



Connecticut Department
of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

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

Public Hearing – February 24, 2016
Environment Committee

Testimony Submitted and Presented by Commissioner Robert J. Klee

Senate Bill No. 136 (Raised) – 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. 136 – 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. In 2015 the precursor to this proposal was designated Senate Bill 868. This bill passed the senate, was reported favorably in the house and was designated House Calendar Number 556. It was not called for a vote before the close of session. Although some of the proposed language has been changed this year for the sake of clarity, the concerns that this bill seeks to address remain the same as those of its predecessor.

We appreciate the Committee’s willingness to introduce 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, and increases safety by codifying two water skiing safety precepts that have heretofore been championed but unwritten. 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. Specifically, it is unclear whether “wake surfing”, when performed without a tow rope, is considered to be water skiing and it is therefore unclear whether participants must wear a lifejacket and have a competent observer monitoring their progress (both of which are water skiing requirements). The proposed change in definition will make clear that *all* watersports conducted behind a moving vessel must comply with the 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. DEEP recommends a minor change in the text in that the word “or” should be added and a comma deleted on line 49 after the word “pressure” because the hose may be articulated or just be a smooth flexible conduit.

Section Two formalizes two very important water skiing precepts that heretofore have gone unwritten. 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 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, who is causing or allowing an activity, 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. 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, thereby 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 are familiar to certified resident operators. 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. DEEP anticipates little or no fiscal impact to any of these proposals.

In summary, DEEP strongly supports **Raised Senate Bill No. 136 – AN ACT REGULATING THE USE OF JETTED ARTICULATED VESSELS AND CERTAIN WATER SKIING DEVICES** and looks forward to working with the Committee to refine this proposal to update the 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.