

SLOW
(Safe Level Of Wakes)

WHITE PAPER

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Safe Level Of Wakes

Last updates: August 20, 2014

Appendix 6P. Wakes Letters from The River Café – 2011 and 2012

**Any suggestions, comments or changes
should be emailed to
allnycyachts@gmail.com**

Or call 212-873-7558

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"So, let us not be blind to our differences - but let us also direct attention to our common interests and to the means by which those differences can be resolved."

- John F. Kennedy

Introduction

This white paper addresses the growing problem of NY Harbor wakes and recommends possible voluntary, regulatory and legislative solutions.

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SUMMARY

GOAL

The goal of SLOW is to develop a safer and more compatible wakes environment for New York Harbor users that reduces the overall occurrences of individual and cumulative wake damages and injuries yet does not discourage the use of our harbor by both commercial and recreational users.

CURRENT WAKES ENVIRONMENT

Wakes producers: In NY Harbor's Manhattan waters, wakes are produced by ferries, excursion vessels, sludge ships, safety and enforcement vessels, megayachts, and larger recreational vessels. The ferries and excursion vessels account for over 2,174 weekday trips or 88% of the wakes producing trips in the harbor. NY Waterway / East River Ferry accounts for over 72% of the weekday wakes-producing trips.

Wakes receivers: The wakes receivers are commercial vessels, recreational yachts and boats including human-powered vessels, 15 marinas, liveaboards, 19 boathouses and launches, special purpose docks, worksites, dive sites and waterside projects. Wakes affect both shoreside facilities and vessels underway, e.g., charter yachts. During the morning and evening rush periods the longer period wakes and the cumulative effects of repetitive ferry wakes cause a majority of the wakes effects. In 2004, a quick survey collected over \$4 million dollars in costs of damages, injuries and impact on harbor businesses.

Wakes history: In 2002, the Stevens Institute Bruno report recommended operational changes for the ferries. From 2003 to 2005, the Safe Wakes Coalition communicated to the ferry companies, the print media, the NYC Council Waterfront Committee, Congressman Nadler, the US Coast Guard and Harbor Ops. In 2007, the Harbor Ops Small Passenger Vessels Subcommittee reported on the wakes problem. In May, 2011, the Harbor Ops Small Passenger Vessels Subcommittee began another wakes working group. In September, 2011, complaint letters from 14 charter yachts, 1 marina and several charter yacht brokers were delivered to the Coast Guard. In October, 2011 this SLOW white paper was begun to independently document the wakes in NY Harbor.

Wakes mitigation: A change in NYWW ferry operations before 2011 was made to avoid high wakes complaints areas and to generally run their trips up/down the center of the

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Hudson. Surfside 3 and Lincoln Yacht Harbor have attempted with mixed results to mitigate wakes by installing wave attenuators to protect their infrastructures..

Wakes enforcement: US Coast Guard only gets involved with over \$25,000 damage and/or bodily injury or death. New Jersey's 200' off and New York's 100' off no wake zones are not enforced. NYC's no wake zones on the Harlem River do not apply to commercial vessels. New York Harbor has no Harbor Master. No one is responsible for wakes enforcement in NY Harbor.

Wakes education: iboatnyharbor.com has provided wakes education to recreational boaters. Stevens Institute has presented their wakes findings numerous times to various organizations. Captains and Paddlers Day segments have discussed wakes in their annual meetings. Wakes mitigation is not addressed in the NJ and NY licensing process or in Power Squadron and USCG Auxiliary boating courses. No wakes mitigation education modules have been developed.

RECOMMENDATIONS

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GOAL

The goal of SLOW is to develop a safer and more compatible wakes environment for New York Harbor users that reduces the overall occurrences of individual and cumulative wake damages and injuries yet does not discourage the use of our harbor by both commercial and recreational users.

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OBJECTIVES

The objectives or the steps required to achieve the goal of the SLOW White Paper are the definitions of the following for NY Harbor from south of Governor's Island to Spuyten Duyvil:

1. The sources of wakes
2. The "receivers" of wakes.
3. Where wakes are a problem.
4. When wakes are a problem
5. The effects of wakes
6. What has been done to communicate the wakes problem
7. What has been recommended to mitigate wakes
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22. Wakes complaints and feedback mechanism
23. Voluntary short term and long term recommendations
24. Regulatory short term and long term recommendations
25. Legislative short term and long term recommendations
26. Implementation plan of recommendations
27. Costs of implementing recommendations
28. Benefits of implementing recommendations
29. Harbor Ops presentation of WAM report
30. Next steps required to accomplish goal

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PROBLEMS

The problems or obstacles in achieving the objectives of the WAM project are:

1. The sources of wakes

USCG VTS daily volumes of NY Harbor trips are incomplete.

Ferry companies reluctant to surrender volumes – afraid the information will be used against them.

How do we calculate the number of non-AIS vessel trips?

Need a better estimate of the number of recreational wakes-producing trips/day?

How old are the ferry tracks on the charts?

How do we update the tracks to be current?

Lack of a wakes monitoring system to monitor the sources

2. The "receivers" of wakes.

Need the wakes complaints filed with the USCG may not log wakes incidents and complaints..

Ferry companies reluctant to surrender wakes complaints and claims – afraid the information will be used against them.

Difficult to access receivers to obtain wakes incidents.

Lack of a wakes monitoring system to provide backup information for wakes incidents.

3. Where wakes are a problem.

Need NY Waterways chart of wakes problem areas that they avoid.

Need feedback from harbor users with wakes problems.

Lack of a wakes monitoring system to provide wakes problem areas.

4. When wakes are a problem

Lack of a wakes monitoring system to monitor time of year, day of week and time of day.

5. The effects of wakes

Need updated 2003 Costs of Wakes to Vessels spreadsheet.

Need updated 2003 Costs of Wakes to Shoreside spreadsheet.

Need updated 2003 Costs of Wakes - Personal Injury spreadsheet.

Need updated 2003 Costs of Wakes - Business Impact spreadsheet

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Need updated 2003 Costs of Wakes - Social spreadsheet

Need wakes effects videos or pictures to show wakes effects on vessels and shoreside facilities.

Need a way to depict repetitive wakes effects vs individual wake effect.

6. What has been done to communicate the wakes problem

Need to update 2003 timeline to present.

7. What has been recommended to mitigate wakes

Stevens Institute arriving/departing guidelines dismissed by ferry companies.

8. Operational changes that have been implemented to mitigate wakes

Need to digitize NY Waterways areas to avoid chart

Need to canvass ferry companies for other changes.

9. Infrastructure changes that have been implemented to mitigate wakes

Need to document Lincoln Harbor changes and wave attenuators.

Need to document Surfside 3 wave attenuators.

Need to document W. 79th St Boat Basin wave wall facing planks and whalers repair.

Need to document current wakes protection infrastructure of the rest of the 11 marinas,

10. Wakes education efforts to-date

Need to find out what wakes material is in Harbor Safety videos.

Absence of wakes education in licensing processes?

Wakes addressed in Power Squadron or Coast Guard Auxiliary courses?

11. Wakes regulations implemented

Need to document temporary construction areas no wake zones.

12. Wakes mitigation by other harbors

Need to update wakes mitigation stats from Code of Federal Regulations.

Need to document how other harbors mitigate wakes on a local level.

13. Operational recommendations

Wakes producers barf all over speed limits.

Refusal of NY Waterway to implement speed restrictions.

No enforcement mechanism.

14. Infrastructure recommendations

Wave attenuators and dredging for wakes-affected marinas infeasible.

Need shoreline construction code changes across multiple jurisdictions.

Funding.

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How do you ex post facto retrofit current shoreside facilities?
Noth Cove ideal configuration, yet still wakes prone.

15. Education recommendations
 - funding for wakes module for commercial operators.
 - Who develops education modules.
 - National approvals required for USPS and USCG Auxiliary course changes.
16. Political sector "overtures"
 - Crisis needed to LAFUTA municipality and state politicians.
17. Future vessels acquisition requirements
 - Need to add low wakes requirements to subsidized acquisitions.
 - How to define low or reasonable wakes levels.
18. Environmental regulation changes needed to mitigate wakes
 - Need definition of marina flushing requirements.
 - Wave barrier environmental considerations.
19. Funding mechanism for recommendations
 - City, state and federal budget problems.
20. Enforcement recommendations
 - Funding
 - At which jurisdictional level(s)?
 - USCG \$25,000 damage and/or bodily injury or death requirement.
21. Identification and investigation of wakes violations
 - Some wakes producers don't have AIS transponders.
 - Freedom of Information Act used to thwart access to VTS information.
 - AIS information not available on a real time basis.
22. Wakes complaints and feedback mechanism
 - Where?
23. Voluntary short term and long term recommendations
 - Last voluntary recommendations ignored.
 - No desire to change the status quo.
 - No enforcement mechanism.
24. Regulatory short term and long term recommendations
 - Takes a crisis to pass regulations.
 - Two states and multiple municipalities.
25. Legislative short term and long term recommendations

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Civil code changes have to be ratified by City Council and State Assembly in NY.

26. Implementation plan of recommendations
27. Costs of implementing recommendations
28. Benefits of implementing recommendations
29. Presentation of WAM report to political representatives.
30. Next steps required to accomplish goal

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CURRENT WAKES ENVIRONMENT

The status quo sucks.

[George Carlin](#)

1. The Sources of wakes in Manhattan waters

Each leg between stops will be counted as a trip. Each leg or trip has a transition wake, a cruising speed wake, and a transition wake at the destination.

The major sources of wakes in NY Harbor as of September, 2011 are from the following vessels:

- **Commuter ferries**

NY Waterway / East River Ferry	1785 weekday trips
Seastreak	52
Staten Island Ferry	109
Liberty Landing	56
TOTAL – Commuter ferries	2002 weekday trips

- **Excursion ferries and vessels**

NY Water Taxi	
Hop On / Hop Off	23 weekday trips
Sightseeing / tours	30
Circle Line vessels	
Day	8
Night	1
Statue Lines	
Liberty/Ellis	96
Sightseeing/tours	
East River Ferry Recreational Service	
Friday	
Saturday/Sunday	

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NY Waterway sightseeing/tours	
Seastreak non-commuter	
Zephyr	6
Beast	8
Shark	
Motor Yacht Manhattan	
TOTAL – Excursion ferries and vessels	172 weekday trips

Didn't count group charters on most vessels above

- **Commercial vessels** <100?
 - Tugboats
 - Commercial vessels without professional pilot
- **Governmental vessels** <100?
 - Enforcement vessels not on an emergency run
 - USCG vessels
 - NYPD vessels
 - NYFD Fireboat 343
 - NY State Police
 - NJ State Police
 - NYS Parks
 - NJ State Parks
 - NJ Municipality Police
 - Federal Parks System
 - DEC sludge ships
 - Hudson River
 - East River
 - Shuttle work vessels
 - NPS Liberty Island/Ellis Island shuttle
- **Recreational vessels** <100?
 - 30'+ recreational motoryachts
 - Transient megayachts
 - Ray Fusco's jet-powered kayak

TOTAL WEEKDAY WAKES PRODUCING TRIPS ~2474 trips

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COMMUTER FERRIES/EXCURSION VESSELS	2174 (88%)
NY WATERWAY/EAST RIVER FERRY	>1785 (72%)

See Appendix 1-A. Wakes Producing Trips for more detail.

Missing on the above lists are the Corps of Engineers vessels, the piloted commercial vessels and liners and charter yachts. Rarely are there wake incidents from vessels with a pro at the helm within the Manhattan waters.

Need excursion vessels volumes for a weekday and a weekend
Need sludge ship volumes
How do we calculate the number of non-AIS vessel trips?

How old are the ferry tracks on the charts? Oasis? NOAA?
How do we update the tracks to be current?

Does a wakes monitoring system exist in the harbor?

2. Receivers of Wakes in Manhattan waters

- **Commercial vessels**
 - Dinner yachts
 - Charter yachts
 - Sailing schools
 - Ferries
- **Recreational vessels**
 - Smaller motor yachts
 - Sailing vessels
 - Human Powered Vessels
 - Liveboards
 - Mooring field vessels
 - Educational vessels
- **Shoreside facilities**
 - Marinas
 - Englewood Boat Basin
 - North Hudson Yacht Club
 - Van Dohlen's marina
 - Edgewater Marina (Grand Cove?)
 - Lincoln Harbor
 - Shipyard Marina

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Newport Center Yacht Club
Liberty Yacht Harbor
Liberty Landing Marina
North Cove
Surfside 3 Marina
Pier 66 sailboat slips?
W. 79th St Boat Basin
Dyckman St marina (suspended)
Skyport Marina

Boathouses
Launching ramps and docks
Commercial vessels docks
Historic vessels piers
Restaurant docks
Mooring fields (7)

- **Other**

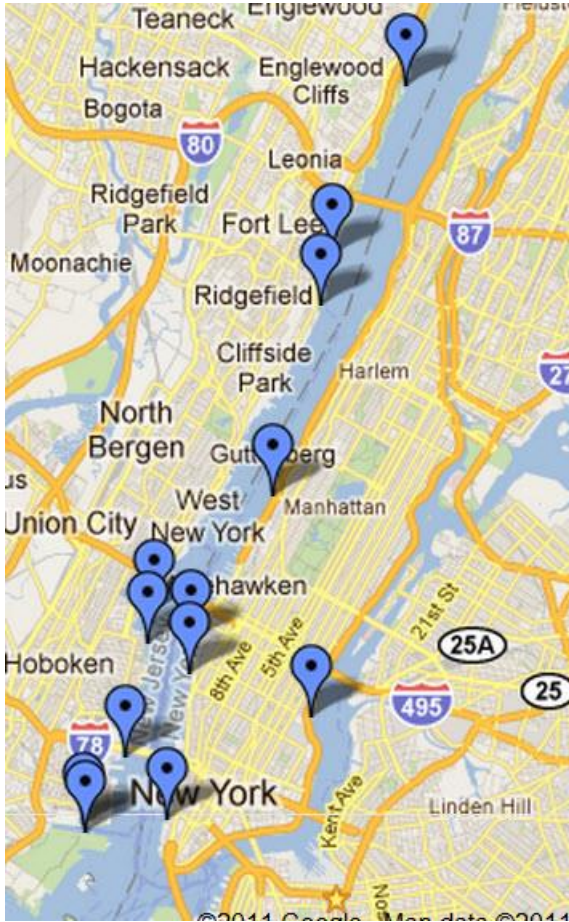
Construction sites
Dredge sites
Dive sites
Bargemusic
Waterside projects
 River Project
Hudson River Park Trust
Boat mechanics
South Street Seaport Museum

See Appendix 2-A for a partial list of wakes receivers from 2003.

3. Where wakes are a problem.

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Wakes Damages at Marinas

For more details, see:

<http://www.iboatnyharbor.com/Wakes-sensitive%20Areas.htm#WakesDamages>

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Wakes Injuries

For more details, see:

<http://www.iboatnyharbor.com/Wakes-sensitive%20Areas.htm#WakesInjuries>

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Wakes Complaints

For more details, see:

<http://www.iboatnyharbor.com/Wakes-sensitive%20Areas.htm#WakesComplaints>

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NY Waterway Ferry Terminals - 20

See <http://www.iboatnyharbor.com/Wakes-sensitive%20Areas.htm#FerryTerminals> for more details.

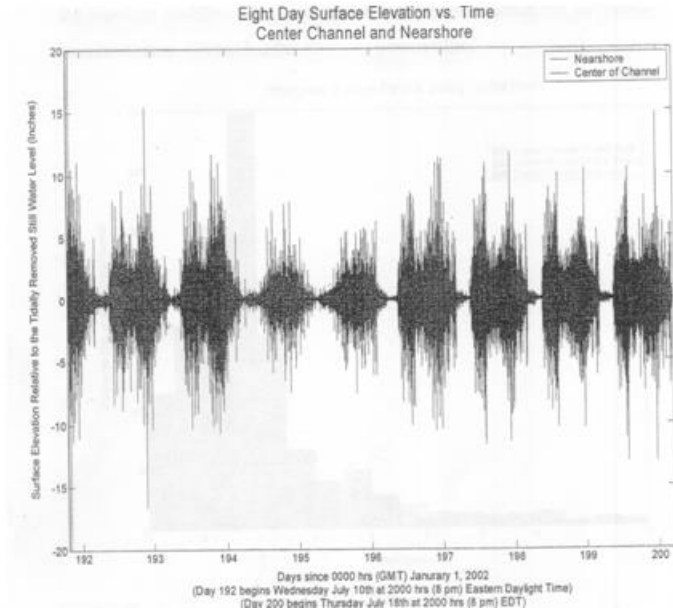
Shift terminals graphic and augment with other terminals

Lack of a wakes monitoring system

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4. When wakes are a problem



http://www.stevens.edu/ses/cms/Research/wake_study.pdf

explain above

Lack of a wakes monitoring system

5. The effects of wakes

Ferry companies won't release complaints, damage and injuries information.

USCG may not log wakes incidents.

Difficult to access receivers with wakes problems:

Lack of a wakes monitoring system

Need updated 2003 Costs of Wakes to Vessels spreadsheet.

Vessel		\$115,345	20
	Structure	\$86,803	
	Lines	\$12,701	
	Fenders	\$6,331	
	Equipment	\$7,501	

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Contents	\$1
Other vessel costs	\$2,008

110' Motor Yacht Zantino III salon centerpiece broken by NY Water Taxi wake - \$5000

Shoreside entity

Need updated 2003 Costs of Wakes to Shoreside spreadsheet.

Surfside 3 Marina - \$1,357,000 damages over last decade

W. 79th St Boat Basin wave wall repair \$25K x 70% due to wakes = \$17,500

Surfside 3 Marina



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Shoreside entity	\$1,509,677	8
Fenders	\$18,000	
Floats	\$111,000	
Gangways/gangplanks	\$28,301	
Pilings/dolphins	\$73,000	
Docks/Piers	\$189,026	
Seawalls	\$1	
Wave attenuators	\$548,049	
Other shoreside costs	\$542,300	

Need updated 2003 Costs of Wakes - Personal Injury spreadsheet.

Personal Injury	\$348,418	3
Treatment of injury	\$348,418	
Loss of work	\$0	
Other personal injury costs	\$0	

Need updated 2003 Costs of Wakes - Business Impact spreadsheet

Business impact	\$2,316,275
Loss of business revenue	\$2,211,275
New	\$2,069,002
Repeat	\$142,273
Increased costs	
business costs	\$105,000
Insurance	\$100,000
Additional personnel	\$5,000
Other business impact costs	\$0

Need updated 2003 Costs of Wakes - Social spreadsheet

Social	\$3
Loss of use of water resources	\$3
Recreational boating	\$1

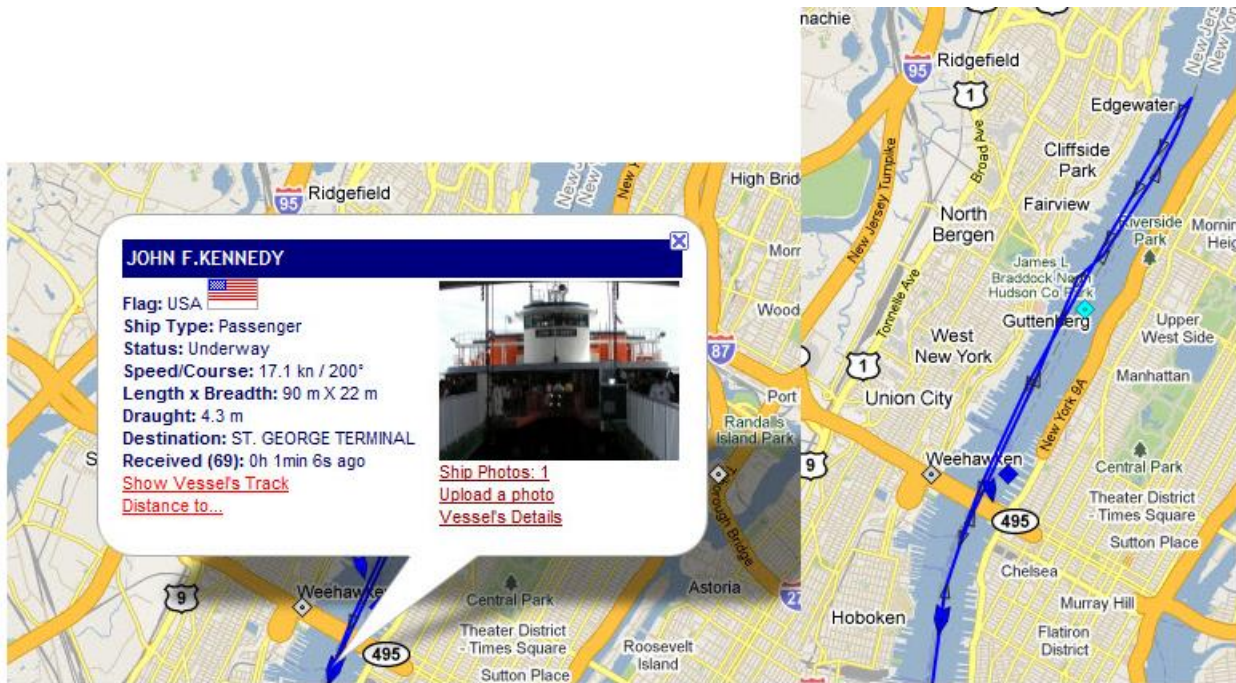
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Swimming	\$1
Other	\$1
Other social costs	\$0

Need wakes effects videos or pictures exist.

See Appendix 5-A for a list of wakes complaints from 2003



JOHN F. Kennedy

Staten Island Ferry at 17 knots (as measured on marinetaffic.com) on a pilotage run on the Hudson. Mino damages at W. 79th St Boat Basin.

Repetitive wakes effects vs individual wake effect.

6. What has been done to communicate the wakes problem

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- July, 2002 - Stevens field study with little compliance to findings:
- Perpendicular arrivals and departures at slow speed
- Transitions and cruising speed in center of river
- 6 knots near pier heads and bulkheads
- October, 2002 - Safe Wakes Coalition first meeting
-
- May, 2003 - City Council Waterfront Committee presentations
- October 16, 2003 - SWC SLOW protest at Pier 83
- 2004 - SWC meeting with NYWW for demo of GPS system
- Spring, 2004 - SWC meeting with Congressman Nadler
- Spring and Summer, 2004 - Wakes Working Group (offshoot of Ferries Subcommittee) meetings
- November, 2004 – SWC presentation to Harbor Ops
- Spring, 2005 – Hudson River Foundation meeting – wakes science and policy analysis conference to be scheduled?
- Winter, 2005 to present – Harbor Ops Education Subcommittee development of flyer and website for recreational boaters boating in the urban mixed-use NY Harbor
- Spring, 2005 to present – Harbor Ops Passenger Vessel Subcommittee - self-policing by ferry operators, attempts to get NYS DOT and DEC involved, etc.

Need to update above

Communications:

See Appendix 6-A. Fireboat 343 Wake on 12/09/10

See Appendix 6-B. NY Waterway ferry Yogi Berra wake

See Appendix 6-C. Sludge Ships Wakes Letter to DEP

See Appendix 6-D. Surfside 3 Marina Wakes Letter to USCG – 2011

See Appendix 6-E. Charter Yacht Eastern Star Wakes Letter to USCG – 080311

See Appendix 6-F. Charter Yacht Lexington Wakes Letter to USCG – 0811

See Appendix 6-G. Charter Yacht Urban Desire Wakes Letter to USCG – 0811

See Appendix 6-H. Charter Yacht Broker Olive Cappiali Wakes Letter to USCG – 0811

See Appendix 6-I. Wakes email from David Hackert, Prestige Yacht Charters – 0811

See Appendix 6-J. Charter Yacht Royal Princess Wakes letter to USCG – 0811

See Appendix 6-K. Charter Yacht Broker Bob Zampino Wakes Letter to USCG – 0911

See Appendix 6-L. Charter Yachts Cloud 9 III and Cloud 9 IV Wakes Letter to USCG - 0911

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See Appendix 6-M. Classic Harbor Line (6 yachts) Wakes Letter to USCG – 0911

See Appendix 6-N. Charter Yacht Broker Camille Cerria Wakes Letter to USCG – 0911

See Appendix 6-O. Charter Yachts Calypso and Affinity Wakes Letter to USCG - 0911

Newspaper Articles

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7. What has been recommended to mitigate wakes

Stevens Institute arriving/departing guidelines – ignored, no enforcement mechanism.

http://www.stevens.edu/ses/cms/Research/wake_study.pdf

8. Operational changes that have been implemented to mitigate wakes

Need NY Waterways chart of wakes problem areas.

NYWW ferries instructed to run up/down the center of the river. However, they tend to stray:



from marinetraffic.com - 1/4/11 - 5:26pm

Above is a record of the daily tracks for some NYWW ferries on a winter week day.

For some strange reason, ferry companies don't want to discuss other positive changes that they've implemented.

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9. Infrastructure changes that have been implemented to mitigate wakes
Need to document Lincoln Harbor changes and wave attenuators.
Need to document Surfside 3 wave attenuators.

Need to document W. 79th St Boat Basin wave wall facing planks and whalers repair.
Need to document current wakes protection infrastructure of the rest of the 11 marinas,

10. Wakes education efforts to-date

iboatnyharbor.com's Wakes page has provided introductory NY Harbor wakes education to recreational boaters. Stevens Institute has presented their wakes findings numerous times to various organizations. Captains and Paddlers Day segments have discussed wakes in their annual meetings. No wakes mitigation education modules have been developed.

Need to find out what wakes material is in Harbor Safety videos.
Absence of wakes education in licensing processes.
Wakes addressed in Power Squadron or Coast Guard Auxiliary courses?

11. Wakes regulations implemented

NY Harbor wakes regulations have been implemented on the federal, state and local levels:

Federal

The Coast Guard implements temporary wakes regulations for work areas. See Advisory Notice – Pier 92 Work Area -093011 in Appendix 11-A. Notice the wording:

Each vessel transiting in the vicinity of the work area is requested to do so at reduced speed to maintain maneuverability while minimizing the effects of wake and surge.

Other than winter days with ice floes impeding the ferries, these are the only times when the ferries run their trips below transition speed with virtually no wakes.

What is the business impact of these low speed trips?

State

[NYS SL 10. Vessel Speed Restrictions](#)

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SL 10. Vessel Speed Restrictions

In the State of New York, vessel speed is generally limited to 5 nautical mph when within 100 feet of the shore, a dock, float, pier, raft, or anchored boat. On some specific bodies of water the 5 mph limit has been extended to 200 feet of the shore. There may also be daytime and nighttime speed limits imposed. When no speed limit is posted, vessels must always be operated safely so as not to endanger others. A vessel must be able to stop within the clear space ahead. Boat operators are responsible for damage caused by their vessel's wake. When encountering marine regattas or parades, always transit with an escort vessel. Should no transit be provided, vessels should proceed at a safe, no wake speed.

NEW JERSEY ADMINISTRATIVE CODE

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*** NEW JERSEY REGISTER, VOL. 42, NO. 7, APRIL 5, 2010 ***

TITLE 13. LAW AND PUBLIC SAFETY

CHAPTER 82. BOATING REGULATIONS

CHAPTER EXPIRATION DATE:

Chapter 82, Boating Regulations, expires on January 4, 2015.

*** THIS FILE INCLUDES ALL REGULATIONS ADOPTED AND PUBLISHED THROUGH THE ***

*** NEW JERSEY REGISTER, VOL. 42, NO. 7, APRIL 5, 2010 ***

TITLE 13. LAW AND PUBLIC SAFETY

CHAPTER 82. BOATING REGULATIONS

SUBCHAPTER 1. GENERAL PROVISIONS

§ 13:82-1.7 Speed

(a) No person shall operate a vessel in a manner where the speed and/or wake of the vessel may

cause danger or injury to life or limb or damage to property.

(b) All vessels shall reduce speed to slow speed/no wake when passing:

1. Any marina, pier, dock, wharf or abutment at a distance of 200 feet or less, except on Lake

Hopatcong, in accordance with N.J.A.C. 13:82-3.11;

2. Work barges, platforms or floats while actually engaged in work related activity;

3. Through bridge openings of 400 feet or less;

4. Through lagoons, canals and confined areas of less than 200 feet in width;

5. Vessels not under command;

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6. Emergency vessels displaying sequential flashing or rotating blue lights; or
 7. Vessels engaged in activities recognized by the Coast Guard displaying rotating or sequential flashing red and yellow lights.
- (c) "Slow speed/No wake" as used in this section means the speed at which a vessel moves through the water and is able to maintain minimum headway in relation to the vessel or structure being passed and producing the minimum wake possible.
- (d) State Police, on the recommendation of the Commission or on its own initiative, may designate a specific area not included in (b)1 through 6 above as a temporary slow speed/no wake area based on congestion, visibility, safety, or other good cause. All vessels moving through these areas shall reduce their speed to slow speed/no wake within a 200-foot radius of the sign or buoy, in addition to any restriction under (b) above.
- (e) No person shall place, anchor, or construct any buoy that states or implies that an area is a "Slow Speed/No Wake" area except as provided in (a) through (d) above. The State Police may remove or have removed any such unauthorized buoy

Who has jurisdiction over Morris Canal?

Article Third of 1834 Compact between NY and NJ

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=search&court=US&case=/us/523/767.html>

grant in Article Third of "exclusive jurisdiction" over the submerged lands and waters between the States "is in the nature of police power, over navigation and commerce in the harbor.

Seems to give it to NY

<http://njlegallib.rutgers.edu/journals/docs/journal.nwk.1.29.pdf>

Article 3. The state of New York shall have and enjoy exclusive jurisdiction of and over all the waters of the Bay of New York,

6. Supra note 4, at 835.

7. Signed September 16, 1833; N. Y. Laws, 1834, c. 8; N. J. P. L. 1834, at 118 ff; approved by Congress, June 28, 1834; 4 STAT. 708.

8. Signed April 30, 1921; N. Y. LAWS, 1921, c. 154; approved by Congress, Aug. 23, 1921; 42 STAT. 174; PORT AUTHORITY STAT., (6th ed.) at 13, 29.

9. Approved by Congress, March 2, 1925; 43 STAT. 1094; New Jersey act authorizing construction of the Hudson River Bridge, N. J. P. L. 1925, c. 4 1; New York act, authorizing the same, N. Y. LAWS 1925, c. 211; PORT AUTHORITY STAT., at 96, 107, 138. AGREEMENTS OF 1834 AND 1921 31

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and of and over all the waters of Hudson River, lying west of Manhattan Island, and to the south of the mouth of Spuyten Duyvil Creek, and of and over the lands covered by the said waters to the low water mark on the westerly or New Jersey side thereof; subject to the following rights of property and of jurisdiction of the state of New Jersey, that is to say:

1. The state of New Jersey shall have the exclusive right of property in and to the land under water, lying west of the middle of the bay of New York and west of the middle of that part of the Hudson River, which lies between Manhattan Island and New Jersey.

2. The state of New Jersey shall have the exclusive jurisdiction of, and over the wharves, docks and improvements made and to be made on the shore of the said state, and of and over all vessels aground on said shore, or fastened to any such wharf or dock; except that the said vessels shall be subject to the quarantine or health laws, and laws in relation to passengers, of the state of New York, which now exist or which may hereafter be passed.

3. The state of New Jersey shall have the exclusive right of regulating the fisheries on the westerly side of the middle of the said waters; provided, that the navigation be not obstructed or hindered.

Articles 4 and 5 in a similar manner delimited the jurisdiction of the two states of and over the remaining water areas and the submerged lands lying between their respective dry land areas

If Morris Canal was an "improvement" between 1834 and 1836:

Wikipedia: The Morris Canal stretched from [Phillipsburg](#) on the [Delaware River](#) at its western end to [Jersey City](#) on the [Hudson River](#) at its eastern end. Completed to Newark in 1831, the canal was extended eastward to Jersey City between 1834 and 1836.

Then NJ has jurisdiction.

Who has jurisdiction over the Hackensack River, similar to the canal in that it interfaces with the harbor/river?

<http://law.onecle.com/ussc/523/523us773.html>

Under Article Third, "New York shall have and enjoy exclusive jurisdiction of and over all the waters" between the two States as well as "of and over the lands covered by the said waters to the low water-mark on the westerly or New Jersey side thereof."

Key phrase here is between the two states and Morris Canal is wholly in NJ?

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<http://www.bobsuniverse.com/BWAH/07-Jackson/18340628b.pdf>

Local

NYC Local Law Int. No. 495-A

Harlem River no wakes zones and wakes reduction task force

NYC Parks Safe Boating Advisory

No wakes and 311 reporting

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RECOMMENDATIONS

What must be done to accomplish the objectives and overcome the problems to change the current wakes environment?

12. Wakes mitigation by other harbors

Wake problems in United States localities have been handled by various methods:

1. Self-regulation by the wakes creators, e.g., New York Harbor.
2. Local regulation enforced by Harbormaster and/or harbor police, e.g., Boston Harbor.
3. Federal regulation as specified in the Code of Federal Regulations - Inland Waterways Navigation Regulations
4. Federal regulations as specified in the Code of Federal Regulations - Regulated Navigation Areas (RNAs)

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What have other harbors done?

- **FEDERAL ENFORCEMENT OF WAKES MITIGATION:**
- Number of CFR Sections 162 & 165 localities or areas 38
- Speed limit areas (some qualified by length or tonnage) 41
- Safe speed, speed that won't endanger or cause damage 6
- No wake speed or maintain steerage or maintain safe navigation 5
- Temporary speed regulation by USCG District commander or VTS 3
- Obey official signs 2
- Narrow section speeds 2
- Slow speed (off plane, not creating excessive wake) 1
- Non-displacement mode exception 1

- **LOCAL ENFORCEMENT OF WAKES MITIGATION:**
- Now researching – so far, 44 localities use a harbormaster, marine police, and municipal and/or state code and legislation

An example. Baltimore Local Regulations

Vessel speeds are defined in the Baltimore City Charter and Codes Article 10 – Harbors, Docks, and Wharves (3/31/04):

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§ 6-14. Speed of vessels.

(a) In general.

(1) No vessel shall move in the harbor at a greater rate of speed than:

(i) 7 nautical miles an hour westward of a line from Henderson's Wharf to the foot of Hull Street; and

(ii) 9 nautical miles an hour eastward of said line.

(2) No vessel shall move in the Patapsco River or tributaries within a distance of 300 feet from any pier or bulkhead at a greater rate of speed than 8 nautical miles an hour.

(b) Penalties.

The master of any vessel violating this section shall pay a fine of not exceeding \$100 for the 1st offense and not less than \$50 nor more than \$200 for each subsequent offense.

(City Code, 1927, art. 15, §40; 1950, art. 11, §42; 1966, art. 10, §42; 1976/83, art. 10, §42.) (Ord. 09-293.)



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TO THE PERSON CHARGED

1. This paper charges you with committing a crime.
2. If you have been arrested, you have the right to have a judicial officer decide whether you should be released from jail until your trial.
3. You have the right to have a lawyer.
4. A lawyer can be helpful to you by:
 - (a) explaining the charges in this paper.
 - (b) telling you the possible penalties.
 - (c) help you at trial.
 - (d) help you to protect your constitutional rights, and
 - (e) help you to get a fair penalty if convicted.
5. Even if you plan to plead guilty, a lawyer can be helpful.
6. If you want a lawyer but do not have the money to hire one, the Public Defender may provide a lawyer for you. You must make application to the Public Defender at least two weeks before your court date. The telephone number is listed under Maryland State Government, Public Defender.
7. **DO NOT WAIT UNTIL THE DATE OF YOUR TRIAL TO GET A LAWYER.** If you do not have a lawyer before the trial date, you may have to go to trial without one.

NOTICE TO DEFENDANT

If you have been told by the officer who issued the Citation that you must appear in court and stand trial, it is necessary for you to do so at the time and place designated hereon, or when notified by the Court.

If you have been charged with an offense for which you are not required to stand trial, you may stand trial at the date shown on the citation or when notified by the Court.

If you wish to plead guilty, you may:

1. Bring the Citation to the District Court designated on the front and pay the amount of the fine set, or
2. Sign the Statement and mail the statement with a check or money order for "District Court". The court will issue a warrant for the arrest of any defendant who has failed to appear for trial or who has failed to pay his fine on or before the date set for trial. In this case, there is an additional fine of \$100. You may post the original fine and the fine for failure to appear and request a new trial date.



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Other major US ports handling of wakes:

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Philadelphia

Norfolk

Charleston

Savannah

Jacksonville

Ft Lauderdale

Miami

Mobile

New Orleans

Houston

San Diego

Long Beach

San Francisco

Seattle

Puget Sound – 200' off, sheriff enforcement

Here in Washington State, the Lobster boat operator would be liable for the damage to the boat and any injury to the crew. You would have had a couple of witnesses. Here the law is very clear on the matter. The problem is usually witnesses or documentation. Your local laws may be different.

Dave

Plus canals which are analogous to lower Hudson and East River

Recommendations for objectives 13 through 25 are under development.

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13. Operational recommendations

Obey current regulations – NJ and NY statutes

See No Wakes Zones map <http://www.iboatnyharbor.com/Wakes-sensitive%20Areas.htm>

All vessels run 6 knots or less within 100 yards of pier heads

Morris Canal - covered by NJ statute but not enforced by NJ State Police

Stevens ferry terminal arrival / departure guidelines from 2002 Bruno rpt

List of wake wash concerns good

20" wake heights – reinforcement from multiple sources

Wake heights only measured from 15 knots to 30 kn for various hulls

Decrease in wake energy from either running more slowly or running faster

Modified Stevens guidelines

Sharp turns focus more wave energy to inside of turn [modify Stevens perpendicular?]

Center of river for north-south runs or avoidance of NYWW avoidance areas

Ferry companies agree to run at no-wake speeds on routes of less than 10 minutes

World Financial Center – Paulus Hook route – 237 trips/weekday

Would eliminate 2 transition wakes and 1 cruising wake/trip or 711 wakes a weekday

Check NYWW schedule for other short routes

Minimize creation of long-period wakes during rush periods

Longer periods of 3 sec up 50% during evening rush which creates larger waves inshore shallow waters, period remains same but height grows, wavelength proportional to period and for 2.0 – 3.5 seconds, matches lengths of typical marina rec vessels –

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14. Infrastructure recommendations

Bruno report:

Marina wave barriers should protect to 20" and 4.25 second periods – barriers to bottom or wider than ½ wavelength and surround marina, at least one side dissipative, openings narrow and screened and water depth 3'+at MLLW (assist with disposal methods)

Dredging reduces wave energy by up to 30%

Non-reflective shorelines

I am researching inflatable damping systems that can be deflated during low wake periods (~8pm to 6am) to allow flushing. I have been working up an estimate for Scott Seisler at Surfside 3 and currently have a \$15,000 price for a 40ft section of floating dock with 10ft tall x 4ft diameter vertical floats attached to the new floating dock they plan to install next year. This price covers the 10 floats, a small compressor, and the air line system.

This work is preliminary and based on using Fend-Air bumpers, which I have not tested for durability, and a 10ft vertical wall may not be tall enough to mitigate wakes sufficiently. The basic idea is to direct the wave energy into lifting weights connected to the bottom of the floats. I have no budget for this work, and therefore, no testing data, so Surfside 3 will be a test site if they decide to implement the system.

Mlike Raftery

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15. Education recommendations

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22. Wakes Complaints and Feedback Mechanism

How to Submit a Wakes Complaint

To submit a wakes complaint, you need the following - Date and time, Vessel causing wake, Location, Course vessel was traveling, Resulting damage and/or injuries, and Comments.

For large vessels, the vessel's name can be obtained from narinetraffic.com [map on Wakes page](#). Note that smaller vessels may not be shown and the position, speed and direction of the vessel may be 5 - 10 minutes old.

For smaller ferries, obtain the route from the company's website schedule and the time of the incident.

Once you've obtained the vessel's name or route, you can submit the following information:

Date and time,

Vessel causing wake,

Location,

Course vessel was traveling,

Any damage and/or injuries,

Description of incident.

to: NYNJwakeconcerns@gmail.com

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Please cc: allnycyachts@gmail.com so that the wakes incidents charts and spreadsheets can be updated with your incident.

If you're dissatisfied with the response, you can forward the message directly to the appropriate contact::

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	NY Waterway	Allen Warren	Warren@nywaterway.com	
	East River Ferry	Paul Goodman	paulgoodman@Mindspring.Com	
	NY Water Taxi	Bill Buckley	wbuckley@nywt.com	
	Seastreak	Jack Bevins	jack.bevins@seastreak.com	
	Circle Line	Mike Duffy	beast.capt@verizon.net	
	Statue Lines	Mike Burke	mburke@statuecruises.com	
	Staten Island Ferry	John Garvey	jgarvey@dot.nyc.gov	718-876-5026 or 311
	Fireboat 343	Brian Curran	curranb@fdny.nyc.gov	311
	DEP sludge ship	Carter Strickland		311
	Other NYC Vessels			311
	Moran Tug	Peter Keyes		203.442.2839
	McAllister Tug	Steven Kress	NewYork@McAllistertowing.com	(718) 273-6300
	Reinauer Tug	Craig Reinauer	info@reinauer.com	718-816-8167
	US Coast Guard	LCDR Anne Morrissey	Anne.M.Morrissey@uscg.mil	

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please cc: allnycyachts@gmail.com so that the wakes incidents charts and spreadsheets can be updated with your incident.

How to Submit a Wakes Claim

LEGALLY, A VESSEL IS LIABLE FOR ALL DAMAGES AND INJURIES CAUSED BY ITS WAKE

If available, you should have pictures, videos and cost estimates in addition to the above wakes complaint information.

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23. Voluntary short term and long term recommendations

Harbor Ops 6 Point Plan to address wake and turbulence concerns in the NY/NJ Harbor – January 4, 2012

1. The PV Subcommittee will work with the USCG and Passenger Vessel Operators to develop and communicate non-regulatory wake mitigation efforts and "good neighbor" policies. Additionally, the Subcommittee will communicate other ideas and solutions, as applicable, such as utilization of the "311 system" for city owned properties (79th Street) and vessel (Staten Island Ferry, FDNY fire boats and DEP vessels.)
2. The PV Subcommittee will review/reinstate Stevens Institute CMS wake management recommendations and suggested routing; the USCG will update their endorsement of the report and send a formal letter to all ferry operators notifying them as such.
3. The PV Subcommittee will review the Stevens Institute CMS Captain training DVD and commit to increase technical wake education to Committee members. Leadership will determine if it is feasible/valuable to provide copies to operators/constituents.
4. The PV Subcommittee will review the technical information funded by NJDOT/OMR and conducted by Stevens Institute CMS regarding the effectiveness of wake barriers in NJ and encourage NJDEP to consider a science-based approach to revisions to Coastal Zone Management rules. Committee members will work to do the same on the NY side of the Harbor.
5. The PV Subcommittee will promote the Harbor Guide Video.
6. The PV Subcommittee leadership will set up a wake e-mail (NYNJwakeconcerns@gmail.com) where concerns can be sent in and addressed with the appropriate company. PVSC Committee "leadership" in coordination with the USCG will monitor complaints, address specific issues directly, compile trends, and consider whether there is utility in working with the Harbor Education Subcommittee map to label geographically where consistent complaints are received, areas of greater concern, etc.

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Appendix 1-A. Wakes Producing trips

Each leg between stops will be counted as a trip. Each leg or trip has a transition wake, a cruising speed wake, and a transition wake at the destination. For weekdays as of August, 2011 from nywaterway.com:

NY Waterway / East River Ferry Service – 20 ferry terminals

W. 39th St / Midtown hub:

Terminal	Arrivals	Departures	Trips
Edgewater	16	16	32
Port Imperial	74	74	148
Lincoln Harbor	54	54	108
14 th Street	51	51	102
Newport	15	15	30
Paulus Hook	15	15	30
Belford	1	1	2
SUBTOTAL			452

Pier 11 Wall Street hub

Terminal	Arrivals	Departures	Trips
Port Imperial	47*	25*	148
Liberty Harbor	32	33	65
NJ Transit	57*	57	114

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Port Liberte	16	16	32
Paulus Hook	52	52	104
Belford	13	12	25
SUBTOTAL			488

* Includes extra stop at Paulus Hook

World Financial Center hub

Terminal	Arrivals	Departures	Trips
Port Imperial	21	21	42
14 th Street	-4*	18*	14
NJ Transit	65	65	130
Paulus Hook	119	118	237
Belford	13	12	25
SUBTOTAL			448

*Accounts for duplicates on the Pier 11 trips

Paulus Hook hub

Terminal	Arrivals	Departures	Trips
W. 39 th Street	Dupl	Dupl	0
World Financial Center	Dupl	Dupl	0

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Pier 11	Dupl	Dupl	0
Belford	?	?	?
SUBTOTAL			?

TOTAL NY WATERWAY WEEKDAY TRIPS = 1388*

* Doesn't include Paulus Hook – Belford trips

East River Ferry weekday Northbound trips = 199

East River Ferry weekday Southbound trips = 198

TOTAL EAST RIVER FERRY WEEKDAY TRIPS = 397*

*Doesn't include Friday Governor's Island loop

NY Water Taxi - 10? terminals

Weekday trips as of September, 2011 from nywatertaxi.com
Hop On/Hop Off between 4 terminals trips = 23

Statue Lines – 5 terminals

Weekday trips as of September, 2011 from statuecruises.com
Battery Park, Liberty Island, Ellis Island trips = 53
Liberty State Park, Liberty Island, Ellis Island trips = 43
Liberty Landing Ferry (didn't count Warren St trips) = 56

Seastreak – 2 terminals in Manhattan waters

Weekday trips as of September, 2011 from seastreak.com
NJ to Pier 11 and E. 35th St trips = 26
E. 35th St and Pier 11 to NJ trips = 26

Staten Island Ferry – 1 terminal in Manhattan waters

Weekday trips (except for Monday morning) as of September, 2011 from siferry.com
Whitehall arrivals = 54
Whitehall departures = 55

Governor's Island ferry – 2 terminals

Didn't count – not a wakes problem

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Appendix 2-A. 2003 List of Wakes Receivers

2003 LIST:

1. Sailing yacht Prelude - Bacon
2. World Yachts/NY Cruise Lines – Davidoff
3. Sailboat – Fluss
4. John J. Harvey – Gill
5. Eastern Star – Laura
6. Metropolitan Waterfront Association – Craft
7. Historic vessel Pegasus – Pamela
8. Ventura – Harris
9. Surfside 3 Marina – Laurie
10. Pacemaker – Saunders
11. Sailing yacht Laissez Faire – Doswell
12. Lincoln Harbor Yacht Club – Israel
13. Shipyard Marina – Applegate
14. Bargemusic
15. Festiva and Risk It All – Petersall
16. Yankee Ferry – Gallagher
17. River Project – Drew
18. Schooner Pioneer
19. Schooner Clearwater – Mele
20. Schooner Lettie G. Howard
21. Queen of Hearts and Star of Palm Beach - Salzberg
22. Hudson River Parks Trust - Nadel
23. Holland Tunnel work crew
24. Kayakers – Henderson
25. W. 79th St Boat Basin
26. North Cove
27. Schooner Shearwater
28. Calypso – Giordano
29. Cloud 9 – Vicki
30. Newport Marina
31. Port Imperial
32. Sailing yacht Petrel
33. Downtown Boathouse – Weatheroff
34. Pier 63 – Kreby
35. NY Watertaxi – Fox
36. Schooner J.F.S. Seragnac – Clegg
37. Intermission – Day
38. Raquelita – Buhner
39. Houseboat – Stevens
40. Gloria – Gari
41. Mariner III – Kennedy
42. Symphony
43. Jabiru, Jacana and Jewel – Schottmuller
44. Cayah Amanda – Nygaard
45. Riverkeeper – Lipscomb
46. NY/NJ Baykeeper – Willnor

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47. Dyckman Marina
48. Floating the Apple – Davis
49. Schooner Adirondach – Scarano
50. Urban Diver – Ludyar
51. Boat mechanic – Supino
52. Aurora – Caruso

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Appendix 5-A. 2003 List of Wakes Receivers Complaints

- Hudson River Park as envisioned will be impossible for in-water activities. Other localities have dealt with this problem – we can, too. – Julie Nadel, Hudson River Park Trust board member
- Rudder damaged several times by repetitive wakes. Frequency is the problem – 100-150 times a day. Wake screens and attenuators proposed by NYWW and Stevens Institute - shouldn't be responsible for protecting your property from external damage. – John Doswell, recreational boater
- Divers at South Street Seaport. Divers flag displayed. Full-speed ferries going by. – Jim ?, SSSP
- Gave up charter business because of wakes. Motion in the ocean or washing machine at Lincoln Harbor. 43' boat tied up like Queen Elizabeth II. – Nat Lichter (sp?), Captain
- Economically, not feasible to build walls at Lincoln Harbor. NYWW needs to start off slower coming out of the barn. Slowing down is the answer. – Steve Israel, owner, Lincoln Harbor
- Had to replace borrowed camera equipment – damaged by wake. In-water programs impossible due to wakes. –Cathy Drew, River Project
- Floating docks repair, 2 steel barges to replace wave attenuator, loss of transient business – Diane Barbara, Surfside 3 Marina
- To serve dinner we have to head for the East River or the George Washington Bridge. – Rob Bellanich, owner of Festiva charter yacht
- This morning, 4 bad wakes with ferries running 100' off Pier 25. Lot of guys will be out of business. Stopped calling NYWW. – Jim Gallagher, owner Yankee Ferry charter yacht
- Punctured fenders, 26' motorized whaleboat ...has been torn up...danger spot of people passing from land to water gets more dangerous due to wake activity...need a legislated no-wake zone. – Pamela Hepburn, historic tug Pegasus ?
- Mousetrapped by two speeding NYWW ferries at battery – broken dishes and breakfast all over deck. Had to pull wife out of galley several times near the Battery – too dangerous to cook. – Ed Bacon, owner Prelude charter yacht
- Couldn't hardly keep students on the dock...they kept getting tossed off docks...20boats kept getting smashed into the piers. – Mike Fortenbaugh, Manhattan Yacht Club
- Can't work on Holland Tunnel at times due to wakes. – Tom Fox, NY Water Taxi
- Aft cleat ripped out by wake at North Cove. – Shearwater charter yacht
- Piano knocked off stage by wake – broke leg and cracked sound board. Loss. – Allegra ?, Bargemusic
- Have to stop launching kayaks due to high wakes. Shoulder injured. – Jim Weatheroth (sp?), Downtown Boathouse
- Wakes have caused pot of spaghetti, TV, and other objects to hit the deck while at dock at W. 79th St. Boat Basin. –Leslie Day, liveaboard boater
- The ferry wakes have been an on-going problem that we must face daily as our fenders, rub rails, piles and piers wear out 4-5 times faster than before increased

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- ferry activity. Yachts are being smashed against docks and the piers over and over...- Captain Mike Johnson, Cruising in Paradise
- Guard rail broken twice. Loss of business due to wakes surges at the dock. – Tommy Kennedy, Mariner III charter yacht
 - Damages and injuries but can't stand up to NY Waterway. – Anonymous
 - Damage to lines and gangplank. Destroying portholes, loosening rivets, ...unless these wakes are brought under control, one or more of these [historic] vessels will be destroyed – Huntley Gill, Fireboat John J. Harvey
 - Gel coat damage, huge fenders, loss of business...huge wakes make a sail in the harbor more of a fright than relaxation. – Ed Fluss, vessel at North Cove
 - Damage to gangways, rub rails, lines, cleats, pilings, seawall and substructures. – Steve Salsberg, Star of Palm Beach and Queen of Hearts charter yachts
 - While trying to protect my boat from excessive wake movement...became paralyzed and underwent spinal surgery at Roosevelt Hospital – Jimmy Saunders, liveaboard at W. 79th St Boat Basin
 - Lost a good amount of glassware... Tv rolled right out of the cabinet on the floor, as well as our computer system... and we were tied to the dock... boarding ladder was mangled...I refuse to serve soup, period! – Laurie Kutschera, Eastern Star charter yacht
 - Hull damage... guard rail smashed into the dock... dock broken in half another time. Amex refused charter... wake from passing NY Waterway ferry so rocked the boat at her slip that the client said she would not put her people aboard the boat. – Heather Dell, Ventura charter yacht
 - Loss of business and damage to fenders, gangplank, and structure. – Odvar Nygaard, Cayah Amanda charter yacht
 - Takes two guys to tie up boats in Lincoln Harbor. Tough to work on and winterize boats. – Bob Supino, boat mechanic
 - Had to re-glass after cleat pulled out. Re-installed rub rail. – Eddie, 24' Grady White
 - ..box up two of our 32' fenders...deflated by the wakes on the Hudson-giving them an average lifespan of about 10 days. – Carter Craft, Metropolitan Waterfront Alliance
 - Damage to the boat caused by wakes has included broken rigging...weakening of the rudder mounts requiring 6 weeks of haul and repair at a cost of over \$2800. – Rip Hayman, captain of Klang II, 1924 English Channel Yawl
 - Riverfront esplanade in East river Park...closed for two years because of the erosion of the sea wall... ferries race within 100 yards..perhaps the ferry companies can donate to the rebuilding fund. – Brian Harris, Letter to the Editor, 6/8/03 New York Times
 - Reynolds Channel..."NO WAKE" zone...Local Bay Constable...has actually handed out a few tickets. – John E. Hommel, e-mail to Power and Motoryacht, May 2003
 - ...most disruptive elements of pier life are the wakes from high-speed ferries...do I want boiling water all over me, or do I want to save the ribs?...the ribs lost...we roll up to 15 degrees and the waves can reach four feet. – Kevin smart, captain of Symphony megayacht at Pier 60

The common thread running through the above comments is that the main problem is the repetition of regularly scheduled routes of ferries and sludge tankers.

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Appendix 6-A. fireboat 343 Wake on 12/09/10

Date: December 11, 2010

To: FD? And FB343

From: Ed Bacon, 212-873-7558, ebacon@nyc.rr.com

Subject: NYC Fireboat FB343 December 9, 2010 wake at Boat Basin

Email to Chris Valozzi and Basin:

Here's documentation on the new NYC fireboat FB343 wake a little after noon on 12/09/10. See the attached picture of the track taken shortly after the wake hit. You can see the track is very close to the Basin and she was traveling at 17.4 - 18 knots in a 32 degrees direction. The other picture shows a picture of FB343 at 12:50 after you had talked to the skipper. She had turned and was moving downriver at 9.5 knots with her track shading to the west.

I talked to the skipper on VHF 13 and 69 and asked him for a damage number which is 347-574-6626.

I'm going to copy the Basinites on this. Anyone with damage should report it to me or Chris. Take pictures to support your damage. We should be able to file a group claim.

We're going to have more bad wakes since the Coast Guard is moving or has moved the anchorage to the west side and moved the ship's channel closer to the Basin.

--

plus two pictures:

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Effects of the wake at about 12:10 pm, current flooding:

- Prelude, a 54' cutter rigged ketch: broken ceramic basket and galley items thrown across boat: pics
- Red Red Wine, a 47' Chris Craft Commander:
- Celia, a 47' Trojan?
- Aleta, a 60' Chris Craft:
- Bohemian, a ?: broken TV and blown fender Doug: "Where's the fire?"
- Jim Spencer, a 36' ?: snapped piling
- Maybelle, a 40' Seagoing: so many items knocked down that Susie had a hard time opening her door upon boarding her boat.
- Bobby Ericson, a ?: while in his cockpit, dodged planks and cleats from finger dock being partially destroyed by the wake impact.
- Leslie, a 42' ?: broken dishes and other items knocked to cabin sole
- Phil Sherman, ? houseboat – cleat yanked out, hit neighbor's boat and bent rail.
- Steve ? on A Dock, pulled one cleat out of finger dock and loosened another

No one was injured this time and the damage, except for the Basin's finger dock and piling and Bohemian's TV and fender, is not worth filing a claim. Since the vessel is owned by a City agency, Parks would have a hard time suing for infrastructure damages.

These boats are battened down fairly well and most of them are in interior slips protected by the wave wall, a fixed dock with planking. Their owners have lived aboard for one to four decades. They've experienced:

- NY waterways' Moira Smith's wakes 31 times a weekday (Basinites have thrown out their alarm clocks – Moira's first run is about 6:00 am).

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- DEC sludge ships' wakes multiple times a day.
 - Recreational boaters aka Weekend Warriors wakes.
 - Occasional tugboat wakes – most tugboats give the Basin a slow bell.
 - Pic of Comet
-
- Staten Island Ferry maintenance run wakes and other ferry wakes
 - Pic of Yogi Berra wake
 - New Circle Line vessels – old vessels have a much smaller wake.
 - Ironically, wakes from Harbor Police and US Coast Guard cutters.

There is one class of vessels that is not a wakes problem: the piloted commercial vessels.

Nothing like a professional pilot with knowledge of shoreside facilities.

The future is bleak with the Coast Guard moving Anchorage 19 to the west side of the river which shifts the ship's channel toward the mooring fields and the Basin.

Pic of shift

And with the subsidized increase in ferry runs.

Earlier this decade, the Safe Wakes Coalition tried to curb harbor wakes, particularly ferry boat wakes, but failed to effect any changes.

New York State regs specify no wake zones on all New York waterfronts 100 feet off the docks or bulkheads.

New York City's only permanent No Wake Zones are on the Harlem River and they were set up by city regulation after Jim Rundsorf, a sculler, was killed by a powerboat.

Iboat link

With that in mind, we are going to hold a lottery at the Basin in which the "winner" sacrifices himself to the next big wake. The media will jump on the story, the politicians will line up for air time and the City Council will be coerced into implementing some no wake zones regulations before someone is seriously injured or killed.

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P.S. Wakes are also bad for business for the harbor marinas. I've had countless transient boaters tell me that the Basin and its mooring fields are the worst for wakes that they've encountered in their travels and they were not coming back.

P.P.S. Jimmy Saunders death alleged by widow to have been caused indirectly by wake injury

1237 - December 23 – fb343 northbound at 3.1 kn Fireboat 343 has run slow by Boat Basin since complaint.

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Appendix 6-B. NY Waterway ferry Yogi Berra Wake



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First Name *	Last Name *	
<input type="text" value="Ed"/>	<input type="text" value="Bacon"/>	
Email *		
<input type="text" value="ebacon@nyc.rr.com"/>		
Street Address		
<input type="text" value="W. 79th St Boat Basin - #55"/>		
City	State	ZIP
<input type="text" value="NY"/>	<input type="text" value="New York"/>	<input type="text" value="10024"/>

Message *

Alan:
Yogi Berra ran past the Basin tonight and must have been late. She took the shortcut to Pier 79 and ran very close to the Basin at 26kn on an extreme low tide. May be the worst wake this year. Before someone gets hurt, would you ask your skippers to stay on the west side of the river? If you'd like the track, I have an AIS picture that I'd be happy to email you.

Send me additional information on:

- Ferry Operations
- Tours
- Buses
- Terminals
- Ticketing

I am interested in receiving information about NY Waterway promotions and special events

SUBMIT

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Appendix 6-C. DEP Sludge Ships Wakes

Date: March 11, 2005

To: Commissioner Emily Lloyd
NYC Department of Environmental Protection
96-05 Horace Harding Expressway
Corona, NY
11368

From:

Subject: Wakes from NYC DEP sludge tankers

Wakes in NY/NJ Harbor have become a problem over the last decade. A study performed by the Safe Wakes Coalition in 2003 gathered over \$4 million in wakes damages and wake injuries from a subset of the harbor users. The study also concluded that the repetitive routes of ferries, sludge tankers, etc. produced cumulative damage to vessels and shoreside entities, caused personal injury, and impacted harbor businesses, social programs and recreational use of the waters.



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While your agency may not have received individual complaints about wake damages, your vessels' operators continually receive complaints on VHF Channel 13. The DEP sludge tankers working out of the North River or Riverbank wastewater treatment plant on the Hudson River have consistently ignored requests to slow down or change their routes away from wakes-sensitive areas such as marinas.

SLOW

Safe Level Of Wakes

Appendix 6-D. Surfside 3 Marina Wakes Letter to USCG – 2011

To: LCDR Jason Aleksak.USCG

Surfside 3 Marina of Manhattan is a 70 slip marina situated within the Chelsea Piers sports and entertainment complex. Established in 1996, Surfside 3 provides dockage space for private and commercial vessels on both a seasonal and transient basis. As an active Sea Ray, Boston Whaler, Azimut and Meridian retail center, it allows Manhattan residents to pursue their interests of recreational pleasure boat ownership. Since September 11, 2001 and consequent loss of the lower Manhattan subway services, the lower Hudson River has become overrun with high speed ferries committed to transporting commuters to destinations on the New York and New Jersey shorelines. The New York Waterway ferry service, now operating in even greater numbers, continues to travel in closely scheduled routes past Surfside 3 extremely close to the marina and at excessive rates of speed inevitably casting their destructive wakes upon our deteriorating docks. The severely turbulent and often dangerous water conditions created inside the marina as a result have led to significant levels of business disruption as well as high priced dock improvements and repairs and now physical injury to our customers on the docks.

The city of New York's immediate involvement in rectifying these hazardous and costly operating conditions has become appropriately necessary. Surfside 3 Marina's transient boater clientele represent our primary segment of income. Subsequently, these are in fact the same individuals responsible for the improvement of New York City's economic development by contributing revenue to Manhattan's entertainment, transportation, lodging, retail, dining establishments and tourism. With the elimination of the ferry wakes on Surfside 3 Marina's docking facility our reputation for a safe and pleasant recreational boating environment can once again be restored, preserving our mutually valuable customers.

Listed below is the cost Surfside 3 has accrued since 2001.

Replaced 4 face docks from 2001 -2009 - 600K

General repairs to docks - cleats, main walkway, replacing of boards. 2001 - 2011 | \$250K

Failed Fingers - 7 @ 5,600 per finger - 2001 - 2009 \$39,200

Boat Damage (from wake in marina) - 2001 - 2011 \$18,000

Loss of business (loss of transient customers) - **200K** from 2001 - 2011
(down 20K per year)

New Face Dock for 2011 - 250K

Our total loss due to the wake effect is 1,332,200.00

Thank you,
Scott Seisler

General Manager of Surfside3 MarineMax Marina at Chelsea piers.

MarineMax Chelsea Piers N Chelsea Piers, Pier 59 . West 23rd and Hudson River U New York, NY 10011 * P:212-336-7873 ".
F:212-824-4092
www. marinemax.com

SLOW

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SLOW

Safe Level Of Wakes

Appendix 6-E. Eastern Star Wakes Letter to USCG – 080311

Attn: Jason Aleksak
USCG Commanding Officer
Station New York
August 3rd, 2011

In regard to the wake situation in the Hudson River. We have docked our vessel "Eastern Star" at Chelsea Piers on the Hudson River at Pier 61 since 2003. In that time we have incurred thousands of dollars in repair bills due to the high speed ferries, water taxi's and high speed tour boats that run the Hudson River.

We have made numerous attempts to rectify the matter with the Waterway ferry to no avail.

I have been a licensed Capt for over 20 years and have sailed the eastern seaboard from Nantucket to Key West numerous times. I have stopped in every major port along the east coast and I am amazed that NY is the only harbor without an enforced no wake zone. This factor not only contributes greatly to the wear and tear of my vessel but also creates a dangerous and at times life threatening situation on board our boat.

The numerous other dinner cruise vessels generally tour the harbor at 5 or 6 knots. The captains of the the commuter vessels have absolutely no regard for the damage and possible bodily injury their wakes may cause due to running their vessels at an imprudent and dangerous speed. There are many times that the offending vessels come very close to my vessel while underway with no warning as required by the "Rules of the Road".

Sometimes they pass (in the same direction) on my port and starboard side simultaneously, leaving no room to negotiate the wakes. This creates a dangerous situation for the passengers, the service crew as well as the galley staff. Just another contributing factor to the already hazardous conditions that exist in NY harbor.

When showing Eastern Star dockside at Pier 61 to potential clients, we often lose clients to a land based venue due to the constant rocking the boat endures just tied to the dock! Just recently, we had a celebrity who booked a photo shoot onboard walk off. The revenue we are loosing, both income and in lost taxes we would have collected for the State of New York, is astounding.

SLOW

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SLOW

Safe Level Of Wakes

The wake situation in NY harbor has gotten increasingly worse and will continue to do so unless basic rules are enforced that protect everyone. The Mayor is all for the ferry service and wants to expand it. Is that why no one is enforcing rules in the harbor and listening to our constant pleas for help?

Sincerely,
Laurie Smollett Kutschera
Director of Sales and Events
Eastern Star Cruises

SLOW

Safe Level Of Wakes

Appendix 6-F. Lexington Wakes Letter to USCG – 0811

Lexington Classic Cruises, Inc.

Corporate & Private Charters Ph. 212.717.0300 Fax 212-884-0522 e-mail
dhackert@lexboat.com

RE: NY Harbor wakes and ferry traffic issues

From: David Hackert, owner/operator of M/V Lexington and Prestige Yacht Charters, Inc.

I have been conducting business in NY harbor since 1994 and I have been operating the M/V "Lexington" since 2004.

If any of the contents of this letter is untrue or inaccurate I welcome a response to clarify the situation. As far as I can tell this **is** the situation

The steady increase of ferry runs and ferry traffic since 9/11 has reached a critical level in terms of safety, damage to vessels/ docks/personal property, and loss of revenue.

We have been patient and polite with ferry operators only to be mocked and ignored. I have written letters and made phone call to the US Coast in the past with no significant response.

The City officials have subsidized and continue to encourage unsafe and excessive ferry operators. NYC has built (and continues to add) expensive ferry landings, facilities at south Street seaport, Governors Island, as well as other points in around NY Harbor. NY Waterway, NY Water Taxi, and Sea Streak ferries have been given "carte blanche" and are provided with unregulated access to NY Harbor. This would be reasonable if this was strictly a commuter issue, but that is blatantly not the case.

At the same time, we have seen the virtual elimination affordable dock space for other taxpaying businesses that are trying to make living. These practices have literally destroyed the ability of dinner boat and tour operators to conduct business safely and profitably. Many are in dire straits and nearly bankrupt. This is severely deterring pleasure boaters as well.

In short, I will bullet point the ongoing and increasing issues that the ferries are causing, especially since the East River Ferry runs have been (needlessly and recently) introduced.

- Ferries run at unregulated speeds

- Ferries routinely ignore standard regulation and standard safety protocol (i.e. crossing bows, overtaking boats without radio communication, and sudden starts and stops- to name just a few).

- Ferries pass open marinas at high speeds rocking boats, damaging boats, and causing excessive wear on docks and water retaining sea walls.

- Ferry Captain's mock other vessel operators on official radio channels when they are requested to follow standard safe operations –with no repercussion or reprimand from official traffic monitors

- Ferries routinely enter and exit and secure areas and docks without radio communication.

- Ferries routinely cause excessive wakes when passing dinner boats resulting in broken furniture, glassware/ dishware, and other collateral damage (too much to mention).

SLOW

Safe Level Of Wakes

In addition to operational hazards there have been specific injuries I have witnessed on board vessels and docks as direct result of unsafe, unregulated, and inconsiderate ferry operation. At least 9 or 10 times I have witnessed a guest or crew person become injured. I have seen chipped teeth, broken bones, cuts from broken glass, as well routine seasickness, (again, too much to list).

Visitors (from other cities and around the world) and residents who ride the dinner boats are appalled at the conditions of our public access marine facilities. They are crumbling like the rest of the facilities that do not serve the special interests of our so-called representatives.

Concluding, as a taxpayer and contributing business professional, I want a response from the coast guard and/or city officials as to what can be done to help our situation. We have reached a level of desperation. I respectfully look forward to an official response.

SLOW

Safe Level Of Wakes

Appendix 6-G. Urban Desire Wakes Letter to USCG – 0811

> August 9, 2011
>
> LCDR Jason Aleksak
> Commanding Officer
> Station New York
> 718-354-4099
> Jason.C.Aleksak@uscg.mil
>
>
> To the USCG:
>
>
> I am a charter yacht captain of the 45-foot motor vessel "Urban
> Desire" based at 79th St. Boat Basin, NYC, and also a charter agent/
> broker for many other charter vessels and fleets in New York and
> California. I have been boating from the 79th St. Boat Basin for
> the past 32 years.
>
> There have always been violent wake issues in the area and I
> personally have suffered bodily injury and multiple damage
> incidents to my boats costing thousands of dollars in repair. On
> several occasions, passengers have almost been thrown off the yacht
> due to the severe negligent, disrespectful and intentionally
> malicious piloting by NY Waterway ferry captains.
>
> Ferries NEVER give way to other vessels, and often bear collision
> courses, altering their direction as we attempt to change ours.
> playing sadistic games to shake up charter vessels throwing huge
> wakes and passing as close as 10 feet !!! On several occasions, we
> have been converged upon by 2 or more ferries criss-crossing at
> high speed from both sides.. most commonly in the Pier 11 area.
> Radio calls get either no replies or. more commonly. heckling and
> profane "cat calls" from the ferry captains.. often accompanied by
> laughter, howling, and screaming. I know I do not stand alone with
> these particular complaints !!
>
> Recently, an elderly passenger was thrown from his seat, and both
> he and the seat broke thru the aft deck boarding gate. Our gate
> was smashed open, and, luckily, the guest was grabbed at the leg by
> one of our crew preventing him from going overboard.
>
> The continued expansion of ferry service and the company's

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Safe Level Of Wakes

- > disregard to other traffic has made the problems worse than ever.
- > Tourists ask us every day if it is safe to cruise the NYC skyline
- > during the prime sunset hours.. peak rush hour ferry time. The
- > huge number of ferries travelling at high speed in multiple
- > directions simultaneously not only creates the damaging wakes of
- > passing, but turns the harbor into a washing machine until hours
- > after rush hour is over when the turbulence finally settles.
- >
- > I know there have been numerous attempts to address these issues
- > and all have fallen on deaf ears. It is long past time that
- > serious changes be made... NO WAKE ZONES and SPEED LIMIT AREAS be
- > created and properly enforced to violating vessels... both private
- > and commercial.
- >
- >
- > Yours truly,
- >
- >
- > Capt. Steven Knee
- > MV Urban Desire
- > Urban Desire Cruises
- > urbandesireyacht@aol.com

SLOW

Safe Level Of Wakes

Appendix 6-H. Olive Cappiali Wakes Letter to USCG – 0811

Dear Sir,

I am a charter broker who represents yachts worldwide, although most of my business is the private and corporate NYC day charters.

I am fed up with my charter guests getting thrown about a yacht, spilling drinks because of large wakes caused by other yachts or ferries, also when showing yachts at Chelsea Piers, hopefully to future charter guests, they are turned off by chartering because of the large wakes that almost knock them off their feet.

Due to the economy our business has suffered, but to lose more business because of speeding ferries is beyond ridiculous.

Last year I had a client charter a yacht for three nights in NYC, since we can legally only have 12 on a 120' charter yacht while cruising, the client decided to stay at dock in the evening so that they could entertain their guests, well it now looks like I lost a good client, his wife was sea sick whenever at dock, due to the wakes!

Please, please help.

Thank you,

Olive Cappiali
Member of Charter Yacht Brokers Assoc. (CYBA)
Nautical Holidays
Email olive@nauticalholidays.com
203.637.0270 office
203.536.6900 cell
Local Day Charters www.nauticalholidays.com
Worldwide Vacations www.nauticalholiday.com

SLOW

Safe Level Of Wakes

Appendix 6-I. David Hackert Wakes Email – 0811

I just spent 14,000.00 replacing piles @ NY skyports marina partly due to excessive wakes. I hope the boat owners and brokers will continue a dilligent letter writing campaign as the city increases the amount of ferry landings and ferry runs throughout Manahttan and the surrounding areas.

It seems (and please correct me if I am wrong) that our taxes are funding the ferries as they destroy our docks and create increasingly unsafe situations along our "shared" waterways.

We have been ignored far too long by the City of NY and the US Coast Guard in favor of unregulated ferry operations in NY Harbor waterways and dock locations. It seems (and agian, please correct me if I am worng) the special interests of our "so called" representatives take priority over safe, sound, and fair practices for everyone in NY Harbor.

This has gone way beyond a commuter issue- the ferries are running way below capacity a good percentage of the time (as I observe- over 100 times per year- during rush hour). In addition,while running at high speeds they are needlessly burning excessive amounts of fuel, recklessly polluting the enviromnt and causing significant damage to sea walls and docks. Please address the additional enviroinmental impacts, which I believe is the point of the committee.

Best Regards,

David Hackert

www.prestigeyachtcharters.com

www.lexingtonclassiccruises.com

ph. 212-717-0300

cell ph. 914-882-3999

fax 212-884-0522

email dhackert@lexboat.com

SLOW

Safe Level Of Wakes

Appendix 6-J. Charter Yacht Royal Princess Wakes Letter to USCG – 0811

Monday, August 15, 2011

LCDR Jason Aleksak
Commanding Officer
Station New York
Jason.C.Aleksak@uscg.mil, 718-354-4099

Dear Commanding Officer Jason Aleksak

My husband and I are owners and operators of the 125' yacht charter vessel Royal Princess which is certified to carry up to 242 passengers for private events in NY Harbor. We have operated this vessel since 2008 and prior to this, we owned and operated the charter vessel, Festiva, since 2002. Festiva is certified for 149 passengers.

As commercial vessels, we are subject to rigorous yearly inspections by the United States Coast Guard to ensure that our yachts are safe for passengers. The Coast Guard is thorough in making sure all our equipment onboard meets its standards and that our crew is trained properly. While the inspections are painstaking, we have immense respect for the Coast Guard's efforts to do its job, because safety is so important. This is why it is so baffling that the same rigorous enforcement is not applied to unsafe boating practices in NY Harbor that are regularly experienced with excessive speeds and dangerous wakes caused by ferries.

In order for a person to obtain a USCG Captain's license, he/she is also subject to arduous testing with respect to his/her knowledge of maritime rules and navigation. What is astounding is that many of the Captains operating High Speed ferries seem to completely disregard any rules of the road and jeopardize the safety of everyone by ignoring protocol (i.e. crossing bows, overtaking boats without radio communication, and treating the NY Harbor as if it was a liquid racetrack – with dire consequences.)

In 2002, we joined an organization that was formed called Safe Wakes Coalition. After countless hours of documenting the wakes problems and presenting findings to City Council Waterfront committee, nothing was done.

As per the WAM report from www.iboatnyharbor.com, currently, the only wakes regulation in NY Harbor is within 200 feet of the pier heads in New Jersey and 100 feet from the pier heads in New York. However, who is enforcing this? No one. There are also two NYC "no wake zones" in the Harlem River. Why? Because of a Sculler's death as a result of a high speed boat.

SLOW

Safe Level Of Wakes

Most recently, on Friday, August 5th, 2011, as we were boarding passengers at Chelsea Piers, our bow window cracked against a piling because of a ferry passing by at high speeds.

The wake situation is deteriorating rapidly and we need changes made immediately before someone gets seriously hurt or killed.

Sincerely,

Lezlee Peterzell-Bellanich

SLOW
Safe Level Of Wakes

**Appendix 6-K. Charter Yacht Broker Bob Zampino Wakes
Letter to USCG – 0911**

Bob Zampino

HudsonValleyYachtCharters.com

PO Box 1097

Pearl River, NY 10965

rzampino@verizon.net

845.304.3260

“Celebrate-Appreciate-Motivate

Aug 9, 2011

LCDR Jason Aleksak,

Commanding Officer

Coast Guard Station New York

Re: Wakes in New York Harbor

Dear Sir;

I am writing you today in support of Mr. Scott Seisler of Surfside 3 Marina, regarding the wake conditions affecting his operation at Chelsea Piers. On occasion, I witnessed this situation in the course of chartering vessels based at this complex. Furthermore, this venue is not the only location facing similar circumstances and one only has to look at Skyport Marina, North Cove and Lincoln Harbor Yacht Club.

In the course of writing this letter, I hope to raise a few points of interest, for consideration.

Passenger Safety and Comfort

SLOW

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SLOW

Safe Level Of Wakes

We all agree that passenger safety is the most important overriding consideration for the recreational and commercial vessel operator, be it a dinner vessel, private yacht, tour boat or ferry. We can also agree (I trust) that the mission statement for each of the preceding types of business is radically different. And in a sense, so are the guests, as it relates to expectation, dress code and time spent aboard.

I believe that guest comfort stands directly behind safety and anyone in the hospitality business would agree. Unlike ferries and/tour boats that may enjoy specially designed boarding ramps, the typical dinner boat/private yacht guest boards guests via a sea stair or directly from a floating dock. Anytime the wash from a wake hits the vessel and/or floating dock, the guest (even the actual client) are negatively impacted. And how many times has a vessel owner or agent lost a potential charter sale due to excessive movement dockside during the inspection process.

In my opinion, guest comfort deserves a serious evaluation with the intention of trying to find a way to accommodate ferry operators and dinner boat operators, both of whom deserve the right to operate their companies without prejudice.

1)

Page 2

Letter Aug 9, 2011

LTDR Jason Aleksak

A Seasonal Business

Many of the dinner boat and yacht companies (as well as their agents) have a limited season to generate income. Their energies are devoted to the social & corporate community and many do not benefit from the tour & travel industry.

Every vessel operator has been faced with huge increases in operational costs such as fuel, insurance, dockage, food and beverage. Many of these costs are annually rated and apply whether the vessel is engaged or remains dark. I don't believe any owner or operator is happy with the potential loss of business, when clients or potential clients are unhappy with the "rock n roll" effect.

Share the Water

I believe the wake situation has become more severe since the events of 11 September. The commuter ferries and high speed tour vessels have every right to manage their business as they deem appropriate. After all, they are providing a public service, whether they are subsidized by grants or corporate umbrella.

SLOW

Safe Level Of Wakes

We share the same waterway although we are on different missions. Our clients and guests have a totally different level of expectation when they are onboard a privately chartered yacht, dinner vessel or walking along on a floating dock.

For me it's really simple. Why can't we devise a methodology that respects the rights of marina operators, dinner boat companies and small yacht owner's, to be able to operate free of excessive wakes.

We are all contributing to the local economy via jobs, taxes and deserve to have every opportunity to manage our businesses without adversely being affected by our neighbors.

I thank you for your consideration and for all the good things the U.S. Coast Guard does every day, to keep us safe and out of harms way.

Nautically Yours

Bob Zampino

Owner/HudsonValleyYachtCharters.com

SLOW
Safe Level Of Wakes

**Appendix 6-L. Charter Yachts Cloud Nine III and Cloud Nine
IV Wakes Letter to USCG – 0911**

Cloud Nine Marine Enterprises Inc.
PO box 605127
Bayside, NY 11360
CDR Jason Aleksak
Commanding Officer
Station New York

August 14, 2011

Dear Sir: We are located at NY Skyport Marina at 23 Street and the East River. We have 2 dinner boats located there and the wakes created by the ferries and taxies have been very disruptive to our business. Their destructive wakes have led to costly repairs to the docks (which I have to maintain) and also damage to the 2 vessels. We are painting continuously the rub rails of the 2 vessels and the wear and tear on the pilings has lead to the pilings getting thinner and thinner. On the East Side, it seems that the Sea Streak is the largest culprit, because his dock is just north of us at 30th street and the East River. Their speeds are excessive and the wakes are very large.

A few years ago, we had an incident whereby the NY Waterways boat, gave us such a wake while we were under charter that a woman had fallen at the bow of the boat because of them. She fell and smashed her face on the deck requiring stitches, plastic surgery and total embarrassment. Not only was Cloud Nine Sued, so was Waterways. Since then, the ferries have not decreased their speed, nor have they stopped . It seems that there is no regard to anyone's safety. Letters have been written, calls have been made, a flotilla has been held but it's going on deaf ears.

I hope this year you can help implement changes to the routine of the cowboys on the water.

Sincerely,

Vicki Vizzio

SLOW

Safe Level Of Wakes

Appendix 6-M. Classic Harbor Line (6 yachts) Wakes Letter to USCG – 0911

LCDR Jason Aleksak

718-354-4099

Commanding Officer

Station New York

Jason.C.Aleksak@uscg.mil

Letter to USCG from Sarah Greer, GM of Classic Harbor Line (Chelsea Piers):

Classic Harbor Line is a ticketed tour and charter boat fleet within the Chelsea Piers sports and entertainment complex. We run 2 80-foot classic style schooners, an 80-foot classic yacht, and 2 35 foot classic motor yachts. Our 80 foot vessels are all moored at Chelsea Piers on the south side of Pier 62. I have personally been on location managing these boats for 10 years.

This season in particular there has been a marked change in the wake activity we endure dockside at Chelsea Piers. The bouncing of the boats and the docks at boarding times has been markedly intense. We have had to replace nearly all of our crash fenders this season due to wear and tear. There is an increase in hull damage, dock-line wear and an increase in having sea-sick guests aboard the boats while underway. I would say that this is not a coincidence, but rather it is a result of increased high speed ferry traffic buzzing down the Hudson River, with no regard or policing of a reduced wake zone.

For the safety of our guests and our boats, I would very much like to see a reduction and enforcement to the wake issue that seems to be ever increasing. I would be happy to field any questions you may have about the conditions or to host you dockside at boarding so you can see exactly what we are dealing with.

Thank you for your attention to this matter,

Capt. Sarah K Greer

Classic Harbor Line
Chelsea Piers, Pier 62
Suite 103
New York, NY 10011
captSarah@sail-nyc.com

SLOW

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SLOW
Safe Level Of Wakes

**Appendix 6-N. Charter Yacht Broker Camille Cerria Wakes
Letter to USCG – 0911**

LCDR Jason Aleksak,
Commanding Officer
Coast Guard Station New York

Re: Wakes in New York Harbor

Dear Sir,

I'm a yacht broker who assists clients with private yacht charters in NY and NJ.

While I help choose the perfect vessel and menu, I am at a loss as to the condition of the harbor which impacts greatly on their experience. The harbor is so rocky at times due to the enormous amount of ferry activity that it borders on treacherous. I've seen clients turn white with fear on many of my events.

I would think that you would want NY Harbor to be seen as a safe & fun place. Instead, people cross themselves when they reach the safety of land.

This is a problem that has gotten worse over the years. Something must be done quickly before an accident happens and bad publicity forces you to apologize to family members and finally do something about this ongoing issue.

This has been brought to your attention in the past. It's not a concern that is simply going to go away by being ignored by your office.

SLOW
Safe Level Of Wakes

Sincerely,

Camille Cerria

Smooth Sailing Celebrations

SLOW
Safe Level Of Wakes

**Appendix 6-0. Charter Yachts Calypso and Affinity Wakes
Letter to USCG – 0911**

Letter to USCG
Attn Jason Aleksak
Commanding Officer
Sector New York

August 18, 2011

The problem of excessive wakes in the Hudson and East Rivers has prompted me to write this letter. I have owned the M/Y CALYPSO since 2002 and originally was home ported at North Cove Marina at Battery Park. After 2 years of sustaining damage to both my vessel and items on board (glassware, china, lamp) due to the excessive wakes cause by the ferry traffic and other high speed vessels, I decided to relocate up to Chelsea Piers in hopes I would be more protected. Unfortunately that has not been the case.

I now own two vessels, both docked at Chelsea Piers and still experience the same problems. I have lost business from clients who have toured the yacht and felt they would become seasick due to the rocking when the wakes come in. I find myself trying to choose very specific times when to show the boats, after the ferry traffic has died down.

I have visited other ports along the east coast and see very specific NO WAKE zones being strictly enforced to all traffic including ferries. I can not understand how New York does not have one. While we have not experienced any serious injuries yet, I believe it is only a matter of time. The loss of business and damage to my vessel should be sufficient to bring some attention to this matter.

Please consider placing and enforcing a NO WAKE ZONE in the New York Harbor before there is an injury. We as an industry could not afford to have that kind of publicity.

Respectfully,
SLOW

SLOW
Safe Level Of Wakes

Frank Giordano Jr.

President

Owner

Calypso Charter Cruises, Inc.

Affinity Cruises, Inc.

Yacht Owners of New York

212-736-1010

917-501-4301

Yachtsny@aol.com

SLOW

Safe Level Of Wakes

Appendix 6-P. Wakes Letters from The River Café – 2011 and 2012

The River Café

June 13, 2011

Mr. Paul Goodman
Chief Executive Officer
BillyBey Ferry Company, LLC
Pier 79, 459 12th Avenue
New York, NY 10018

RE: NY Waterway East River Ferry Service at Fulton Ferry Pier

Dear Mr. Goodman,

We sent a letter to New York Water Taxi 3+ years ago warning of the possible danger of one of their ferry boat's hitting The River Café. It was ignored.

Now that NY Waterway's East River Ferry is running a much more frequent schedule we suggest (urge) again – for safety reasons – that you consider installing a few fender pile clusters (dolphins) to keep the ferry boats from accidentally hitting The River Café.

The currents and wakes are extremely tricky in this area and such an accident could be extremely damaging to The River Café and extraordinarily costly for you for the personal liability exposure that might occur if it crashes into a full dining room.

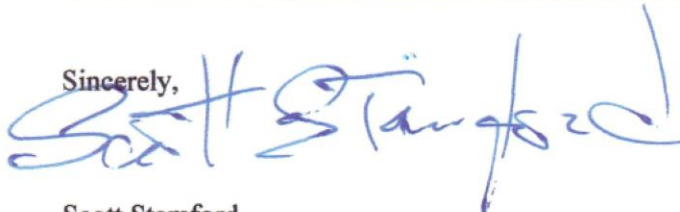
As the currents here are so swift and winds ever changing any misjudgment on the part of the pilot or a loss of power could be disastrous. Additionally the current ferries are much larger and more difficult to handle.

Fender dolphins are not that costly and could prove to be a prudent investment.

Aside from this, we love the proper use of the waterways and are thrilled to see the new service coming into existence.

**While we were preparing this letter one of your ferry boats came dangerously close to The River Café Monday, June 13 causing people to leave their tables by the window fearing a collision, and again today Tuesday, June 14th. We now fear we are in imminent danger.*

Sincerely,



Scott Stamford

Cc: Travis Noyes
New York Water Taxi

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Safe Level Of Wakes

The River Café

June 15, 2011

Mr. David Hopkins

Vice President

New York Economic Development Corporation

10 William Street

New York, NY 10038

RE: East River Ferry Service at Fulton Ferry Pier

Mr. Hopkins,

We have enclosed a copy of a letter we sent to NY Waterway.

We love the concept of using the waterways and are looking forward to the new service as a great addition to New York, but as so often happens unintended consequences will keep rearing their head and we should try to prevent that.

Just like the ferry slips at the Battery it would be best to have guide piles or “dolphins” on both sides as a guide to nest into. The tides, swift currents and winds are tricky here and it is quite difficult for even the best pilots to dock in certain conditions. They have been operating for only three days now and they have already come very close twice.

As stated in the enclosed letter the fender piles are easy to put in and are not very expensive.

We are simply trying to avoid a catastrophe.

SLOW

Safe Level Of Wakes

Regards,

Scott Stamford



January 26, 2012

Mr. Paul Goodman

Chief Executive Officer

BillyBey Ferry Company, LLC

Pier 79, 459 12th Avenue

New York, NY 10018

RE: NY Waterway East River Ferry Service at Fulton Ferry Pier

Dear Mr. Goodman,

Last night, Wednesday, January 25, 2012 at about 6:30 p.m. one of your ferries came extremely close to hitting The River Cafe – extremely close.

If your ferry hits us with a full dining room the damages could run into the hundreds of millions of dollars. There were many witnesses and hopefully tomorrow we can send you photos.

I don't know how many warnings you need, but now, since you appear to be ignoring these warnings, we must press for something to be done as a matter of public safety and our own safety.

Sincerely,

Scott Stamford

SLOW

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SLOW
Safe Level Of Wakes

Cc: David Hopkins, NYCEDC
Adam Zaranko, NYCEDC
Rear Adm. Linda Fagan, Commander of Coast Guard Sector New York

Travis Noyes, New York WaterTaxi