

Int. No. 495-A

By Council Members Martinez, Barron, Comrie, Jennings, Palma, Seabrook, Stewart, Yassky, Koppell, Brewer, Sears, Jackson and Liu

A Local Law to amend the administrative code of the city of New York, in relation to establishing a “no wake area” within the Harlem River and requiring appropriate signage, requiring the preparation and distribution of educational material about wake reduction and establishing a temporary citywide boater safety and wake reduction task force.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The operation of water-borne vessels within the city of New York or its territorial waters results in the production of wakes, some of which travel at speeds and heights that pose a danger to the safety of boaters in vessels that are not mechanically propelled, and may damage piers and other shoreline structures, waterfront recreational facilities and parks, the shoreline itself and wetland restoration sites along the waterfront.

The New York Restoration Project, a non-profit organization founded over ten years ago, creates open space for public access and manages several gardens and parks. In 1996, the organization began work to clean up a five-acre parcel of land on the Harlem River located at the corner of Harlem River Drive and Dyckman Street that was being used as a dumping ground for boats, refrigerators, construction equipment and other debris.

The New York Restoration Project converted this area to parkland and opened the Peter Jay Sharp Boathouse in 2004, which is a floating structure managed by the New York Rowing Association, a not-for-profit organization dedicated to sharing the benefits of rowing for athletes in New York City of all ages and athletic abilities. In addition, the organization initiated a wetland restoration project along the shoreline that was completed in 2003 by the New York State Department of Transportation.

The Peter Jay Sharp Boathouse has required several costly repairs during its short period of operation. For example, over 300 linear feet of sewer, sprinkler and water utility piping running from the boathouse to the shore was destroyed, a floating dock was damaged and the boathouse’s fendering system deteriorated. According to the New York Restoration Project, harmful wakes have contributed to these damages.

The Harlem River is a popular waterway for rowing and crew racing. Nicknamed “Scullers Row” in the late 19th and early 20th centuries, the Harlem River is considered by many to be the birthplace of American rowing. In addition to the Peter Jay Sharp boathouse, the Columbia University Boathouse is located at the northern tip of Manhattan near Spuyten Duyvil. Columbia University rowers have long practiced and raced on the Harlem River as far south as Yankee Stadium. Other rowing clubs use the Harlem River for daily practice, including Fordham University, Manhattan College and the Empire State Rowing Association.

Use of the Harlem River for rowing is rapidly increasing. In 2005, there were two regattas on the Harlem River, including the first annual Peter Jay Sharp “Head of the Harlem” Regatta in September, which drew high school, collegiate and master rowers from up and down the eastern seaboard. The New York Rowing Association’s Urban Rowing Initiative teaches swimming and rowing to urban teenagers, especially from Washington Heights and the South Bronx, as a way of opening up both the river to its surrounding community and the kids to possible athletic scholarships. The New York State Office of Parks and Historic Preservation is studying the feasibility of building a multi-use boathouse at the southern end of Roberto Clemente State Park as part of a park-wide renovation to be completed by 2010.

Despite the Harlem River’s unique role as a crew racing destination in New York City, rowers must compete with mechanically-propelled boat users and their wakes. A recent incident underscores the need for operators of all water-borne vessels to exercise extreme caution in their activities and to make allowances for the possibility of the presence of other boaters in the water. In this incident, a collision occurred between a racing shell carrying four members of the Peter Jay Sharp Rowing Club and another vessel. The four men were thrown into the water, and while three were rescued by the operators of the vessel, the fourth man, Jim H. Runsdorf, could not be rescued. This bill is therefore named in tribute to Jim H. Runsdorf.

This tragedy raises questions about how to improve the coordination of water transportation in areas known for crew racing using non-mechanical boats and regattas. This legislation addresses this problem by defining two areas in the Harlem River as a “no wake area” to enhance the safety of non-mechanically propelled vessel operators and protect piers and other shoreline structures, waterfront

recreational facilities and parks, the shoreline itself and wetlands along the waterfront. This legislation also addresses the need for increased awareness and care among operators of water-borne mechanically-propelled vessels traveling in the territorial waters of New York City by publicizing educational material and creating a temporary citywide task force on boater safety and wake reduction.

§2. Chapter one of title ten of the administrative code of the city of New York is amended by adding two new sections, 10-158.1 and 10-158.2, to read as follows:

§10-158.1 Harlem River no wake area. a. For the purposes of this section the following terms shall be defined as follows: 1. “Idle speed” shall mean the lowest speed at which a vessel can operate, maintain safe steerage, and minimize the production of a wake that could unreasonably interfere with or endanger other persons, property, or water-borne vessels.

2. “No wake area” shall mean an area in which a vessel must travel at idle speed.

3. “Vessel” shall mean any motorized floating craft with the exception of any motorized floating craft that (i) is used primarily as a residence, (ii) is a vessel operated by an authorized member or employee of any law enforcement or emergency services agency or organization when used in the performance of official law enforcement or emergency services duties, (iii) is provided as an accommodation, advantage, facility or privilege at any place of public accommodation, resort or amusement or (iv) is a vessel in commercial service, as defined in Section 2101 of Title 46 of the United States Code. A vessel operated by an individual who is compensated to operate such vessel shall not provide sufficient cause to deem such vessel to be in “commercial service.”

4. “Wake” shall mean all changes in the vertical height of the water’s surface caused by the passage of a vessel including, but not limited to, such craft’s bow wave, stern wake and propeller wash.

b. Swindler Cove and that portion of the Harlem River running from the University Heights Bridge southerly to the High Bridge; and that portion of the Harlem River between the Spuyten Duyvil trestle and the Broadway Bridge are hereby designated “No Wake Areas.”

c. 1. All vessels operating within the no wake area shall be operated at idle speed.

2. The police commissioner, the commissioner of parks and recreation and the heads of such other agencies as the mayor shall designate shall have the authority to enforce paragraph one of this subdivision.

d. The commissioner of parks and recreation shall post one or more signboards at or about seven hundred fifty feet from the northerly-most and southerly-most boundaries, respectively, or as closely thereto as practicable, of each such “no wake area” and at or about three hundred fifty feet from the northerly-most and southerly-most boundaries, respectively, or as closely thereto as practicable, of each such “no wake area.” Such signboards shall face the water in both directions and bear thereon, respectively, a notice indicating the distance from the “no wake area” and a direction to proceed at idle speed. The exact distances of such signboards shall be subject to the availability of property upon which to post such signboards. The commissioner of parks and recreation shall also post additional signboards to indicate to vessel operators the presence of a boathouse in the “no wake area” or the shoreline. Such signboards shall be conspicuously placed and be of sufficient size to be read easily by a person using such waters.

e. Any person violating paragraph one of subdivision c of this section shall be guilty of a misdemeanor punishable upon conviction by a fine not exceeding one hundred fifty dollars or by imprisonment for not more than ninety days or by both. Any such penalty shall be in addition to any penalty provided for in the New York State navigation law.

f. The provisions of this section shall not apply to the following: 1. any vessel while actually competing in a duly authorized regatta, provided notice of such regatta has been filed with and accepted by the clerk of Bronx and New York counties, and with the United States coast guard and the department of parks and recreation, at least ten days prior to the occurrence of such event and

2. any vessel while actually engaged in safety or coaching activities

§10-158.2 Wake reduction educational material. The commissioner of parks and recreation, in consultation with the police commissioner, shall prepare and make available to operators of water-borne vessels, as defined in section 19-306 of this code, within the city of New York or its territorial waters, and operators of piers, marinas and boat repair yards educational materials related to the dangers of wakes to the safety of boaters in water-borne vessels in the water; the potentially adverse impact of wakes to piers and other shoreline structures, waterfront recreational facilities and parks, the shoreline itself, and wetlands along the city’s waterfront; the importance of minimizing wakes as a water-borne vessel operates in a vessel regulation zone or “no wake area;” and which government entities have jurisdiction over rule-making and enforcement in the territorial waters of the city of New York.

§3. Section 18-131 of the administrative code of the city of New York is amended to read as follows:

§18-131 Posting of signs. The commissioner shall be required to post signs pursuant to [section] sections 10-158 and 10-158.1 of this code, for the vessel regulation zone and the “no wake area” established [in the lagoon within the Pelham Bay Park] by such sections.

§4. Chapter three of title nineteen of the administrative code of the city of New York is amended by adding thereto a new section 19-306 to read as follows:

§19-306 Temporary citywide boater safety and wake reduction task force. a. For the purpose of this section the following terms shall be defined as follows:

1. “Hand-powered vessel” means every non-mechanically propelled water craft operating within the city of New York or its territorial waters, including rowboats, kayaks, racing shells canoes, and sailboats.

2. “Hand-powered vessel launch” means any dock, slip or pier located within the city of New York or its territorial waters capable of being utilized by a hand-powered vessel.

3. “Operator” means any person or private or governmental entity that owns or operates a water-borne mechanically-propelled vessel or water-borne hand-powered vessel.

4. “Point of embarkation or disembarkation” means any portal point of entry or exit onto or off

of a water-borne vessel, or into or out of the main cabin area of such water-borne vessel.

5. “Wake” shall mean all changes in the vertical height of the water’s surface caused by the passage of a water-borne vessel including, but not limited to, such craft’s bow wave, stern wake and propeller wash.

6. “Water-borne commercial services facility” means any dock, slip, pier or terminal located within the city of New York or its territorial waters and capable of being utilized by a water-borne vessel, and any concession, ticket purchasing or other facility or amenity available at or on such dock, pier, slip or terminal but excluding hand-powered vessel launches.

7. “Water-borne vessel” means every water craft operating within the city of New York or its territorial waters, including commuter ferries, tugboats, speedboats, motorboats and personal watercraft, but excluding seaplanes.

b. Within ninety days of the effective date of this section, there shall be established a temporary citywide boater safety and wake reduction task force. Such task force shall be comprised of nine members, four of whom shall be appointed by the speaker of the council and five of whom shall be appointed by the mayor. The mayor shall designate one member as the chairperson. To the extent possible, appointments to the task force shall reflect the interests of water-borne vessel operators, the port authority of New York and New Jersey, the United States coast guard and other appropriate regulatory agencies, hand-powered vessel operators, operators of privately-owned piers and marinas within the city of New York, owners of other waterfront property, experts on the waterfront environment, and members of the general public. Each appointed task force member may be removed for cause by the appointing authority and any vacancy shall be filled in the same manner as the appointment was made. The temporary citywide boater safety and wake reduction task force shall be deemed established upon the appointment of four of its members.

c. Members of the task force shall serve without compensation and shall meet when deemed necessary by the chairperson or whenever the department or the department of parks and recreation proposes rules relating to the travel of water-borne vessels on waterways within the territorial waters of New York city, but in no event shall the task force meet less often than three times in every calendar year.

d. The task force shall examine, but need not be limited to, examining the following issues: existing and proposed points of embarkation or disembarkation in the territorial waters of New York city; existing and proposed hand-powered vessel launches; geographic areas where wake impacts are currently or may in the future adversely affect hand-powered or water-borne vessel launches, and/or hand-powered or water-borne vessel users; geographic areas where wake impacts are causing or may cause possible erosion of shore front property and wetlands; community outreach; education, enforcement, and any other activities relating to improvements in boater safety and the reduction of wakes.

e. The task force shall issue a report to the speaker and the mayor within twelve to fifteen months from the establishment of the task force. Such report shall include, but not be limited to, recommendations for minimizing wake impacts on hand-powered or water-borne vessel launches and/or hand-powered or water-borne vessel users; minimizing wake impacts to shore front property; community outreach; education; and enforcement activities. Such report shall be posted on the city's website within seven days from its submission to the speaker and the mayor. The task force shall cease operation one year after the submission of the report.

§5. This local law shall be known as the Jim H. Runsdorf Law.

§6. This local law shall take effect immediately, except that sections two and three shall take effect ninety days after it shall have become a law, and except that the police commissioner and the commissioner of parks and recreation shall take such actions as are necessary for the implementation of sections two and three of this local law prior to such effective date.