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# ***Task Force Meeting***

of

## ASSEMBLY TASK FORCE ON WATERWAY SAFETY

*“Testimony concerning the role of boating safety education as it pertains to the prevention of boating accidents and fatalities”*

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**LOCATION:** Rutgers University  
Camden Campus  
Camden, New Jersey

**DATE:** November 15, 2002  
2:00 p.m.

### **MEMBERS OF TASK FORCE PRESENT:**

Assemblyman Robert J. Smith III, Chairman  
Assemblyman Gordon M. Johnson  
Assemblyman Jeffrey W. Moran



### **ALSO PRESENT:**

Wendy Whitbeck  
*Office of Legislative Services*  
*Task Force Aide*

Beth Schroeder  
*Assembly Majority*  
*Task Force Aide*

Jerry Traino  
*Assembly Republican*  
*Task Force Aide*

***Meeting Recorded and Transcribed by***  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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**ASSEMBLYMAN ROBERT J. SMITH III, (Chairman):** All right. I'd like to call the meeting to order, if I could.

If we could have a roll call--

MS. WHITBECK: Assemblyman Moran.

ASSEMBLYMAN MORAN: Present.

MS. WHITBECK: Assemblyman Johnson.

ASSEMBLYMAN JOHNSON: Here.

MS. WHITBECK: And Assemblyman Smith.

ASSEMBLYMAN SMITH: Here.

MS. WHITBECK: You have a quorum.

ASSEMBLYMAN SMITH: I just wanted to start off with a personal experience that I had. I know staff had prepared opening remarks for this hearing.

I guess it was about a year and a half ago, maybe two years ago, I met with Rosemary Decker, who is the widow of a victim of a boating accident. And that was really the impetus for this Task Force when I spoke to the Speaker. And when I was talking to the Speaker about the formation of this committee, it was really in the abstract. It was a situation where a constituent came to my office.

As a boater, I realize that there are a lot of problems on the water. There are a lot of safety issues. But I thought about safety issues in terms of speed of power vessels and people understanding the rules of the road in navigation.

But I had an experience about three weeks ago that really has changed my life. And I want to thank the State Police and the Coast Guard

for their service. I went fishing on my fishing vessel, a 26-foot boat, about three weeks ago in the Cape May Rips, which is the area where the Delaware Bay and the ocean, the Atlantic Ocean, meet. And it's known for its striped bass fishing. There's a lot of shoals in the area -- that means the contour comes up and it goes down.

I was fishing with a couple of friends, and unexpectedly, my boat was capsized. We were about a mile and a half southeast of the Cape May Inlet. It was probably the most frightening experience of my life. And it was something that happened so quickly and unexpectedly. We were actually trapped underneath my boat for a period of time, and we had to fight our way up, out underneath the boat. And thank God, not only for the State Police and the Coast Guard, but thank God there were fellow fishermen in the area that were able to come and rescue us within three to five minutes, because the boat was totally capsized. It was turned over. We were able to hold on to the bow of the boat, in 58-degree water about a half an hour to 45 minutes before sunset.

So with that personal experience, it really emphasizes, in my mind, the importance of making sure that everybody is safe on the water. And regardless of how much education you have, regardless of how long you've been boating, I think, at least in my mind, the importance of refresher courses in education is really underscored.

So with that, I think we'd like to get started with the meeting. I'll allow the other Assembly members to make any opening comments, if they'd like.

Assemblyman Gordon.

ASSEMBLYMAN JOHNSON: Thank you, Mr. Chair.

I'd just like to say I'm down today from the county of Bergen. It's a pleasure to be here today to discuss boating. I have a background in law enforcement, whereas, as a police officer for the city of Englewood for a number of years, and presently the Undersheriff of Bergen County--

Anything we can do to preserve life and protect the people that we serve is a good thing. I'm dedicating myself to this committee, even though the only boat I've actually been on was the Staten Island Ferry, for the most part -- but realizing that the commercial industry, the commercial fisheries -- fishing and, also, recreational boaters -- they need to be protected too. So, therefore, I'm glad to be here.

Thanks for having me here today.

ASSEMBLYMAN SMITH: Thank you.

Assemblyman Moran.

ASSEMBLYMAN MORAN: Thanks, Bob.

First of all, again, it's a pleasure to be here. It's a long trip coming here. As a matter of fact, when I was reading the newspaper-- I was talking to Roger. We had a meeting a while back. We thought this meeting was scheduled in Point Pleasant at the Coast Guard Station -- State Police, yesterday. So we had worked our schedules out. And I know Nick Asselta had worked it out. So I apologize for his not being able to be here today.

I think it's extremely important, as I had discussed. And we all came to the conclusion at the previous meeting, and it's in the record -- the Task Force meeting minutes that I just read over very quickly-- It's very, very important that we come to some type of a consensus and understanding about

the speed limit, the safety, the training, and the education. Each and every one of you in the audience here are here for a purpose. You're here for a purpose, because you have a story to tell or you want to hear somebody else's story, or you've -- if you're as interested as I think we are, as a committee, in doing what has to be done.

Sometimes, in all of our lives, we have to use political capital to get things done. And I think that's what this committee's going to have to do. I think Roger Brown and the State Committee that's commissioned to deal with water safety has a very, very difficult task. And I think it's imperative that we work together with your committee.

I don't think we should go on a tangent and do something other than what your committee has done over the years, along with the Coast Guard and State Police, State Marine Police.

So I think if we keep that focus -- is that we've got to work as a three-legged stool instead of as individuals -- I think we'll get everything accomplished that we want to get accomplished, so that incident that Bob had doesn't happen again and that we can have some resolve to this issue, once and for all, before the next boating season starts.

Thanks, Bob.

ASSEMBLYMAN SMITH: Thank you.

I think what I'd like to do is start with Mr. Charles Hartley. I also met with him some time ago. He has a first-hand experience. I'd like to open up the meeting, the hearing, with his testimony. Then I think we're going to get into some follow-up with the State Police that we started at our last commission hearing.



**C H A R L E S E. H A R T L E Y:** I didn't realize I'd be number one.  
(laughter)

Am I to sit here?

ASSEMBLYMAN SMITH: Absolutely.

MR. HARTLEY: Do you want my name?

ASSEMBLYMAN SMITH: Sure, your name and address for the record. I'd like to hear your personal experience.

MR. HARTLEY: Charles Edward Hartley. I live in Turnersville, New Jersey.

I was in a very severe boating accident in the year of 2000, October. Speed had a lot to do with it. Our boat was ran over by a 60-foot yacht, from stern to bow. Three of my buddies died instantly. I managed to survive. I jumped. I was in that position, I guess. And I took that-- I knew if I stayed on the boat I was going to die. When I was thinking about jumping, I knew I was going to die if I jump. But I made it. The boat took me under. I was cut. Two of my -- the other -- two of my friends, I think, were chopped up pretty good. This boat came on us real fast, I'd say within about 10 seconds or so.

When we go fishing-- I had a bad lower back. And after we were out there about two or three hours, I would lay down on my cooler to rest my back. Well, this particular day I had done the same. Normally, I would be facing stern, and I would have seen this boat, had I been up. But I wasn't.

Anyhow, within about 10 seconds, Tom Decker, the owner of our boat, captain of our boat, turned around and saw this boat coming at us. He

said, "That goddamn idiot's headed right at us." Now, we've got about 10 seconds to do whatever we have to do.

I grabbed a rag, my fishing rag, and I start jumping up and down waving my rag, trying to get their attention. As the boat's getting closer, there isn't anybody up there. There's nobody up there in that pilot house. And it's getting closer and closer. Within a split second, I could have almost touched the boat, I guess. That's when I jumped.

That's not very long, 10 seconds. He's doing almost-- They figured he's doing about 20 or 30 miles an hour. So he hit our boat and then went right over -- from the stern right up to the bow and everything.

ASSEMBLYMAN SMITH: How far off-shore were you when you were fishing?

MR. HARTLEY: About three miles, I guess -- two to three miles. We were a little less than three miles. That's the boundary line, I believe.

ASSEMBLYMAN SMITH: What agency, if any -- I'm sure -- what agency investigated the accident?

MR. HARTLEY: I'm sorry?

ASSEMBLYMAN SMITH: What agency investigated the accident? Was it the Coast Guard or State Police?

MR. HARTLEY: Did they check into it, you mean?

ASSEMBLYMAN SMITH: Yes, which?

MR. HARTLEY: Oh, yes.

ASSEMBLYMAN SMITH: Both agencies?

MR. HARTLEY: Oh, yes, both.

ASSEMBLYMAN SMITH: Were there any contributing factors that were listed on the report, of what were told to you, after the accident?

MR. HARTLEY: Well, the captain of that boat claimed -- was making a claim that we crossed over in front of him. No, we were there for almost a minute before he came within sight. And we were in a flounder drift. We didn't have our rods out yet, but we were in that position.

So, yes, the Coast Guard and the State Police, Marine Police--

ASSEMBLYMAN SMITH: What were the contributing factors, if you know, after they investigated the accident?

MR. HARTLEY: Speed.

ASSEMBLYMAN SMITH: Okay.

MR. HARTLEY: Speed. The guy was not-- There was nobody in the pilot house at the controls. At the time that I jumped, I could touch the bow of this boat, and I could see-- He had, like, two decks, and I'm looking into the bottom one hoping somebody would see us. I thought it might have been dual controlled, but it wasn't.

So speed was a big factor, and I guess a look-out, also. But we were there for a full minute. And within the last 10 seconds or plus, maybe, that's when he was spotted. Had he been at his station, I was sure hoping that he would make a slight turn to the right or slight turn to the left or pull back on the controls, anything, but nothing happened. He wasn't there to do it.

It's finished. I mean, we had the court deal with it. He got six months out of it. I was hoping he would get more, but that's the way it settled. He pleaded guilty.

ASSEMBLYMAN SMITH: Assemblyman Johnson, do you have any questions?

ASSEMBLYMAN JOHNSON: I'm just a little astounded that a person could operate a vehicle without being at the helm or control unit.

You state that not only was there no one at the control on this vessel -- I guess that's -- I'm hearing this -- but there's no look-out, either. I don't understand how--

MR. HARTLEY: Well, there was a look-out-- You mean on that boat.

ASSEMBLYMAN JOHNSON: On his boat.

MR. HARTLEY: No, no. There was no look-out. That was supposed to have been his wife.

ASSEMBLYMAN JOHNSON: Well, during the investigation-- Where was he?

MR. HARTLEY: He claims he was looking for a chip. He claims he was bent over looking for a chip. Well, if he was bent over looking for a chip, he wasn't there. He was downstairs or somewhere else. He was not there in that-- He was not at his controls.

ASSEMBLYMAN JOHNSON: I'm astounded.

Okay.

ASSEMBLYMAN SMITH: Assemblyman Moran.

ASSEMBLYMAN MORAN: Yes, Bob, thanks.

I just have two quick questions. You said the speed was approximately 29 miles an hour?

MR. HARTLEY: I think they said around 28 to 30.

ASSEMBLYMAN MORAN: Twenty-eight miles an hour.

ASSEMBLYMAN SMITH: Knots or miles per hour?

MR. HARTLEY: Miles per hour.

ASSEMBLYMAN SMITH: Miles per hour.

MR. HARTLEY: Yes.

ASSEMBLYMAN MORAN: And what was the--

**ROSEMARY DECKER:** I know what the-- It was 24 knots.

ASSEMBLYMAN MORAN: Okay. And what was the training of the individual that was at the helm, supposedly downstairs getting the chips, of his boat?

MR. HARTLEY: What was his training?

ASSEMBLYMAN MORAN: Right.

MR. HARTLEY: Well, I understand he was in the Coast Guard for about six months, and then he went into the reserves for about eight years or so. He's had-- That was for Mission 6, and he's had five before that. So he's traveled from Florida -- New Jersey to Florida, back and forth every year.

ASSEMBLYMAN MORAN: So he did have a license.

MR. HARTLEY: I don't know. I'm not sure. I don't think so.

ASSEMBLYMAN MORAN: Thank you.

ASSEMBLYMAN SMITH: Thank you very much.

Rosemary, I see you had your hand up. I think maybe you have some clarification or additional information.

MS. DECKER: Mr. Flowers did not have a license, and he--

HEARING REPORTER: Mr. Chair--

ASSEMBLYMAN SMITH: Yes.

MS. DECKER: Oh, Rosemary Decker. My husband was the captain of that boat.

Mr. Flowers did not have a license. He was driving a 60-foot yacht, with him and his wife, which is a very big vessel, which is I don't know how many tons. That's a pretty bad weapon on the seas if you're not operating it correctly, as we see by the result.

He did not have a license, nor did he ever take a boating safety course. However, in the Coast Guard, he probably did many, many moons ago. And because he had so much confidence in himself, he did that trip so many times, I guess he didn't feel the need to do it again. I'm not sure why. I still don't know to this day why he did not see my husband, because he claims that he was at the helm, and he was not. How could he be? I still need an answer from him on that, and I still want to confront him on that.

I don't know if you have any other questions.

My husband did try to start the boat.

ASSEMBLYMAN MORAN: I didn't know we were talking about that incident. I'm very familiar with that incident.

MS. DECKER: He did try to start the boat, but he didn't have enough time, and he was leaning over the seat, because he was in a -- didn't have too much time to do it, and it didn't start for him. That was the only thing. Actually, our boat saw him, but he did not see us at all. He's in this big boat with a big windshield. We still don't know the answer to that. I still want to confront him on that, and I will, on a one-to-one level.

I don't know if you have any other questions. I'm sorry. I didn't mean to interrupt, but I had a little more information. I remember we went

through weeks of trial. I don't know if you're aware of that. It was six

ASSEMBLYMAN SMITH: Thank you, Rosemary.

Li Kurt Amburgey, and we also have Jeff Andres at the

Jeff, I know you were at the last hearing.

Lieutenant, were you, as well?

No, I wasn't.

ASSEMBLYMAN SMITH: We had asked a n  
from the State Police. I think most of it dealt with statistics to try to get to the  
up or any of the statistics that  
we had previously asked for.

ASSEMBLYMAN SMITH: Okay.

LI AMBURGEY: I'm Lieutenant Kurt Amburgey.  
the Station Commander of Point Pleasant Station. I also have tw  
substations, e  
Delaware. I'm representing Field Operations.

year of 2001, the Marine portion of the  
State Police issued approximately 1,700 summonses, and in 2000 it  
so it was up. My particular station -- they're not broken down -- my particular  
ation, we issued over 500 in 2001, which was broken down to: 122 had t  
deal with certificates, 130 had to do with equipment, 143 had to do with rules  
the road, and 110 had to do with other violations. In 2002, up t

November 1, we've issued almost 600, with 130 certificates, 147 equipment, 162 rules of the road, and 131 other violations.

I don't know what other statistics you were looking for.

ASSEMBLYMAN SMITH: What were the rules of the road statistics?

LIEUTENANT AMBURGEY: The rules of the road-- I can only vouch for my station, because I broke these down yesterday when I was called. In 2001, my particular station wrote 143 rules of the road. And in this year, thus far, 162 rules of the road.

ASSEMBLYMAN SMITH: Can you tell me a little bit about how the Marine Unit interacts with the separate troop substations throughout the state? Is the Marine Unit in and of itself, or are Marine State Police Officers assigned to different barracks, for example?

LIEUTENANT AMBURGEY: The Marine portion of the State Police went from a bureau to a troop, and now we're within the road troops. My particular station -- I'm in Troop C, which is Central Jersey, and I'm part of that. My particular group of guys, which I have 38 total -- which includes myself, my assistant, my four sergeants and four staff sergeants -- we patrol three stations. Burlington Station patrols-- Believe it or not, my area goes from Lambertville all the way to Paulsboro.

ASSEMBLYMAN SMITH: That's the one substation?

LIEUTENANT AMBURGEY: One substation.

ASSEMBLYMAN SMITH: Lambertville to Paulsboro.

LIEUTENANT AMBURGEY: Yes.

ASSEMBLYMAN SMITH: Okay.



LIEUTENANT AMBURGEY: Of course, you can't take a boat from Burlington to Lambertville, so we have to trailer when anything does occur. As you know, we can't get up there that often, mostly during the special occasions and stuff like that, or if there happens to be an accident, or whatever.

In my mother substation, we cover the Navesink to Shrewsbury and the Sandy Hook Bay, which we are now doing evolution of Navy ships in and out of (indiscernible) -- bringing in different items.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Could you speak a little louder, please?

LIEUTENANT AMBURGEY: Yes. And in my Point Pleasant Station, we cover from the Shark River, Manasquan River, the canal, the Metedeconk River, and the Barnegat Bay down to Cedar Creek. Then it's -- then you have Newark Station, who has a substation up at Lake Hopatcong; you have the Atlantic City Station, which has a substation in Ocean, which covers from Cedar Creek on the Barnegat Bay south to Atlantic City. And then you have Bivalve Station, which apparently you dealt with during your accident, and they have a substation in North Wildwood.

We patrol the waterways in the State of New Jersey. Anything that happens on the waterways in the State of New Jersey we handle. We work hand in hand with, mainly, local PDs, police departments, that cover -- that have jurisdiction along the waterways. And anything that actually happens on the waterways itself, we investigate or handle.

ASSEMBLYMAN SMITH: Can you tell me, if you know, what the rationale was from having -- going from a Marine Police Bureau to having

the Marine Police in a separate troop, and then spread out throughout the state?

LIEUTENANT AMBURGEY: I couldn't answer that question.

ASSEMBLYMAN SMITH: When did that happen?

LIEUTENANT AMBURGEY: In 1996.

**TROOPER JEFFREY ANDRES:** About '99.

LIEUTENANT AMBURGEY: In '99 it went from its own troop. It used to be-- We have Troops A, B, C, D, and E. Troop F was -- which was another funny thing -- Troop F was the Marine portion, and that lasted approximately three years. And then I don't know the reasons -- then they separated it. There was no more troop. And then they broke down the stations into individual road troops.

ASSEMBLYMAN SMITH: Do the Marine troopers -- do they report to a road barracks before they begin their shift?

LIEUTENANT AMBURGEY: No, they report right to the Marine stations.

ASSEMBLYMAN SMITH: Okay.

Assemblyman Johnson, any questions?

ASSEMBLYMAN JOHNSON: Thank you, Mr. Chairman.

You're a station commander?

LIEUTENANT AMBURGEY: Yes, sir.

ASSEMBLYMAN JOHNSON: How long have you been a station commander?

LIEUTENANT AMBURGEY: Approximately three years.

MAN JOHNSON: About three years. In the three years, uniformed personnel? Two years ago, when I first got there, we were at a minimum. Last year--

LIEUTENANT  
I had 22 troopers at my station. And then in requesting more particular areas, I was able to get more people. And this year, like I said, I have a total of 38.

LIEUTENANT  
That's a portion of it. They are actually doing the operation stuff?

ASSEMBLYMAN JOHNSON: I'll ask a loaded question here. Do you feel that you have enough personnel to handle this large geographic area?

RGEY: Let me answer it this way. We're utilizing our resources to the best of our abilities.

That's a good answer. I'm a strong-- I have a law enforcement background and I'm a believer that the more enforcement you have, the safer people are. I don't have a feel for the Marine Police and how they operate. But, of course, when you talk to that guy, I realize that when

you have more enforcement going, you have safer highways. I guess it works the same way.

LIEUTENANT AMBURGEY: Yes, it does.

ASSEMBLYMAN JOHNSON: Okay, thank you.

ASSEMBLYMAN SMITH: Assemblyman Moran.

ASSEMBLYMAN MORAN: Thanks, Bob.

I can't agree with you more, Gordon. We have to thank you again for coming. I know you've come a long way, and you have a long way to go back. We'll be right behind you.

Being an avid sailor and boater on the Barnegat Bay and the Toms River, I don't think there's a weekend that went by that I had not personally seen or witnessed the State Marine Police or the Coast Guard or somebody patrolling. And I've always thought, in my many years of boating, that I always felt safe. And I was in the Legislature when we changed the law, and I was co-sponsor of that law that changed the State Marine Police to become police, because many of us thought at that time, as I think we do today, that it was a unit respect that was needed. And the men and women that served as Marine Police, a Division of the State Police, couldn't be considered step-children and still uphold the law the way we felt, at the time, that it should. And I think it has worked out to the best.

LIEUTENANT AMBURGEY: Yes, it has.

ASSEMBLYMAN MORAN: I think it's not whether we have enough men and women on our waters. I think it's primarily coordination of enforcement. I think what we've got to do, and I think one of the goals of this committee should be, is to make recommendations that we have better

enforcement with the local communications with the State Police and Coast Guard.

I know, in our area, boating is a very, very, very big recreational activity in the Barnegat Bay. There are days that I go out there on a Saturday or Sunday and turn around and come right back. I say it's not worth it. I'd rather go out on a Wednesday afternoon, when there's hardly anybody there. This is the greatest time of the year to be sailing. It's beautiful out there. The water's nice and crystal clear, the bottoms aren't churned up, and there's very little traffic.

But I think something that we've got to look at, is we've got to look at the speed limit regulation that we talked about. And unless we get off the dime and do something about it, it's going to get worse. It's not going to get better. I think the age limitation that we passed a number of years ago on licensing -- we've got to broaden that. And I think we've got to look, again, at the criteria for the certification and certificates.

And the third thing, I think, is probably extremely important. And it's that we've got to come up with a mechanism so that there could be better coordination between a resident calling the local police about a problem on the bay or the river, the local police coordinating -- contacting the State Police and/or the Coast Guard, and to give some of those powers to the local police so that it can relieve you to some more serious incidents.

I'll give you an example. I live two blocks in from the river and not that far from the bay. And there isn't a Saturday or Sunday I can't sit on my front porch without a racket. But when I bought and built my house there, I knew that. And being a boater and being someone who likes being near the

water, those are the kinds of things you have to deal with. If you go up and complain about the noise, I suggest you move inland.

I get calls like that all the time. It aggravates me, but my recognizing that I chose, geographically, to live there -- and I suck it up. But the problem is that a lot of these calls are transferred to the State Police, and the State Police sends a boat over, and then they're dealing with a noise incident that is normal. It's not out of the normal range. And I think we've got to look at how we can better use our present resources.

Under the budget climate, I doubt very much if we're going to get very many more men and women in the State Police. I think the only way we're going to get better enforcement is to get a better handle on the law, better training of those people that are out on the waters in the capacity of the law, and a better coordination between the local police, the State Police, and the Coast Guard.

I had a group in last week that was -- into my legislative district -- from Lacey Township. And they're very, very concerned about the Lacey Inlet being overcrowded, getting ingress and egress out of the inlet. And it's not Barnegat Inlet -- I'm talking about just getting in and out of Lacey Township. And when I spoke to them, many of them said, "We call the local police and they do nothing." Knowing the Chief of Police of the local police -- and I called him, and he said, "Jeff, first of all, we don't own a boat. We don't go out there. We call the State Police, and they come down and try to work it all out." I think that's important. I think that could help all of us all the way around.

I don't e

buying police cars, to go out and buy boats. They don't have the money. They  
t have the resources either. But I think we've got to come up wit  
something -- and I don't think it's going to cost a lot of money -- that we can  
up some type of a communication system between the local police, the

Gordon hit on it a little bit, but it didn't go far enough. Maybe we  
ght to coordinate the county police departments, the county sheriff  
officers.

issue e

increase that the counties of the shore communities, as

well as the inla

of o

lo at? We've got to redo them -- redoing the speed limit, setting up some

of criteria with the speed limit in various areas, and the coordination

Those l

resolve a lot of the problems that we have in my district. And

district is that different than anybody elses, with the problems that we have.

Again, I look forward to going out

but come June, July, and August, and even into September -- boy, I

it's difficult. It's tough. I mean, I try to stay as far out of Barnegat Bay

can. And those of you that don't know Barnegat Bay, it's a beautiful, beautiful

on't stay on the western side, you're going to

run aground real quick. If you have

east side, bec o

over there, you're going to run aground over there. And before you know it, you're skirting in and out of the very narrow area that you have for boating. And I think we've got to look at that.

Thank you, Mr. Chairman.

That reminded me of a question that I had, in terms of allocation of resources and local police and State Police interaction. If there is, say, for example, a theft of electronics on a boat in a marina in Lower Township, for example, is it the State Police that would be responsible for the investigation of that, or is it the local police?

LIEUTENANT AMBURGEY: If it's in the water, it's more or less our responsibility. But more and more, we have, more or less, turned it over to the local department. If they get called first -- and a lot of times, if they get called first, we don't even get called. They won't call us, for some reason.

ASSEMBLYMAN SMITH: Do you find that a lot of the local police departments are saying, "Look, that's not our responsibility. You've got to go to the State Marine Police?"

LIEUTENANT AMBURGEY: I think, as Assemblyman Moran was saying, that the local departments are, more or less, in the same predicament as we are. I mean, if they figure, "Well, now I've got to investigate things on the water, that means I need more people."

My particular station is-- I think the big thing is that everybody's pointing towards education. What I've done this year, in my particular station anyway, is that my educational services guy -- I have him, instead of going to grammar schools, he's going to the high schools. And he's going to do all three Toms River High Schools; he's going to do Point Pleasant Beach High School;



and he's going to do, I think, New Egypt High School. These are the ones that are going to be getting it in boats. In fact, they're probably the ones that are going to get these PWCs, which, between me and you, that's what I have most problem with out there -- the PWCs -- than anything else.

Between the education -- and also I just made up a survey that I'm going to hand out to marinas and yacht clubs to get out to the communities. What it is, is, just more or less, a survey of what we can do to help you. It's got our phone number, our address, so if they ever have any questions, they can get in touch with us. My door is always open. The station is open 24-7. So I think what we're trying to do statewide is, I believe, more of a community policing type of thing and get out there and say, "Hey, we're here. What can we do for you? How can we help you?" And education, I think, is the big thing.

ASSEMBLYMAN SMITH: Speaking of education, I guess, Jeff, you're in charge of educational services?

TROOPER ANDRES: I do work in that unit, yes.

ASSEMBLYMAN SMITH: Could you just give us a real thumbnail sketch of what the curriculum consists of? And then, I would ask if you had any suggestions for change, in terms of the curriculum--

TROOPER ANDRES: The curriculum is the book that we have provided to the Task Force, so you can reference it later. Just going over it briefly, it covers all of the equipment that is required to be on board a vessel. The big ones are life jackets and, also, fire fighting equipment. And it gets into lights and other equipment. And it also covers rules of the road, the different

actions that an operator must take in certain situations, such as a head-on situation, a passing situation, or a crossing situation.

The course that the State Police offers also covers what to do as far as if you have an accident, and what you can do to prevent it from getting any worse, the requirements that surround that for whether or not you have to report it as a boating accident-- Right now, the threshold for that is \$500 total property damage. That's by State statute. It's my understanding that it has changed to \$2,000 on a Federal level. But the State statute does, in this case, does supersede that.

The course has a 50-question test and a minimum passing score of 70 percent. This course is required for all personal watercraft operators and all operators of any other powered vessel if their date of birth ends in 1979 or later.

ASSEMBLYMAN SMITH: How many hours is the course?

TROOPER ANDRES: The text material will take about eight hours to cover. The course delivery methods are, if it's done in one day, you can do seven hours of in-person instruction and then a test. If you break it up into two days, the in-person classroom instruction has to be at least four hours, and then up to three hours may be used from homework, and then the test may be given.

ASSEMBLYMAN SMITH: Who teaches the courses?

TROOPER ANDRES: The courses are taught by the State Police, by the Coast Guard Auxiliary, by the United States Power Squadrons, and also by providers who are a business that have submitted their course to the State

Police for approval. And then they teach it within the State. They're private course providers.

ASSEMBLYMAN SMITH: Do you believe -- and we've talked a lot today about education -- do you believe that when we talk about education, we're talking about those who have not taken the course, or do you believe that what you learn in eight hours in this book is sufficient to provide safe waterways in the State of New Jersey.

TROOPER ANDRES: If all of the course material is covered, that should drastically increase the level of safety on the water. The book -- it is comprehensive.

ASSEMBLYMAN SMITH: So you think the curriculum, the course, is comprehensive enough in order to cut back or reduce significantly the number of boating accidents?

TROOPER ANDRES: The course that the State Police offers, yes, I do feel that that is sufficient. But again, it is critical that all of the elements required are covered.

ASSEMBLYMAN SMITH: Any questions?

ASSEMBLYMAN MORAN: Yes, are you comfortable with the independents teaching the class, issuing certificates?

TROOPER ANDRES: Yes, if, again, all of the course material is covered. We have come across situations where it isn't covered, and right now there is an ongoing investigation where one of the private course providers has been charged.

ASSEMBLYMAN MORAN: Would you suggest that we make the test with more questions and more in depth, or do you think it, historically, has proven to be fairly successful?

TROOPER ANDRES: When I look back at the statistics going back to 1996, when the education requirements became mandatory, those statistics indicate to me that the education process is working. The test being part of that package, I would have to say, yes, it works.

ASSEMBLYMAN MORAN: One last question, and walk me through this, because I think a lot of people are wondering the same thing, but they don't know how to ask it. Maybe I'm not going to ask it right. The '79 date--

TROOPER ANDRES: Yes, sir.

ASSEMBLYMAN MORAN: That's December 31 of 1979.

TROOPER ANDRES: It's actually '78, sir. And I say that in a different way, because it seems easier to understand.

ASSEMBLYMAN MORAN: It's December 31 of '78?

TROOPER ANDRES: If you're born after that.

ASSEMBLYMAN MORAN: Okay, so if you're after '78-- But then there's the regulation for after January 1 of '79. What is the difference between the two?

TROOPER ANDRES: It's essentially the same thing, it just seems easier to understand when it's phrased that if your date of birth ends in 1979, which could be 1/1, January 1 of '79, you need the education course to operate any power vessel. If you're date of birth is on December 31 of '78, or anytime prior to that, you would only be required by State statute to complete a boat

safety course if you are operating a personal watercraft  
ski, a waverunner, or a SeaDoo.

ASSEMBLYMAN MORAN: So today, anybody over 22 yea  
would not be required?

TROOPER ANDRES: If they're not on a  
or the SeaDoo, and depending on when their date of birth actually fell within  
year -- yes, between 22 and 23 years old -- on, as an example, a 25-foo  
cabin boat, no, they're not required to have a certificate.

ASSEMBLYMAN MORAN: Thank you.

that's wrong. That's totally, totally out of control. Now, I  
when we passed the legislation in '78, or whatever it was, for th  
licensing of the personal watercraft, we held -- if you remember, we held that

TROOPER ANDRES: Yes.

ASSEMBLYMAN MORAN: It was held over for the year.

ASSEMBLYMAN MORAN: And nobody ever knew, understood  
that was done. But we all said-- And I can still remember sitting there,  
safe." I kept on

saying

\$50,000 and puts it down,

he goes

and down the bay. Thes

you suggest maybe we change that date?

p

TROOPER ANDRES: That's something that the Legislature could consider, yes. I honestly leave that up to you. Again, right now, if someone's date of birth is anything prior to 1979, '78 and down--

ASSEMBLYMAN MORAN: Say a 24-year-old young man, young woman -- and you've got good credit, and you go into the boatyard, and you put down \$25,000 or \$30,000 and buy yourself a 39-foot yacht, and you go to Spalding's and get yourself a \$1.29 hat, you can cruise up and down. The only thing you have to do is pay for fuel.

TROOPER ANDRES: Your statement is accurate, sir, yes.

ASSEMBLYMAN MORAN: Now, in your experience, is it the 22-year-old and below that we're having the problems with, or is it the 22-year-old and above that we're having the problems with?

LIEUTENANT AMBURGEY: There's no real--

ASSEMBLYMAN MORAN: No correlation?

LIEUTENANT AMBURGEY: No correlation in any of it. Last year, my particular station area had -- we had one fatal. This year, we had six fatals, and most of them dealt with PWCs. But that had nothing to do with education either, because most of them had their certificate.

But it's exactly what you're saying. I believe that's where we have to go. Like you said, if you have good credit, or you have a fist full of money, and you can walk into a marina and say, "I want that boat." You put in the boat -- "Here's your keys." You get in it. Like you just said, you go on the Barnegat Bay -- he sees this big body of water-- He gets half way across there, and he's going to end up without teeth.

ASSEMBLYMAN MORAN: I've seen it many of times.

LIEUTENANT AMBURGEY: And that's where the problem is. Anybody can hop in a boat and go. Not anybody can get in a car and go. They have to go pass a test. Anybody can get in a boat and just go.

ASSEMBLYMAN MORAN: I know if I go in to buy the boat -- does the salesperson or the manufacturer require me to have anything? How about the insurance company that gives me an insurance certificate? Do they require me to have some training?

TROOPER ANDRES: Some companies might. I am not aware of any statute that would require that.

LIEUTENANT AMBURGEY: As far as I know, if you pay for your boat, you don't need insurance.

ASSEMBLYMAN SMITH: I can tell you, with my policy, Assemblyman Moran, the boating safety course is not required, but they give you a better rate if you do have it. But I don't believe it's required with a lot of companies.

ASSEMBLYMAN JOHNSON: Mr. Chairman, there's a hand in the back. I think she may have the answer.

ASSEMBLYMAN SMITH: You have to step up and identify yourself.

ASSEMBLYMAN MORAN: You have to approach the bench.  
(laughter)

ASSEMBLYMAN JOHNSON: Identify yourself.

**FRANCINE STEELE:** My name is Francine Steele, and I work for Proroc Incorporated, which is a marine performance facility.

I do have to give to the insurance companies some degree of experience for the people that I get insurance for, and they're usually for boats that go much faster. They are required to have that, otherwise they cannot get any insurance at all.

ASSEMBLYMAN MORAN: But if I pay cash, I don't need insurance.

MS. STEELE: I don't know too many people that do pay cash and/or don't want their boats insured for that kind of money.

ASSEMBLYMAN SMITH: So you're saying that in order to insure the vessel, there's a requirement that there's a certain amount of experience?

MS. STEELE: Yes, your driver's license for the state is given, that you use for your car; the vessels that you've owned prior to get to that point, any experience, any courses, certificates, all of that.

ASSEMBLYMAN SMITH: Is it required in order to get insurance, or is--

MS. STEELE: It's required of me to provide it to the insurance company.

ASSEMBLYMAN SMITH: Okay, my insurance company asked, "How many years boating experience do you have? Do you have a boater's safety certificate course?" But I'm not sure if I said I have zero years and no certificate, that they would deny the insurance coverage.

MS. STEELE: I have applications denied. I have.

ASSEMBLYMAN SMITH: Rosemary.





driving, and I have a boat safety license. Does that get reported on my boat license, as well, my certificate?

ASSEMBLYMAN SMITH: You lose your boat license.

ASSEMBLYMAN MORAN: I know I lose it, but does it get recorded to that effect?

ASSEMBLYMAN SMITH: No, because there is no boat license. It's only a certificate.

ASSEMBLYMAN MORAN: Right, I know.

LIEUTENANT AMBURGEY: What you do is, which is difficult, you lose your privilege to operate -- actually, you lose your driver's license. If you're caught on the water for drunk driving, you lose your driver's license.

ASSEMBLYMAN MORAN: Right, but not vice versa.

LIEUTENANT AMBURGEY: Right.

ASSEMBLYMAN MORAN: Let's say that, again, a little louder. If you're driving an automobile, drunk driving, you lose your driver's license to drive on the roads. If you're drunk driving on a boat, you lose your drunk driving privileges, not only on the water, but also on the road.

LIEUTENANT AMBURGEY: Correct.

ASSEMBLYMAN MORAN: That is correct. These are the guys who do it. They do it for a living. I would assume that they know what they're talking about. But if I'm driving on the highway, and I lose my license to drunk driving, I don't lose my certificate that I have in my glove compartment of my car to run my 38-foot cabin cruiser up and down the bay.

UNIDENTIFIED SPEAKER FROM AUDIENCE: There are no certificates.

ASSEMBLYMAN MORAN: If I'm 22 years old.

LIEUTENANT AMBURGEY: Motor Vehicle wouldn't have a record of that. It's for personal watercraft.

ASSEMBLYMAN MORAN: Right, right, right. Well, I think we ought to change that.

LIEUTENANT AMBURGEY: We arrested a particular individual this year for the sixth time on the water for drunk driving.

ASSEMBLYMAN MORAN: But he lost his driver's license. But he can raise hell on the river.

LIEUTENANT AMBURGEY: He didn't have one.

ASSEMBLYMAN MORAN: He didn't have one.

ASSEMBLYMAN SMITH: Auto license is three months you lose it, and a year on a boat.

TROOPER ANDRES: That's accurate for the first offense, sir.

ASSEMBLYMAN MORAN: Could you come up with a suggestion to change that so we don't beat a horse dead on it?

LIEUTENANT AMBURGEY: You mean as far as--

ASSEMBLYMAN MORAN: Suggest a change in the law.

LIEUTENANT AMBURGEY: Are you trying to say you want it identified somehow on their boating certificate that they're arrested for drunk driving on the road? Is that what you're saying?

ASSEMBLYMAN MORAN: Yes.

LIEUTENANT AMBURGEY: I don't know how you're going to do it because of the--

ASSEMBLYMAN SMITH: You could deny a registration, perhaps. That's a way of enforcing it.

Sir, do you have something specifically on this issue?

**JERRY DONOFRIO SR.:** I do have a question.

ASSEMBLYMAN SMITH: You have to step up.

MR. DONOFRIO: My name is Jerry Donofrio, with the Boater Voter Coalition and the Delaware River Yachtsmen's League and Chesapeake Bay Yacht Clubs Association. My driver's license does say *boat* on it, does it not?

LIEUTENANT AMBURGEY: Yes, it does.

MR. DONOFRIO: Is this for inland waterways?

LIEUTENANT AMBURGEY: Yes.

MR. DONOFRIO: If I lose my license, can I operate on inland waterways?

LIEUTENANT AMBURGEY: Yes.

MR. DONOFRIO: I can? If you stop me, I don't have a license--

LIEUTENANT AMBURGEY: How did you get your boat license put on your driver's license?

MR. DONOFRIO: I filled out the form after I took my course.

LIEUTENANT AMBURGEY: When you went to Motor Vehicles, they said, "Do you want a boat license," and they put it on there.

MR. DONOFRIO: They said yes. But do I need this for inland waterways?

LIEUTENANT AMBURGEY: On tidal waters?

MR. DONOFRIO: No, inland waterways.

LIEUTENANT AMBURGEY: On inland, yes, you do.

MR. DONOFRIO: Nontidal waters.

LIEUTENANT AMBURGEY: Yes, you do.

MR. DONOFRIO: So, if I lose my license operating a vehicle drunk driving, can I drive on Lake Hopatcong?

LIEUTENANT AMBURGEY: No.

MR. DONOFRIO: There's your answer, sir. Within the State of New Jersey, there are two different variables.

LIEUTENANT AMBURGEY: Nontidal waters.

MR. DONOFRIO: Nontidal and tidal waters. I think we should be inclusive in our conversation.

ASSEMBLYMAN MORAN: So the tidal waters' law should be the same as nontidal.

LIEUTENANT AMBURGEY: But you need a license for nontidal.

ASSEMBLYMAN MORAN: But you don't need a license for tidal.

LIEUTENANT AMBURGEY: No.

ASSEMBLYMAN SMITH: That's weird.

ASSEMBLYMAN MORAN: So for those of us who live on tidal waters, we're treated differently than those people on nontidal, for safety purposes.

Now, is there a correlation between accidents on nontidal and tidal?

LIEUTENANT AMBURGEY: Go ahead, Jeff. You have something to say.

TROOPER ANDRES: Sir, with the license and certificate issues, I know that sometimes it becomes confusing when we interchange the words license and certificate. The certificate shows that a boat safety course has been completed. That certificate is needed and applies to both tidal and nontidal water.

When you go onto nontidal water, water where the tide does not change -- a lake or you're so far up a river that you're above the head of tide, no more tidal influences -- you still need a boat safety certificate. But in addition to that, you then need a boat license.

By statute, the boat license cannot be issued to a person that is born in 1979 or later unless they show proof that they have successfully completed a boat safety course first. If a person is born prior to '79, they do not have to show proof, and they could just simply purchase a license, no test.

ASSEMBLYMAN MORAN: And does the license supersede the certificate?

TROOPER ANDRES: No, sir. They are separate requirements.

ASSEMBLYMAN MORAN: So this gentleman has a license, but he doesn't have a certificate. He doesn't need a certificate because he was born after '78. (*sic*)

TROOPER ANDRES: Unless he was to get onto the personal watercraft, the jet ski. He would, at that point in time, need a certificate.

LIEUTENANT AMBURGEY: I have a license, too, that has boat on it. And all I did was go to Motor Vehicle, and they said -- because I was registering my boat -- and they said, "Do you want boat put on your license?" I said, "Sure."

ASSEMBLYMAN MORAN: Anything for a buck. Motor Vehicles needs the money. (laughter)

LIEUTENANT AMBURGEY: But that's all you have to do. You don't have to take a test or anything.

ASSEMBLYMAN MORAN: We could raise money that way.

ASSEMBLYMAN SMITH: Any further questions? (no response)  
I'm sure you gentlemen are going to hang out in case we have any further questions.

TROOPER ANDRES: Absolutely.

ASSEMBLYMAN SMITH: Thank you very much.

LIEUTENANT AMBURGEY: Thank you.

ASSEMBLYMAN SMITH: Roger Brown, Philip Hopkins, also.

**ROGER BROWN:** I'm Roger Brown. I'm Chairman of the New Jersey State Boat Regulation Commission.

I'd like to, first, thank you gentlemen for inviting me to come to this hearing or meeting, whatever you want to call it.

When I first got interested in this, I read the article in the paper about the Task Force being formed. And when I read more about it, I thought to myself, we're overlapping exactly the same thing that you fellows and ladies are talking about. I came on the Boat Regulation Commission in 1981, and I've been Chairman for too long to remember. But when I came on, we didn't have parasailing, we didn't have personal watercraft, we didn't have high-speed boats, we didn't have a lot of the troubles we have now. And the Boat Regulation Commission has been recognizing these things as we became aware of them.

We wrote the regulations on the personal watercraft, and we address safety-related problems. And this is what you're doing. And what-- I am hoping that we can get together, and I'm looking, Senator -- Assemblyman Moran and Assemblyman Smith -- we can get together and work together on a common problem. We're interested in safety on the water, and that's what you are too. How we get about it is what we have to determine.

The Boat Regulation Commission is now discussing a speed limit on the Barnegat Bay waters, and I'm saying waters, because the initial draft -- it was a draft -- was it would be on all tidal waters. In the last meeting I had, I think we agreed that that's too broad a statement, that maybe we would be better with having selected areas for speed limits. And that might be easier for patrolling supervision, and it would satisfy a part of the boating public. But I agree, and we agree, too, that education is the answer.

Now, the Boat Regulation Commission can only do regulation. Legislation would be required to have licensing for boaters. Now, my own thoughts on that-- The boating course is already in effect. If you did something to that to require all the boaters to take the course, regardless of age, instead of going into licensing, which I think would be a headache with the State, it would cost money, probably. But this is already in effect. Have them take the course. They would get their certificate, and that would get them all educated, regardless of age. And that's what I think we need.

ASSEMBLYMAN MORAN: Bob, may I ask Roger a question?

ASSEMBLYMAN SMITH: Sure.

ASSEMBLYMAN MORAN: And maybe that gentleman or somebody from the State Police can--



What is the difference between a certificate and a license? Let me give you an example. If I go to Motor Vehicle tomorrow and tell them that I want boat on my driver's license -- I paid my \$5, \$6, \$8, \$10. Do they stamp it?

MR. BROWN: You just have boat put on your license. That's all.

ASSEMBLYMAN MORAN: What does it cost?

MR. BROWN: I think it's \$4 or something like that.

ASSEMBLYMAN MORAN: So I don't have to have a certificate to show that? Now I have a license--

MR. BROWN: I think that started -- I'm not sure -- but I think that started at Lake Hopatcong, to charge the people that used Lake Hopatcong. And that fee--

ASSEMBLYMAN MORAN: So the initial purpose, Roger, wasn't to generate safety, it was to generate money.

MR. BROWN: No, a fee to -- Lake Hopatcong could use for whatever improvement they need on Lake Hopatcong. Now, the certificate from the safe boating course is a certificate. It's not a license. But I think if everybody was required to take the course, have a certificate, that would go a long way in--

ASSEMBLYMAN MORAN: Well, why don't we forget about certificate, and everybody get a license -- and you have to take the course to get a license. And it goes for inland, tidal waters, bays, tributaries? I mean, we're not giving somebody a six-pack license to cruise the Hudson.

MR. BROWN: Well, I am not sure, but I think it probably costs the State quite a bit of money to handle licensing of automobiles -- driver's licenses. This, I don't think, would be much of an expense to the State.

ASSEMBLYMAN MORAN: What does it cost to get my certificate?

MR. BROWN: The fee is set by the people giving the course. Generally, it's to cover the cost of materials only, unless it's a private individual, and then I guess there's a fee for their--

ASSEMBLYMAN MORAN: So I go to this company and I take the class and I pay my \$25 for materials, or whatever it is. When I pass the test, they give me a certificate, and then I drive away into the sunset. Now I have -- I'm out on the bay and I'm 22 years old or less, not older -- 22 years old or less -- when the State Police or the Coast Guard or the local police pull me over on a tideland waterway, I have to have that certificate with me. If I don't, I get a slap on the wrist or whatever they do to you. Now, if I'm that same person, but I'm on Lake Hopatcong, I need to have my license.

MR. BROWN: Right.

ASSEMBLYMAN MORAN: Whether I'm 22 years old or I'm 46 years old. What does it-- Do you have to register that certificate with the State?

MR. BROWN: Now you're talking a certificate you get from completing a safe boating course.

ASSEMBLYMAN MORAN: Correct.

MR. BROWN: I think the State does issue that?

**DEPUTY ATTY. GEN. PHILIP H. HOPKINS:** Can I answer that, Assemblyman?

ASSEMBLYMAN MORAN: Does the State charge you to register it?

DEPUTY ATTORNEY GENERAL HOPKINS: I'm Philip Hopkins. I'm a Deputy Attorney General. I'm assigned as Counsel to the Boat Regulation Commission, and I also provide advice to the Marine Services Unit.

The answer is that the certificate, the actual certificate that people have to carry, is issued by the Division of State Police. There is no charge for that certificate. The person may pay to take a particular course, but there's no charge for the certificate once the person passes the course. Proof of the completion of the course is sent to the State Police. The State Police then issues a certificate to the student.

It is confusing, and it is cumbersome. You're absolutely right.

ASSEMBLYMAN MORAN: So if we required everyone born before December 13 of 1998 (*sic*) to get a license instead of a certificate, then it would cost them \$4 more than what they're paying now.

DEPUTY ATTORNEY GENERAL HOPKINS: Yes.

ASSEMBLYMAN MORAN: All right, and the \$4 would give you your license, and you can go up at Lake Hopatcong, or you can go on the Delaware Bay, or you can go on the Toms River. And now you have-- There's no more certificates, it's a license. Everybody's the same.

DEPUTY ATTORNEY GENERAL HOPKINS: Yes, if that's how--

ASSEMBLYMAN MORAN: When you go into Motor Vehicle and you want to have it stamped, you have to come in with your certificate that you passed the class and pay your \$4 and they stamp it.

DEPUTY ATTORNEY GENERAL HOPKINS: Depending on whether you're in the right age category.

ASSEMBLYMAN MORAN: I'm talking about anybody. I'm talking about the 46-year-old guy that goes to you for the insurance that he just bought this 65-foot yacht -- and he went to get insurance on it. They're going to say, "Do you have a license?" I mean, you can't-- Can you register a car without insurance?

DEPUTY ATTORNEY GENERAL HOPKINS: No.

ASSEMBLYMAN MORAN: How can you register a boat without insurance or license?

DEPUTY ATTORNEY GENERAL HOPKINS: My understanding is there is no law that requires it. I think what the lady was talking about was insurance company rules or insurance company procedures for whether or not they will issue a policy, and if they do, what premium they're going to charge.

ASSEMBLYMAN MORAN: I think we ought to be more concerned about public health and safety than the interest of the insurance companies.

DEPUTY ATTORNEY GENERAL HOPKINS: Perhaps so.

MR. BROWN: My point was that it's already set up with the safe boating course -- to extend that to be required of all boat operators. I'm almost positive that it costs more to issue a Motor Vehicle license than this would cost the State. The people pay for the course. The instructor notifies Trenton if

they passed. Trenton just gives them a little card. You wouldn't have to set up Motor Vehicle offices and all that stuff that goes with automobile licensing. There's a difference.

ASSEMBLYMAN MORAN: I think we're making a very, very simple solution sound very, very difficult, and it's very simple. You just take the next 15 years -- take five years, '78 and move it up five years, and you just gradually keep on moving. You catch everybody in the next 10 or 15 years, and you make -- everybody's got to take that same course. We're not changing the Coast Guard course, but instead of getting a certificate, you get a license. And the license you register with Motor Vehicle. It will cost you \$4, and you have to renew it every year. And if it costs Motor Vehicle's more than \$4 to do it, then we ought to throw them out of business. And that way, we have a better control.

MR. BROWN: Well, a certificate has no age limit -- the safe boating certificate.

ASSEMBLYMAN MORAN: But the license would.

MR. BROWN: A license would.

ASSEMBLYMAN MORAN: Right.

MR. BROWN: Now you could grandfather an awful lot of people that have passed a safe boating course already, so you wouldn't have to worry about it.

ASSEMBLYMAN MORAN: If they pass the course in which we're going to tell them they have to take, why require them to take it again if they've taken the safety course?

MR. BROWN: Yes.

ASSEMBLYMAN MORAN: But not somebody coming off the street and saying, "I just bought this boat. I don't have a certificate, I don't have a license, but here's my \$4. Stamp it." You have to have a certificate.

MR. BROWN: You're changing it around a little bit. Nontidal water is your \$4 to have it stamped on your driver's license.

ASSEMBLYMAN MORAN: Correct.

MR. BROWN: That's one thing. The certificate is nothing. You just passed the course. What I'm suggesting is that that certificate be required of all boat operators.

ASSEMBLYMAN MORAN: And I'm saying, the hell with the certificate. Let's go with a license. The requirement to get the certificate and/or license can be the same thing. The only difference is, instead of before '78 -- I'm saying move that date up to 1985 for the next year or two, and then move it to '90 -- and then just gradually move it -- and then eliminate getting the certificate, and everybody going -- now has to go for the same class, the same course, but now they get a license.

MR. BROWN: And that would be renewed every year?

ASSEMBLYMAN MORAN: Every year.

MR. BROWN: Taking the course or just renewing their license?

ASSEMBLYMAN MORAN: No, no, no, just renewing it.

MR. BROWN: Well, I don't know what--

ASSEMBLYMAN MORAN: Unless you had an accident or something like that.

MR. BROWN: I don't know what the ramifications are with the driver's license. I'm sure that's an expense to the State.

ASSEMBLYMAN SMITH: It is to a certain extent. I'm not sure how expensive it would be.

MR. BROWN: What I'm saying is, just expand this safe boating course -- it probably wouldn't cost the State -- pennies just to issue that card -- budget item.

ASSEMBLYMAN SMITH: Rosemary, you had something, real quick.

MS. DECKER: If they did that -- and what about if you do have--

ASSEMBLYMAN SMITH: Step up, you've got to step up.

MS. DECKER: Rosemary Decker.

If they did that, and they now have a license that says, "You have a boating license now because you passed the safety thing." Now, if they have an accident, how does that affect your real driver's license?

MR. BROWN: That would have to be determined.

MS. DECKER: Depending on what?

MR. BROWN: I don't know at this point.

ASSEMBLYMAN SMITH: We're still in the process of trying to figure out the license itself.

MS. DECKER: Right, I realize that.

MR. BROWN: We're talking, if they have -- if they issue a license, as your driver's license, then I assume that that would be revoked. But if they just require a certificate, they would lose their certificate to operate a boat. It wouldn't affect your car.

ASSEMBLYMAN SMITH: You've got to talk into the mikes. Sorry.

MS. DECKER: Okay, now does the boating course-- I don't know how extensive the boating course is. Is it for tidal and nontidal, the boating course?

MR. BROWN: For the State.

MS. DECKER: Okay, it is. And I also have this-- I did take that boating safety course, but I took it many years ago, and I never practiced it. And now I have a certificate, and now you want me on a boat again. No way. But I'm not that stupid. I wouldn't do it unless I took it again. But I'm not that confident. But men don't always admit they're not so confident.

ASSEMBLYMAN MORAN: Well, it's like any other license. If you don't renew it after three years-- You have an electrical license, and you let it lapse over three years, we have, in the statute -- we have it where you can take refresher courses and take a portion of the test again and take it. So if you don't have it renewed in three years, then you have to start all over again.

MS. DECKER: Okay, that would be good. At least you have to think of those things when you're making these laws.

ASSEMBLYMAN MORAN: Roger, are these the kinds of things your committees were talking about?

MR. BROWN: Yes, sir.

ASSEMBLYMAN MORAN: Have you come up with any suggestions or ideas on how to do it?

MR. BROWN: My last meeting was the first meeting where we started discussing speed limits.

ASSEMBLYMAN SMITH: Does the Commission have the authority to impose this requirement, or does it have to be done legislatively?



MR. BROWN: We can write regulations.

ASSEMBLYMAN SMITH: Can you regulate a license or mandatory--

MR. BROWN: No, that's legislation.

ASSEMBLYMAN SMITH: Okay, that's what I thought.

MR. BROWN: There's a difference.

ASSEMBLYMAN SMITH: Yes.

MR. BROWN: We can probably get regulations through and passed a lot quicker than legislation.

ASSEMBLYMAN MORAN: I don't know. This committee-- I think it would -- things here would move fairly quickly.

MR. BROWN: See, we can't put legislation into effect, what is it -- in the months of--

DEPUTY ATTORNEY GENERAL HOPKINS: Well, you're talking about regulations. The way the statute's written for the Boat Regulation Commission -- changes in their regulations can't go into effect between -- it's May 15 and September 30. I gather the theory, from the 1950s, being, "Let's keep the rules the same during the summer." So during that period of time, if you passed a new regulation, it wouldn't go into effect until the next October.

ASSEMBLYMAN MORAN: Roger, when is your Commission's next meeting?

MR. BROWN: January, in West Trenton's State Police headquarters.

ASSEMBLYMAN MORAN: And how often do you meet?

MR. BROWN: Every other month.

ASSEMBLYMAN MORAN: Bob, maybe we ought to -- not the next meeting, maybe the meeting after that -- maybe we ought to meet with them and come up with some -- meet between then -- between now and then, we meet with the State Police, maybe get together with the Coast Guard, get together with some other people, and read over the comments that we've had today, and come up with some type of a consensus that the committee can deal with effectively and we, as legislators--

MR. BROWN: I think we're all concerned with the same thing. And the reason for me calling you gentlemen was that you seemed to be doing things that we have been doing, and why don't we do it together?

ASSEMBLYMAN MORAN: I totally agree.

ASSEMBLYMAN SMITH: Great, thank you.

Did you have any questions?

ASSEMBLYMAN JOHNSON: No.

ASSEMBLYMAN SMITH: Great, thank you.

MR. BROWN: Thank you.

ASSEMBLYMAN SMITH: I just have one quick question for Jeff.

TROOPER ANDRES: Yes, sir.

ASSEMBLYMAN SMITH: Do you think it would be sufficient if, let's say, somebody that's 45 or 50 years old walks in and says, "Look, I don't want to go through an eight-hour course. I've been boating for the last 25 years," to just have a testing system set up, meaning that they can go in and take the test, and they pass it fine and walk out, as opposed to sitting through the course. Would that work?

TROOPER ANDRES: Sir, there was this type of scenario used in 1996, up until July of '97 -- so about an 18-month window when the Legislature said all personal watercraft operators have to get a certificate. And what that said was, if you are born prior to '79, you have at least 100 hours of vessel operating experience, you can take one chance at challenging the course, passing the examination. If you fail the examination, you would then have to come back and take a course. Approximately 12,000 people did choose that option, and the only stipulation that was put on it in the statutes was that a test-out option, where you take just a test only, would not be sufficient if you were choosing to be a supervisor at a personal watercraft rental zone. That's the only stipulation. At that point, it's full-course, not just a test.

ASSEMBLYMAN SMITH: Okay, do you think testing out works?

TROOPER ANDRES: I haven't seen any problems with it. And that's, again, in with the statistics where personal watercraft have been involved in less and less accidents, from a percentage perspective, since 1996.

ASSEMBLYMAN SMITH: Thank you.

TROOPER ANDRES: You're welcome.

ASSEMBLYMAN SMITH: Yes.

**RAYMOND E. PATNAUDE:** Mr. Smith, Ray Patnaude. I've been an instructor for the Coast Guard Auxiliary and for the U.S. Power Squadron.

With regard to your question, having been an instructor, I've found that people who take the class-- The interaction is more meaningful than just taking the exam. I've had people, that have come in, that have been boating for 15 or 20 years, and they've said, "You know, I've learned

something from this.” However, if they take the test, they haven’t picked up the benefits of the interaction that goes on with it. So it’s better than what we have right now, but it’s still not the answer.

ASSEMBLYMAN SMITH: Could you just state your name again?

MR. R. PATNAUDE: Raymond Patnaude, P-A-T-N-A-U-D-E.

ASSEMBLYMAN SMITH: Okay, I’d like to call up Willie deCamp and Mark Mutter.

**J. MARK MUTTER, ESQ.:** Good afternoon, Assemblyman Smith, Assemblyman Johnson, and Assemblyman Moran.

I’m Mark Mutter. I’m an attorney in Toms River. I was the Mayor of Dover Township, Toms River, twice. Our town and Ocean County -- Dover Township -- has the largest amount of shoreline along the Barnegat Bay in Ocean County. We’re the sixth largest municipality in all of New Jersey.

But in addition to that, I’ve served as a municipal prosecutor in about one-third of the towns in Ocean County. Before Lieutenant Amburgey was Lieutenant, he was Trooper Amburgey, and I prosecuted a lot of his cases, motor vehicle matters over the years. And I’ve prosecuted a lot of Marine Police, back when it was the Marine Police -- issued violations for speed and wake and safety issues from Bay Head to Little Egg Harbor Township in Ocean County, and everywhere in between.

But I’m here as a citizen today with the Save Barnegat Bay, which I’m a member of. I’d like to introduce Willie deCamp, our President, in a moment. He has some specific proposals to make regarding this issue.

We came here with Assemblyman Moran. And I described to him, in the car, I live two blocks from the Silverton -- from the Silver Bay section of

the Barnegat Bay in Ocean County. I don't need an alarm clock on Saturday or Sunday mornings. I don't. The motor boats out on the bay are my alarm clock. And an alarm clock went off in my head today listening to the testimony.

I think there's a lot of confusion. I came here with what I thought was going to be a one- or two-point approach, and Willie's going to talk about a couple of those. There's a lot of confusion here, I think. Motor vehicle licenses, boating certificates, tidal and nontidal waters, the Boat Regulation Commission and administrative rules, Title 39 and Title 12 in State statutes. The Deputy Attorney General said that a lot of these laws overlap and conflict with each other. I think he's right.

Maybe you should think about an omnibus approach to this. In 1979, the Legislature revised the entire criminal code and made it a lot easier for those of us in the enforcement field to figure out what the rules are. And I'm going to walk away today with the thought that there is a lot of confusion, there is a lot of overlap. Perhaps there should be a broad-bodied approach to this through the Task Force approach.

So with that thought -- with the alarm bell going off in my head here today, I'll introduce Willie deCamp. He's the President of Save Barnegat Bay, representing 1,200 families throughout all of New Jersey that are concerned with the quality of our life with the Barnegat Bay.

**WILLIE de CAMP:** Well, thank you.

And thank you for allowing me to testify, Assemblymen Smith, Moran, and Johnson.

My remarks are summarized in written testimony, which I submitted, and I'm going to read most of that testimony in a moment, just because that's the way I can most succinctly convey our--

ASSEMBLYMAN SMITH: We have a no-read rule. (laughter)

MR. deCAMP: You have a no-read rule. Okay, I won't read it. I'll use it as notes.

ASSEMBLYMAN SMITH: You're not even allowed to look at it, you just speak from your heart and your head.

MR. deCAMP: Okay. Our main concern -- the issue that we're most interested in -- is the issue of the speed limit on coastal--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Can you speak up, please?

MR. deCAMP: The issue we're most interested in is the issue of the speed limit on tidal and coastal waterways. But, in saying that, I, in no way, seek to downplay the importance of education, of licensing, and of increased enforcement. We feel a particular enthusiasm for a speed limit, because we think that that has advantages. There's a certain simplicity to it.

As I mentioned at the Boat Regulation Commission meeting a couple of weeks ago, we think that safety of all boaters will be promoted by a speed limit. The speed limit we'd like to see is 30 miles an hour. We've heard Roger speak of the need for communication and coordination between the Task Force and the Boat Regulation Commission, and I agree that that's good.

Roger was speaking about, initially about, a 30-mile-per-hour speed limit, and then seemed to be more in the direction of 40 miles an hour, or some such, and we oppose that. We feel that 30 miles an hour is a good

speed limit. When I ask what a speed limit should be, I ask the question, what is the maximum speed that a responsible boater really needs to be doing on Barnegat Bay and any other bay? And the answer I come up with is, how fast do you need to go to water ski responsibly, or how fast does a recreational fisherman need to get from, say, Beachwood out to the Mud Hole on a Sunday morning? How fast does he need to go? And I think 30 miles an hour about does it. And I think that anyone who needs to go more than 30 miles an hour, properly and reasonably, belongs out on the ocean.

I feel that there are huge numbers of people in harmony with the point of view that I have just expressed, although I respect the fact that there are others, and some are in this room, who are not. And I respect their opinion and their right to express it.

Right now, there are people who will not even go out on the bay because they're so terrified, on a Saturday or Sunday, of the safety situation. No mother has her mind at peace if she knows her kids are out there on a Sunday afternoon. So even when you look at mortality statistics and see if speed was involved, and how many-- Even those don't really describe the situation, because some people just plain won't go out there. They're not a part of the mortality statistics, because fear has just taken them off the water.

So that is, sort of, in summary, our approach. And in looking at the general picture at the moment, what disappoints me, I would say, is my friend of 35 years or so, Roger, wanting to go up from 30 miles an hour. I don't think that that helps solve the problem, because I've driven on the Garden State Parkway where the speed limit is supposedly 65. And people cruise along at 80 and don't seem to be getting in any trouble.

I also have heard Roger suggest, in his thought process, there is the idea of, instead of doing all inland coastal waters, of just doing certain tributaries, like the Metedeconk, or the Toms River, or the Navesink, or whatever. I think that idea will not work. I think if we do that, we create a balloon effect, where irresponsible boaters who want to go too fast leave the Metedeconk, leave the Toms, and go out on the other portions of our inland waters, and you'll have the chaos concentrated there. That's what I particularly think is the disadvantage of the more limited geographical proposal.

I also believe that the Boat Regulation Commission wishes to have the speed limit in effect from sunup on Friday to sundown on Sunday. And, again, I see a, sort of, more of a temporal balloon effect, where you just get -- move chaos from the weekends to the weekdays. And I think that what's worth protecting on weekends is worth protecting seven days a week. I just feel -- that's my opinion, and it is an opinion, and there are others. But I feel very strongly about that.

So we favor 30 miles an hour, seven days a week, May 1 to October 31. And we, also, are especially concerned that there not be exemptions for boats that are practicing for a race or testing themselves for a race. That is a loophole that is too large. And I think that may be what went wrong in relation to noise regulations in the past.

So those are our thoughts, and none of that is meant to disparage the importance and the necessity of education, of licensing, and of greater enforcement capacity.

Thank you.



ASSEMBLYMAN SMITH: Thank you.

Questions from the committee members?

ASSEMBLYMAN JOHNSON: No, Mr. Chairman.

ASSEMBLYMAN MORAN: Well said.

MR. deCAMP: Thank you.

MR. MUTTER: Thank you.

ASSEMBLYMAN JOHNSON: Thank you.

ASSEMBLYMAN SMITH: I think we have Dave Patnaude, Rick Engstrom, and Ray Patnaude.

MR. HARTLEY: We've been talking a lot about licenses.

ASSEMBLYMAN SMITH: Just repeat your name again.

MR. HARTLEY: I'm sorry?

ASSEMBLYMAN SMITH: Just repeat your name again for the record.

MR. HARTLEY: Oh, Charles Hartley.

We've been talking a lot about the license and the certificates, and now we're getting into the speed zone of 30 miles an hour. Thirty miles an hour, I can tell you, is fast, when the boat's coming at you. How do we break the speed zone down? I mean, if you're in a heavy fishing area, 30 miles an hour is no good -- like Beach Island -- Long Beach Island, Delaware Bay, Cape May. And lord knows the Marine Police and the Coast Guard -- we need them all -- but they can't be everywhere. So how do we control the speed in a heavy fishing area?

ASSEMBLYMAN SMITH: We're not sure at this point. We're really just trying to sort it out and trying to get some preliminary

understanding -- get a preliminary understanding or a concensus among the committee about what is going to work, and then we're going to try to sort out the details. But you're right, I mean, 30 miles an hour in certain congested areas is way too much. And it's been suggested to me that the State Police have other statutes at their disposal for boats that are coming too close or making too much of a wake. And I don't know the laws myself, but there are other--

MR. HARTLEY: That seems to be the big problems in the fishing areas, speed. And if this law does get passed, if they can pass something like that, I'd like to hear it say the Decker and Hartley Law. (laughter)

I thank you.

ASSEMBLYMAN SMITH: We'll keep you in mind, for sure.

**DAVE PATNAUDE:** Good afternoon, folks.

ASSEMBLYMAN SMITH: Good afternoon.

MR. D. PATNAUDE: My name is Dave Patnaude, and I'm here in, kind of, a two-pronged approach. I am President and one of the founders of New Jersey Performance Powerboat Club, which is a social club made up of about 300 members in the State of New Jersey, as well as the Vice President of Sales and Marketing for Typhoon Performance Marine, a boat dealer in Toms River.

First, I would like to say that it is an absolute tragedy, in terms of the people that perished this past summer. Unfortunately, if the speed limit law, or speed limit regulation, that has been talked about today was in place for the inland tidal waterways, not one of those -- that would not have changed the result of this year's fatalities one bit, unfortunately.

I've been a boater my whole life. When I was young, about 10 years old, I did take the Coast Guard boating course with my dad and passed the course. I've been boating for quite some time. I live on Barnegat Bay -- or should say, right off Barnegat Bay, and I've been out there, when I'm not working -- or even when I am working -- demoing boats and such.

Yes, there can be a lot of craziness going on in Barnegat Bay and the surrounding areas. But one thing that we feel very strongly about-- I really think that we need to look at the overall safety issue, whether it be licensing and such, and base it on facts, not people's interpretations, not in terms of someone's opinion, whether you may be a sailboater, or kayaker, or a performance power boater, or a boater.

Unfortunately, there are a lot of folks out there. And based on some of the statistics I've put in front of you -- and we agree that we will not go ahead and read from them -- but to take a look at the total, on a national level and a state level, which we both have in here. On a national level, 84 percent of the fatalities involved people that had no boating education whatsoever. And that, as you folks have talked to earlier today, I believe, and we believe as a group, is the core problem that's out there.

Unfortunately, I live on a lagoon. I have a lot of great neighbors. But unfortunately, there's a lot of people that have been boating, and they can turn around and say they've been boating for 10 years. "I have 20 years experience. I have 30 years of experience boating." Unfortunately, a lot of these folks have been boating badly for 10 or 20 or 30 years because they never took a boating course, and it has just been a stroke of luck that they have

not killed someone, had an accident, injured themselves, or injured someone else.

Really, we think that education is the answer, and not necessarily the proposed speed limits.

In terms of the types of vessels that are out there, whether it be a sport fish boat, or a performance boat, or an express family cruiser, such as a Sea Ray or something like that-- In terms of a 30-mile-an-hour speed limit, or even, say, a 35-mile-per-hour speed limit, not all boats can be operated safely at that necessary speed because of--

For instance, myself, I have a 37-foot Outer Limits performance boat. I happen to be a rather tall person, at six foot, seven. At 30 miles per hour, the bow of my vessel is at such an aggressive pitch that if I was not six foot, seven, I could barely, myself, see over the bow of my vessel. And say, if I were traversing the channel going out to Barnegat Inlet or transversing the Manasquan River, and I was at, say, 30 miles per hour, I would be an absolute danger to other vessels out there because of my lack of visibility.

In terms of-- In the State of New Jersey, as you've previously stated, a car, a motorcycle, a plane, a helicopter, a tractor-trailer, even a personal watercraft needs a license to operate. There's no reason why mandatory education and, if not, licensing should be mandated for the State of New Jersey.

We attended Mr. Brown's Commission's meeting last time, and Mr. Brown posed a concern about power boaters going through sailing regattas, and young children that are out there in the sailing schools and such. The problem is that a person doesn't go through a sailing regatta or create a

potential problem with a sailing regatta because of their doing 30 miles per hour, 40 miles per hour, 50 miles per hour, or over 50 miles per hour. They do it because of ignorance and lack of education, or they just don't give a darn. I would hope that's the last one.

Really, it's because people don't know the rules of the road. They don't understand that -- necessarily -- a boat that's not under power has the right-of-way. And we really believe that education is the answer.

ASSEMBLYMAN SMITH: The four kids that were killed off of Sea Isle City in that high-speed catamaran--

MR. D. PATNAUDE: Yes, sir.

ASSEMBLYMAN SMITH: Wasn't that attributed to the high rate of speed?

MR. D. PATNAUDE: There's only three people that know exactly what happened, and those are the three individuals that, unfortunately, cannot come here today and tell us what happened.

People can sit here and make educated guesses as to what happened. I think it was possibly an excessive rate of speed in the certain sea conditions that they were in. But I understand that the sea conditions, from what I read in the newspapers -- and they always say you can't always believe what you read -- but I believe that the sea conditions were pretty aggressive and that they were six, to possibly seven or eight, footers. Any vessel, at any kind of speed, is at danger out there in those kinds of seas, especially off the inlet where those gentlemen were boating. But that's also an excellent point. Those folks were not boating in the inland coastal waterways. They were boating offshore.

The tragedy that happened with the 60-foot sport fish boat -- absolute tragedy. The primary reason that that occurred is because someone broke the law, the law of -- the gentleman left the helm and was not at the helm. That's why those people perished. Again, my absolute condolences go out to the families. It's a tragedy, what happened, absolute tragedy. But there's already laws on the books that say you must have someone at the helm of your vessel when you're boating. That person didn't give a darn, and, unfortunately, three people perished, and that is a tragedy.

As far as the noise ordinances, I have people complaining about, "I have my built-in alarm clock on Silver Bay at 8:00 in the morning or 9:00 in the morning," or on Toms River, and such. There have been noise ordinances on the books for a very, very long time. To the best of my knowledge, they are not enforced because there are so many other things that are much more important that, I believe, the State Police are out there trying to enforce, and trying to issue summonses to the people that are breaking other existing laws: people that are driving recklessly, people that are drinking while boating, and all other great causes.

Also, talking about the law that's already on the books for sound decibels, as far as what's the maximum limit and how some boats exceed them, the same can go for the speed limit. To enforce a speed limit on the water--

We used to host an event in Bayville called the Radar Shootout. Also, just to preface that, we always apply with the State Police and with the Coast Guard for all of our events, and they have always been approved and always supervised by the State Police. When we do our Radar Shootout, and we have a cordoned off body of water off of Bayville that is secure for vessels

to run at maximum speed in different classes, it is almost impossible to pick up speed of a fiberglass boat at any kind of rate over, be it, 30 miles an hour or over, without being extremely close to the vessel, because the radar gun -- the radar waves do not necessarily -- they're absorbed by fiberglass, or pass through fiberglass. They do not reflect back.

So, from an enforcement standpoint of having a speed limit in place, and whether it be 30 or 40 miles per hour, I think the enforcement of it is, probably, I would say, almost impossible unless you had 15 troopers in 15 boats just on the Toms River alone, which we all know is impossible. To say -- and also, in the same regard to speed limit -- not all boats have a speedometer, not all vessels do. Those vessels that do have speedometers-- I would venture to say, in my professional opinion, that probably 75 percent of powerboat vessels that are out there have speedometers that don't work or they're totally, totally inaccurate.

The only type of speedometer that is accurate today, that is only found on a handful of vessels or any vessels that have a GPS, is a GPS speedometer, which is taking the speed reading over ground from the satellites. That is the only way. And you have to be on the vessel to know what the speed is. So the speed limits may sound attractive to some folks. I just don't think that it's the answer, and that even if it was the answer, it could be enforced. That's why we really believe education and/or licensing is the way to go.

Thank you.

ASSEMBLYMAN SMITH: Thank you.

Any questions?

MR. R. PATNAUDE: I'd like to add one thing, if I may. My name is Ray Patnaude, and I'm also with the New Jersey Performance Powerboat Club -- in regards to two things.

One, you asked the question about the Malia brothers -- was speed a factor? Speed could have been a factor, but education was also a factor. That was the second or third time they were out on that boat. They had been running deep-Vs before that. A cat's completely different. So that had an element into the issue.

As far as the folks from Save Barnegat Bay-- At the meeting with the Regulatory Commission, the gentleman had issued the concern about the uplifting of the eel grass and such, and that a 30-mile-an-hour limit would eliminate that. In reality, a 20-ton sport fish, at 30 miles an hour, is throwing more of a wake than he is if he's up on plane, because he's got that stern tucked in, and he's digging up the bottom, as opposed--

ASSEMBLYMAN MORAN: But he's not in eel grass.

MR. R. PATNAUDE: Well, I'm-- He's in Barnegat Bay.

ASSEMBLYMAN MORAN: Don't overdo your argument. You've been doing well. (laughter)

MR. R. PATNAUDE: Okay, remind me not to come.

MR. D. PATNAUDE: It's my dad, we can do that.

ASSEMBLYMAN MORAN: No, no, no, I'm glad you came.

**RIK ENGSTROM:** I'm Rick Engstrom. I'm a member of the New Jersey Performance Powerboat Club, as well. I'm a resident of Pennsylvania, but New Jersey is pretty much my shore home. Every good weekend, I'm



down, either Toms River or Forked River, where I keep my boat. And I have a performance boat.

There was some discussion -- at least the committee last Wednesday said there wouldn't be an economic repercussion with the speed limit.

Our interest really is, first and foremost, safety. And one of the statistics that Dave came up with -- 84 percent of boating fatalities occurred with people that had no previous boating education. The national statistics say 4.7 percent were due to excess speeds. So you have a 15 to one ratio, number one. What I'd like to suggest is that we really focus, if we want to improve boating safety, is where we get the most bang for the buck, and certainly with education and licensing.

Speed limits may make sense in certain areas. I'm not going to deny that. But the issue of having a universal speed limit on all Barnegat Bay or certain tributaries-- For myself, being a performance boater, I've got the option to boat elsewhere. And there will be an economic repercussion. I can't operate my boat enjoyably or safely at 30 or 35 miles an hour.

So what does this mean to the local New Jersey economy? Well, I'll go to the Chesapeake Bay. Chances are I won't buy my next boat in New Jersey. I won't register in New Jersey, because I will be boating in Maryland, Virginia, wherever, on the Chesapeake -- won't be getting a marina -- won't be going to South Beach Marina next year. That's \$2,000 less for the slip. I won't be storing the boat there for the winter. That's \$1,500 less. I won't be buying fuel there. That's about \$2,500 a year. I won't be going out for dinner on the weekend, won't be going out to hotels. So there's really a big economic

factor for the speed limit reduction that doesn't necessarily make sense for being the primary proponent -- contribution for overall boating safety.

That's my position.

ASSEMBLYMAN SMITH: Questions or comments?

ASSEMBLYMAN JOHNSON: No questions.

There's a hand in the back.

ASSEMBLYMAN SMITH: Okay, thank you, guys. I appreciate it.

MR. R. PATNAUDE: Thank you.

MR. D. PATNAUDE: Thank you.

MR. ENGSTROM: Thank you.

ASSEMBLYMAN MORAN: Excuse me, Bob. Do you have many more people, because I have to be back in Toms River at 5:15 for a meeting?

ASSEMBLYMAN SMITH: How many more people do we have here that would like to testify?

We've got the Coast Guard. We've got four more people.

Why don't we--

ASSEMBLYMAN MORAN: Could you bring the Coast Guard, because then I have to get going.

ASSEMBLYMAN SMITH: Yes, why don't we bring up the Coast Guard?

ASSEMBLYMAN MORAN: I apologize. I'm going to be leaving after these gentlemen speak. I have to be back at Toms River for a meeting at 5:00, and I don't want to have to violate the speed limits. You can't get there by boat from here.

**MAURICE KEEGAN:** Assemblyman Smith, Assemblyman Johnson, Assemblyman Moran, thank you very much for giving us the opportunity.

My name is Maurice Keegan. I'm the immediate past captain of Division 4 in South Jersey. I'm here to represent the Fifth Northern District of the Coast Guard. The Auxiliary is a civilian component of the Coast Guard. We represent about 35,000 people nationwide. And the glue that binds us together is that we love the water, we love boats, and we love the people to be safe out on the water. With that, we serve with the Coast Guard, side-by-side, in very similar ways. You notice our uniforms are the same. We're the silver side, and he's the gold side.

Our purpose is based on four cornerstones: public education, safety checks, operation, and fellowships. And we want to talk about public education, because we think that's the primary focus. And from what I've heard previously, education is the key, and getting the people educated really has worked. We had a great influx of people when the boating -- personal watercraft laws were passed. But since then, that has, sort of, fallen off now. We're not doing as much.

We offer a number of different courses for boating education. Boating Skills and Seamanship, which is BS and S, is a -- the instructor must teach seven of the eight core courses in the Fifth Northern District, and there are five other lessons. I can say, for our Division and for the Fifth Northern, we choose, if we can, to teach all 13 lessons. And to give you a difference of the lessons-- This is-- And these courses are constantly updated. This is a brand new one. I won't bore you with the thing. But this is the 13-lesson

course. You can see there is quite a bit of information that we can get across to the public by going through this 13-lesson course.

We can shorten it for specific people. We can make it seven of the eight core courses. The one course that we don't need to teach -- it happens to be on locks and dams. We don't have any, so we really don't have to do that in the State of New Jersey.

We have a Sailing and Seamanship course, which is a seven-lesson, one-hour course that is presented. We only have one active sailing flotilla in South Jersey that's in our division, in Flotilla 38. The boating safety course is a minimum of four lessons, for two hours each lesson, so it's an eight-hour course. All these courses are NASBLA-approved, National Association of State Boating Law Administrators. They approve all these courses. They're national in nature, so anybody -- any source throughout the nation can get the same material. We spend a lot of time reviewing this and making sure that everything is up-to-date.

On a national level, they learned that people are busy today, especially young people that want to get into boating, and we can't hold them down for this 13-week lesson. So they came up with an eight-hour course. You can see the size difference in the eight-hour course. Is it a good course? Yes, it touches on the same thing that's here in the 13-lesson -- annotated version. And people get a chance to, at least, get something. What we try desperately to do, when we're teaching this eight-hour course -- which, incidently, could teach it at eight, one-hour sessions, or all day. We like to teach the all-day on a Saturday or Sunday. We get them in and do the whole

thing in one day and get them out of there. It's a pretty nice and pretty simple book.

We offer some other topics in the interest of boating safely. We offer the public a boating -- coastal navigation and advanced coastal navigation course. We do water and kids, and boats and kids, where we go in, in a one-hour time, to the schools and elementary schools. We run poster contests. And if we can get the little kids to say, "Hey, mom, I need my life jacket on. It's the law," we'll save a lot of lives.

How well are we doing? Well, right here in the southern half of New Jersey, we go from Shark River all the way down to Cape May and all the way up to the bay -- all the way up into Bordentown.

In 2001, the number of safe boating courses-- We had approximately 325 just in this region. Students who enrolled were 6,400. Graduating students were 5,400. So not everybody makes it, not everybody will stand still for it.

In 2002 to date -- these statistics were from yesterday -- the number of boating class courses were 310, the number of students enrolled was 6,900. The number of graduating students was 6,500. So we graduated approximately 95 percent of all those who were enrolled.

That's not the only thing. We try to go out and meet the people where they need to be met, and that's on the ramps and the marinas and out on the waterways. And we do that through a vessel safety check. It's another national program. We provide the owners with a safety check -- go on the vessels -- and make sure that they have all the information and all the equipment they need to operate their boats safely. And we give them a

certificate for that -- a sticker that goes on the side of their vessel that shows that they have passed a safe boating check.

With that, we also do a marine dealer visitor program. We provide the marine dealers with a lot of handout information and make sure that that boating safety stuff is in the marine dealers so when a person comes in to buy a boat, to purchase equipment, to get supplies, they'll see that by the cash register, if we can get it there, that safety equipment handout, so that they can pick it up. We put our phone numbers on there. They have a national 1-800 number there that's, essentially-- They get back to us right away, via the computer.

We have a number of handouts that we have. We also -- and I'll give you a copy of these -- Federal requirements. In our boating classes, we make sure every student gets a copy of the Federal requirements, no matter where they boat. They know what the Federal requirements are. We use the State of New Jersey-- I know you already have a copy up there of their course. That course is included in both the eight-hour and the 13-week lessons. We have a-- We know there are a lot of people who are having accidents as more and more people get into smaller vessels: canoes, the kayaks. We're reaching out to them and doing vessel safety checks on them now to make sure that we get the safety information across to as many people as we possibly can. And, again, the vessel safety check -- a little brochure shows you what's in that safety check. And I'll leave those with you.

This is Officer Schnook. This is how we reach the little people. It's a coloring book. It has a lot of good information in it, and we go through that with them. We get a lot of great responses. Usually we get a parent or

two that will call up afterwards and say, "What were you telling my child?" The little ones have a big effect on that. When they finish the course, we give them a certificate that they -- a completion letter that we fill out and forward to the State Police. And they issue a certificate that they have completed that course.

ASSEMBLYMAN SMITH: I just have one question. How much do you charge for your course?

MR. KEEGAN: It varies.

ASSEMBLYMAN SMITH: The eight-hour course. That's all I'm interested in.

MR. KEEGAN: It usually runs around \$40 to \$60, depending on where it's taken, what the expenses are. The books are the big expense. And then are we in a public place that we get for free, or are we in some place that charges us to use their facility, in a school or college where they take their split off the top, and then we charge more? So, basically, it starts at about \$40 generally.

ASSEMBLYMAN SMITH: Thank you.

Any questions from committee members? (no response)

Thank you very much, gentlemen.

John Shanahan.

MR. SHANAHAN: Mr. Chairman, if I could approach, I have some handouts.

ASSEMBLYMAN SMITH: Sure.

MR. SHANAHAN: Mr. Chairman, members, I'm John Shanahan. I'm here in my capacity with the Boating Safety Institute of America. The

Boating Safety Institute is a not-for-profit provider of boating safety courses in this state and in states ranging from Massachusetts to Maryland to Florida, and, occasionally, in Texas. We teach boating safety courses for the State Boating Law Administrators.

To begin with, I guess there are probably five reasons that bring me here. And I appreciate the opportunity to come. I apologize for being late. I spent the morning testifying before a Federal panel on maritime safety in the city of New York. With a couple of hours of roadway in between, I'm doing that again for the State of New Jersey. And I'm happy to have that opportunity.

I'm here, I suppose, for five reasons. The first is, I'm a boater. I've been boating for a very long time. I started boating as a sailor at the Naval Academy. And thanks to that Navy training and opportunity, I raced competitively offshore. I've raced, literally, all over the world. I'm a powerboat operator currently in the Hudson River and Raritan Bay. So I'm in New Jersey in these days and having a good time up in my Assemblyman's district, where I get a chance to boat in your backyard, sir.

ASSEMBLYMAN JOHNSON: Yes, we appreciate that.

MR. SHANAHAN: Secondly, I'm a teacher. I've been teaching boating safety since my first days with the Coast Guard Auxiliary, beginning in 1981. I've become a master instructor. I'm now an instructor trainer. I teach other instructors in a national program with the National Safe Boating Council. I'm a member of the National Safe Boating Council. So I'm active in teaching other instructors, as well as teaching boating students in the State of New Jersey and elsewhere.



I'm an expert witness. I do a lot of work as an expert witness in the courts in the State of New Jersey, New York, Pennsylvania, and Connecticut on boating accidents. I have a chance to take the lawyers on both sides through the case and testify in the courts in those states on what happened in the event of the boating accident: what went wrong, what were the facts, and what could have been done differently to have prevented the accident.

I do a fair bit of work in setting standards. I guess that's the fourth reason I'm here. I'm a standard-setter. I serve as a member of the National Association of State Boating Law Administrators. I'm a member of that organization's education committee. I participated with that committee in the writing of the education standards, standards that this state, and every other state, has to abide by in order to conduct boating safety classes.

I'm an author. I had a chance to rewrite a good bit of the standard text in boating safety, the same one that the State of New Jersey uses for its 2001 edition. And I'm currently working on the new revision to the basic text in boating safety for the 2003 edition.

And, finally, I guess I'm about to be a regulator. Governor McGreevey has just forwarded my name to the New Jersey Senate for approval as a new member of the Boat Regulation Commission.

So, with all of those things as a background, I'd like to say a few things about, first, the education business and the education issues and concerns that bring this group together today. And then I'd like to close with a few remarks on the speed limit issue, an issue that was discussed for, I think,

approximately four hours at the recent Boat Regulation Commission meeting. I'd like to summarize a few remarks on that subject.

You have, all of you, in front of you a paper in which I've outlined certain positions with respect to the improvement and expansion of operator education to improve boating safety in the State of New Jersey.

The first recommendation I'd offer is that we need to conform New Jersey's existing operator education program to the national standards for boat operator education. These national standards have been developed by the National Association of State Boating Law Administrators. These are the national standards, and I'd be happy to make this copy available to the committee for your review and to put it in the papers of this committee.

These standards were developed by the NASBLA committee. And I need to, I suppose, to digress for a moment -- about who is it that sets the standards for boating education in the United States. Contrary to common -- to what I think has been common belief, it's not the Coast Guard. Under the Boat Safety Act of 1971, the Motor Boat Act of 1971, the Act set up, essentially, a joint effort between the states and the Coast Guard for the purpose of creating these standards. And the states and the Coast Guard, jointly, are standard-setters through the NASBLA education committee.

Most recently, these standards were the subject of extensive studies conducted under contract with grant money used from the Coast Guard to develop education standards, because the boating law administrators in this country, from sea to shining sea, have been concerned with many of the issues that this committee has raised, both in its previous discussion and have been discussed today.

So these are the standards that apply and set the basis for not only approving a course, but making the boating safety certificate, that each of us have when we complete that course, reciprocal one state to the other so that when I take my State of New Jersey boating safety certificate, issued by the New Jersey State Police, another state will know that if I've taken a New Jersey course, it should be reciprocal in another state. And complying with those standards is important for that purpose.

New Jersey previously met the the national education standards, but in April of 2000, adopted by administrative act certain changes to its administrative regulations, which departed from those standards. New Jersey reduced student classroom contact hours required in the standards in the State of New Jersey from a minimum of six hours to a minimum of four. Additionally, New Jersey allowed the substitution of homework for actual classroom instruction.

There is no State requirement for exam security. That is to say, the final exam may be taken on an open book basis, without a proctor supervising the exam. That was explicitly dealt with in the last revision to the State boating -- to the education standards and is not consistent with those standards.

New Jersey needs to do better. We need to meet the national education standards. Why? Because we need to ensure that our courses and our graduates are recognized by other states because it's the right thing to do, in terms of making sure we do the proper job to educate boaters.

On the subject of conforming to the standards, the form of the New Jersey boating safety certificate needs to be revised and to adopt a

national -- the new national standard and the NASBLA logo, which is actually required in the standards to be displayed on the certificate. The certificate that I have in my hand was last printed in its current form in 1997, two years before the adoption of the new standards. Nowhere on this New Jersey State certificate is the language that's required under the new standards, or the logo. When I pull out my state of Connecticut certificate, all that's on there. That's the key to a law enforcement officer in another state that I've taken a nationally accredited course. Nowhere on this certificate can you find that. And that's a simple thing that needs to be done. It's just simply time to do it. These standards were adopted in 1999, three years ago this year, it's time to get this document changed and updated so that we've got it in good shape.

The second recommendation is, I'd like to recommend that we end the public confusion over the two forms of New Jersey boat operators certification by eliminating the nontidal boat license completely and adopt the boating safety certificate as a single document for boat operator credentials in the State of New Jersey. We should replace the existing license revenue that would be lost with a fee for a boating safety certificate.

Since 1997, New Jersey boaters have had to deal with two different and often confused documents, the boat license and the boat certificate. I'll cut to the chase on this. The earlier conversation that I heard is very, very typical of what I hear in the nearly 80 classes a year that I teach. By the way, my next one begins at 8:30 tomorrow morning in Woodbridge. If any of you would care to come up for the class, we'll be happy to see you in Woodbridge. I am an active instructor, and that's my next class.

What I do when I teach the classes is I ask my students to take the New Jersey Boating Safety Handbook and turn to Page 15. When they turn to Page 15, it says, "Nontidal Boat License." And I ask them to write across the top of Page 15, "NJ Lake Tax," because that's what it is. It is merely a tax that one pays to the State of New Jersey for the privilege of operating on so-called nontidal waters. There's no test, no competency, no ability. In fact, DMV has-- I can absolutely assure you that if you go to DMV and ask a question about a boat, you will not get an answer, at least one that's reasonably intelligent at that point. So that's really what the New Jersey boat operator license is.

On Page 16, the next page over, is an outline for the standards for the New Jersey boating safety certificate. As far as New Jersey is concerned, that is the real boat operator license. It uses a language consistent with the other states. It's called a boating safety certificate. That is the thing that we should focus on. And that is what I recommend the State of New Jersey consider charging a fee for. Other states do it. If I have a boating safety certificate from the state of Connecticut, as I do, my certificate costs \$25. If I get one from the state of New York, it's \$10. Other states have a different set of -- have a different range of fees, ranging from \$10 to \$25. I recommended that the State of New Jersey adopt a \$15 original issue fee, and adopt another fee, a \$5 fee, for the replacement of lost certificates. And I will tell you that our students, like everybody else's students, do, in fact, lose their certificates from time to time. Right now, there is no fee charged by the New Jersey State Police for their administrative burden. And I believe they have a significant burden, and there needs to be some relief in that area.

My third recommendation is that the State of New Jersey require all boating safety instructors to be approved and certified by the State of New Jersey. We have a unique situation in the State of New Jersey where we have, essentially, no review of the qualifications or standards of instructors whatsoever. We do have a process that requires that there be a review of the qualifications of the course provider. The course itself is reviewed extensively. There's a form for that purpose. Trooper Andres does an excellent job of managing that for the State of New Jersey. And what he gets back from all of the providers is an extensive documentation of what the provider will teach in the classroom, but he does not know who teaches the classes. He does not know--

And remember, again, that we're teaching, in many cases, children. We can issue this boating safety certificate to someone as young as age 13. That is the minimum age at which one may hold and use a boating safety certificate. We're teaching children as young as age 13, and certainly a large number of people all the way up to age 18, who are below the age of being an adult.

We have no way, at this point, of examining the credentials of the instructor. I think it is time that the State of New Jersey do so. We need to get an application form where we get the applicant, at least, to state, under oath, which -- and the application form needs to be subscribed and sworn to before a notary so that we have a "official statement," and there's a certain State meaning to that, in terms of the laws of this State. If we get the applicant to file an official statement with the State of New Jersey as to his background, education, training, experience, and to make certain statements

with respect to questions regarding prior convictions and charges affecting, essentially, inappropriate conduct with children--

I don't need to go into sidebar commentary as to why some institutions of our society are currently struggling with that question. I will tell you that, in addition to my work in recreational boating safety, and I'm a Boy Scout leader -- have been for many, many years -- 25 years or more -- I have to take, and renew each year, my youth protection qualifications as a scout leader. I have to be examined, I have to take a course, and I have to have my references updated. And, effective now this year, the Boy Scouts of America, who puts its leaders in contact with the same youthful customers, if you will, that come to boating safety classes, will not allow an adult, effective this year, to be appointed as a scout leader until they've had a police background check. So we're now, in the Boy Scout movement, doing police background checks on applicants to be adult scout leaders.

I don't know if you're prepared to go to that point yet, but I must tell you that it's absolutely high time that we get serious about who the boating safety instructors are in this state, checking their qualifications, and getting them to make an affirmation as to their prior criminal background and a statement of no charges, as well as no convictions. And Mr. Johnson, I know you know the difference on that subject, you're in the business of, sort of, tending to that day-by-day -- and making sure that we have an affirmation about that sort of thing so that we can prevent problems that might very well exist.

We have had problems. The State Police are doing a good job of following up on some of these problems. We've had a guy recently selling

boating safety certificates at the front door of his house. You've got a family of four; you want a boating safety certificate for your family. You drive up to the front of his house; you write him a check for \$280, and he'll give you four New Jersey boating safety certificates -- at least he was until the State Police out of the Point Pleasant Station went over and paid him a visit. And he's now facing some criminal charges for that sort of conduct.

But that's been a slow process. We've had a number of providers doing all kinds of creative and imaginative things -- selling boating safety certificates in the various cafes and diners from one end of this state to the other. And the New Jersey State Police have a full report, which they got from me two years ago, on matters like that that they are beginning to work their way through. We're making some progress, but we need to begin by getting an application form and clearing each and every applicant to teach boating safety in the State of New Jersey.

Fourth, State agencies need to manage the various pieces of New Jersey's boating safety laws and related programs, and to develop and execute mechanisms to work together.

One of the things that's amazing to me is how different this New Jersey boating safety handbook is from the stacks of other boating safety handbooks from the other states that I have around my office. What you cannot find in here is a list of the boat ramps. You cannot find environmental regulations from the New Jersey Department of Environmental Protection. To go right down the list, we don't make this available where the public is. We don't have copies of this in the DMV offices in the State of New Jersey. That



needs to change. The New Jersey boating safety handbook needs to go where the people are.

We need to put in this handbook the information on boat launch ramps in the State of New Jersey. I will absolutely guarantee you that unless you're a very accomplished sleuth on the Internet, you can't find the list of boat ramps -- public boat launch ramps in the State of New Jersey -- unless you can find that elusive item on the State Parks Department homepage.

We need to have information on fisheries laws in this boating safety handbook, because many of our boaters are fishermen, and that's not in here. We need to provide information about the New Jersey DEP Earth 9/11 program for teaching environmental responsibility in this State-paid-for handbook.

There's a number of other things that can go in there. Other states do it, including the information about areas of the state where there are sensitive areas where speed zones have been created. When I pick up a copy of the Connecticut boating safety handbook, all I have to do is flip right to the center. I have color maps of each of the major rivers in the state of Connecticut. I can instantly look at the maps on those pages. And by using the color codes, I can identify where the speed zones are. We ought to have that in the State of New Jersey handbook, and we don't.

Finally, and most importantly, we need to draw the line and require that all boaters be educated boaters. The recent meeting with the Boat Regulation Commission that you heard about ended up pretty much as Mr. Brown reported to you. We all agreed that New Jersey boaters need basic boating education.

The current requirement for mandatory boat operator education applies only to two classes of operators: those operators born after 12/31 of '78, and those operators operating a personal watercraft. Everybody else, and that includes a large number of people, don't have to have anything more than a checkbook, as Mr. Moran found out in his questioning a little while ago. You don't have to have any other book but a checkbook to go and buy a boat, and that qualifies you as a boat operator. As a result of it, we run the risk of killing and injuring innocent parties. We have a record of that sort of thing. You know about it, and that's the thing we want to eliminate.

The boating industry encourages boat buyers to take voluntary courses to the degree that they can. Responsible dealers try to make sure that the boat buyer takes a shakedown run on his or her new boat. We know that this is not enough. The marine industry wants safe customers, people who enjoy their boating experience, share their enjoyment with their families, spend their money here in New Jersey, as the gentlemen from Pennsylvania, hopefully, will continue to do, and that they'll stay involved in boating here in New Jersey.

Other states have done it. In fact, I just finished, yesterday, providing testimony to the speaker of the New York assembly, where the state of New York is now considering substantial changes to its boating safety laws on the very same premise that you are considering. The state of New York has now asked for some information on the very same thing.

That concludes my formal testimony, Mr. Chairman. I have given each of you-- In addition to the documents that I've just reviewed with you, you have a copy of my remarks to -- with the New Jersey Boat Regulation

Commission on the letterhead of the Marine Trades Association. I serve as the Director of that Association. The document that you have reflects my testimony before the Boat Regulation Commission on the speed limit issue. I will not use this forum to discuss that further. That's within that purview of the Boat Regulation Commission to deal with. It is, certainly, an issue of great interest right now, but this Commission -- or this body has focused today, primarily, on education.

Finally, you have a communication in front of you addressed to Mr. Brown on the subject of the boating education standards. And the attachment to that, I might add very importantly, is a side-by-side comparison of the New Jersey Administrative Code with those areas of the Code that do not comport to the National Boating Education Standards. As, perhaps, a technical note to your work, I add that to my comments today in the hopes that you and your staff will be able to use it to be able to prepare the final report that you're going to prepare for the Speaker.

With that, Mr. Smith, I conclude my remarks. Thank you very much for the courtesy of allowing me to come and visit with you. I'd be happy to answer any questions that you may have.

ASSEMBLYMAN SMITH: Thank you very much.

Gordon, do you have any questions?

ASSEMBLYMAN JOHNSON: No, Mr. Chairman. I think Mr. Shanahan covered it all. (laughter)

ASSEMBLYMAN SMITH: Okay.

Thank you very much. I appreciate it.

MR. SHANAHAN: Thank you, sir.

ASSEMBLYMAN SMITH: Mr. Hartley, did you have a quick question or comment?

MR. HARTLEY: No, I don't want to prolong the meeting any longer. (laughter)

ASSEMBLYMAN SMITH: Okay. I think we have two more witnesses.

Jerry Donofrio.

LIEUTENANT AMBURGEY: Before this gentleman speaks, could Jeff -- Trooper Andres go up and just comment on a few things that--

ASSEMBLYMAN SMITH: Absolutely.

TROOPER ANDRES: Very brief. I know it's late.

Jeff Andres, State Police Marine Services Unit.

I would just like to make it very clear that the NASBLA standards that Mr. Shanahan made reference to, the National Association of State Boating Law Administrators-- In their standards, when a course is certified, it is certified for a period of three years. The course that I have put before you, that the New Jersey State Police presents, is, currently, certified. It's certification expires at the end of this calendar year. And approximately one-and-a-half months ago, maybe two months at maximum, I resubmitted to keep our certification by the NASBLA standards current. NASBLA standards have changed, but that book that I've put before you is custom made for the New Jersey State Police, and I believe that it is very, very close even to the new standards. And if it is not, NASBLA will point that out to us, and we will make any corrections in the form of an addendum to that.

The second issue -- putting NASBLA certification and approval on the boat safety certificate that's issued for successful completion of a course-- I do not feel it's a bad idea. Putting it onto a blank document is easy. That's a matter of walking over to the print shop and saying, "We want it to say NASBLA approved." But it causes an integrity problem. How would we then, when we reissue any certificate to a person who has lost one -- and this happens a lot -- know, at that point in time, was the course certified. If our document says it, people will be lead to believe it. And, logistically, we cannot research every request for a replacement certificate to find out if, in fact, at that point in time, that course was certified.

What we have done, when a student completes our boat safety course by the State Police, they're issued an eight and a half by 11 certificate of completion. That certificate does say that the course is NASBLA approved.

I have nothing further. Do you have any questions?

ASSEMBLYMAN SMITH: No, thank you.

TROOPER ANDRES: Thank you.

MR. DONOFRIO: Thank you for calling me up. My name is Jerry Donofrio, and I am the Chairman of the Boater Voter Coalition, which is an advocacy organization created for recreational boaters in the State of New Jersey to give them representation to the State on many of the issues that affect them, which, I have to say, is that, there is also very few opportunities for boaters to address such a venue as this. Frequently, we hear about things happening after the fact. Also, I'm First Vice President for the Delaware River Yachtsmen's League. That represents about 5,000 boaters on the waterway that lies just behind this facility. Also, I'm Director of State Legislation for

New Jersey on the board of directors for the Chesapeake Bay Yacht Clubs Association, which represents approximately 135 clubs, and about 65,000 members. I'm a commodore for a yacht club on the Delaware River, and I'm a member of a second yacht club.

Most of the things that I've done in the past have been written up in national and international publications, such as *Offshore* magazine, *Soundings*, *BoatU.S.*, numerous periodicals around the State of New Jersey, and other articles in less significant venues.

To say I'm a boater would be an understatement. I think I'm a real boater. I've boated from the areas of Montreal, all through New York state, through all the canals and rivers, many of the lakes in New York state, all the way down through the intercoastal waterways numerous times, offshore, down to Miami and back. There's very little waterway that I'm not significantly familiar with, either by chart knowledge, or by just direct knowledge, which is important for anyone to have in this day and age -- is knowledge.

In your instance, I'm sorry that you fell underneath your boat. I know the circumstances are rough down there. And I'm glad that you brought that to the floor early on. I, in the past, have also rescued people who have been in positions like that. I have to state that a lot of the people get in these positions because, again, they're not educated. I feel that education is an important factor in any safe boating.

How important is it? I heard comments about, way down here in South Jersey, people traveled-- Well, my wife worked in New York at the time when we took our boat safety course through the Power Squadron. And we

took our boat safety course in Mount Holly. So she traveled everyday from New York City at 5:00 to make it down here by 7:30. And we took the 13-week course that was mentioned earlier, underneath the Power Squadron, which also offers courses. Then it was \$25 to take the course.

The Power Squadron and the Coast Guard Auxiliary offer extensive courses in marine safety and marine education, and boating education offered by these people is paramount. I'm sure there's plenty of other people that like to take an eight-hour course. I don't think an eight-hour is significantly safe for a boater going offshore. There's not enough you're going to learn in a skinny pamphlet like that that's going to teach you what the rips were like down in the area where you were in, where the currents are going to lie, and how to read the water, and how to forecast the sky.

I think that we have to look further into our future legislative bodies to make sure that our boaters will be safe through education. Speed is not an issue here. I'm glad it was not brought to the forefront as the issue, because the word speed is not synonymous with safety, and certainly not on the waterway. There's all kinds of boaters on the waterway. Whether they're pulling on ropes to make their boat go from six miles an hour to seven miles an hour or pushing a throttle to go from 40 miles an hour to 60 miles an hour, speed is a matter of relativity on the water. And it's not a matter of safety on the water except that if it's a confined area, channel way, or narrow body of water.

Throughout the Chesapeake Bay, there are numerous areas that are qualified, by people who have done studies on those waterways, to set limits on speed. There's only two speeds for a boat. It's either on plane or off

plane. It's either going fast or not going fast. And not going fast means a no-wake area. In my opinion, a no-wake area is a safe area. Any other area is a you-better-be-watching-out-where-you're-going area, whether you're going to be watching out going into a sandbar or into another boat.

Just like an airplane, all boats travel at different speeds. All airplanes travel at different speeds. It's a matter of the design of the aircraft, the design of the hull of the device. A sailboat can't go faster than six-and-a-half or seven miles an hour by design. There's many boats that go faster. I've been on catamarans down in the Caribbean that do 41 miles an hour with 50 people on board. A large boat goes fast. Catamarans can go fast, and it's a sailboat, incidently, not a powerboat. So some designs -- sailboats can go extremely fast, and some can't get out of their own way. But they all can turn, and they all can stop. All boats are maneuverable, otherwise they wouldn't be in the water. Thank God Columbus knew how to sail, otherwise we wouldn't be here today.

So I think it's important that when we look for legislative bodies to formulate our future in boating, that we ask them to take due deliberation as to what's going to be required of them and what they expect of the public. One thing I would expect of the body of deliberators here today is that you give good study to the fact that we need education. And how are we going to get these people educated -- not just those people who are growing up, as was mentioned earlier -- he's 22--

I can tell you I know a guy who's 42, and he's got a lot of money. He went out and bought a boat. He said, "Hey, Jerry, would you help me get this thing down to Miami?" Well, there's a case of a man who knows how to



buy a boat but can't get there from here. We got his boat down to Miami and back without a problem, because he had somebody by his side to guide him all the way down. As soon as I got away from the controls, he put it on an oyster shoal, and it cost him a little over \$2,500 to get his underwater gear cleaned up. So by the time we got back on the return trip, he did learn how to stay off oyster shoals and how to stay out of crab pots.

But safety on the waterways is a matter of good intelligence. And certainly, we cannot educate people enough about the intelligence of safe boating.

That's all I have to say.

ASSEMBLYMAN SMITH: Thank you very much.

ASSEMBLYMAN JOHNSON: No questions.

ASSEMBLYMAN SMITH: Okay, I believe we had one more gentleman in the back that cared to testify.

**ROLF PAPKE:** Thank you for allowing me to speak. My name is Rolf Papke. I'm the owner of Proroc, Inc. We sell high-performance boats. I have been an off-shore racer. I have won world championships, national championships, and speed records.

Most of the boats that we sell are high-performance boats. We realize that they could be dangerous. I spend a lot of time with every one of my customers before I give them their high-performance boat -- approximately one day. We haven't had any fatalities, whether it's luck, whether it's the formula that we use. We'll take both.

One thing no one has addressed, if we do impose a speed limit on the bay, my feeling is this: You're going to force the guys to run offshore. In

order to run offshore, you need an extreme amount of talent. You need experience, which just because people buy boats and they run fast in the bay, doesn't necessarily mean they possess those. It doesn't mean that they'll ever possess that, even if you force them offshore. Some people will, some people may get killed. And two years from now, we may have spouses that were married in here speaking about how we forced everybody offshore. Right now, I believe when we go out into the ocean, the most dangerous part of getting out to the ocean are the inlets. They're the most treacherous. I think that's going to be secondary if we force people offshore -- fast boats.

Statistically, it has shown that people with fast boats -- they've had less accidents. I believe that's possibly because of design, engineering, things have gotten better. They build boats better, as far as fiberglass. I think people are more aware when they're going faster. I don't think that they're talking to everybody else in the boat while they're doing that. They do have an awareness level. I think there's common sense. They get away from other boaters. There are a few that don't have that common sense, but those are the few that we have to single out, not punish everybody for what those few do. And those are the few that could have an accident, or usually do have an accident. I think that's what we really have to look at.

Again, boating awareness will help, getting them either certified or licensed -- I don't know which the answer is of the two of them -- and holding the ones accountable that do break the law. And I think that's where, sometimes, we fail, is holding people accountable. We work deals with them in courtrooms, and what not, to let them off on a lighter sentence or whatever. I think if everybody has a no-nonsense approach to that, no tolerance, I think

people will think twice before they go out there and break the law and selfishly take somebody else's life.

That's all I have to say.

ASSEMBLYMAN SMITH: Thank you very much.

Any questions?

ASSEMBLYMAN JOHNSON: No, Mr. Chairman, no questions.

ASSEMBLYMAN SMITH: I just had one question for the State Police. I'm not sure who can answer it. Is it true what one person had said about radar guns with fiberglass?

LIEUTENANT AMBURGEY: Yes.

ASSEMBLYMAN SMITH: It is true. Okay. So it would present an enforcement problem -- speed limits would?

HEARING REPORTER: Mr. Chairman--

ASSEMBLYMAN SMITH: Oh, I'm sorry.

HEARING REPORTER: Thank you.

LIEUTENANT AMBURGEY: I'm Lieutenant Amburgey with the State Police in Point Pleasant.

I know up on Lake Hopatcong, they do use the K-55 radar. That is what they're using out on the highways, and they do utilize it for enforcing. I've never been up there to actually see it work, but from what I understand, they are using that for enforcement, as far as speeding.

Two weeks ago, I had one of the sergeants from Research and Analysis come down with the new laser and conducted the laser experiments, if you want to call it that. We had one of our troop boats going back and forth in the canal. We were on land. Our readings with the-- We had readings

every time. And with a laser, you can get readings up to a thousand feet away. And our readings that we got did coordinate with the GPS, as Mr. Patnaude had said before.

We then went out on a boat itself, in the Metedeconk -- and on the boat itself, which was on the deck -- at this time of year there is no boating traffic, just the regular rocking and rolling with the current, and it was very difficult to get a proper reading without an error. It can be enforced, mostly by land.

ASSEMBLYMAN SMITH: So what you're saying -- like the rocking of the boat?

LIEUTENANT AMBURGEY: Yes, and as I also said, too, you do get an error. You have to have a certain target with the laser. And with a fiberglass target, it's difficult, but there's different points on different boats that you can point and get a proper reading.

But, yes, it can be enforced. It's, kind of, a loaded question on how to enforce it or the proper way to do it. If the legislation says there's going to be a speed limit, then it will be enforced.

ASSEMBLYMAN SMITH: Okay, thank you.

I just want to thank everybody for coming out and participating. We're probably going to have another meeting sometime in the next couple months -- maybe three months. I'm not sure. But I think it's a very good idea that we sit down with the Boating Commission and try to work together. Between the two of us, I think we'll come up with some very good proposals.

Thank you for coming out.

MR. BROWN: Assemblyman Moran's office is very convenient for me. (laughter)

ASSEMBLYMAN JOHNSON: I was going to recommend the next meeting is further north.

ASSEMBLYMAN SMITH: Yes, I--

MR. SHANAHAN: Mr. Chairman, if I could offer the recommendation-- I think in order to do the things this commission wants to do, you need to look at building capacity in your boating law administrative agency in the New Jersey State Police.

I'm going to say something that they can't say on behalf of themselves. There's a significant deficiency in the kind of capacity that they need to get the job done that you, the State legislators of New Jersey, are asking them to do. It's not fair to them to hold them accountable for all of the things that they ought to do, and couldn't wish that they would like to do, without the kind of capacity that they need. They're going through a bit of a reorganization right now. I think, fairly said, I would encourage this committee, or whatever appropriate committee of the Legislature, to have a real sit-down, heart-to-heart talk with the Superintendent, the Attorney General, and look at building some capacity in the New Jersey State Police to do the things that they need to do to serve the public of this state.

And there's, certainly, information that we can provide as to what other states have done in that area. We need to give them the money to get the job done. I'm going to be very direct in saying that based on the experience I've had with a lot of other states -- long conversation I had with Roger Brown's counterpart in Ohio a few weeks ago -- we have our hands

behind our back in New Jersey, with respect to the way in which we fund and support our abiding law agency. And in order to get this job done properly, the Legislature needs to take a hard look at that.

That's my recommendation to you, sir.

ASSEMBLYMAN SMITH: Thank you.

MR. R. PATNAUDE: Sir, along that same vein, if, in fact, the Legislature decides to establish either a certificate or, in fact, a license, and there is a funding to it, would it be possible to consider that that money be diverted to the State Police Marine Bureau to help subsidize the expenses that are needed to go and bring them up to, as Mr. Shanahan said, the standards that are needed?

ASSEMBLYMAN SMITH: Yes, that's certainly a possibility.

Do you want that to be part of the record?

MR. R. PATNAUDE: If I may.

ASSEMBLYMAN SMITH: Sure, just state your name.

MR. R. PATNAUDE: Ray Patnaude, P-A-T-N-A-U-D-E.

ASSEMBLYMAN SMITH: Thank you, everyone.

**(MEETING CONCLUDED)**