>1</b>
<b>(PART ONE: Q4) These jurisdictions said they had been collecting reports that fit the criteria. Jurisdiction submitting these reports to the USCG? (N=16 on this question, but should be 18 (see note))</b>			
<b>Jurisdiction</b>	<b>Yes</b>	<b>No</b>	
Arizona	X		
Florida	X		
Idaho	X		
Maine	X		
Massachusetts	X		
Montana*			
Missouri	X		
Nevada	X		
New Hampshire		X	
New York		X	
Oregon	X		
Pennsylvania	X		
South Carolina	X		
Tennessee*			
Texas	X		
Washington		X	
Wisconsin		X	
Wyoming	X		
<b>TOTALS</b>	<b>12</b>	<b>4</b>	
<b>* Responses missing for MT and TN, both of which responded "yes" to Part One, Q2</b>			

**(PART ONE: Q5) These jurisdictions said they had been collecting reports, but not submitting them. Why not? (N=4)**

Jurisdiction	Thought USCG only wanted recreational accidents submitted				
New Hampshire	X				
New York	X				
Washington	X				
Wisconsin	X				
<b>TOTALS</b>	<b>4</b>				

**(PART ONE: Q6 & Q7) These jurisdictions either said they had not been collecting reports fitting this criteria OR had not been submitting reports they did collect (see note below). Jurisdiction able to begin collecting and submitting these reports to the USCG? If "no," why not? (N=10 - see Part One Q3 and Q5)**

Jurisdiction	Yes	No	Reason why state can't collect and/or submit reports		
Alaska*	X				
California*	X				
Illinois*	X				
Louisiana*		X	Thinks it is USCG's responsibility		
New Hampshire	X				
New York	X				
Ohio*		X	No authority in state law to require		
Utah*	X				
Washington	X				
Wisconsin	X				
<b>TOTALS</b>	<b>8</b>	<b>2</b>			

\*Said they had not been collecting reports (see Part One, Q3)

**(PART ONE: Q8 & Q9 & Q10) Had jurisdiction been informally tracking these accidents in any way? If "yes," how did they track them? (N=10, but see notes)**

Jurisdiction	Yes		How tracked?		
Alaska*	X				
California*	X				
Idaho	X		says informally tracking		
Illinois*	X				
Louisiana*	X				
Ohio*	X				
Texas	X		says uses newsclippings		
Utah*	X				
Washington**	X		uses newsclippings but collects reports		
Wisconsin**	X		uses newsclippings but collects reports		
<b>TOTALS</b>	<b>10</b>				

**NOTES:**

\*Said they had not been collecting reports (see Part One, Q2).

\*\*Said they had been collecting reports, but not submitting them to USCG (see Part One, Q2, Q5).

Idaho and Texas indicated in Q2 that they had been collecting reports and submitting them

There were no responses to the "How many" question.

Part Two of the survey addressed Gap Type 2 -- wherein federal reporting requirements do not cover all types of accidents occurring on the nation's waterways. All questions in Part Two addressed reporting gaps created by accident situations falling outside the reporting requirements: 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; and other types of accidents in which the federal regulations would not apply

**PART TWO: Q1 Accidents outside of the federal reporting requirements as listed above occurring in the jurisdiction? (N=41)**

Jurisdiction	Yes	No
Alaska	X	
Arizona	X	
California	X	
Colorado	X	
Connecticut		X
Delaware		X
Florida	X	
Georgia	X	
Guam	X	
Idaho	X	
Illinois	X	
Iowa	X	
Kansas	X	
Louisiana	X	
Maine	X	
Maryland	X	
Massachussetts	X	
Mississippi		X
Missouri	X	
Montana	X	
Nebraska	X	
Nevada	X	
New Hampshire	X	
New Mexico	X	
New York		X*
North Carolina	X	
Ohio	X	
Oklahoma	X	
Oregon	X	
Pennsylvania	X	
Puerto Rico		X
South Carolina	X	
South Dakota		X
Tennessee	X	
Texas	X	
Utah	X	
Vermont		X
Washington	X	
West Virginia	X	
Wisconsin	X	
Wyoming	X	
<b>TOTALS</b>	<b>34</b>	<b>7</b>

\*though there could be some whitewater that go unknown.

**(PART TWO: Q2) These jurisdictions said the described accidents had been occurring. Types of accidents occurring in their jurisdiction? (N=34)**

<b>Accidents involving:</b>				
<b>Jurisdiction</b>	<b>Commercial whitewater trips</b>	<b>Commercial fishing trips</b>	<b>Sanctioned racing events not numbered</b>	<b>Other types of accidents</b>
Alaska	X	X	X	
Arizona	X		X	
California	X	X	X	other commerical
Colorado	X	X		single-chambered inflatable devices used to float river
Florida		X	X	
Georgia			X	
Guam			X	
Idaho	X	X	X	
Illinois			X	
Iowa				did not specify type(s)
Kansas			X	
Louisiana			X	
Maine	X	X		
Maryland	X		X	
Massachusetts	X		X	
Missouri			X	
Montana	X	X	X	
Nebraska			X	
Nevada		X	X	accidents on indian reservations
New Hampshire		X	X	
New Mexico	X		X	
North Carolina	X			
Ohio			X	
Oklahoma			X	
Oregon	X	X		
Pennsylvania	X			
South Carolina	X		X	
Tennessee	X	X	X	
Texas			X	
Utah	X	X	X	
Washington	X	X	X	
West Virginia	X			
Wisconsin	X		X	tubing trips
Wyoming	X	X	X	
<b>TOTALS</b>	<b>20</b>	<b>14</b>	<b>27</b>	

**(PART TWO: Q3, PtA) These jurisdictions said the described accidents had been occurring. Jurisdiction able to collect reports on these accidents? And are the submissions mandatory or voluntary? (N=34)**

Jurisdiction	Accidents involving:														
	Commercial whitewater trips				Commercial fishing trips				Sanctioned racing events numbered				Other types		
	Yes, Mandatory	Yes, Voluntary	Do Not Collect	Yes, Mandatory	Yes, Voluntary	Do Not Collect	Yes, Mandatory	Yes, Voluntary	Do Not Collect	Yes, Mandatory	Yes, Voluntary	Do Not Collect	Yes, Mandatory	Yes, Voluntary	Do Not Collect
Alaska	X				X										
Arizona	X														
California	X		X								X				X
Colorado				X											
Florida				X											
Georgia															
Guam	X						X								X
Idaho				X							X				
Illinois															
Iowa															
Kansas									X						
Louisiana											X				
Maine	X				X										
Maryland		X								X					
Massachusetts		X							X						
Missouri															
Montana	X				X										
Nebraska										X					
Nevada					X								X		
New Hampshire					X								X		
New Mexico	X														
North Carolina			X												
Ohio															
Oklahoma															
Oregon	X				*										
Pennsylvania	X														
South Carolina			X									X			X
Tennessee	X				X										
Texas													X		
Utah		X												X	
Washington	X				X										
West Virginia	X														
Wisconsin		X												X	
Wyoming	X				X										
<b>TOTALS</b>	<b>12</b>	<b>5</b>	<b>3</b>		<b>9</b>	<b>1</b>		<b>13</b>	<b>8</b>	<b>6</b>		<b>3</b>	<b>2</b>	<b>3</b>	

\*Indicated "yes" on prior question; no response here

**(PART TWO: Q3, PtB) These jurisdictions said the described accidents had been occurring and they had collected reports (mandatory or voluntary). Table shows number of accident reports collected in 2006 (the year prior to the survey). Only jurisdictions that provided any statistics are included here.**

Jurisdiction	Accidents involving:											
	Commercial whitewater trips			Commercial fishing trips			Sanctioned racing events not numbered			Other types		
	Yes, Mandatory # reports 2006	Yes, Voluntary # reports 2006	Yes, Mandatory # reports 2006	Yes, Voluntary # reports 2006	Yes, Mandatory # reports 2006	Yes, Voluntary # reports 2006	Yes, Mandatory # reports 2006	Yes, Voluntary # reports 2006	Yes, Mandatory # reports 2006	Yes, Voluntary # reports 2006	Yes, Mandatory # reports 2006	Yes, Voluntary # reports 2006
Arizona	3											
Colorado	40		6									
Florida					1							
Idaho	1				unknown							
Maine	25											
Maryland		1										
Montana	1											
Nebraska							2					
Nevada											1	
New Mexico	3				1							
Oklahoma					1							
Pennsylvania	10											
Tennessee	19											
Texas					2					4		commercial activity
Washington	2							1				
West Virginia	1											
Wisconsin											2	
Wyoming	1											

**(PART TWO: Q4) These jurisdictions said the described accidents had been occurring, and had MANDATORY submission of reports. For each type of accident situation, what entities have been mandated to submit reports? (N=19)**

Jurisdiction	Commercial whitewater			Commercial fishing			Sanctioned racing event			Other					
	My own agency	Other state or local agency	Commercial outfitter	Mbr of public who paid for trip	My own agency	Other state or local agency	Commercial charter	Mbr of public who paid for trip	My own agency	Other state or local agency	Entity sanctioning event	Operator involved in event	My own agency	Other state or local agency	Other
Arizona	X	X							X						
Colorado		X	X			X						X			
Florida	X	X	X		X	X									
Guam*															
Idaho	X	X		X								X			
Maine	X	X	X												
Montana	X				X				X			X	X		X*
Nevada			X*				X*								
New Hampshire	X		X		X	X	X					X	X*		
New Mexico			X									X			
Ohio									X	X					
Oklahoma									X						
Oregon		X													
Pennsylvania	X		X												
Texas		X							X	X		X	X		X*
Tennessee	X	X	X		X		X								
Washington		X													
West Virginia			X												
Wyoming	X		X		X		X		X			X			
<b>TOTALS</b>	<b>8</b>	<b>7</b>	<b>10</b>	<b>1</b>	<b>5</b>	<b>3</b>	<b>6</b>	<b>1</b>	<b>9</b>	<b>6</b>	<b>1</b>	<b>8</b>	<b>2</b>	<b>1</b>	<b>2</b>

Notes on asterisked (\*) entries: Guam - no specifics provided; Nevada - someone at Indian reservation; New Hampshire - owner, if operator not available; Texas - commercial operator

<b>(PART TWO: Q5) These jurisdictions said the described accidents had been occurring, and had MANDATORY submission of reports. Authority to mandate based on what reasons? (N=18)</b>																	
<b>Have been able to mandate collection of these reports for the following reasons:</b>																	
<b>Commercial whitewater</b>																	
Jurisdiction	Officers from own agency mandated by agency's policies	Granted in state law	Thought they were covered by federal law	Officers from own agency mandated by agency's policies	Granted in state law	Thought they were covered by federal law	Officers from own agency mandated by agency's policies	Granted in state law	Thought they were covered by federal law	Officers from own agency mandated by agency's policies	Granted in state law	Thought they were covered by federal law	Officers from own agency mandated by agency's policies	Granted in state law	Thought they were covered by federal law	Other	
Arizona	X																
Colorado	X				X												
Florida	X	X		X	X												
Guam							X										
Idaho		X			X												
Montana		X			X												
Nevada		X			X												
New Hampshire*	X			X						X							
New Mexico																	
Ohio																	
Oklahoma																	
Oregon	X						X										
Pennsylvania	X																
Texas	X	X		X	X								X	X			
Tennessee																	
Washington		X			X												
West Virginia		X															
Wyoming		X			X								X				
<b>Totals</b>	<b>6</b>	<b>10</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>6</b>	<b>6</b>	<b>8</b>	<b>6</b>	<b>3</b>	<b>6</b>	<b>3</b>	<b>6</b>	<b>3</b>	<b>3</b>	<b>2</b>	
*Powerboats, tourboats for hire																	

(PART TWO: Q6 and Q7 These jurisdictions said the described accidents had been occurring, and had VOLUNTARY submission of reports. For each type of accident situation, what entities voluntarily submit reports? See NOTES for How jurisdictions are able to voluntarily collect reports (N=7, the two asterisked states that indicated voluntary submissions did not respond)

Jurisdiction	Commercial whitewater				Commercial fishing				Sanctioned racing event				Other state or local agencies taking reports	
	My own agency reports	Other agencies taking reports	Other federal agencies taking reports	Commercial outfitter	Mbr of public who paid for trip	Other state or local agencies taking reports	Other federal agencies taking reports	Commercial charter	Mbr of public who paid for trip	Other state or local agencies taking reports	Other federal agencies taking reports	Entity sanctioning event		Operator involved in accident
Alaska	X	X	X	X	X	X	X	X	X	X	X	X	X	
Kansas														
Maryland*														
Nebraska*														
Utah		X		X			X				X		X	
Washington														
Wisconsin													X	
<b>TOTALS</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>1</b>

NOTES: Alaska, Kansas, Utah, Washington, and Wisconsin indicated the voluntary submission of reports with no Memoranda of Agreement

(PART TWO: Q8) In prior questions, jurisdictions indicated MANDATORY or VOLUNTARY collection of reports on the described accident situations. Whether mandatory or voluntary, had reports been entered into BARD system? (N=26 for this question; see Note+A26 below)

Jurisdiction	Entered into BARD?:											
	Commercial whitewater		Commercial fishing				Sanctioned racing event		Other			
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Alaska	X		X		X							
Arizona		X			X							
Colorado		X		X					X			innertube?
Florida	X		X		X						X	
Guam												X
Idaho	X		X		X					X		
Illinois		X										
Iowa			X									
Kansas					X							
Maryland												
Massachusetts					X							
Montana			X		X				X			
Nevada										X		
New Hampshire		X		X							X	
New Mexico	X				X							
North Carolina					X							
Ohio					X							Indian reservation reports
Oklahoma												
Pennsylvania	X											
Tennessee	X				X							
Texas	X				X					X		
Utah		X			X					X		
Washington	X				X							
West Virginia	X											
Wisconsin	X									X		
Wyoming	X				X					X		
<b>TOTALS</b>	<b>12</b>	<b>5</b>	<b>9</b>	<b>3</b>	<b>17</b>	<b>4</b>	<b>6</b>	<b>2</b>				

NOTE: Some jurisdictions are "missing" from this table (e.g., Maine, Nevada, Oregon) and there are some discrepancies in responses based on responses to prior questions (e.g., Illinois and North Carolina)

(PART TWO: Q9) Jurisdictions/agencies that indicated they were unable to collect reports on ANY of the types of accidents described in the survey, were asked to list the reasons why. (N=7 on this question)

Jurisdiction	Reasons Unable to Collect Accident Reports
California	Not required to do so under current guidelines (no authority to collect)
Colorado	Single chambered vessels are not considered vessels by Colorado Law.
Illinois	Not required to do so under current guidelines
Maryland	Not notified of these accidents as the operator is not required to submit a report
North Carolina	"Until January 2007, we had no jurisdiction over these vessels."
Texas	Do not hear of these accidents, other agencies do not forward accident information
Wyoming	It is somewhat difficult to get information from Yellowstone National Park