

APPEAL 119

Jalapeno vs. Zephyr V2.0

Rule 11, On the Same Tack, Overlapped

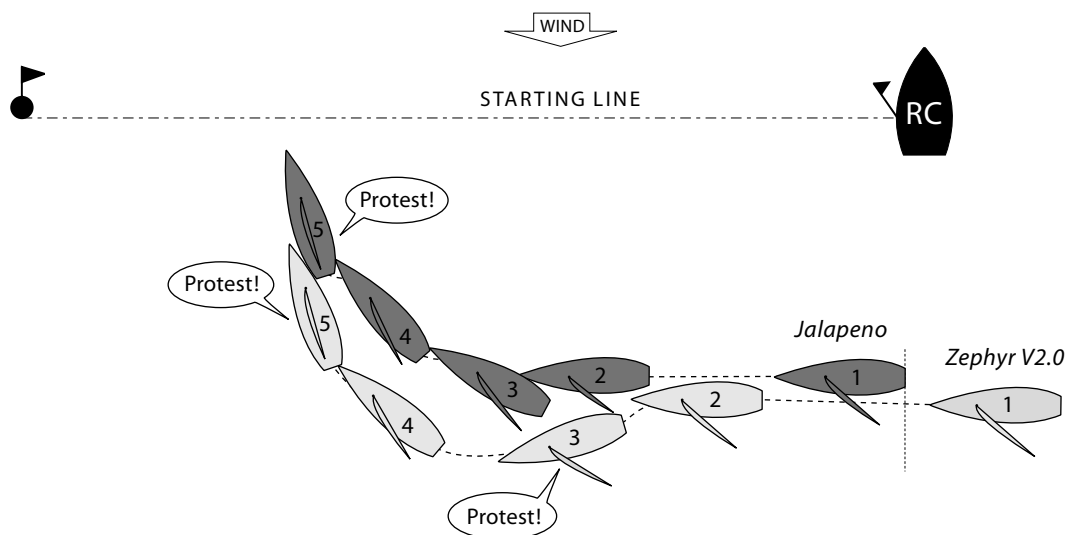
Rule 14, Avoiding Contact

Rule 15, Acquiring Right of Way

Rule 16, Changing Course

Rule 21, Exoneration

A right-of-way boat's obligation to give room under rule 15 does not begin until she becomes the right-of-way boat. At that time she must then do what is necessary to give the keep clear boat room to keep clear. If, while the right-of-way boat is maneuvering to give room, the keep-clear boat is briefly breaking a rule of Section A, she is exonerated under rule 21(a).



Facts and Protest Committee Decision

Before the starting signal, *Zephyr V2.0* and *Jalapeno*, two J/30s, were reaching below the starting line with *Jalapeno* clear ahead (position 1). At position 2, *Zephyr V2.0* established an overlap to leeward of *Jalapeno* within inches such that, at that moment, *Zephyr V2.0* could not head up (change course) without making immediate contact with *Jalapeno*. When the overlap began, *Jalapeno* promptly headed up and *Zephyr V2.0* promptly bore away and there was no contact.

Between positions 3–5, *Zephyr V2.0* headed up quickly. Despite responding promptly by heading up, *Jalapeno* could not avoid contact. There was no damage or injury. *Zephyr V2.0* protested at positions 3 and 5. *Jalapeno* protested at position 5.

The protest committee disqualified *Zephyr V2.0* for acquiring the right of way (at position 3) and changing course (from positions 3 to 5) and failing to give *Jalapeno* room to keep clear under rules 15 and 16.1. It exonerated *Jalapeno* for her breaches of rule 11 at positions 3 and 5, under rule 21(a). It decided *Jalapeno* did not break rule 14 and that *Zephyr V2.0* did break rule 14, but it exonerated *Zephyr V2.0* for her breach of rule 14 because there was no damage or injury. *Zephyr V2.0* appealed.

Decision of the Appeals Committee

At position 1, *Zephyr V2.0* was clear astern of *Jalapeno* and required to keep clear of her under rule 12 (On the Same Tack, Not Overlapped). When *Zephyr V2.0* established an overlap to leeward of *Jalapeno*, she acquired the right of way under rule 11. At that time she also became obligated to initially give *Jalapeno* room to keep clear under rule 15 which she did by promptly bearing away in compliance with rule 15.

When the overlap began, *Zephyr V2.0* was so close to *Jalapeno* that *Zephyr V2.0* could not change course in both directions without making immediate contact with *Jalapeno* (see the definition Keep Clear). Therefore, for a brief time, *Jalapeno* was failing to keep clear under rule 11. However, she is exonerated for her breach of rule 11, under rule 21(a), because she was sailing within the room to keep clear to which she was entitled under rule 15.

When *Zephyr V2.0* changed course between positions 3–5, she became obligated to give *Jalapeno* room to keep clear under rule 16.1. Despite heading up promptly in response to *Zephyr V2.0*'s course change, *Jalapeno* was unable to keep clear as evidenced by the contact between the boats. *Jalapeno* broke rule 11 but was sailing within the room to keep clear to which she was entitled under rule 16.1; therefore she is exonerated under rule 21(a). *Zephyr V2.0* broke rule 16.1 by failing to give *Jalapeno* room to keep clear.

Regarding rule 14, *Jalapeno* was unable to avoid the contact, so she did not break rule 14. *Zephyr V2.0* was able to avoid the contact, so she broke rule 14, but because she was the right-of-way boat and there was no damage or injury, she is exonerated for her breach of rule 14 under rule 14(b).

Zephyr V2.0 remains disqualified for her breach of rule 16.1, but she did not break rule 15. See Appeals 117 and 120, and Case 146.

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