



Connecticut Department
of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

**STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – February 13, 2015
Environment Committee

Testimony Submitted and Presented by Commissioner Robert J. Klee

Raised Senate Bill No. 868 – AN ACT REGULATING THE USE OF JETTED ARTICULATED VESSELS AND CERTAIN WATER SKIING DEVICES

Thank you for the opportunity to present testimony regarding **Raised Senate Bill No. 868 – AN ACT REGULATING THE USE OF JETTED ARTICULATED VESSELS AND CERTAIN WATER SKIING DEVICES**. The Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to offer the following testimony.

We appreciate the Committee’s willingness to raise this bill at the request of the DEEP. This bill, which we strongly support, does two things. First, it makes overdue and necessary revisions to the water-skiing statutes to expand the definition of water-skiing to include watersports that share their origins in water-skiing, but have outgrown the current definition. Second, it introduces operational safety rules for an attractive, but potentially dangerous emerging type of vessel, which we call a Jetted Articulated Vessel (JAVs).

There are three sections to this proposal. Section one makes a necessary and substantive change to the definition of water-skiing to include those water sports that rely on a moving host vessel to create a wake or suction that “tows” a participant behind the host vessel, without the use of a line or tether. DEEP’s concern is not with the activity itself, but that the sport escapes the current definition of water-skiing, thereby making it impossible to legally require safety measures. More specifically, it is unclear whether “wake surfing”, when performed without a tow rope, is considered water-skiing, and it is therefore unclear whether participants are subject to lifejacket requirements and whether they must have a competent observer monitoring their progress. (These are both water-skiing requirements.) The proposed change in definition will make clear that *all* watersports conducted behind a moving vessel must comply with the requisite safety requirements applied to water-skiing. Additionally, and as a matter of housekeeping, we also take the opportunity to eliminate the reference to “aquaplaning,” a definitional artifact that no longer serves a useful purpose.

Section two formalizes two very important water-skiing precepts. While DEEP has taught for years that the aggregate of water-skiers and vessel occupants must not exceed the carrying capacity of the towing vessel, this rule was never codified for general vessels – although it was codified for personal watercraft. The idea behind the rule is common sense: a vessel must have the necessary capacity to carry a tired or injured water-skier and all others in the water-skiing party without overloading the vessel and endangering all aboard. Here, DEEP also codifies the precept that the vessel operator is responsible for any damage done to person or property by the wake from the ski boat or the water-skier.

In Section three, DEEP addresses a growing concern over “Flyboards” or “Jet Levs” (both trade names) as they are gaining in popularity in Connecticut. A picture of the device is attached to this testimony. Based on the picture, we believe that the potential danger posed by the unrestricted operation of such a vessel to its operator and to nearby observers is self-evident. DEEP proposes first to establish a definition of the vessel in Section one under the term Jetted Articulated Vessel, or JAV. A JAV consists of a base pumping unit - often a modified personal watercraft, an articulated hose used to convey water or other media under pressure, and a device such as a platform or backpack through which high pressure media is ejected, elevating the operator or passenger and propelling the entire vessel. Sometimes operation requires a person to ride the base unit and is integral to the operation of the vessel, sometimes not.



A typical PWC-based JAV

The purpose of the vessel-based system is to allow an operator or passenger to “fly” significant heights above the water (limited by the length of the hose) and to perform both aerial maneuvers and submerged maneuvers. A person performing such maneuvers needs both adequate depth and an area free from spectators or other obstacles to safely operate. In the interest of safety for operators and spectators alike we propose to include JAVs under the rubric of personal watercraft rules, thereby applying age and speed limits that already exist and with which certified resident operators are already familiar. As an additional safety measure meant to address the wide variety of vessel configurations currently being used and developed, DEEP requires all passengers of JAVs as well as operators to hold a certificate of personal watercraft operation.

In summary, DEEP strongly supports **Raised Senate Bill No. 868 – AN ACT REGULATING THE USE OF JETTED ARTICULATED VESSELS AND CERTAIN WATER SKIING DEVICES** and looks forward to update Connecticut’s water-skiing statutes and to introduce operational rules for Jetted Articulated Vessels so as to provide a safer experience for all those who use Connecticut’s waterways.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Robert LaFrance, DEEP’s Director of Governmental Affairs, at 860.424.3401 or Robert.LaFrance@ct.gov (or, Elizabeth McAuliffe, DEEP Legislative Liaison, at 860.424.3458 or Elizabeth.McAuliffe@ct.gov)