

FUNDAMENTAL  
RIGHT OF WAY RULES

*New vs. Old*



SUPPLEMENTAL RULES  
RELATED TO RIGHT OF WAY

*New vs. Old*



OPERATION OF THE NEW RULES

*By Harold S. Vanderbilt*

"The meeting at which the vote was taken was attended by Dr. Wilson who had lived in Cuba. He had raced under your rules at Havana and reported them to be so satisfactory that they were rapidly spreading in popularity. His favorable statement no doubt influenced several members to vote yes. Also the reading of the letter from Mr. Pitcairn, of Philadelphia, praising the rules, was highly instrumental."

On May 22, 1943, Dr. Barnes wrote me:

"We had a total of fourteen races involving anywhere from seven to twelve boats, mainly Lightnings and Comets.

"At the season's end only one protest having to do with right of way was filed and this, dealing with luffing privileges, was settled by the two parties concerned reviewing the rules and agreeing as to the blame. One of the chief advantages of your rules comes right here. Both parties can review the rules and come to agreement as to who was right or wrong without having to resort to a committee decision as to what the rules really intend.

"We plan to race this summer again using the Vanderbilt rules. As in every other club the war may make this impossible, but we have high hopes."

On February 9, 1944, Dr. Barnes wrote me in reference to the 1943 racing season at Cincinnati:

"The 1943 racing season at Cincinnati was carried out despite bad weather, high water, lack of gasoline and the seven-day week at the defense plants. A total of fourteen races were held with six to ten entries, mainly Lightnings and Comets. As in 1942, the Vanderbilt rules were used and no protests were filed with the Race Committee, the skippers agreeing as to the one in the wrong, after a discussion of the rules. One right of way violation was a clear cut case of port and starboard tack, which might have caused trouble since it occurred on a day with hard, shifty and gusty winds when it would have been difficult to say whether or not the starboard tack boat was really close-hauled. Under the old rules there could have been an argument on this point, but not under the new rules, as the starboard tack boat always has right of way.

"That the new rules were successful was proven by the fact that the Race Committee has not had to act on any protests dealing with right of way privileges in the last two years. The reason for this has been the skippers involved checked back on the rules and were able to decide who was in the wrong without having recourse to the Race Committee. With the old rules this happy situation did not always exist."

Commodore Harold F. Pitcairn, of the Lake George Yacht Club, wrote a letter to the Editor of *YACHTING* (published in that magazine in the fall of 1941), in reference to the 1941 season on Lake George, from which I quote:

"I believe it will be of interest to your readers to know that the Lake George Club this summer used the Vanderbilt racing rules instead of the North American Yacht Racing Union rules. At our concluding meeting we voted unanimously to use them again next year.

"We had four classes which were composed of the following types of boats: eight Sound Interclubs, six Stars, eight Cape Cod Knockabouts, and three Lightnings. Except for two days when there was no wind, we raced every Saturday and Sunday from June 20th to September 7th inclusive.

"In our opinion the N.A.Y.R.U. rules are too complicated to understand without a great deal of study in combination with considerable experience in racing. While this is particularly true of beginners, it also applies to those who have raced for some time. Since the purpose of racing is to cross the finish line first and have a good time in doing it, it is unfortunate that one has to keep in mind complicated legal problems while concentrating on tactics and trying to get the best speed out of one's boat.

"Mr. Vanderbilt's rules have the decided advantage of being easier to understand, easier to remember, and easier to interpret. But even more important, they remove, to a very great extent, guesswork as to exactly what the situation is.

"For example: under the N.A.Y.R.U. rules it is a matter of guesswork for either skipper to know when the leeward boat has luffed the windward boat until the bow of the leeward boat can no longer hit the windward boat forward of the main shrouds. On the other hand, under the Vanderbilt rules it is easy for the skipper of the windward boat to determine when the 'mast in line' condition exists.

"Mr. Vanderbilt's revised definition of 'overlap' removes most of the difficulty (and it is considerable) that is involved in the N.A.Y.R.U. definition of 'within risk of collision.'

"Giving a starboard boat, while sailing free, the right of way over a port tack boat which is close-hauled, not only eliminates the need, at times, for the skipper of the starboard boat to do some mind reading, but also simplifies the rules.

"Mr. Vanderbilt's handling of the difficult question of 'barging' at the start is a great improvement on the 'nearly the same course' difficulties presented by the N.A.Y.R.U. rules."

Commodore Pitcairn wrote me at the conclusion of the 1942 season of racing under my rules —

"You may be interested to know that we have had very few protests in this summer's racing, and that all have been settled before they reached the Protest Committee."

Commodore Pitcairn wrote me in regard to the 1943 season on Lake George —

"On account of gasoline rationing making it impossible for more than spotty attendance, we were unable to hold any formal races at the Lake George Club in the summer of 1943. However, a number of informal races were held by the few of us who were able to sail from time to time. So far as I am aware, no 'legal' controversies arose between any of the participants. At the Lake George Club we now race exclusively under your rules, and this no doubt accounts in part at least for the happy results, although the boats were few and the races spotty."

I would like to state, in ending this attempted eulogy of the new rules, that I have never had the pleasure of meeting either Dr. Barnes or Commodore Pitcairn, or of witnessing a race on Lake George or at Cincinnati, or of attending a gathering of skippers in either locality. In other words, the new rules have had to make their own way, relying entirely on their own merit.

### History of New Rules

I drafted what, for want of a better name, I call the new rules in the autumn and winter of 1935, with the assistance of the late Philip J. Roosevelt, then President of the North American Yacht Racing Union, the late Van S. Merle-Smith, then President of the Yacht Racing Association of Long Island Sound, and Henry H. Anderson, then a member of the Race Committee of the Seawanhaka Corinthian Yacht Club. They were issued in pamphlet form in June 1936 and circulated among a number of prominent yachtsmen. Certain changes were made as a result of suggestions received, and a second draft was published in 1939 in the last part of my book *On the Wind's Highway*. This attracted the favorable attention of a number of progressive yachtsmen, including Commodore Pitcairn and Dr. Barnes. Other drafts, printed in pamphlet form, have been issued from time to time, incorporating changes dictated by experience. While extensive changes in drafting and minor changes in substance have been made during the past eight years to attain greater simplification, there is one fact I wish

to emphasize — the four Fundamental Right of Way Rules that form the base of the whole structure have never been changed. I would be glad to send an adequate number of copies of the new rules to any club that may desire to use them.

Let me now try to point out why the new rules have proven so popular. Truth and modesty dictate that I attribute such popularity as they may have attained to the shortcomings of the old rules as much as to the virtues of the new. In order to fathom these shortcomings and virtues it is necessary, before comparing new with existing rules, to compare the basic positions on which each set is founded.

### Basic Positions on Which New and Existing Right of Way Rules Are Founded

I have tried to make this analysis as simple as possible, but parts of it may require careful reading, thought and perhaps some study. Existing rules are so complicated that they often defy simple analysis. I hope the reader will not be discouraged because, at the outset, I request him to familiarize himself with the meaning, as used in this article, of the following frequently recurring terms:

**Fundamental Right of Way Rule**—A basic or underlying rule that determines right of way when two yachts meet under ordinary as distinguished from special conditions. Rules dealing with luffing and bearing away are not right of way rules since they do not determine right of way; and rules dealing with rounding marks are not fundamental since they deal with special momentarily existing situations.

**Right of Way Determinative**—A relative position (e.g., clear ahead vs. clear astern) or relative course (e.g., close-hauled vs. sailing free) of two yachts used to determine which yacht has right of way when two yachts meet.

**Unmistakable**—A right of way rule or a right of way determinative is *unmistakable* if there is never, at the moment a yacht would normally alter course to clear another yacht, any reasonable doubt as to its applicability.

**On a Tack — To Tack**—\*

(New Rule Concept) — A yacht is *on a tack* except when she is tacking or jibing. Consequently, a yacht is *on a tack* when she is close-hauled or sailing downwind or bearing away or luffing. A yacht is deemed to be *luffing* until she is head to wind; her *tack* begins when she is beyond head to wind.

(Existing Rule Concept) — A yacht is *on a tack* only when she is close-hauled. The rules do not specify when a *tack* begins, but presumably it begins when a close-hauled yacht alters her course to *tack* instead of to luff.

**Stern Line**—An imaginary line projecting abeam from a yacht's aftermost point.

**Overlap**—

(New Rule Concept) — There can be no question of an *overlap* or of *clear ahead-clear astern* unless two yachts are on the same tack. By definition — "A yacht is *clear ahead* if her *stern line* is ahead of all parts of the other yacht. If neither yacht is *clear ahead*, the yachts *overlap*." There are but two same tack meeting positions, *clear ahead-clear astern* and *overlap*. Whenever two yachts on the same tack meet, they are deemed to be in one of these two positions, irrespective of whether they are sailing the same course or of whether one is close-hauled and the other is sailing dead before the wind.

(Existing Rule Concept) — An *overlap* can exist between yachts on the same tack or on opposite tacks. An *overlap* cannot exist unless the yachts are sailing *approximately the same course*.

**Overtaking Conditions**—There is no distinction between *overtaking* and *converging* in the new rules. Neither term is used.

The new rules follow the practice adopted in the International Rules of the Road at Sea and in the existing Racing Rules of limiting the scope of the rules to meetings between two yachts. Otherwise the rules would be too long and complicated.

Both new and existing Racing Rules contain (1) a set of fundamental right of way rules that deal only with right of way; and (2) a set of supplemental rules that deal with luffing, bearing away, rounding marks, etc. The supplemental rules will be discussed in my next article.

Each new and existing right of way rule is based on the relative position of two yachts that meet, and/or on the relative course of each yacht compared to that of the other or to the direction of the wind.

When two yachts meet, they must always be in one of the three following positions —

On Opposite Tacks;

On the Same Tack;

One or Both Tacking or Jibing.

These three meeting positions are unmistakable, since every skipper knows from the position of his main boom which tack his yacht is on, and he can see at a glance which tack an approaching yacht is on or whether she is tacking or jibing. There is no possibility of any difference of opinion.

The four new Fundamental Right of Way Rules are based on four meeting positions analogous to the three unmistakable ones named above. Four right of way determinatives, as listed below, are used to determine right of way in these four meeting positions.

Meeting position, On Opposite Tacks — right of way determinative, Starboard Tack vs. Port Tack.

Meeting position, On the Same Tack Clear Ahead-Clear Astern — determinative, Clear Ahead vs. Clear Astern.

Meeting position, On the Same Tack Overlapping — determinative, Leeward Yacht vs. Windward Yacht.

Meeting position, One on a Tack, the other Tacking or Jibing — determinative, On a Tack vs. Tacking or Jibing.

As explained in the last paragraph, the first and the last meeting positions are absolutely unmistakable. The second and third meeting positions are, as I will presently illustrate, almost equally unmistakable, since it is not necessary to know whether or not an overlap exists until the normal moment arrives for one yacht to alter course to keep clear of the other.

Existing Fundamental Right of Way Rules (which comprise seven rules and three definitions) are based on eight meeting positions and use nine right of way determinatives, as listed below, to determine right of way in these eight meeting positions.

Meeting position, one Close-Hauled, the other Sailing Free on the Same or on the Opposite Tack — right of way determinative, Sailing Close-Hauled vs. Sailing Free.

Meeting position, both Close-Hauled on Opposite Tacks — determinative, Starboard Tack vs. Port Tack.

Meeting position, both Sailing Free on Opposite Tacks but on Substantially Different Courses — determinative, Starboard Tack vs. Port Tack.

Meeting position, both Close-Hauled on the Same Tack Converging and not Overtaking — determinative, Leeward Yacht vs. Windward Yacht.

\* Unless otherwise noted the term *on a tack* is used throughout this article in accordance with its new rule concept.



Meeting position, both Sailing Free on the Same Tack on Substantially Different Courses — determinative, Leeward Yacht vs. Windward Yacht.

Meeting position, both Sailing the Same or Nearly the Same Course on the Same or on Opposite Tacks and Overlapping when Risk of Collision began to Exist — determinative, Leeward Yacht vs. Windward Yacht.

Meeting position, both Sailing the Same or Nearly the Same Course on the Same or on Opposite Tacks and Clear Ahead-Clear Astern when Risk of Collision began to Exist — determinative, Overtaken Yacht vs. Overtaking Yacht.

Meeting position, one On a Tack the other Tacking — determinative, On a Tack vs. Tacking (no mention is made of jibing in existing rules).

Five right of way determinatives have been listed above as applicable to these eight meeting positions. Four additional right of way determinatives are used in connection with the application of the overtaking rule —

Being, when risk of collision began to exist, *Clear Ahead-Clear Astern vs. Overlapping.*

Sailing, when risk of collision began to exist, *Nearly the Same Course vs. Substantially Different Courses.*

Continuing, after risk of collision exists, to sail *Approximately the Same Course vs. Substantially Different Courses.*

Continuing to sail *Within Risk of Collision vs. Widening Out beyond Risk of Collision.*

All of the last four determinatives must be applied to each meeting between two yachts whenever it is a question whether the overtaking rule applies, instead of either the converging on the same tack or the sailing free on opposite tacks rules. In such cases, right of way depends, not on an existing position (i.e., not on the position of the yachts at the moment one would normally alter course to keep out of the way), but on a review of several past mistakable conditions. Under the new rules it is never necessary to review past positions in order to determine right of way.

Existing rules have too many right of way determinatives. This is the normal consequence of the underlying fault in the basic rule structure that existing rules are based on too many meeting positions. This underlying fault is responsible, primarily and principally, for all of the troubles experienced with existing rules. Obviously a set of right of way rules must cover all possible meeting positions. Otherwise they would be incomplete. Now, the number of possible meeting positions depends, to some extent, on the terminology used to describe them. For instance, if, in determining right of way, we elect to differentiate between a yacht sailing close-hauled and one sailing free, we increase both the number of possible meeting positions used to determine right of way and the number of right of way determinatives necessary to define it. Existing rule terminology prescribes eight possible meeting positions. These eight positions require seven right of way rules and three definitions (Overlap, Overtaking, Risk of Collision) and nine right of way determinatives to determine right of way when two yachts meet. By the simple expedient of revising existing rule terminology, the number of possible meeting positions has been reduced in the new rules from eight to four, the number of right of way determinatives from nine to four, the number of right of way rules from seven to four, and the three definitions have been eliminated as factors in determining right of way.

These reductions were brought about by merely enlarging the existing rule concept of *On a Tack* and *Overlap*, and by avoiding the use (in selecting meeting positions to determine right of way) of meeting positions based on Sailing Close-Hauled, Sailing Free, Sailing Nearly the Same Course, Sailing Substantially Different Courses and Sailing Within Risk of Collision. These reductions, and the fact that they have resulted in an unmistakable set of right of way rules, are responsible for the success of the new rules. No further reduction can be brought about either by further revising terminology or by any other expedient. We have reached, in the new rules, the rock bottom of simplification of the Fundamental Right of Way Rules.

#### Fundamental Right of Way Rules

The four fundamental right of way rules of the new rules (already quoted at the beginning of this article) are —

1. If two yachts are on opposite tacks, the port tack yacht shall keep out of the way.
2. If two yachts on the same tack are clear ahead and clear astern, the yacht clear astern shall keep out of the way.
3. If two yachts on the same tack overlap, the windward yacht shall keep out of the way.
4. A yacht, while tacking or jibing, shall keep out of the way of a yacht on a tack.\*

The seven fundamental right of way rules of existing rules are —

Rule 30 (A) — "A yacht overtaking another shall keep out of the way of the overtaken yacht."

Rule 30 (D) — "A yacht which has the wind free shall keep out of the way of one which is close-hauled."

Rule 30 (E) — "A yacht which is close-hauled on the port tack shall keep out of the way of one which is close-hauled on the starboard tack."

Rule 30 (F) — "When both yachts have the wind free on different sides, and neither can claim the rights of a yacht being overtaken, the yacht which has the wind on the port side shall keep out of the way of the other." †

Rule 30 (G) — "When both yachts have the wind free on the same side and neither can claim the rights of a yacht being overtaken, the yacht to windward shall keep out of the way of the yacht to leeward."

Rule 30 (H) — "When two yachts both close-hauled on the same tack are converging by reason of the leeward yacht holding a better wind, and neither can claim the rights of a yacht being overtaken, then the yacht to windward shall keep out of the way."

Rule 30 (I) — "A yacht may not tack so as to involve probability of collision with another yacht unless she can gather proper way on her new tack before a collision would occur; nor so as to involve probability of collision with another yacht which, owing to her position, cannot keep out of the way. . . ."

Compare these seven existing fundamental rules with the four fundamental rules of the new rules. Note how much shorter and simpler the new rules are. Note how the various right of way determinatives of existing rules are intermingled, necessitating in some cases cross reference to other rules. The situation under existing rules is actually far more complicated than it appears to be from

\* Both the new rules and existing rules are silent on the question of right of way between two yachts tacking or jibing simultaneously. It might be well to insert a provision to the effect that, in such a case, while neither yacht has right of way, neither shall so alter course towards the other as to collide with her.

† A yacht is deemed to have the wind on the side opposite to that on which she is carrying her main boom.

reading the above rules. To appreciate this, it is necessary to read the *Overlap, Risk of Collision and Overtaking* definitions, which not only form part of the above rules, but also contain the last four of the nine right of way determinatives previously listed.

I fear I may have tried the reader's patience with the above technical analysis. Now that we have finished it, let us take up the relatively simple discussion and comparison (illustrated with simple diagrams) of the operation of new and existing fundamental right of way rules. Let us divide the discussion into three parts: Yachts meeting (1) On Opposite Tacks; (2) On the Same Tack; and (3) One On a Tack, the Other Tacking or Jibing.

### On Opposite Tacks

Rule 1 of the four fundamental rules of the new rules governs right of way when two yachts meet on opposite tacks. It reads:

1. If two yachts are on opposite tacks, the port tack yacht shall keep out of the way.

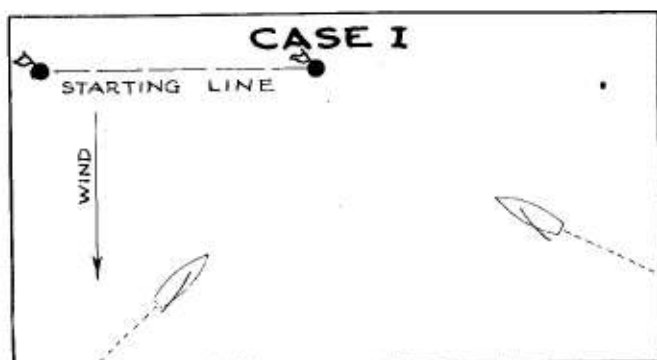
There is but one exception to this rule, which applies to a starboard tack yacht on the wrong side of the starting line after her starting signal. Existing rules contain a like exception to this rule and, in addition (using the new rule concept of "On a Tack"), the two following exceptions:

- (ii) A close-hauled port tack yacht has right of way over a starboard tack yacht sailing free (Rule 30 (D)); and
- (iii) An overtaken port tack yacht has right of way over an overtaking starboard tack yacht (Rule 30 (A)).

Eliminating the first exception, which is common to both rules and too limited in scope to cause confusion, the new rules require but one short unmistakable fundamental rule to determine right of way in all opposite tack meetings, while existing rules require four fundamental rules, namely, clauses (A), (D), (E) and (F) of Rule 30 (any one of which may apply) and three definitions, *Overtaking, Overlap and Risk of Collision*.

These four existing rules are, under certain conditions, mistakable one for the other. For example:

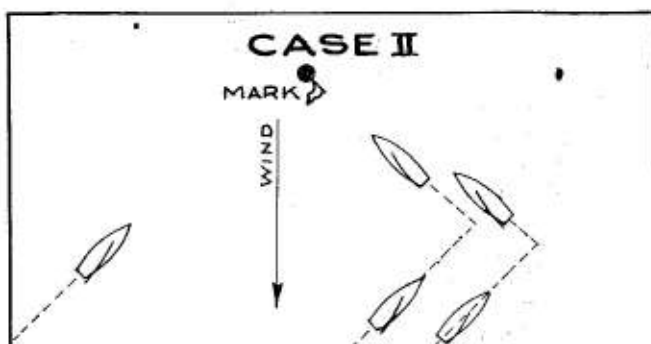
**CASE I.** As shown in the diagram, two yachts are approaching the starting line on opposite tacks. The port tack yacht is close-hauled. The starboard tack yacht is sailing with a hard full and could lie one or two points closer to the wind.



Does clause (D) or (E) of Rule 30 apply? This situation is even more complicated if the starboard tack yacht is sailing 3 or 4 points below full-and-by and luffs to claim right of way under clause (E). As an example of the difficulties which have arisen in similar cases: at the start of the Astor Cup Race in 1934, a serious collision between three large J Class sloops

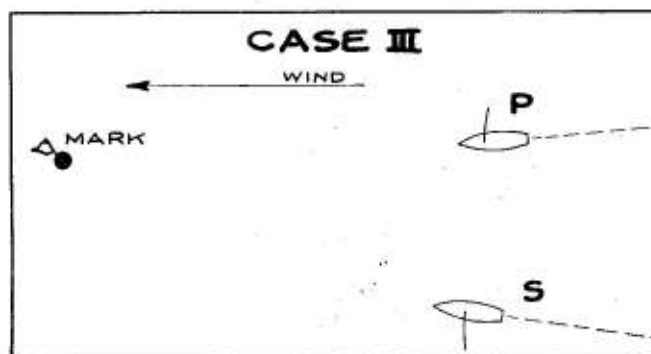
was narrowly averted because the port tack yacht applied clause (D) in the situation shown in the diagram and two starboard tack yachts clause (E). A protest resulted.

**CASE II.** On a windward leg a port tack yacht, as shown in the diagram, forces another port tack yacht clear ahead and to leeward to overstand the windward mark so as to be sure to be ahead of her at the mark. When both yachts tack to starboard for the mark (which must be left on their starboard side) both have substantially overstood it. A third yacht is fetching the mark close-hauled on the port tack.



Does clause (D) or (E) of Rule 30 apply? Has the port tack yacht right of way? Situations similar to that presented in Case II also frequently arise when a starboard tack yacht has overstood a mark due to a slight shift of wind, or to failing to make the proper allowance for current.

**CASE III.** Two yachts sailing nearly the same course, but converging slightly, are approaching a leeward mark on opposite tacks.



Which yacht has right of way and can P (the port tack yacht) claim room at the mark which must be left to starboard before hauling on the wind? The presence of the mark is immaterial in deciding which yacht has right of way. Each skipper must try to retrace the course of both yachts and decide from memory of former positions (assuming they were noted at the time) four difficult questions: (1) When did risk of collision begin to exist? (2) Were the yachts clear ahead-clear astern when risk of collision began to exist? (3) Were the yachts sailing nearly the same course when risk of collision began to exist? (4) Have the yachts been sailing approximately the same course since risk of collision has existed? If it is agreed that the answer to each of the last three questions is "Yes," P ranks as right of way overtaken yacht (Rule 30 (A)), and is entitled to room at the mark. If the answer to any of the last three questions is "No," S ranks as right of way yacht because she has "the wind on the starboard side" (Rule 30 (F)), and P is not entitled to room at the mark. As an example of the difficulties which have arisen in similar cases, the decision of two protests at the start of two races for the America's Cup in 1934 hinged on whether clause (A) still applied to the Challenger and Defender on opposite tacks before the start, or on whether it had been supplanted by clause (F).

Let the reader put himself in the position of the skipper of either yacht in Cases I, II and III. It is almost certain that each skipper will in all good faith apply the rule that favors his own yacht. The situation Case III is so complicated that it is unreasonable even to hope for agreement. Furthermore, in the event of a protest, it will be impossible for the Race Committee to determine the actual facts in Case III. It will have to base its decision on a guess as to the facts, and one of the skippers will certainly feel aggrieved.

We cannot escape the conclusion that the right of way determinatives used in the present rules are mistakable in certain situations when two yachts meet on opposite tacks. Many arguments and protests and doubtless some collisions have resulted. What useful purpose is served by making an exception to the unmistakable starboard or opposite tack right of way rule in Cases I, II and III? I have yet to find a yachtsman who can find that it serves any useful purpose.

In concluding the comparison of the opposite tack rules, I would like to point out an important incidental advantage that the new rules possess. Many spinnakers have been torn making a sudden alteration of course to clear a close-hauled yacht. The greatest difficulty arises when she has recently tacked. Rule 30 (D) seems unjust since the modern close-hauled yacht can easily alter course without danger of tearing a sail, while a yacht carrying a spinnaker cannot. The new rules automatically solve half of the spinnaker injustices, since under them a starboard tack yacht carrying a spinnaker has right of way over a close-hauled port tack yacht. The new rules also contain other provisions to protect yachts carrying spinnakers. These form part of the supplemental rules to be discussed in my next article.

### On the Same Tack

Rules 2 and 3 of the four fundamental rules of the new rules govern right of way when two yachts meet on the same tack. They read —

2. "If two yachts on the same tack are clear ahead and clear astern, the yacht clear astern shall keep out of the way."

3. "If two yachts on the same tack overlap, the windward yacht shall keep out of the way."

There are two exceptions to these rules which apply —

(i) to a yacht clear ahead or a leeward yacht on the wrong side of the starting line after the starting signal; and

(ii) to a leeward yacht about to leave a mark to windward.

Existing rules contain two like exceptions to these two fundamental rules, and, in addition, the following exception to rule 3 —

(iii) the leeward yacht if she ranks as an overtaking yacht must keep out of the way of the windward yacht (Rule 30 (A)).

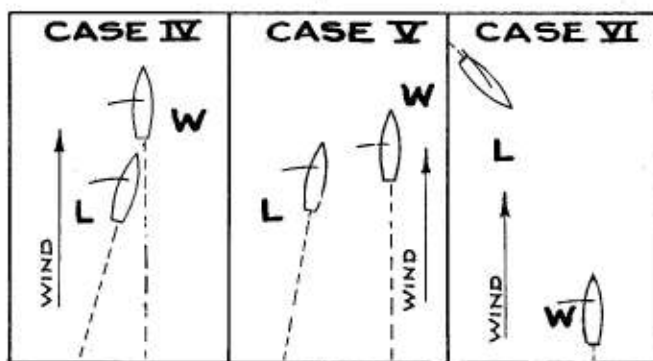
Eliminating exceptions (i) and (ii), which are common to both rules and too limited in scope to cause confusion, the new rules require but two short unmistakable fundamental rules to determine right of way on the same tack, while existing rules require four fundamental rules, clauses (A), (D), (G) and (H) of Rule 30 (any one of which may apply) and three definitions — Overlap, Overtaking and Risk of Collision.

The concept of right of way on the same tack is very different in the new and in existing rules. For instance, there is a marked difference in the concept of *Overlap*. The salient points of difference, all of which should be carefully noted, have been stated on page 3.

The new rules, in determining right of way, do not differentiate between *overtaking* and *converging* conditions, between sailing *close-hauled* and *sailing free*, or between sailing *nearly the same* or *approximately the same* or *substantially different courses*, or prescribe a *risk of collision zone*. These italicized terms are not used in the new rules. Fundamental rules 2 and 3 of the new rules apply to both overtaking and converging situations. If two yachts are on the same tack, right of way always depends (except in the case of a yacht on the wrong side of the starting line) only on whether the yachts are clear ahead-clear astern, or on whether they overlap (new rule concept).

Let us consider three cases to illustrate the operation of the same tack fundamental rules of the new rules.

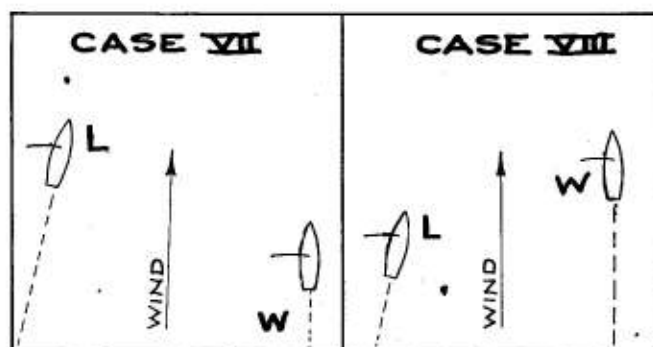
CASE IV. Yacht *W* is clear ahead since her stern line (an imaginary line projecting abeam from her aftermost point) is ahead of all parts of the other yacht. Fundamental rule 2 applies and *L* must keep out of the way.



CASE V. The yachts approached each other as in Case IV, but in Case V, *W*, owing to the fact that an overlap existed, did not succeed in slipping in ahead of *L*. Fundamental rule 3 applies and *W*, the windward yacht, has had to luff up to keep clear of *L*. (The discussion of *L*'s right to luff is discussed in the next article.)

CASE VI. The yachts overlap, since neither yacht is clear ahead, i.e., since the stern line of neither yacht is ahead of all parts of the other yacht. Fundamental rule 3 applies and yacht *W*, which ranks as windward yacht since she is on the other's windward side, must keep out of the way.

It is obviously not easy to agree in the doubtful cases illustrated below whether two yachts are *clear ahead-clear astern*, or *overlap*.



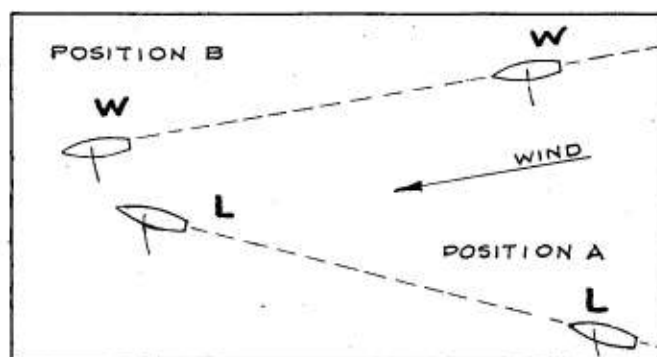
Fortunately it is not necessary under the new rules in either Case VII or VIII (or in any other doubtful case) to determine, when the yachts are say three or four lengths apart, whether or not they *overlap*. In Case VII since *W*, whether she ranks as the yacht *clear astern* or as the *windward yacht*, would have to keep out of *L*'s



way in either event, it is immaterial whether the yachts overlap. In Case VIII the yachts will eventually meet in the position shown in either Case IV or V. It is not necessary for either skipper to know or note, when the yachts are in the Case VIII position, which yacht has right of way, because neither yacht will normally alter her course to avoid a collision until the yachts are almost in the Case IV or V positions, at which time it is easy to determine whether or not an overlap exists. Should the yachts bump owing to a miscalculation of clearance or of relative speed, the point of contact on yacht W would definitely establish right of way. If L hit W, on the lee quarter (Case V), an overlap must have existed. If L hit W on the transom (Case IV), L must have been clear astern and traveling faster. If we apply existing rules to this situation, the point of contact would be immaterial. It would be necessary to recall and review the Case VIII position to determine which yacht must keep out of the way.

I think the reader will agree that the distinction between the clear ahead-clear astern and overlapping positions, as applied in the new rules to two yachts on the same tack, is unmistakable. When using the new rules it is never necessary, in order to determine right of way, to review positions which existed before the situation has reached a point where it is normally incumbent on one of the yachts to alter course to keep out of the other's way. Arguments should arise only when the right of way yacht claims that she had to alter course to avoid a collision, and the other yacht claims that if the right of way yacht had held her course no collision would have occurred. We will always have disputes of this nature. They can arise over any right of way rule, past, present or future. There is no way of preventing them by rule. Moreover, such disputes are caused by difference of opinion as to the proximity, relative speed and positions of the yachts, not as to the application of the rules.

Let us review in detail how existing rules apply to the position we have just been discussing in Case V (position (b) in the diagram below) and assume, as seems probable, that a few minutes earlier the yachts were in the position shown in Case VIII (position (a) in the diagram below).



Which yacht has right of way under existing rules when the yachts met in position (b)? The question of right of way did not seem to be of particular moment when the yachts were in position (a). Unless their skippers were veterans and rule experts, the relative position of the two yachts probably escaped their attention until the normal moment arrived for one of the yachts to alter course; i.e., until just before the yachts reached position (b). Yet these two skippers, in order then to determine which yacht must keep out of the way, had to try to recall the position of the yachts at (a), and had to decide five most difficult questions, all from memory of former positions: (i) When did *risk of collision* begin to exist? (ii) Were the yachts clear ahead-clear astern when *risk of collision* began to exist? (iii) Were the yachts sailing nearly the same course when *risk of collision* began to exist? (iv) Have the yachts been sailing approximately the same course since *risk of collision* has existed? (v) Has *risk of collision* existed continuously since it began to exist?

If both skippers agree that the answer to each of the last four questions was "Yes," W ranked as the right of way over-

taken yacht under Rule 30 (A). If the answer to any of the last four questions was "No," L ranked as right of way leeward converging yacht under Rule 30 (G). Now *risk of collision* began to exist (i.e., the turning circles of the yachts began to intersect) at about the time the yachts were in position (a), and at that time it was extremely difficult to determine, not only whether or not *risk of collision* actually existed, but also, on account of the distance separating the yachts, whether or not they overlapped.

Compare, as illustrated by this everyday meeting case, the very complicated, highly controversial procedure which must be used to determine right of way under existing rules with the very simple procedure of the new rules under which there can never be any doubt, when the normal moment to alter course arrives, which yacht has right of way. If space permitted, many other illustrations of the difficulties encountered in applying the existing on the same tack fundamental rules could be given.

I am sure the reader will appreciate that when two yachts on the same tack meet, it is unreasonable in many cases to expect any two yachtsmen to agree on the facts that it is necessary to agree on in order to apply the unmistakable right of way determinatives of existing rules. The fact that it is necessary, in order to determine right of way, to recall and to review positions which existed several minutes earlier, is in itself sufficient to warrant the condemnation of existing rules. Right of way should always depend only on conditions that exist at the moment one yacht would normally alter her course to keep out of the way of the other yacht. Furthermore, let me emphasize that right of way should depend only on one unmistakable condition which exists at that moment, not on a series of mistakable past conditions as in existing rules.

It is not surprising, in view of the difficulties which have been experienced with existing rules, that the new rules have met with such unanimous acclaim. As already intimated, perhaps their popularity is due as much to the imperfections of the old rules as to any virtue the new rules may possess.

#### Tacking or Jibing

The differences between fundamental rule 4 of the new rules and existing rule 30 (I) which govern right of way when a yacht *On a Tack* meets a yacht *Tacking or Jibing*, are not sufficiently important to warrant detailed discussion in this article. There are important differences, which will be discussed in the next article, in some of the supplemental rules dealing with tacking and jibing.

#### The Influence of the International Rules

Why, the reader may ask, were mistakable right of way determinatives injected into existing rules, and why were they not eliminated years ago? The answer to these questions involves a brief review of the history of yacht racing rules.

I do not know when or by whom the first set of racing right of way rules was drafted, but I do know that the original drafters did not have a clean slate to start with. They were confronted with an existing set of right of way rules; namely, the International Rules of the Road at Sea. They form the basis of our Racing Right of Way Rules, and the existing imperfections of the latter result from a too short-sighted application of some of the precepts of the former. As proof of this contention, it is only necessary to examine our existing supplemental rules dealing with *Rounding Marks* and *Close Hauled On the Same Tack Approaching an Obstruction*. The relative excellence of these rules is due to the fact that, since they have no connection with the International Rules, they were obviously drafted, not only without any reference to them, but also having in mind only the interests of yacht racing.

The sections of the International Rules dealing with the meeting of sailing vessels at sea have not been changed for a great many years. They date back to the square-rigger days, and were framed primarily for the benefit of square-riggers. For instance, a square-rigger was not *on a tack* unless she had tacks aboard, and she only had tacks aboard when she was endeavoring (with little, if any, success) to beat to windward. This old and limited conception of *on a tack* still exists in our

present racing rules. A yacht is, according to the rules, *on a tack* only when she is close-hauled. While the term *on a tack* is not defined, it is only necessary to read the existing fundamental rules quoted in this article to see that no other interpretation is possible. Incidentally, this limited interpretation is responsible for many drafting ambiguities of existing rules. The good old square-rigger days are over. It is time that we modernized our racing rules to conform to the present-day commonly accepted meaning of the terms used therein.

The International Rules were quite properly originally framed to protect a square-rigger endeavoring to beat to windward by giving her right of way. Hence the exception to the opposite tack rule in our racing rules giving a close-hauled port tack yacht right of way over a yacht sailing free "with the wind on the starboard side."

In the International Rules a yacht is deemed to be *overtaking* another if she approaches from more than two points aft of the beam. No mention is made of *overlap*. While our yacht racing overtaking rules are so different from the International Overtaking Rule that it is hard to recognize any similarity, we can trace the application of the overtaking rule, as an exception to the opposite or starboard tack rule, to a too blind following of the precepts of the International Rules.

### Arguments For and Against Changing the Rules

The imperfections in our existing rules are common knowledge to many yachtsmen. I believe that the failure to eliminate them is due primarily to a dislike of changes, in turn attributable to the advanced age of many of those who have held influential positions in the yachting world. Some of these "old die-hards" have merely stated that they did not approve of the changes I have suggested. No one has ever advanced or attempted to advance a single convincing argument in defense of existing rules or setting forth why the fundamental changes I advocate should not be made. One prominent yachtsman wrote me that while he considered that my suggestions had much merit, he was too old to learn another set of rules. Another argued that, while existing rules are not perfect, we have built up sufficient valuable case law to clarify them; all of which would have to be discarded if we should adopt a new set of rules. If this argument should prevail, the rules would remain forever *in statu quo*.

Case law, however perfect, can never eliminate uncertainty

in application due to one rule being mistakable for another. Case law is not, with a few exceptions, generally available to the average yachtsman. If we examine it carefully, we find countless instances of disagreement between the various ruling bodies as to the meaning of the rules. In a case but recently finally decided, the four committees that considered it all reached substantially different conclusions. This failure to agree is good evidence of bad drafting, obscure meaning and difficulty of interpretation. If Race Committees and Appeals Committees differ as to the meaning of the rules after mature deliberation, how can we expect yachtsmen to agree on them in the midst of an exciting race?

Another argument made against changing the rules is that in the interests of safety and to avoid confusion, we cannot afford to make any further departures from the International Rules. I agree that the Racing Right of Way Rules should follow the International Rules as closely as possible, but that similarity should not be carried to a point where uncertainties and dangerous situations (such as I have illustrated) are thereby created. Our present Racing Right of Way Rules already contain so many rules at variance with the International Rules that the injection of what might be construed to be a couple of additional departures will make no material difference.

Today there are too many arguments and protests which, unfortunately, often create ill feeling to the detriment of the sport. As proven by the results obtained under the new rules on Lake George and at Cincinnati, most of these unfortunate incidents can be avoided by making the right of way determinatives so unmistakable that both yachts must invariably apply the same rule. There are many boys and girls racing small boats today. There will be more after the war. They cannot cope with the present complicated rules. We owe them a simplified set.

I do not claim that the new set of racing rules is perfect. Undoubtedly differences of opinion will arise regarding some of the supplemental rules to be discussed in the next article. It is not a matter of great moment how these differences are finally resolved. I am certain of only one thing — that we will never have a satisfactory set of racing right of way rules until we substitute, for the seven existing right of way rules, the four fundamental right of way rules I have advocated in this article, and until we adopt a new supplemental rule structure built around these four rules.



## Part II—Supplemental Rules Related to Right of Way—New vs. Old

UNLIKE the Fundamental Rules discussed in the last article, the Supplemental Rules have no connection with the International Rules of the Road at Sea. The International Rules contain no comparable rules, since they were not designed to cover the situations that arise in yacht racing under the Supplemental Rules. Nor were the International Rules designed, as I have endeavored to point out in the last article, to cover many of the situations that arise under the Fundamental Rules. The most important Supplemental Rules deal with Luffing and Bearing Away.

### Luffing and Bearing Away

New and existing rules covering Luffing and Bearing Away differ materially in substance, arrangement and drafting. The principal points of differences in substance may be summarized as follows:

- (1) Existing rules have two luffing rules: a *luff as you please* rule which permits an overtaken yacht to luff an overtaking yacht passing to windward; and an (in some respects less drastic, in other respects more drastic) *altering course* rule which permits the leeward of two converging yachts to luff the windward yacht. The new rules have but one luffing rule: a *luff as you please* rule which permits a leeward yacht to luff a windward yacht, irrespective of whether the latter is overtaking or converging.
- (2) Existing rules use *the stem end of the leeward yacht striking the windward yacht abaft the main shrouds* position for terminating the "as you please" right to luff the overtaking yacht. No terminative is prescribed for the right to luff a windward converging yacht. The new rules use *the mast of the leeward yacht in line with the helmsman of the windward yacht* position to determine the right to luff, and, if it exists, to terminate it.
- (3) Existing rules permit a leeward overtaken yacht to luff an overtaking yacht *on the opposite tack*. The new rules restrict luffing rights to yachts *on the same tack*.
- (4) Existing rules provide that an overtaken yacht may not *bear away* to prevent an overtaking yacht from passing her to leeward. The new rules permit such a practice.

I think all yachtsmen will agree, after reading this discussion on Luffing and Bearing Away, that it is better to have one luffing rule than two, that the new rule method of terminating luffing rights is better than the existing one, and that luffing rights should be limited to yachts on the same tack. But yachtsmen will differ as to the advisability of permitting a windward yacht to bear away to prevent another yacht from passing to leeward. In practice, the enforcement of this bearing away pro-

hibition has proved very difficult, but in theory existing rules are right.

Before pursuing this discussion of Luffing and Bearing Away further, it is necessary for reference and comparison to quote all pertinent existing and new rules.

The following existing rules cover Luffing and Bearing Away:

### Overtaking

Rule 30 (B) — "If the overtaking yacht steers a course to pass the overtaken yacht on the side opposite to that on which the latter then carries her main boom, the latter may luff from her course, head to wind if she pleases, to prevent the former passing her to windward, until she is in such a position that her bowsprit end, or stem if she has no bowsprit, would strike the overtaking yacht abaft the main shrouds, after which she may maintain her course, but may luff no further. In cases of doubt as to the right of the leeward yacht to luff, the windward yacht must respond to the luff, and protest if she thinks fit.

Rule 30 (C) — "A yacht must never bear away out of her proper course to hinder an overtaking yacht passing her to leeward. The overtaking yacht, if to leeward, must not luff so as to interfere<sup>1</sup> with the windward yacht or cause her to alter her course, until she ranks as an overtaken yacht. The lee side shall be considered that on which the leading yacht of the two carries her main boom at the time she ceases to be clear ahead.

### Meeting, Crossing and Converging

"Before the starting signal is given there are no restrictions upon the maneuvering of the yachts other than the provisions of Rules 30, 31 and 32, and the yacht holding right of way may alter course in any reasonable manner (but a luff so sudden that it cannot be easily responded to would not be considered reasonable).

"As soon as the starting signal is given, yachts must sail a course consistent with the intention of crossing the line, but in all other respects the only restrictions on maneuvering are those provided in Rules 30, 31 and 32. After crossing the line the only restrictions upon maneuvering are those provided in Rules 30, 31 and 32.

### Altering Course

Rule 30 (K) — "When by any of the above clauses one yacht has to keep out of the way of another, the latter (subject to clause (B)) shall not alter course so as to prevent her doing so. Although the right of way yacht is not bound to hold her course, she must not so alter it as to mislead or balk the other, in the act of keeping out of the way."

The following new rules (latest draft) cover Luffing and Bearing Away. The four Fundamental Right of Way Rules, discussed at length in the first article (i.e., clause (a) of Rules 1, 2 and 3 and the first sentence of Rule 6) are also quoted below to avoid breaking the continuity of the text. These four rules replace the seven existing Fundamental Rules (i.e., clauses A, D, E, F, G, H and I of Rule 30).

<sup>1</sup> "Interfere" is used in the sense of interference through actual contact.

## General Rules

### On Opposite Tacks

1. If two yachts are on opposite tacks —
  - a. the port tack yacht shall keep out of the way;
  - b. the starboard tack yacht —
    - i. before starting; may (subject to section 4) luff or bear away so as to force the port tack yacht to alter her course, but only slowly and not so as to balk or mislead the port tack yacht when she is in the act of keeping out of the way;
    - ii. after starting; shall (subject to her right to tack or jibe) not so alter her course as to interfere with or balk the port tack yacht.

### On the Same Tack — Clear Ahead and Clear Astern

2. If two yachts on the same tack are clear ahead and clear astern —
  - a. the yacht clear astern shall keep out of the way;
  - b. the yacht clear ahead (subject to section 4) —
    - i. before starting; may luff (head to wind if she pleases) or bear away; but may only luff or bear away slowly if towards a yacht clear astern about to establish an overlap;
    - ii. after starting; may luff as quickly as she pleases and head to wind if she pleases; or may bear away, but not so as to force a yacht clear astern about to establish an overlap to leeward to alter her course to avoid a collision.

### On the Same Tack — Overlapping

3. If two yachts on the same tack overlap —
  - a. the windward yacht shall keep out of the way;
  - b. the leeward yacht may always bear away unless she would thereby balk a windward yacht attempting to cross her bow;
  - c. if the windward yacht was aft of the mast line<sup>1</sup> when the overlap began; the leeward yacht may luff (subject to section 4 and to footnote<sup>2</sup> below) head to wind if she pleases until the windward yacht is abreast of the mast line. Thereafter, or if the windward yacht was forward of the mast line when the overlap began; the leeward yacht, while that overlap continues to exist,<sup>3</sup> may not —
    - i. before starting; luff so as to force the windward yacht to luff;<sup>4</sup>
    - ii. after starting; sail above her normal course.

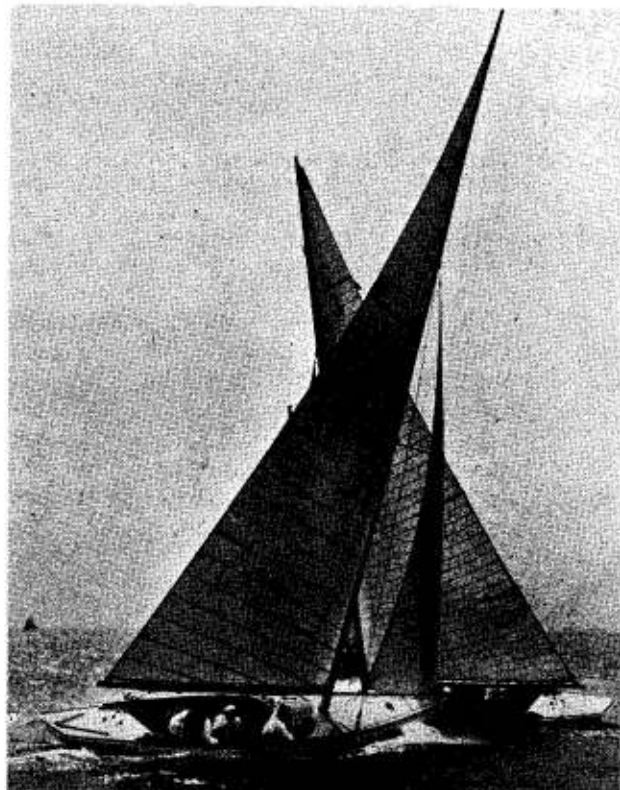
### General Limitations on Right to Luff or Bear Away

4. The right of way yacht may not exercise the right (if it is accorded to her in one of the three preceding sections) to luff or bear away so as to force the yacht obligated to keep out of the way to alter her course —
  - a. unless the yacht obligated to keep out of the way is in a position where she is able to respond;<sup>5</sup> and
  - b. unless the right of way yacht has gathered full way after tacking, jibing, S-ing or sailing with sails shaking. If the right of way yacht, soon after executing one of these maneuvers, engages a yacht of her own class in a luffing

<sup>1</sup> A windward yacht is abreast of the "mast line" when her wheel or the fore end of her tiller is abreast of an imaginary line projecting abeam from the center of the leeward yacht's mainmast. The person in charge of the windward yacht is *prima facie* mast line judge. While a hail by him — "mast in line" or words to that effect — is not compulsory, until one is made, the leeward yacht, when there is reasonable doubt, may assume that the relative position of the yachts does not (or did not) warrant such a hail. The leeward yacht, when so hailed, must be governed accordingly. Her only remedy lies in hoisting a flag, if she deems the hail improper.

<sup>2</sup> Before starting; the leeward yacht may only luff slowly. After starting; she may luff as quickly as she pleases.

<sup>3</sup> An overlap, in this case, does not begin or continue to exist if two



Rosenfeld

No chance for an argument!

match before attaining equal speed with the latter, the right of way yacht is deemed to lack full way.

5. The yacht obligated to keep out of the way may, provided she fulfills said obligation, always luff or bear away.

### Tacking or Jibing

6. A yacht, while tacking or jibing (and thereafter if she then ranks as a yacht obligated to keep out of the way) shall keep out of the way of a yacht on a tack.<sup>6</sup> The latter shall not so alter her course as to balk the former.

The *General Rules* of the new rules have seven sections: the six quoted above and a seventh dealing with *Tacking and Jibing* quoted on page 16. The *Special Momentary Position Rules* follow the *General Rules* and are captioned *Rounding Marks or Obstructions*, *One Way Traffic Lane*, and *Close Hauled on the Same Tack Approaching an Obstruction*. They will be discussed later. The *General Rules* and *Special Rules* include all new rules that deal directly or indirectly with right of way (i.e., all rules that apply when two yachts meet). A number of *Definitions*, necessary to clarify new rule terminology, precede the *General Rules*. Note that all new rules (except, to avoid repetition, those of section 4) that apply to each of the four meeting positions used to determine right of way are grouped together under captions indicative of the four meeting positions — (1) On Opposite Tacks; (2) On the Same Tack — Clear Ahead

yachts, although abeam, are more than two overall lengths of the longer yacht apart.

<sup>4</sup> Note that if the leeward yacht bears away after losing her luffing rights, she does so at her own risk, since the windward yacht can, by bearing away with her (section 5), prevent her from luffing.

<sup>5</sup> When three (or more) yachts overlap, the presence of an intervening overlapping yacht (whether or not she has a right to luff the yacht next to windward) does not release a windward yacht (if she is able to luff) from an existing obligation to luff for a third yacht further to leeward. The intervening yacht cannot be disqualified for not luffing in response to a luff, if the yacht next to windward does not give her room to luff.

<sup>6</sup> A tack or a jibe by either or both of two yachts always creates a new right of way situation, but not necessarily a different one; (e.g., section 2 may apply both before and after two yachts have jibed).



and Clear Astern; (3) On the Same Tack — Overlapping; and (4) Tacking or Jibing.

New rules dealing with Luffing and Bearing Away are longer, more specific and cover more ground than existing rules. For instance, clause K of Rule 30 is embarrassingly indefinite. This clause is generally known as the *Converging Luffing Rule*. It has been interpreted to mean that the leeward yacht may luff slowly. But the rule itself gives no indication how fast, how long or how far she may luff. Perhaps we can infer from this silence that, provided she luffs slowly, she can luff as long as the overlap lasts and head to wind if she pleases.

### Two Luffing Rules vs. One

There is a theoretical argument which can be advanced in favor of having two luffing rules; one for overtaken yachts, the other for converging yachts, as in existing rules; instead of having a single luffing rule that applies to both conditions, as in the new rules. Theoretically, it seems proper to give greater protective luffing rights to an overtaken leeward yacht than to a leeward converging yacht, because the big bad overtaking yacht has deliberately chosen to pass to windward; while the converging windward yacht, as she must have approached from the windward side, did not have perhaps as free a choice on which side to pass. Practically, when two yachts on the same tack converge sailing substantially different courses, they are usually bound for different turning marks. If so, the windward yacht always maneuvers so as to cross the other's bow or stern, since she would suffer too great a loss if she sailed into a position where she was forced to parallel the course of the leeward yacht.

On the other hand, if two converging yachts are bound for the same mark, they are probably converging at a moderate angle, and the windward yacht would normally suffer no great loss by luffing up to parallel the course of the leeward yacht. She might therefore elect to sail into a position where she could no longer, because of an overlap, cross ahead or astern of the leeward yacht. Hence, as a practical matter, in considering luffing rights we only have to deal with the case of two yachts bound for the same mark (or marks on the same bearing). When two yachts are converging at a moderate angle, the previously mentioned theoretical argument to warrant a different luffing rule for overtaking and converging conditions loses most of its force. It does not carry enough weight to warrant the existence of two different luffing rules, and of all the grief that their application involves.

It is easier to learn and apply one luffing rule than two, but that is only a minor point. The great practical difficulty in applying the two existing luffing rules is that, in order to know which one to apply, it is necessary to know whether overtaking or converging conditions exist. In many cases the skippers must try to agree on the many complex and mistakable right of way deter-

minatives described in the last article, solely in order to ascertain which luffing rule to apply. See diagram.

Under existing rules, *L* (the leeward yacht) ranks as right of way yacht whether *W* ranks as overtaking yacht or as windward converging yacht. The right of way situation in this case is therefore clear, irrespective of whether the overtaking or converging rule applies. But suppose *L* decides (as she normally would to keep her wind clear) to luff *W*. In order to know which of the two luffing rules to apply (i.e., in order for *L* to know — (i) whether she can luff as she pleases and head to wind if she pleases; or (ii) whether she can only luff slowly, and goodness only knows how far; and (iii) when luffing rights terminate), the skippers must review past conditions and decide whether the yachts are overtaking or converging (i.e., whether at the time risk of collision began to exist *W* was clear astern or overlapping, whether the yachts were then sailing nearly the same course, etc.). Why not avoid all of this grief by having one luffing rule that applies to both overtaking and converging conditions? I have yet to find a yachtsman who can advance any valid reason why this change should not be made.

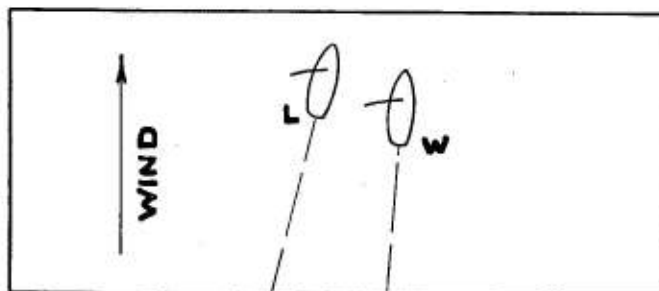
### Termination of Luffing Rights

The existing converging luffing rule does not mention any position for terminating a leeward converging yacht's right to luff. As previously stated, we can perhaps assume that a leeward converging yacht can continue to luff the windward yacht as long as the overlap lasts. Although this assumption is indicated, it is in one sense illogical since the overtaking luffing rule was presumably designed to give a leeward overtaken yacht superior luffing rights over a leeward converging yacht.

Under the existing overtaking luffing rule, the leeward yacht *may maintain her course, but may luff no further after she is in such a position that her stem end would strike the overtaking yacht abaft the main shrouds*. This appears to be a pretty definite relative position for terminating luffing rights. But, in practice, it does not work out that way. There is always doubt as to the ultimate point of contact because:

- (1) the skipper of each yacht is usually at the wheel and consequently seldom in a good position to judge the terminating position;
- (2) a further luff by the leeward yacht is required to hit the windward yacht;
- (3) the windward yacht can, by luffing higher, always throw the point of contact further aft;
- (4) the point of contact may be thrown substantially further aft by the fact that the leeward yacht may fall back as a result of blanketing before she can collide with the windward yacht.

All of the above four factors must be weighed as the yachts approach each other, and each injects doubt as to the point of future contact. It is not surprising that yachtsmen have had difficulty, in close cases, in applying this yardstick. The trouble experienced with it is due to its basic imperfection. It is based not, as it should be, on an existing position, but on a difficult estimate of a future point of contact. An example of the difficulties experienced with this rule: In an America's Cup Race in 1934, the decision of a protest hinged on whether or not the yachts had reached the terminating position for luffing rights prescribed by existing rules at the moment the leeward overtaken yacht luffed. Opinions differed,





owing to the four indeterminable factors mentioned above, as to whether or not this position had been reached.

Under the new luffing rule, luffing rights terminate once the helmsman (for all practical purposes the equivalent of wheel or tiller end) of the windward yacht is abreast the *mast line*<sup>1</sup> of the leeward yacht. Under the existing rule luffing rights terminate at about the same time, since the distance (except in cat boats) from the helmsman to the mast is about the same as the distance from the main shrouds to the stem end. In other words, when the helmsman of the windward yacht is abreast the mast of the leeward yacht, the stem end of the leeward yacht is about abreast of the main shrouds of the windward yacht. The helmsman of the windward yacht (or the member in charge if he is not at the helm) is in an ideal position to observe the mast line luffing terminative. He has a range to go by; either the spreader or main shroud in line with the mast. All he has to do is to watch — that most definite of all position fixing devices — an existing range. His decision does not depend on a difficult guess as to a future point of contact. I hope the next time you go sailing you will watch this range come on, as you are passing to windward close aboard of another yacht. You will then see for yourself how easy it is to apply this luffing terminative. In answer to the objection that the leeward yacht is to some extent at the mercy of the honesty of the skipper of the windward yacht, I can only say that we cannot successfully make all rules so that they prevent cheating, and that rules designed with the primary object of preventing cheating are apt to have other bad features.

The new luffing rule has worked perfectly in actual test. In commenting on the results obtained on Lake George, Commodore Pitcairn wrote —

“Under the N.A.Y.R.U. rules it is a matter of guesswork for either skipper to know when the leeward boat has luffed the windward boat until the bow of the leeward boat can no longer hit the windward boat forward of the main shrouds. On the other hand, under the Vanderbilt rules it is easy for the skipper of the windward boat to determine when the ‘mast in line’ condition exists.”

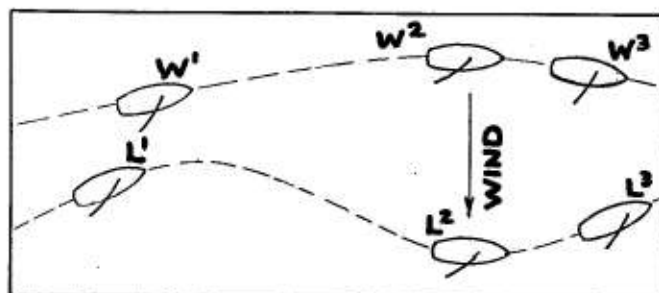
Our British friends have evidently been impressed with the new luffing rule since they have combined a modified version with the existing rule. I find the following footnote to the overtaking luffing rule in the 1939 (the latest) annual Y.R.A. book —

“The Y.R.A. hold that the Overtaken Yacht has the right to luff until her bowsprit, or stem end if she has no bowsprit, falls abaft a line drawn through the mainmast of the Overtaking Yacht at right angles to her center line. After which the Overtaken Yacht may maintain the course she is then steering but may luff no further.”

This footnote is an improvement on the present rule because it terminates luffing rights on an existing position instead of on a difficult guess as to a future point of contact. But it is still necessary for the member in charge to run up either to the bow of the overtaken yacht or to the mast of the overtaking yacht to get an accurate picture of the situation. But the main objection to the footnote results from using the mast line of the windward yacht instead of the mast line of the leeward yacht (as in the new rules) as a gauge for terminating luffing rights. As a consequence, the windward yacht assumes the driver's seat. She can, by making a voluntary and

momentary luff in the final stages of a luffing match, deprive the leeward yacht of her luffing rights. Under the new rules, the leeward yacht is, as she should be, in the driver's seat. She can, in the final stages of a luffing match, prolong her luffing rights either by not luffing so high that she loses them or by bearing away a little to preserve them. Another objection to using the mast line of the windward yacht, is that an observer, stationed near the mast of the windward yacht to observe her mast line, will be unable to see the bow of the leeward yacht if the windward yacht is carrying a genoa jib.

One other question remains to be discussed in connection with the termination of luffing rights. Existing rules provide that an overlap terminates when two yachts have widened out abeam beyond risk of collision. This terminative may: (i) alter right of way (i.e., a leeward overtaking yacht, by widening out abeam beyond risk of collision, acquires right of way as a leeward converging yacht); and (ii) reestablish the right to luff (a leeward overtaken yacht which has lost the right to luff reestablishes it by widening out abeam sufficiently to become a leeward converging yacht). The new rules provide (footnote 3 to rule 3, b) that an overlap terminates (for the purpose of determining luffing rights only) when the yachts *although abeam, are more than two over all lengths of the longer yacht apart*. This provision has no effect on right of way since the leeward yacht always has right of way, irrespective of how far two yachts may widen out abeam before again converging. In practice, this new rule provision operates in but one situation:



A leeward yacht (yacht  $L^1$ ) which has either lost (in the process of being passed to windward) or never acquired (in the process of passing to leeward) luffing rights; may acquire them by widening out abeam by more than two over all lengths of the longer yacht (position 2) and by gaining sufficiently on  $W$  so that the helmsman of  $W$  is aft of the *mast line* of  $L$  when the second overlap begins (position 3). This case occurs infrequently between yachts of the same class, as  $L^1$  is almost invariably blanketed by and passed by  $W^1$ , and as  $L^2$  will almost invariably lose ground by bearing away. Only in this one infrequently occurring case, is it ever necessary to have in mind a past position or a measure of distance to determine anything (and then only luffing rights) under the new rules. This is in marked contrast to existing rules under which it is constantly necessary to refer to past positions and to a measure of distance (i.e., risk of collision) to determine right of way, luffing and bearing rights, and the obligation to give room at marks.

This one reference to a past position and to a measure of distance in the new rules can be avoided by the simple expedient of providing that the leeward yacht has the right to luff *whenever* the helmsman of the windward

<sup>1</sup> *Mast line* is defined in footnote (1) on page 10

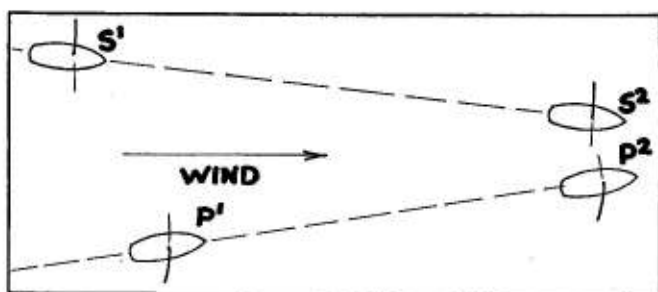
yacht is aft of the mast line. Such a provision also materially simplifies the wording of the luffing rule, but unfortunately it does not work well in practice. Luffing rights are lost and reestablished so often (as the leeward yacht respectively luffs or bears away in the final stages of a luffing match) that the luffing match becomes a bore and a joke. If you will try this out in a practice luffing match with another yacht, you will, I am sure, agree that, once a leeward yacht has lost her luffing rights, she should not be able to regain them, even temporarily, by merely bearing away.

### Course Alter Luffing Rights Terminate

Existing rules provide that, after overtaking luffing rights terminate, the leeward yacht may hold the course she is then steering but may luff no further. The new rules operate in the same way before the start but, after starting, the leeward yacht may not, after luffing rights terminate, sail above her *normal course* (defined on page 16). Opinions will no doubt differ as to the advisability of adopting this new rule provision. It represents a return to the former American rule, which I prefer because I can see no point in prolonging the agony to the detriment of both yachts, after the windward yacht has reached a position where she is almost surely going to pass the leeward yacht in any event. Furthermore, if, as the new rules propose, we are going to make it more difficult in certain cases to pass to leeward, should we not, to equalize matters, make it a bit easier to pass to windward?

### Luffing a Yacht on the Opposite Tack

The new rules limit luffing rights to yachts on the same tack. Existing rules permit an overtaken yacht to luff an overtaking yacht passing to windward on the opposite tack. The overtaking luffing rule operates only when two yachts are sailing nearly the same course. In order to be sailing nearly the same course on opposite tacks, both yachts must be sailing before the wind, in which case they are both usually carrying spinnakers, as shown in the diagram —



Under existing rules, assuming yacht  $P^2$  (the port tack yacht) ranks as an overtaken yacht, she can luff as she pleases, irrespective of the probable dire consequences to the rig and sails of starboard tack yacht  $S^2$  resulting from the obligation to make a sudden all standing jibe in order to keep clear. Only the unwary will let themselves be caught in the position of yacht  $S^2$ , if it is clear that  $P^2$  ranks as the overtaken yacht. But if a mark is near at hand, or if  $S^2$ 's skipper thinks that rule 30 (F), which gives him right of way as starboard tack yacht, applies, he may sail into the  $S^2$  position. Rule 30 (F) applies and  $S$  has right of way if, when risk of collision began to exist (position 1), the yachts either overlapped or were sailing substantially different courses — a diffi-

cult right of way problem for the skippers to decide. I am sure yachtsmen will agree that the existing overtaking luffing rule (aside from the difficulty of knowing whether or not it applies) may operate in too brutal a manner when applied to yachts on opposite tacks, and that luffing rights, in the interests of safety and simplicity, should be limited to yachts on the same tack.

### Prevention of Bearing Away

Existing rules provide that a yacht must never bear away out of her proper course to hinder an overtaking yacht passing her to leeward. The new rules permit such a bearing away. Opinion will no doubt differ as to the advisability of adopting this new rule provision. Theoretically, I prefer the existing rule provision. A yacht passing to leeward is entitled to some protection. On the other hand, it often requires clever sailing to keep on another yacht's wind, and it can be argued that a helmsman should not by rule be prevented from attempting a maneuver that requires skill and judgment. But, be that as it may, I know of no existing rule that, although it has resulted in comparatively few protests, has caused more arguments and ill feeling. The prohibition this rule contains is a most difficult one to enforce. If a protest arises under it, it is nearly impossible for the Race Committee to ascertain the true facts. Hence it has been omitted from the new rules. I believe that this omission has met with the approval of those who have sailed under the new rules, since I have never received any criticism of it.

Under existing rules, it is common practice, when two yachts are beating to windward, for the windward yacht to bear down on the leeward yacht to get her wind. While this is, in many cases, a clear violation of the bearing away prohibition, it does not seem to have been so interpreted. Most yachtsmen seem to interpret the bearing away prohibition as applying only when the overtaking yacht has a free choice on which side to pass and elects to try to pass to leeward, a condition which almost invariably exists only when yachts are sailing free. If it is decided to retain the bearing away prohibition in a new set of rules, in my opinion, it should be restricted to apply only when yachts are sailing free.

### Before Starting

The new rules governing the rights of yachts before starting follow the same general principles as existing rules, but are much more specific. The old rules leave too much to the imagination. The following new rules apply only before starting: Clause b, i of sections 1 and 2 and e, i of section 3 (quoted on page 10) which deal with luffing and bearing away, and section 11 which reads —

### One Way Traffic Lane

11. After the starting signal a lane running from the starting line towards the first mark, and wide enough to include in its area a yacht sailing a normal course after starting, is reserved primarily for one way traffic. After her starting signal, a yacht which has not started, shall, while in said lane, keep out of the way of a yacht which has started and of all other competing yachts which are not in said lane.

Existing rules contain the following pre-starting provisions —

Rule 27 (6) — "A yacht" which has made a premature start, "or one working into position from the wrong side of the line after her starting signal has been made, must keep clear of and give way to all competing yachts whose starting signal has been made."



Rule 27 (7) — "A yacht starting after the signal for the start of the next class has been made, shall, in starting, keep clear of and give way to yachts starting during their specified starting intervals."

Rule 30 — "Before the starting signal is given there are no restrictions upon the maneuvering of the yachts other than the provisions of Rules 30, 31 and 32, and the yacht holding right of way may alter course in any reasonable manner (but a luff so sudden that it cannot be easily responded to would not be considered reasonable)."

"As soon as the starting signal is given, yachts must sail a course consistent with the intention of crossing the line, but in all other respects the only restrictions on maneuvering are those provided in Rules 30, 31 and 32. After crossing the line the only restrictions upon maneuvering are those provided in Rules 30, 31 and 32."

Rule 34 — . . . "There is no required side" on which to leave a mark "until after the starting signal has been made."

Why, you may ask, does Rule 30 state thrice that there are no restrictions on starting maneuvers *other than those provided in Rules 30, 31 and 32*, when both Rules 27 and 34 contain important restrictions on starting maneuvers? This is one of the many incomprehensible oversights of existing rules.

The wording of Rule 27 (6) is ambiguous and has caused confusion. Does it cover a yacht working into position from the wrong side of the extensions of the starting line, and, if so, to what extent? Section 11 (One Way Traffic Lane, quoted above) of the new rules, which replaces Rule 27 (6), leaves no doubt as to its application. In the case of a windward start, section 11 prescribes a fan-shaped area with the starting line as a base reserved for one way traffic. This is as it should be, since both the new and the existing starting rule are designed to protect yachts which have duly started, and therefore their operation should be restricted to the normal sailing zones of said yachts. Note that section 11, in the case of a windward start, outlaws excessive barging after the starting signal. Other barging provisions will be taken up in the Rounding Marks discussion.

The new *before starting* luffing and bearing away rules speak for themselves. Both new and existing rules provide that a yacht before starting can alter course towards another yacht but only slowly. For this reason and, since there is no proper or normal course before starting, it is necessary to differentiate between the luffing and bearing away provisions that apply before and after starting.

The new rules omit any reference to the requirement of existing rules that after the starting signal *yachts must sail a course consistent with the intention of crossing the line*. This is an unnecessary rule and has caused confusion. Why should we limit the application of this rule to the starting line? If we are to have it at all, why should it not apply to all next marks? Why should we have one rule which prohibits a leeward yacht from carrying a windward yacht to windward of a starting mark after the starting signal, and another rule which permits such a maneuver at subsequent marks?

Existing rule 27 (7) is also an unnecessary rule. The new rules contain a paragraph outlining custom and courtesy in such cases —

The Rules of Part IV (When Two Yachts Meet) apply to all competing yachts whether in the same or different classes or races. While no distinction is made in the rules between the status of competing yachts racing for different prizes, custom and courtesy dictate that such yachts, when prac-

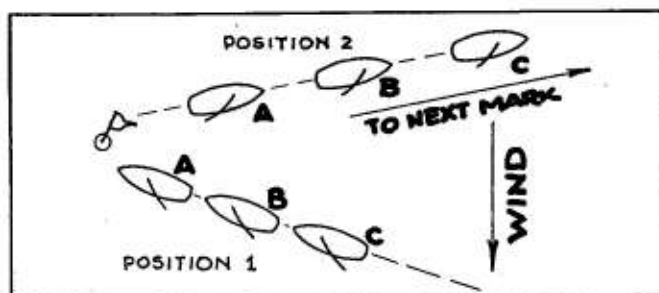
tical, should avoid interfering with one another (e.g., a yacht should avoid interfering with another yacht scheduled to start before her, unless the latter is so late for her start that the yachts are starting together).

### Rounding Marks

Existing Rule 31, *Giving Room at Marks or Obstructions to Sea Room*, is defective in several respects. For example, the third paragraph reads —

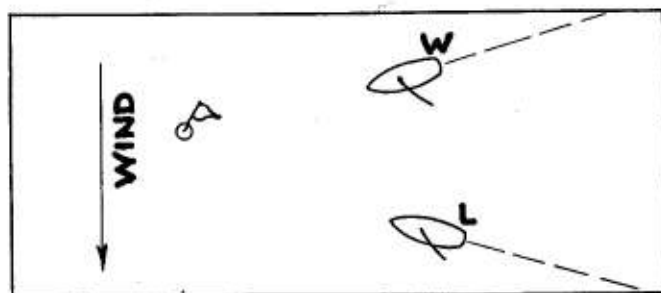
"A leading yacht may tack round a mark or obstruction only when she can do so and clear the yacht astern, just as she would be required to do if she made her tack in open sea without any mark or obstruction being there."

This clause was inserted without regard to the following situation, in which it resulted in marked injustice. In an important Six-Metre race, three yachts arrived at a mark (to be left to windward) on the same tack sailing in a straight line clear ahead-clear astern.



Yacht A (position 1) was only a foot or two ahead of B, and B was only a foot or two ahead of C. As neither A nor B could tack around the mark and clear the yacht astern, both had to sail on past it. C tacked around the mark and became the leading yacht (position 2), and A became the third yacht. Although this episode is well known and occurred several years ago, no steps have been taken to amend this defective rule.

Rule 31 applies (except for the tacking provision quoted above) only if an overlap exists. By definition, an overlap can exist between two yachts only when they are sailing approximately the same course. This limitation is clearly an unnecessary complication in rounding marks. Frequently two yachts which have come from different marks are approaching a mark (to be left to windward) on the same tack, at angles differing from two points upwards.

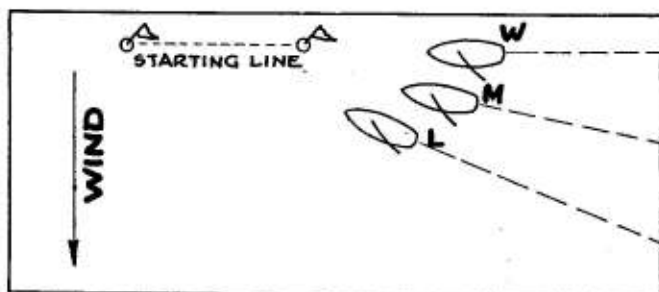


Why, in cases similar to the one illustrated in the above diagram, should the helmsman have to figure out whether or not the yachts are sailing *approximately the same course*? Why should not L (the outside leeward yacht) always be obligated to give room? She would suffer but relatively little loss compared to that suffered by W, obligated (if the skippers agree that the yachts are not



sailing approximately the same course), to bear off and sail around under the stern of L.

The existing rule also causes complications between overlapping yachts approaching a starting mark after the starting signal. For instance —



Presumably M (the middle yacht) has to give W (the windward yacht) buoy room because M and W are probably sailing approximately the same course. Likewise L (the leeward yacht) has to give M room. But L does not have to give W room, since L and W are not sailing approximately the same course, and consequently do not (by rule) overlap. Does the presence of M obligate L to give W room; and, if not, can M be disqualified because of her inability, without fouling L, to give W room? As far as I know, this question, which has perplexed many yachtsmen, has never been decided. Under the new rules it does not arise, since, after a mark has a required side (i.e., after the starting signal), the outside yacht must give room to all inside overlapping yachts, irrespective of the courses they are sailing (see footnote to rule 4a, page 10). But, the reader may object, the new rule does not prevent barging at the start. It does not prevent barging after the starting signal between yachts that are late in starting.<sup>1</sup> To attempt to do so would involve introducing same course complications. It does prevent all barging before the starting signal because a leeward yacht is not obligated to begin to give room at a mark to a windward yacht until after the starting signal. As the result of experience gained sailing under the new rules on Lake George, Commodore Pitcairn states:

"Mr. Vanderbilt's handling of the difficult question of 'barging' at the start is a great improvement on the 'nearly the same course' difficulties presented by the N.A.Y.R.U. rules."

The latest draft of the Rounding Marks section of the new rules reads —

#### Rounding Marks or Obstructions

8. The presence of a mark or obstruction in no wise affects the rights of either yacht, as laid down in the General Rules, when two yachts are about to pass a mark or an obstruction — (i) on opposite tacks; or (ii) overlapping on the same tack on their leeward side; or (iii) on opposite sides (in conformity with different Racing Instructions in the case of a mark).

9. When two yachts which overlap, reach and are about to pass a mark or an obstruction on their windward side; the leeward yacht shall allow the windward yacht room to pass and round it; except that —

a. when approaching a buoy, marker, stake, float or craft with water of adequate depth surrounding it used as a starting mark, a windward yacht may not force or attempt to force a passage between the leeward yacht and the mark before the starting signal.<sup>2</sup> The leeward yacht is not obligated to begin to give room until the starting signal is made;

b. a leeward yacht may carry both yachts past a mark on the wrong side of it; but, after the starting signal, she may do so only if she both has the right to luff the windward yacht and has given due notice of her intention by hail.

<sup>1</sup> Exception: Excessive barging in the case of a windward start is outlawed after the starting signal by section 11 (quoted on page 13).

<sup>2</sup> If the leeward yacht was heading for or to windward of a starting mark when the overlap began and if she does not voluntarily bear away below it, the windward yacht cannot claim room at the mark on the ground that she is forward of the mark line.

10. When a yacht clear ahead reaches and is about to pass a mark or an obstruction on the same side as the yacht clear astern; the yacht clear ahead shall be entitled (provided she does so in a reasonable manner and with reasonable expedition) to round it and to assume a normal course<sup>1</sup> to the next mark or obstruction without regard to the position of the yacht clear astern. The yacht clear astern shall keep out of the way in anticipation of said maneuver, and also during it provided it is executed in a reasonable manner and with reasonable expedition. If two yachts are beating to windward and one is clear ahead and to leeward and tacks, she can claim the rights accorded by this section only if before tacking she has fetched within her breadth of beam of the mark or obstruction.

I hold no brief for clause b of section 9. It clarifies a moot point of existing rules and has been inserted for that reason. It also permits jockeying for position. Perhaps it should be retained on that ground. On the other hand, it would be simpler to eliminate this exception. Normally, and at least ninety-nine out of one hundred times, a leeward yacht does not desire to carry another past the wrong side of the mark. Almost invariably she would lose by doing so, as the windward yacht is in the best position, if she tacks instantly, to return to the mark. Furthermore, this clause is apt to cause complication with yachts clear astern approaching the mark in the normal manner.

Note that section 10 clarifies a situation in large part not covered by existing rules. It also prevents injustices similar to those which occurred in the Six-Metre case mentioned on page 14. The third paragraph of existing Rule 31 (quoted on page 14) which was responsible for the injustice in that case, was evidently designed to cover situations dealt with in the last sentence of section 10 of the new rules.

#### Tacking or Jibing

The existing Tacking rule reads —

##### Altering Course

Rule 30 (I) — "A yacht may not tack so as to involve probability of collision with another yacht unless she can gather proper way on her new tack before a collision would occur; nor so as to involve probability of collision with another yacht which, owing to her position, cannot keep out of the way. A yacht which tacks so close in front of another as to cause the latter to alter course to avoid a collision before the former has gathered proper way must be disqualified.

Rule 30 (K) — "When by any of the above clauses one yacht has to keep out of the way of another, the latter (subject to clause B) shall not alter course so as to prevent her doing so. Although the right of way yacht is not bound to hold her course, she must not so alter it as to mislead or balk the other, in the act of keeping out of the way."

The latest draft of the new Tacking or Jibing rule reads —

##### Tacking or Jibing

6. "A yacht, while tacking or jibing (and thereafter if she then ranks as a yacht obligated to keep out of the way), shall keep out of the way of a yacht on a tack.<sup>2</sup> The latter shall not so alter her course as to balk the former.

7. "If a yacht after tacking or jibing ranks as right of way yacht, a nearby yacht is obligated to begin to keep out of the way the instant the former has completed her tack or jibe. But the former is subject to disqualification if she has tacked or jibed so close to a nearby yacht —

a. that a collision results despite the efforts of the nearby yacht to avoid one; or

b. that the nearby yacht has to alter course to avoid a collision before the other yacht has completed her tack or jibe, or

c. that the nearby yacht, when carrying a spinnaker, tears it or carries away part of her spinnaker gear as a result of a material and unexpected change of course necessary to avoid a collision."

<sup>1</sup> "To assume a normal course" does not include the right, if the next leg is to windward, to tack immediately after rounding a mark so as to cause a yacht which is about to round it to alter her course to avoid a collision.

<sup>2</sup> A tack or a jibe by either or both of two yachts always creates a new right of way situation, but not necessarily a different one; (e.g., section 2 may apply both before and after two yachts have jibed).

Existing rules do not mention a jibe. The terms *a tack* and *to tack* are not defined. It has never been clear whether a tack includes a jibe. I have heard the question argued both ways. This, to my mind, inexcusable omission has resulted in considerable confusion. New rule definitions include a Tack-Jibe definition —

#### To Tack-Tacking — To Jibe-Jibing

"A yacht is deemed 'to tack' or to be 'tacking' from the moment she is beyond head to wind until she fills away on either tack. A yacht is deemed 'to jibe' or to be 'jibing' from the moment her main boom begins to change sides until her mainsail fills on the other tack."

It has been held under existing rules that, if a yacht is entitled to right of way after tacking, the other yacht is obligated to begin to keep out of the way when the tack begins.

Under existing rules a tack presumably begins when a yacht luffs beyond close-hauled provided she tacks. A yacht may luff beyond close-hauled for a number of reasons; e.g., to tack or to trim sheets or in response to a luff. It is not always easy for the other yacht to know why a yacht is luffing. Nevertheless the other yacht is obligated to begin to keep out of the way when the luff begins in case it should result in a tack. Under the new rules the other yacht is not obligated to begin to keep out of the way until the tack is completed. This is a great simplification and a much safer rule because it relieves the skipper of the non-tacking yacht of uncertainty and gives him a few seconds to decide what to do and to get his crew to action stations. Furthermore, when the moment for action arrives he can decide what to do by looking at a then existing position. Under existing rules he must visualize a future position in order to decide what action to take.

It has been held under existing rules that a yacht always becomes entitled to her rights on her new tack *as soon as she has filled away*; except that, if she has tacked either in front of another yacht or so as to involve probability of collision with her, she does not acquire said rights until she has gathered proper way (Appeal No. 6, N.A.Y.R.U.). This decision is far-fetched, since nowhere in existing rules is there even an intimation that a yacht has any rights *as soon as she has filled away*. This decision was obviously inspired by the desire to avoid the use of the highly controversial *proper way* determinative as far as possible. As a result of this decision, a yachtsman must be thoroughly conversant with Appeal No. 6 as well as with Rule 30 (I), in order to have any intelligent idea of what his rights are.

The new rules avoid the use of the *proper way* determinative. A yacht is entitled to her rights on her new tack *the instant she has completed her tack or jibe* (i.e., the instant she has filled away on her new tack). If she then ranks as a right of way yacht, a nearby yacht is obligated to begin to keep out of the way at said instant, but the nearby yacht is protected by clauses a, b and c of section 7 (see page 15) if she is unable to fulfill her obligation to keep clear. Furthermore, and most important of all, she is protected by clause b of section 4 (quoted on page 10) which provides that a right of way yacht may not exercise her right to luff or bear away until she has gathered *full way* after tacking or jibing. In other words, a yacht which has acquired right of way on the completion of her tack or jibe, does not acquire the right to luff above or bear away below her normal course until she has acquired *full way*. But, you may object, *full way* is open to almost all of the objections that apply to *proper way*. I agree that this is true, if we use *full way* as a right of way determinative in the same manner as *proper way* is used in existing rules. But in the new rules *full way* merely governs the right to luff or bear away. Now, almost invariably luffing matches are limited to yachts of the same class racing against each other for the same prize. In such cases, the new rules provide that the right of way yacht, if she attempts to luff a yacht of her own class soon after tacking or jibing, is deemed to lack *full way* until she has attained equal speed with the other yacht (section 4-b quoted on page 10).

In practice, the new rules work very simply. A yacht may tack in front of another yacht and assume a parallel course provided the yacht clear astern is able to alter course to avoid a collision after the tack is completed. But the yacht clear astern may then sail by unimpeded to windward until (and if) the yacht which has tacked has gathered *full way* (i.e., equal speed if the yachts are in the same class). The *equal speed* provision of the

new rules outlaws two most annoying practices common under existing rules: (1) lying in wait before the start near the starting line and then claiming the rights of an overtaken yacht in an attempt, by luffing, to ruin the well-timed start of another yacht; (2) jibing ahead of, on to the same tack as, and to leeward of a yacht carrying a spinnaker and forthwith, as an overtaken yacht (not carrying a spinnaker), luffing the other into a state of confusion and perhaps tearing her spinnaker. The existing overtaking rule was not designed to be taken advantage of in the manner shown in these two cases. It was designed to protect a bona fide overtaken yacht, as distinguished from one which has deliberately placed herself in the overtaken position in order to take advantage of the rule.

Note that section 7-c of the new rules protects a port tack yacht carrying a spinnaker from having to make a sudden alteration of course to clear a yacht beating to windward which has just tacked onto the starboard tack. A yacht so tacking does so at her own risk.

#### Proper Course vs. Normal Course

Existing rule definition of Proper Course:

"During the existence of overtaking conditions the proper course is prima facie nothing to leeward of full and by if on a wind, or of the next mark if the wind be free; but there may be conditions of tide or circumstances, other than the desire to hinder the competitor overtaking to leeward, which justify a more leeward course; in this case the responsibility for proving the justification for such a leeward course would lie upon the weather yacht."

New rule definition of Normal Course:

"Any reasonable course a yacht, sailing alone over the course, would sail after starting to finish the race as quickly as possible. The right or obligation to sail a 'normal course' does not include the right to tack or jibe so as to force another yacht to tack or jibe (e.g., because a mark has been overstood)."

It is not a matter of moment whether we use the term Proper Course or Normal Course. Whichever is used, we are apt to run into difficulties at times, since one skipper may argue that he was maintaining his Proper or Normal Course, the other skipper may disagree. Hence the less we employ these terms as an altering course or sailing limitation, the better. I have found no satisfactory way of eliminating their use altogether. The new rules use the term *normal course* (section 3, b, ii) in limiting the windward course of a leeward yacht either after she has lost her right to luff or if she never had the right to luff. The new rules also use the term *normal course* in defining the One Way Traffic Lane. Existing rules use the term *proper course* in limiting the leeward course of an overtaken yacht being passed to leeward.

#### Close Hauled on Same Tack Approaching an Obstruction

I will not quote new and existing rules dealing with this subject as they are essentially similar. If you are an experienced yachtsman, you have probably noticed a tendency on the part of leeward yachts to hail the windward yacht about when the leeward yacht actually has room to tack. In order to provide for this situation, the concluding paragraph of the new rule dealing with this subject reads —

"After said hail" (the hail referred to is "I have to tack" or words to that effect) "the yacht to windward must immediately see to it that the yacht to leeward has ample room to tack and thereafter to keep clear; and the yacht to leeward, as soon as she has room to tack, must do so. In the event that the person in charge of the yacht to windward deems that the yacht to leeward has ample room to tack and thereafter to keep clear, he may reply 'go ahead and tack' or words to that effect and continue on his course. But if the yacht to windward does not tack promptly after a hail, the burden of proof, to justify events resulting from her failure to do so, rests on her. The yacht to leeward cannot be disqualified for improperly hailing the yacht to windward, unless her hail is proven, as regards her ability to clear the obstruction, premature or unnecessary."

#### Concluding Remarks

The new rules, in addition to the rules applying *When Two Yachts Meet* which have been discussed in these two articles,

contain other parts entitled *Scope and Application, Functions of the Race Committee, Obligations of Individual Yachts, and Infringements, Disqualifications*. A review of these parts is outside the scope of these articles. I will be glad to present the requisite number of copies of the new rules that apply *When Two Yachts Meet* to any Yacht Club that may decide to race under them in 1944.

I have pointed out during the course of these articles a number of glaring inconsistencies in existing rules. Although many of these are well known, no effort has been made to eliminate them. In some cases, in an attempt to nullify or restrict unsatisfactory provisions, Appeal Committees have stretched the interpretation of the rules to a point where a yachtsman must be familiar with their decisions in order to apply a rule correctly. We cannot expect the average yachtsman to apply case law which interprets a rule in other than its natural sense. The proper procedure, when rules have proven faulty, is to amend them.

The right of way rules have remained too long in *status quo*. There have been no substantial changes over a long period of years. The last revision was in 1929, when a few inconsequential changes were made in both the British and American rules at the London Conference in order to harmonize both sets. That Conference attained its highly praiseworthy objective—a uniform set of International Right of Way Rules. But the main object of that Conference was not to improve the rules, but to make them agree.

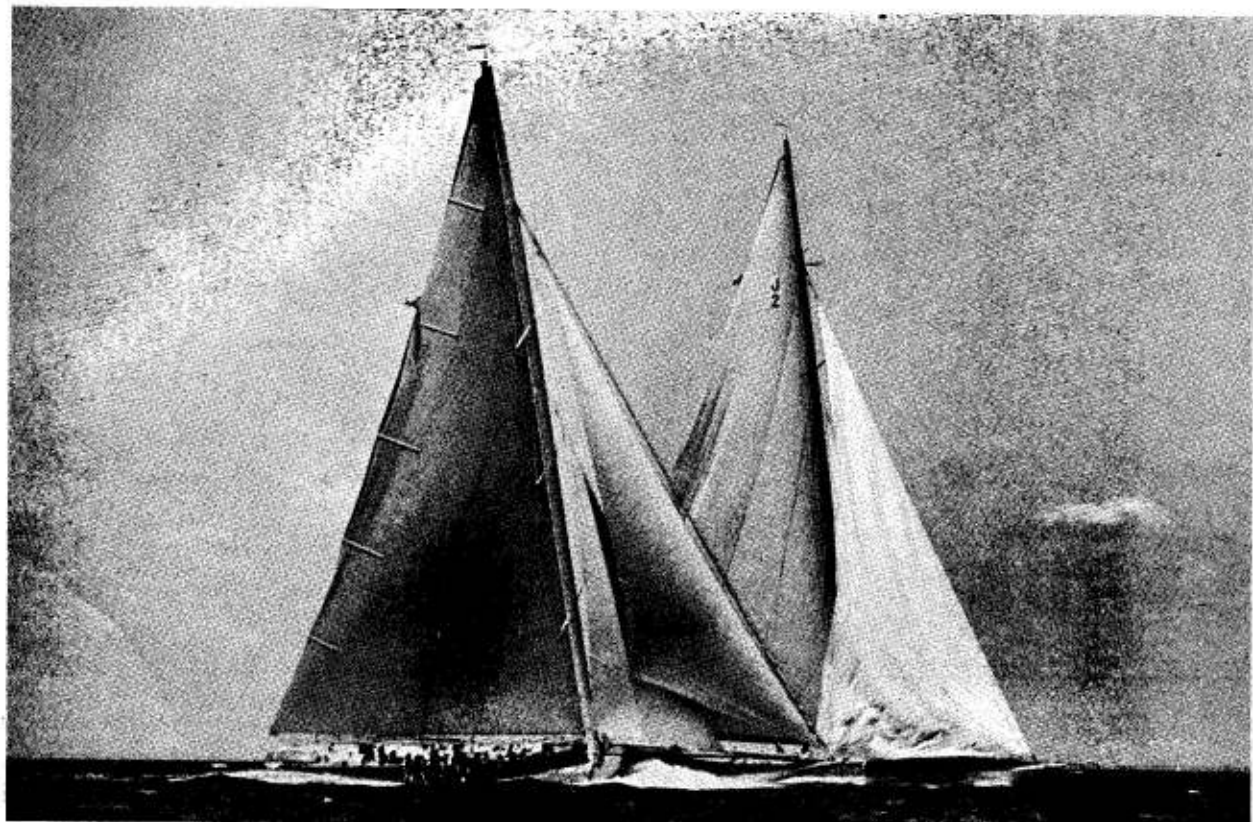
My understanding is that no commitment was made at the London Conference which would prevent either British or American rule-making bodies from amending the rules today as either one may see fit. But courtesy clearly dictates that, before

any far-reaching changes are made by either body, the other should be consulted. And it is still important to maintain a uniform set of International Rules, even though it seems improbable that conditions will permit of any material amount of international competition for several years to come.

If possible, a uniform set of completely revised International Right of Way Racing Rules should be adopted as soon as the war ends. In the meantime, I think we should encourage further tests of the new rules in this country (the only country as far as I know which is still fortunate enough, of the countries at war, to be able to indulge in small-boat racing to some extent) with a view to submitting a simplified set of thoroughly tested rules to our British friends for consideration and adoption as soon as the war ends.

Yacht Racing Rules should be amended not infrequently and in line with the dictates of experience. Once a simplified set of International Racing Right of Way Rules is adopted, a small international committee should be formed with authority to make changes every two years. Experience has proven that beneficial changes cannot be made in town meetings. This committee should study all protests submitted to the various Appeal Committees, and the latter should be requested to recommend changes in the rules to cover such imperfections as protests may disclose. This does not mean that there would be revolutionary changes every two years, and that yachtsmen would have to learn a new set of rules periodically. At first just a few changes would probably be indicated, but, after one or two slight partial supplemental rule revisions, the rules should be in such shape as to remain substantially in *status quo*. Frequent rule revision, however slight, will obviate the necessity of consulting decisions in order to fathom the meaning of the rules.





Are they overtaking or converging under old concept? "Yankee" and "Rainbow" (to leeward) approaching the starting line in a 1934 trial race

Rosenfeld

## Part III—Operation of the New Rules

ENOUGH said, perhaps I have been wasting my breath," thought I when I finished the last of my two previous articles published in the April and May issues of YACHTING. But, much to my surprise, these articles have attracted considerable attention and promoted discussion. Best of all, they seem to have developed an urge to try out the new rules. To my amazement, there have been distributed up to June 14th, on request, 2486 copies of the new rules to racing members of 53 yacht clubs in the United States and Canada, who plan to use them this season. Can it be that so many yachts are now racing under the new rules in spite of a restricted season in which a large number of yacht clubs have been forced to suspend operations altogether? Why this sudden burst of enthusiasm for the new rules, an enthusiasm which has lain dormant for years? Is it due to my previous failure to publicize my wares sufficiently? Is it due to the actual racing tests the new rules have so successfully weathered in past years? Is it due to the wide circulation of this magazine and to its favorable editorial comment? Or is it due to a change, brought on by the war, in our psychological reactions to new problems?

Has "new" lost its newness, its bothers, its fear? We have formed the habit, largely through necessity, of trying out new things and of adopting new points of view. Many new features mark our daily routine. We have had to learn new methods of fighting and to develop new arms. Most of us are ready to accept new concepts of internationalism, new plans for waging peace by force and a new world economy. *Mirabile dictu*, even in such a relatively insignificant field as yacht racing, the powers that be seem to be getting ready to adopt new racing rules.

Be that as it may, a number of yachtsmen have asked me to write this third article explaining the operation of the new rules in certain instances which were either not discussed at all, or but briefly mentioned, in my two previous articles. So let us get down to business. Why not start with a bang, and give the new rules a good workout on paper by considering a couple of complex starting cases?

### The Start

Most of the complications that arise in yacht racing occur at the start when yachts are maneuvering in close proximity on a variety of courses.

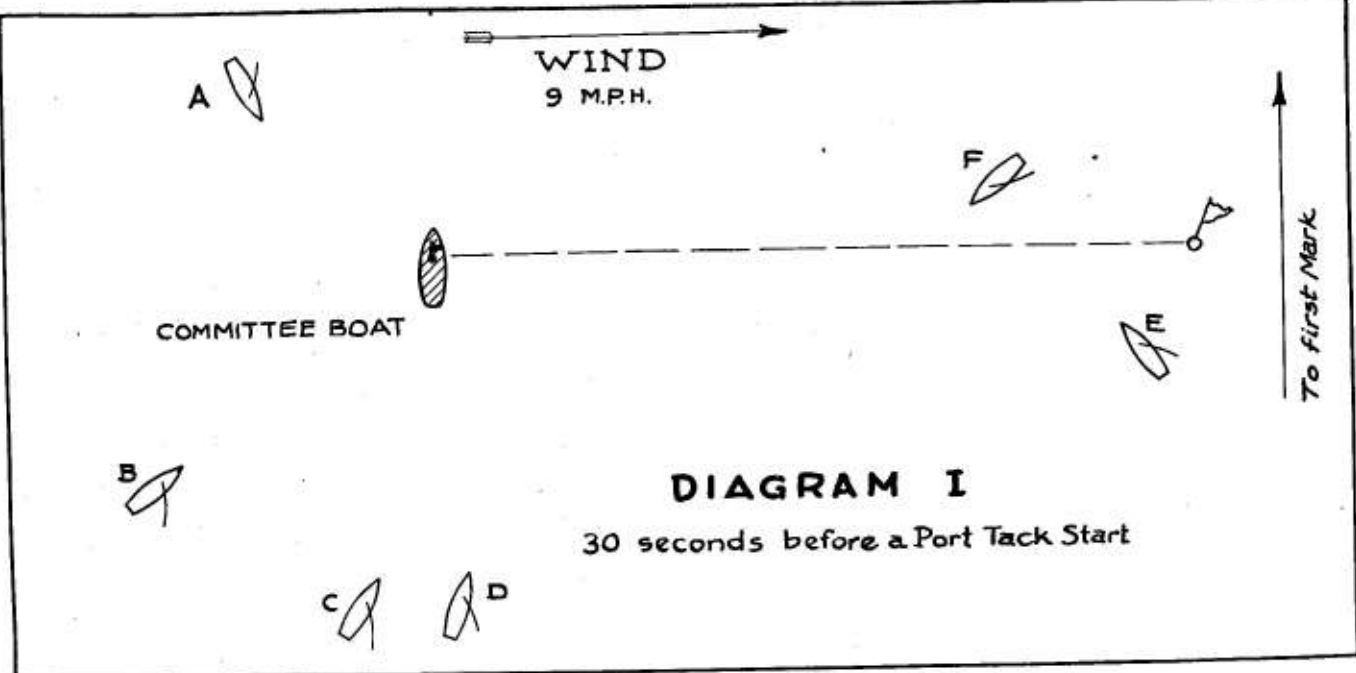
Starts may be classified under three headings —

1. Optional Tack Starts; i.e., windward or nearly dead to leeward starts, when yachts can start normally on either tack, but usually select the starboard tack;
2. Starboard Tack Starts; i.e., reaching starts, when all yachts almost always start on the starboard tack, because it is both the normal tack on which to start and the right of way tack;
3. Port Tack Starts; i.e., reaching starts when, although the port tack is the normal tack on which all yachts should start, a few yachts elect to approach the line on the starboard tack because it gives them right of way.

In the case of optional tack starts, yachtsmen have found that it is safer and that it usually pays to approach the line and cross it on the starboard tack. Consequently, the normal expectancy in such starts is that at least four out of five yachts in a fleet of yachts starting together, will approach the line on the starboard tack. In the case of a starboard tack start, all yachts almost invariably approach the line on the starboard tack and start on it. Experience has shown that the greatest number of complications arise during a port tack start, and that the fewest occur during a starboard tack start. Let us analyze first a complicated port tack start.

### A Port Tack Start

Diagram I shows the position of the yachts 30 seconds before the port tack start of a race, the first leg of which is a beam reach on the port tack. The diagram is drawn approximately to scale; each yacht is assumed to be 30 feet over all and to be capable of traveling at a speed of 6 knots in the 9-mile breeze indicated on the wind arrow; i.e., to be capable of covering about 10 diagram boat lengths in the 30 seconds remaining before the start.



We cannot foresee what will happen in the next minute, since that depends on how each skipper maneuvers his yacht; but it looks as though there would be plenty of action and perhaps one or more fouls and protests. I will define the rights of each yacht under the new rules in its Diagram I position; and outline, as I see it, the correct procedure, as indicated by her own position and that of her neighbors, for each yacht to follow until she starts.

Starboard tack yachts A and F have right of way over port tack yachts B, C, D and E (section 6a). A and F may luff or bear away so as to force B, C, D or E to alter course, but only slowly and not so as to balk or mislead them when they are in the act of keeping out of the way (section 6, b, i). Consequently A may not be able to jibe the instant she reaches the stern of the Committee Boat. The Room at the Mark rule does not apply between A and B since they are approaching the mark on opposite tacks (section 13, i).

Yacht B cannot cross A's bow but, provided she can slow herself up sufficiently by trimming sheets and S-ing, may be able to pass between A's stern and the Committee Boat's stern (a difficult maneuver to time correctly). If not, B will be forced to describe a left-hand circle before she can start.

Yacht D can cross A's bow. So can C, unless D forces her to luff. D is under no obligation to begin to give C room at the mark until the starting signal is made (section 14a). But it is physically impossible for D to force C to windward of the Committee Boat without also forcing C to pass to windward of A. D cannot force C to pass to windward of A unless D also passes to windward of A, since A ranks as an obstruction (see section 14 and the Obstruction definition). As D, if she luffs to windward of A, may not be able to pass between A and the Committee Boat, D's best bet is to bear away and pass to leeward of F and astern of E. As F and E also rank as obstructions, D would then have to give C room (if C bears away with D) also to pass to leeward of F and astern of E.<sup>2</sup>

<sup>1</sup> The section numbers in this article refer to the sections as numbered in the pamphlet "When Two Yachts Meet." As pamphlet sections 1 to 5 (inclusive) were not published in Part II, pamphlet section 6 was numbered 1 in Part II. Therefore deduct 5 from each section reference number in this article to find the applicable section in Part II.

<sup>2</sup> Note that under existing rules, since "obstruction" is not defined, D's obligation to give C room in these three instances is in doubt. Note that if D does not have to give C room, the situation becomes even more complicated than it is, and the probability of serious collision is enhanced. There is nothing new or untried about this giving room to another competing yacht provision. The new rule Obstruction definition is almost identical, including the another competing yacht provision, with the Obstruction definition formerly for many years a part of the American Rules. This definition was omitted from the existing rules as a result of the 1929 Conference — in my opinion, a grievous error and a step into the realm of uncertainty.

Yacht E is early. Perhaps her best bet is to luff head to wind and to sail along the right side of the line until the starting signal is made. If she does so, she will still be on the port tack (On a Tack definition) and windward yachts C and D will have to keep out of her way (section 8a). After starting, E will lack sufficient headway to luff a yacht passing her to windward and will have to hold her normal course with wind abeam until she has gathered equal speed with the windward yacht (section 9b).

Starboard tack yacht F has ample time to cross the line before the gun, and so avoid being caught in the One Way Traffic Lane (section 16) after the starting signal.

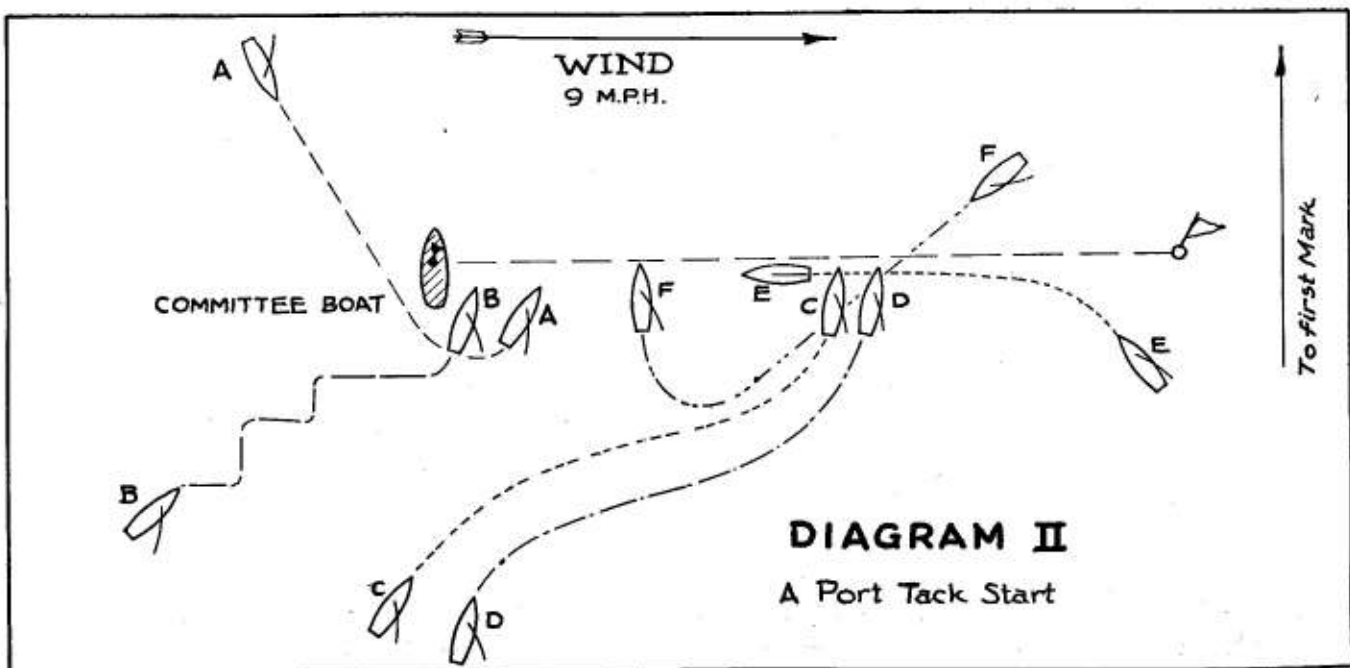
Diagram II (drawn to the same scale as Diagram I) traces each yacht's course (as recommended in the above discussion) during the 30 seconds preceding the start and shows the consequent position of each yacht when the starting signal was made.

Note: (i) that yacht B has been able to pass under A's stern and slip in between A and the Committee Boat; (ii) that C and D have borne away and that D has given C room to pass to leeward of obstruction F and astern of obstruction E; (iii) that F has tacked at the right time and is getting an excellent start; and (iv) that E, the early bird, is still luffing in the wind on the port tack after passing astern of F and ahead of C and D.

A very satisfactory outcome of a very difficult situation. The outcome you will, I think, agree might not have been so happy had it not been for the knowledge of the rules and excellent judgment displayed by the skipper of yacht D.

In this very complex starting case, existing rules would have operated in the positions shown in Diagram I, in much the same manner as the new rules, except in the case of yachts C and D. In the case of these two yachts it would have been necessary for their skippers to have reviewed their previous courses and past relative positions to determine whether they ranked as overtaking or converging, which one had right of way, whether D had a right to luff C and, if so, which luffing rule applied. If their skippers had had time to consider all of these points, they would still have been faced with the doubt as to the obstruction rank of yachts A, E and F. I think it is apparent from studying the diagrams that the avoidance of fouls and collisions in this start depends more on the prompt and proper handling of yachts C and D than on any other factor. As their skippers, under existing rules, would have had to do a lot of figuring to determine their respective rights, the situation might have gotten out of hand before they could have taken the proper corrective measures. The review of past positions and courses is even more difficult before than after starting.

I think yachtsmen will agree that it is theoretically wrong to give yachts A and F right of way in this case. They are ap-



**DIAGRAM II**  
A Port Tack Start

proaching from the wrong side of the starting line or the extension thereof and under the necessity of making a 150° to 170° turn before they can assume a normal course to the first mark. Note that it is impossible, in the case of this start, for any yacht to cross the line from the right side on the starboard tack. It seems reasonably certain that neither yachts A nor F would have attempted to approach the line on the starboard tack, except for the advantage accorded them by the starboard tack rule. They are in fact taking advantage of that rule in a manner it was not designed to be taken advantage of, and, in consequence, they are creating dangerous situations, apt to result in fouls and protests. Yachts B, C, D and E, approaching the line on the normal and only possible starting tack, may be regarded as the innocent victims of a rule, in this case misapplied.

Situations of this kind arise only in the case of a port tack start. There is a fairly simple way of obviating them which should, I believe, receive the careful consideration of the rules committee when the time comes to draft a new set of N.A.Y.R.U. rules. It is to provide in the Opposite Tack rule for what might be called "a variable right of way starting tack." The new rules would then operate in the following manner: Ordinarily, and in the absence of any signal from the Race Committee, all starboard tack yachts would, before starting, always have right of way over all port tack yachts; but, before a port tack start, the Race Committee could and should display a signal, say code flag P, indicating that, before starting, all port tack competing yachts would have right of way over all starboard tack competing yachts. New rule section 6a, would then read somewhat as follows:

6. If two yachts are on opposite tacks —

- a. the port tack yacht shall keep out of the way after starting, and also before starting unless the Race Committee displays code flag P before the preparatory signal, in which case the starboard tack yacht shall keep out of the way before starting.

In my opinion, this rule change, although at first sight radical, would not cause any confusion, since, although it involves a 5-minute change in right of way tacks, it gives the fleet of yachts approaching the line in the normal manner right of way over a stray yacht approaching the line in such an abnormal manner that she will have to tack or jibe and make a large alteration of course before she can start and assume a normal course to the first mark.

As previously stated, in the case of an optional tack start, the large majority of yachts elect to start on the starboard tack, because they have found that in the large majority of cases it pays to do so, and that it is always safer to do so. The one or two

yachts that may elect a port tack start do so at their own risk and on a gamble that sometimes succeeds. But they are never on the minds of the fleet approaching the line on the starboard tack. It is very much easier for one or two yachts operating independently to keep out of the way of a fleet, than it is for a fleet to alter course to keep out of the way of a stray yacht. The fleet, nearly always bunched before the start, is sufficiently preoccupied with its own right of way problems without having to bother about a yacht approaching with right of way on the opposite tack, which may throw the whole fleet into a state of confusion. The fleet has this worry today only in the case of a port tack start.

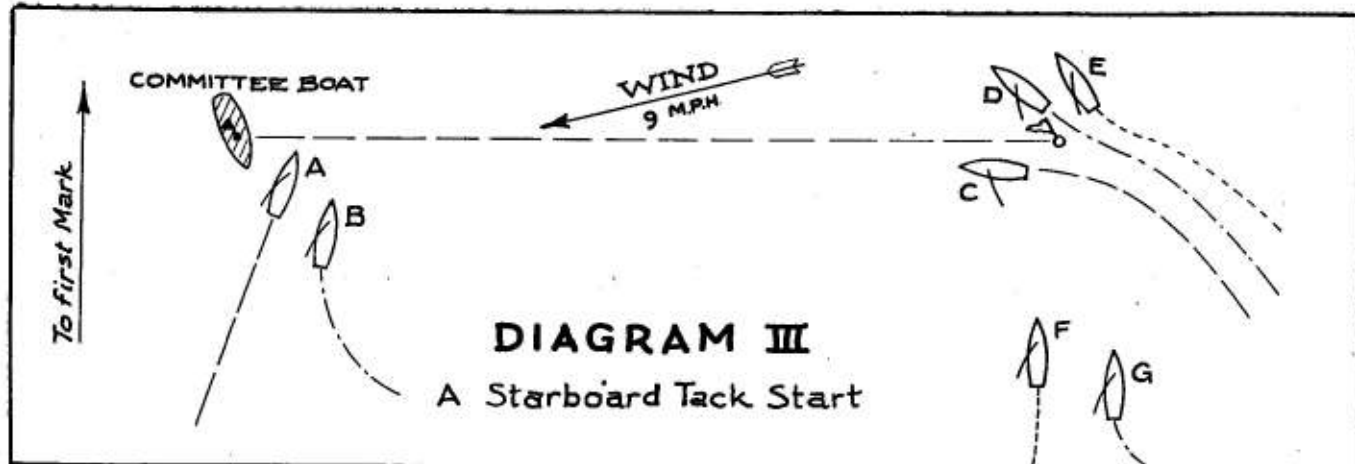
If this suggested change should be adopted, we would not be confronted with situations similar to that illustrated above in the case of a port tack start. All yachts would find it to their best advantage to approach the line in the normal manner on the only sensible starting tack, as they almost invariably do today in the case of a starboard tack start. Furthermore, as in the case of a starboard tack start, all yachts sailing back towards the line on the normal starting tack would have right of way over all yachts sailing away from the line on the opposite tack. Many dangerous situations, fouls and protests would be automatically eliminated. In my opinion, yachtsmen would soon become accustomed to the reversal of the normal opposite tack right of way situation during the 5-minute period preceding a port tack start. The return to the normal right of way situation, which would occur as soon as a yacht crossed the line from the proper side after the starting signal, could not cause any confusion, since in the case of a one tack start, all yachts remain on the starting tack for a considerable length of time after starting. This "variable right of way starting tack" provision was not incorporated in the new rules because it seemed inadvisable to suggest too many revolutionary changes at one time.

**A Starboard Tack Start**

Let us now consider the far simpler case of a starboard tack start. Diagram III shows the position of the yachts at the moment the starting signal is made. No yacht is shown approaching the line on the port tack, since it would obviously be the height of folly to attempt to do so in view of the ensuing obligation of having to keep out of the way of the fleet and of having to tack or jibe and alter course at least 120° in order to assume a normal course to the first mark.

The finest starboard tack start I have ever witnessed was the start of the large class in the Bermuda Race in 1938. Some thirty large cruiser type yachts with a fresh southwest wind abeam came charging down on the starting line at the lightship





**DIAGRAM III**  
A Starboard Tack Start

off Newport in a series of glorious parallel waves. If the wind had been northeast, would we have seen such a happy start on the port tack?

The new rules operate very simply in the Diagram III case. Section 8 — *On the Same Tack — Overlapping* — applies to each of the three groups of yachts: yachts A and B; yachts C, D and E; and yachts F and G.

Yacht A, the leeward yacht, has right of way and luffing rights over yacht B, which has had to luff to keep clear of A. The *Room at the Mark* rule does not apply to A and B, since they are about to pass the mark *overlapping on the same tack on their leeward side* (section 13, ii). As the leeward yacht always has right of way when two yachts overlap, she is entitled to room to pass a mark to leeward under section 8, whether or not she has the right to luff the windward yacht. Furthermore, the windward yacht, as she is always obligated to keep out of the way, cannot bear away to round a mark until after the leeward yacht has done so. Therefore, there is no point in complicating this situation by injecting the *Room at the Mark* rule into it. Under existing rules, it is necessary to apply this rule when two yachts are about to pass a mark to leeward because, if it did not apply, the leeward yacht could not claim room at the mark if she ranked as an overtaking yacht.

Yacht F will have to give G room at the mark since they will not reach it until after the starting signal. While she would be foolish to do so, F has the right, if she previously hails G, to carry both yachts to windward of the mark (section 14b).

Since yachts C, D and E arrived at the weather mark before the starting signal, C, the leeward yacht, was able to force D and E to pass the mark on the wrong side (section 14a). It is immaterial whether or not C has the right to luff D and/or E (footnote to section 14a). D is in the *One Way Traffic Lane* (section 16), and consequently for the moment obligated to keep out of E's way.

Note that under existing rules the situation in the case of yachts C, D and E is extremely complicated. While there is no required side on which to pass a mark until after the starting signal, a leeward yacht cannot force an overlapping windward yacht to windward of a starting mark unless the leeward yacht has right of way, which she does not have if she ranks as an overtaking yacht. So in order to ascertain whether C can force D and/or E, or D can force E, to windward of the mark, we must trace back the whole complicated history of how and when and where each of the three overlaps started and try to ascertain whether each yacht ranks as a converging or an overtaking or an overtaken yacht in respect to each of the other two. By the time the skippers can figure out what the rights of each yacht are, all three yachts may be past the starting mark, and the skippers, past their bedtime, may be bidding each other and the existing rules "Good Night."

#### Before and After Jibing

It is important to compare, under new and existing rules, the effect of a jibe on right of way when two yachts overlap.

As shown in Diagram IV, the position and course of the yachts is identical in both Cases I and II; except that in Case I B ranks as overtaking yacht, and in Case II A ranks as overtaking yacht. In both cases the yachts are beating to leeward, a constantly employed maneuver, generally accepted as the fastest method of leeward sailing in a light breeze. The rights of the yachts in positions 1 and 2 in both cases are clear under new and existing rules. In position 3 in both cases the rights of the yachts depend under both new and existing rules on how the jibes affected right of way, the right to luff or bear away, and the continuity of the overlap or of the overtaking.

Under the new rules, the effect of the jibes is stated in a footnote to the *Tacking or Jibing* rule (section 11) which reads —

"A tack or a jibe by either or both of two yachts always creates a new Right of Way situation, but not necessarily a different one; (e.g., section 7 may apply both before and after two yachts have jibed)."

Reading this footnote in conjunction with the *Same Tack — Overlapping* rule (section 8), which applies both before and after the jibes, we must conclude in both Cases I and II that the instant both yachts completed their jibes (i) a new overlap began to exist; (ii) yacht B began to rank as right of way leeward yacht; and (iii) yacht B, if A is aft of B's mast line, acquired luffing rights. It is clear that the position of the yachts before the jibes in no wise affected their rights after the jibes.

Under existing rules, the jibes have no effect on the rights of either yacht. The yachts rank precisely the same in position 3 as in position 2. In Case I yacht A<sup>3</sup> still ranks as a yacht overtaken to windward and in Case II as a yacht overtaking to leeward. In both cases A<sup>3</sup> still ranks as leeward yacht and B<sup>3</sup> as windward yacht. There is nothing to prevent A<sup>3</sup> in Case I from jibing and luffing "the daylights" out of B<sup>3</sup>, or to prevent A<sup>3</sup> in Case II (provided she keeps out of the way of B<sup>3</sup>) from bearing away to prevent B<sup>3</sup> from passing to leeward.

Perhaps you are about to protest and exclaim: "How can such a simple every day case be treated in such an absurd, unnatural and complicated manner?" Let me explain.

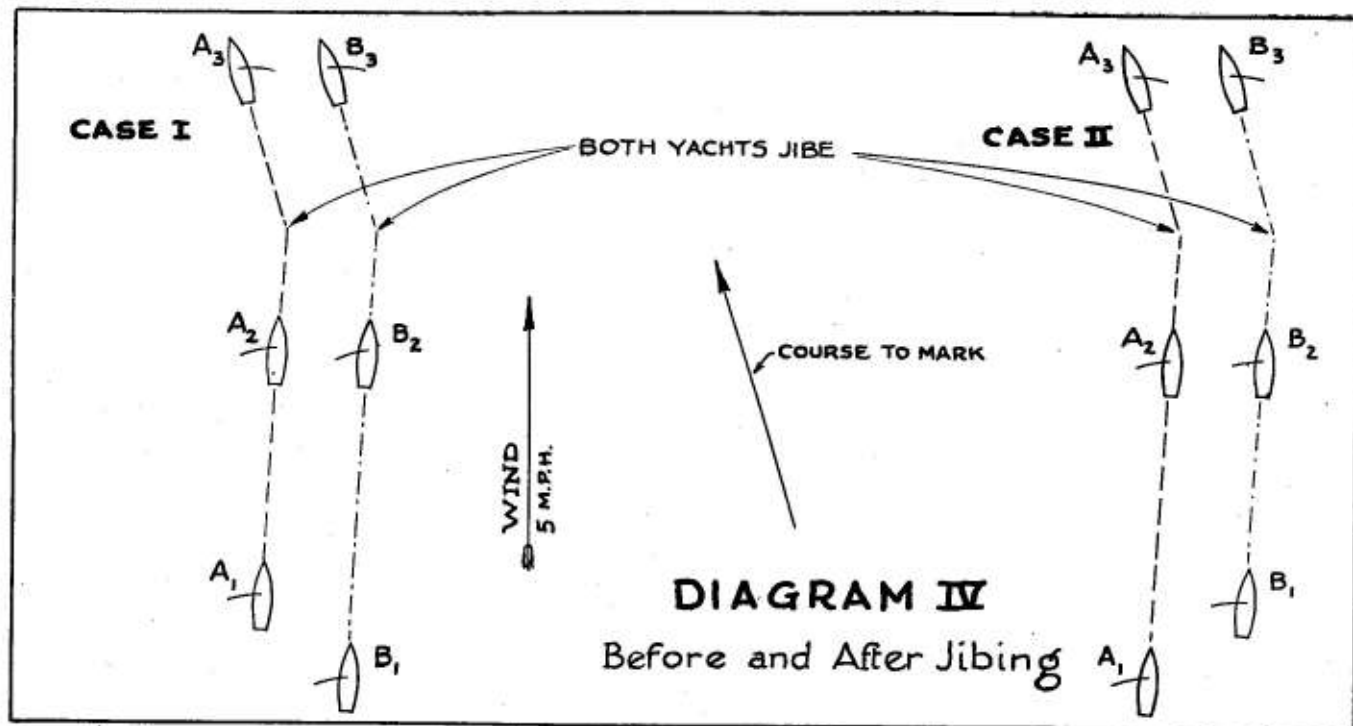
First, let us consider the *Overtaking* definition (Rule 29, 6), which reads —

"Of two yachts sailing the same or nearly the same course one which is clear astern of the other begins to rank as overtaking yacht as soon as she comes anywhere within range of risk of collision and continues so to rank until she either —

1. Draws clear ahead; and then she begins to rank as overtaken yacht.
2. Draws clear abreast by widening out beyond range of risk of collision.
3. Falls astern beyond range of risk of collision.
4. One or both of the yachts tack.

The obligation of proving that she has drawn clear lies on the late overtaking yacht.

No question of overtaking can arise unless the yachts are sailing approximately the same course (a luff by one of the yachts under Rule 30, clause B, does not count as a difference of course in this connection)."



It is evident that no one of the four overtaking terminatives listed above have operated between positions 2 and 3. Perhaps we should, by inference from the last paragraph of the definition, include a fifth terminative — 5. *The yachts cease to sail approximately the same course.* If so, a glance at Diagram IV will show that terminative 5 has not operated. Since no overtaking terminative has operated, it is clear from the wording of the definition that *the overtaking yacht \* \* \* continues so to rank after both yachts have jibed.*

The lee side of the yachts was established between positions 1 and 2 by the last sentence of clause (C) of Rule 30, which reads —

“The lee side shall be considered that on which the leading yacht of the two carries her main boom at the time she ceases to be clear ahead.”

Since the jibes did not create (i) a new status for the overtaking yacht, or (ii) a new overtaking condition, or (iii) a new overlap; it would seem that we must rule, faced with the above definition of *lee side*, that the jibes did not create a new *lee side*. While this conclusion is unnatural, it seems inescapable in view of the wording of existing rules.

In concluding this article I will try to explain the purport and operation of the new rules in certain situations which I gather from reactions to my previous articles were not entirely clear to all readers.

### Introductory Rules

Sections 1, 2, 3 and 4 explain the application of various right of way rules, including the new rules. They are in a sense introductory. Section 2 outlines the customs and courtesy of the sea and was inserted for the benefit of the uninitiated. It reads —

“These Rules apply to all competing yachts whether in the same or different classes or races. While no distinction is made in these Rules between the status of competing yachts racing for different prizes, custom and courtesy dictate that such yachts, when practical, should avoid interfering with one another (e.g., a yacht should avoid interfering with another yacht scheduled to start before her, unless the latter is so late for her start that the yachts are starting together).”

Custom and courtesy can never replace rules if either yacht desires or deems it advisable to abide by the letter of a rule. It was not my intention that at a protest hearing a claim that another yacht has violated a custom or failed to observe one,

should ever be entertained as an excuse for or in defense of a certain action. Section 2 was intended merely to suggest that certain situations may arise where a right of way yacht can more gracefully (assuming she can do so without material loss) waive her rights than insist upon them. It is entirely up to the skipper of the right of way yacht to decide if, when and how he should waive his rights.

The right of way yacht may be disqualified in the event of a serious collision for violation of section 3, which reads —

“Irrespective of the rights or obligations of these Rules or of the time at which an obligation legally begins, both yachts should do their utmost, when a serious collision is imminent, to avoid one; and the yacht which deems herself fouled, should promptly display a flag, whether or not a collision occurs.”

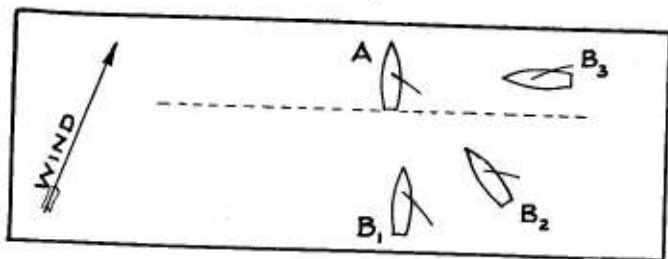
The International Rules of the Road at Sea contain a similar clause. I have never understood why the existing Racing Rules do not, in the interest of safety, also contain one.

Race Committees should, I believe, be loath to invoke section 3 against a right of way yacht, and should be governed by the recommendation, regarding the disqualification of a right of way yacht, contained in the recent decision of the Appeals Committee of the N.A.Y.R.U. in Appeal No. 12 (page 64, etc. of the June, 1944 issue of *YACHTING*).

### On the Same Tack — Clear Ahead-Clear Astern

(New Rule Definition) — *Clear Ahead — Clear Astern — Overlap — Windward Yacht — Leeward Yacht.* These terms apply only to yachts on the same tack, and irrespective of the angle at which they meet. The last two terms are used only when two yachts on the same tack “overlap.” A yacht is “clear ahead” if her *stern line* is ahead of all parts of the other yacht. The other yacht is “clear astern.” If neither yacht is “clear ahead,” the yachts “overlap,” and the one on the other’s *windward side* is the “windward yacht,” the other the “leeward yacht.”

While under the new rules two yachts are by definition clear ahead-clear astern irrespective of the angle at which they meet, for all practical purposes the new *Clear Ahead-Clear Astern* rule operates only when the existing one operates; i.e., only when the two yachts concerned are sailing substantially similar courses. If they are sailing substantially different courses (i.e., bound for different marks after starting), they will almost invariably clear each other without either one having to alter course. To illustrate —



The dotted line indicates the stern line of yacht A. Yacht B is shown in three different positions. Yacht A is clear ahead of yacht B if B is in position 1 or 2, since a yacht is clear ahead if her stern line is ahead of all parts of the other yacht (definition of Clear Ahead). If yacht B, as in position 2, is sailing a substantially different course from A, B<sup>2</sup> must, after the start, be bound for a different mark, and be racing for a different prize. Both courtesy (see section 2, quoted above) and self-advantage dictate that B<sup>2</sup> should elect to pass astern of A.

#### On the Same Tack — Overlapping

If yacht B is in position 3, the yachts overlap under the new rules, since if neither yacht is clear ahead the yachts overlap (definition of Overlap). Clauses a and b of section 8 apply. Yacht B<sup>3</sup> ranks as right of way leeward yacht, and A ranks as windward yacht because she was on the other's windward side (definition of Windward Yacht) as the yachts approached each other. A has sufficient clearance to cross ahead of B<sup>3</sup>. Note that clause b of section 8 prohibits B<sup>3</sup> from bearing away as she would thereby balk a windward yacht attempting to cross her bow. This clause cannot apply when two yachts are sailing nearly the same course because in that event it is impossible for one yacht to cross the other's bow unless the yachts are clear ahead-clear astern; i.e., in the position of yachts A and B<sup>1</sup>.

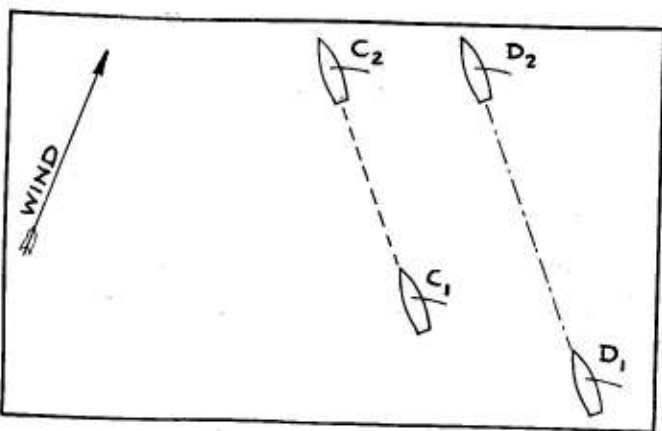
It is obvious that yachts A and B<sup>2</sup>, or A and B<sup>3</sup>, must be bound for different marks and that consequently the one obligated to keep out of the way cannot afford to sail into a position where she would be forced to parallel the course of the other. Therefore, the new luffing rule (section 8c) operates, for all practical purposes, only when the existing luffing rules operate; i.e., only between yachts that are sailing substantially similar courses after starting, or that assume substantially similar courses before starting.

#### Transition from Clear Astern to Overlap

Now let us consider the transition stage under the new rules from Clear Astern to Overlap (i.e., from section 7 to section 8), or the case of two yachts, one clear astern overtaking the other and about to establish an overlap.

Note that this transition from Clear Astern to Overlap (for the reasons set forth in the yacht A and B<sup>2</sup> case we have just discussed above) does not occur when racing unless the yachts are sailing substantially similar courses (i.e., are bound for the same mark or marks on the same bearing).

In position C<sup>1</sup>-D<sup>1</sup>, D<sup>1</sup> is clear astern and must keep out of the way. Right of way does not change if D<sup>1</sup> elects to make her



overlap to windward, and C's right to luff D is then the same as under the existing overtaking rule until luffing rights terminate. But if D<sup>1</sup>, as shown in the diagram, elects to make her overlap to leeward (position C<sup>2</sup>-D<sup>2</sup>), while the overlap is established in precisely the same manner as under existing rules, there are a number of rule differences — important on paper, but relatively unimportant in practice. Under the new rules, yacht C<sup>1</sup>, just before the overlap is established, may not bear away so as to force D<sup>1</sup> to alter her course to avoid a collision (section 7, b, ii). A differently worded prohibition under existing rules prevents C<sup>1</sup> from bearing away at this point (Rule 30, C), but the result under either set of rules is the same. As soon as the overlap is established, under the new rules, the right of way situation is reversed, and D<sup>2</sup>, the leeward yacht, becomes right of way yacht (section 8a), but, since the windward yacht C<sup>2</sup> was forward of the mast line when the overlap began: D<sup>2</sup>, the leeward yacht, while that overlap continues to exist, may not, after starting, sail above her normal course (section 8, c ii). In other words, while D<sup>2</sup>, the overtaking yacht, acquired right of way as leeward yacht when the overlap began, she cannot force C<sup>2</sup>, the overtaken yacht, to luff. If the yachts collide: yacht C<sup>2</sup> (unless D<sup>2</sup> has luffed into her) is to blame under the new rules; yacht D<sup>2</sup> (unless C<sup>2</sup> has borne away into her) is to blame under existing rules. But, except for different disqualification provisions in the rare case of a collision, the situation, for all practical purposes, is the same under the new rules as under existing rules, under which C<sup>2</sup>, the overtaken yacht, retains right of way after the overlap is established, but may not bear away below her proper course to prevent D<sup>2</sup> from passing to leeward (Rule 30, C). "Why then," you may ask, "change existing rules if both rules operate (except in the rare event of a collision) in substantially the same manner?" The answer is that it is necessary to do so in order to merge the existing *Overtaking* and *Converging* rules and so to avoid the difficulty of distinguishing between overtaking and converging conditions. The new rules in effect apply the existing converging right of way rule and the existing overtaking luffing rule (the latter with some modifications) to both overtaking and converging conditions.

"But suppose," you may ask, "that yacht L, as shown in the diagram below, establishes her overlap so close to W's lee quarter that W (now windward yacht and therefore obligated to keep out of the way) cannot luff to keep out of the way?"



"Is not W, unjustly in this case," you may say, "subject to disqualification?" Yes, she is subject to disqualification, but as the result of her own lack of foresight. "This situation," you may add, "cannot arise under the existing *Overtaking* rule, since overtaking yacht L is obligated to keep out of the way, not only while she is clear astern, but also after she has established her overlap to leeward." This is true.

Before explaining the procedure that the windward yacht should follow in this case when sailing under the new rules, I want to point out that in racing this case arises but infrequently. A yacht, when clear astern of and close aboard of another yacht, will normally establish her overlap to windward, because it is normally more to her advantage to do so. A yacht clear astern desirous of making a *bona fide* attempt to pass to leeward of another yacht, will, in her own interests, endeavor to establish her overlap far enough to leeward to escape the full blanketing effect to which she will be subject if she establishes her overlap close aboard. Only four cases occur to me where, approaching each other as shown in the diagram, yacht L might benefit by establishing her overlap to leeward instead of to windward of yacht W.

1. Before starting, to avoid being luffed over the line or to windward of a port hand mark before the gun.



2. Before starting, by holding her course to force *W* over the line or to windward of a port hand mark before the gun.
3. After starting, when a starboard hand mark is reasonably close to yacht *W*.
4. Before or after starting, in a not very sporting attempt to secure a technical disqualification.

When sailing under the new rules, the helmsman of the yacht clear ahead has to exercise a little foresight when it becomes apparent that a yacht clear astern and sailing nearly the same course is about to establish an overlap very close to his lee quarter, especially so if the yachts are converging at an angle as shown in the diagram. Yacht *W*, just before the overlap is established, should luff to a slightly higher course — (i) before starting, than *L* is sailing; and (ii) after starting, than *L*'s normal course.

Yacht *W* will then be able to clear *L* after the overlap is established since *L* — (i) before starting, cannot luff so as to force *W* to luff (section 8, c, i); and (ii) after starting, cannot sail above her normal course (section 8, c, ii).

In other words, yacht *W*, both before and after starting, must

take similar precautions to those the windward yacht has had to take for years when the existing converging rule applied. Actually, when it applied, the windward yacht has had to take greater precautions than those she has to take under the new rules, because under the converging rule the leeward yacht had the right to luff the windward yacht.

I believe that the old saying "much ado about nothing" applies to the above discussion, because actually the leeward yacht has to make her overlap very close aboard — only inches away — to prevent the windward yacht from luffing enough to keep clear. Furthermore, during the three years of tests that the new rules have undergone, I have never been advised that they have operated unjustly in this case. Should the further tests they are now undergoing prove otherwise, it might be in order to add a footnote to section 7 to the effect that "when two yachts are sailing substantially similar courses, the yacht clear astern may not establish her overlap so close to the lee quarter of the yacht clear ahead that the latter, when she begins to rank as windward yacht, will be unable to luff to keep out of the way."