

# **Boat runs over diver, killing him**

## **Boaters and Divers need to understand each other**

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*“A man diving off the beach Saturday evening was struck by a motorboat in an apparent accident.”*

A diver died Saturday night after a boat ran him over just off the beach in Hollywood. The boat did not stop, but the skipper may not have realized he hit anyone, police said.” Miami Herald, Sept 11<sup>th</sup>, 2005

According to the Miami Herald, police officials are calling this an unfortunate accident. However, could this accident and others like it be stopped before they occur, or at least diminish the numbers?

According to the Coast Guard’s Office for Boating Safety [www.uscgboating.org](http://www.uscgboating.org), at least 53 vessels were involved in some type of accident with either a swimmer or diver in 2003. The Coast Guard reported 10 fatalities, with another 14 fatalities which were not part of the report due to reporting criteria.

### **The Law**

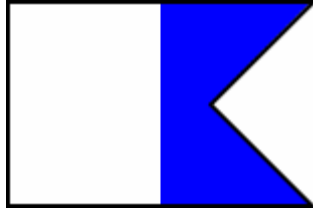
Let us separate out swimmers (including snorkeling) from divers. This exclusion is somewhat arbitrary, and most of what follows to some extent can refer to swimmers, but alas, this is about diving.

Diving is a sport that has gained in popularity ever since famed explorer Jacques-Yves Cousteau and his partner Emile Gagnan invented a regulator, which became the Aqua-Lung. In 2000, the Professional Association of Diving Instructors (PADI) [www.padi.com](http://www.padi.com) estimated that there now over 10 million recreational scuba divers.

Given the sheer numbers of both commercial and recreational divers, the Navigation Rules [www.navcen.uscg.gov/mwv/mwv\\_files/NR\\_Files/navrules.pdf](http://www.navcen.uscg.gov/mwv/mwv_files/NR_Files/navrules.pdf), commonly referred to as COREGS, specifically discusses diving.

Rule 27 (both International and Inland) states:

(e) Whenever the size of a vessel engaged in diving operations makes it impracticable to exhibit all lights and shapes prescribed in paragraph (d) of this Rule, the following shall be exhibited: ...



(ii) a rigid replica of the International Code flag “A” not less than 1 meter in height. Measures shall be taken to ensure its all-round visibility. Many states have regulations that also require diving flags. As an example, in New Jersey:

**NEW JERSEY REGISTER, MONDAY, AUGUST 19, 2002  
(CITE 34 N.J.R. 2997)**

**I. General Provisions are that:**

2. Any person while diving shall mark his position with a buoyed flag approved by the Boat Regulation Commission:

a. Such flag shall be displayed from a buoy, float, boat or other floating object,



b. Such flag shall be a minimum of fourteen (14) by sixteen (16) inches, shall be rigid to enhance visibility and shall be a red background with a white diagonal stripe running from one corner to the other. [*Ed. Note: This is commonly referred to as the Sports Divers Flag.*]

3. No person may operate a vessel within 50 feet of a buoyed flag.

Which flag to use? On navigable waters, that are under the jurisdiction of COLREG’s, the Alpha “A” flag should be used. To add to a diver’s safety, we recommend in addition to the Alpha “A” flag, a floating Sports Divers flag.

**So What Went Wrong?**

Let us delve into why there are requirements for diving flags in the first place.

- A Diver cannot be seen by other vessels, due to the fact that they are typically a) underwater, and b) if on the surface, very difficult to spot.
- A Diver can surface unexpectedly, and almost any place.

In our case above, there was no mention of the divers leaving a dive boat, and in fact the news article mentions that they were diving off a beach (a common diving practice).

This means, that other vessels would have no idea to the presence of diving activity. Clearly this creates a dangerous condition for both the other vessels transiting the area and divers.

Communication on the water as we know can mean the difference between a safe voyage and an accident. Whether it is the use of sound signals to show intent on overtaking another vessel; to advise of a dangerous condition or to communicate that there are divers in the water, all boaters must be aware of these communication modalities.

We in the boating community have the tools at our fingertips to diminish most accidents. The tools include our electronics, but they also include our senses of sight and hearing. But more importantly, they require the boater to be knowledgeable about the tools in the first place.

## **Education**

To gain that information, the Coast Guard and Coast Guard Auxiliary implore boaters, divers, kayakers, canoeists and all members of the maritime community to take a boating safety course.

These courses are offered all over the country by the Coast Guard Auxiliary as well as other organizations. Safety starts with education, and taking an approved course is a good way to start the new year.

For more information about safe boating courses, why not contact the United States Coast Guard Auxiliary at [www.cgaux.org](http://www.cgaux.org) or call **1-877-875-6296**.

The United States Coast Guard Auxiliary is the uniformed volunteer component of Team Coast Guard. Founded in 1939 by an Act of Congress as the US Coast Guard Reserves and re-designated the Auxiliary in 1941. The 31,000 volunteer members (men and women) donate thousands of hours in support of Coast Guard missions.