

**LAW AND PUBLIC SAFETY  
BOAT REGULATION COMMISSION**

**Boating Regulations**

**Parasailing Operation**

**Proposed Amendment: N.J.A.C. 13:82-6.3**

Authorized By: New Jersey Boat Regulation Commission, Edward J. Harrison, Acting Chair.

Authority: N.J.S.A. 12:7-34.49.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2012-176.

Submit comments by February 1, 2013 to:

Edward J. Harrison, Acting Chair, Boat Regulation Commission  
c/o Marine Services Bureau  
Division of State Police  
P.O. Box 6078  
West Trenton, NJ 08628-0068

The agency proposal follows:

**Summary**

At the request of several commercial parasail operators, the Boat Regulation Commission reviewed the Operating Standards and Guidelines (OSAG) for parasailing established by the Professional Association of Parasail Operators (PAPO) to determine whether any of these standards should be adopted as rules for New Jersey waters. Commercial parasail operators who are members of PAPO must already adhere to all the standards. The standards were discussed at several Commission meetings and were also reviewed by the Marine Services Bureau of the Division of State Police. The Commission has determined that several amendments to N.J.A.C. 13:82-6.3 are necessary to improve the safety of parasailing operations for all operators and the public on the waters of the State. The Commission will continue to review the standards to determine if additional rule amendments should be proposed. A description of the proposed amendments follows.

The Commission proposes to amend the heading of N.J.A.C. 13:82-6.3 to reflect that the subject matter of the section covers both operation and equipment. The proposed amendment to subsection (a) reflects that addition as well. A technical amendment is proposed to subsection (b), which requires a commercial parasail operator to possess the appropriate license for carrying passengers for hire issued by the United States Coast Guard, for clarity. The proposed amendment to subsection (f) deletes "concrete" from bridge supports, since bridge supports may be composed of other materials. The proposed amendment also clarifies that parasail operations shall not be intentionally conducted within 600 feet of other vessels, but that other vessels shall not deliberately approach parasail vessels within 600 feet. The purpose of this amendment is to increase participant safety and avoid spectators getting too close to the vessel.

The proposed amendment to subsection (h) adds a requirement that in addition to VHF radio, currently required on all parasail vessels, operators also have equipment capable of monitoring local weather channels and channel 16 simultaneously. This amendment is based on OSAG 33, which requires vessels to be equipped with a VHF radio or other reliable communications onboard and a marine radio capable of monitoring channel 16. Channel 16 is a hailing and distress channel monitored 24 hours a day, seven days a week by the Coast Guard and State Police, and should be monitored by all vessels that are equipped with a marine VHF radio. The Commission proposes to replace subsection (j), which prohibits parasailing operations under certain weather conditions. Under the proposed new subsection, operations would be prohibited when any of the following conditions are present in the area of

operations: sustained winds of 20 miles per hour (17.5 knots), which lowers the current threshold of 25 knots; seas five feet or higher, which remains the same; when wind gusts become excessive or dangerous; the vessel is not capable of making forward way with forward winch engagement and passenger(s) in tow; or passengers will not begin to sufficiently descend when forward way has been paused. These amendments are based on OSAG 23.

The proposed amendment to subsection (k) increases the amount of towline that can be carried from 500 to 800 feet, but adds a provision that the towline deployed shall not exceed 500 feet from the vessel to the canopy yoke. This proposed amendment is based on OSAG 10, which allowed up to 1,200 feet of towline, but not more than 800 feet deployed and set a maximum altitude of 500 feet. The Commission believed that 800 feet of line with a limit of 500 feet deployed was sufficient for New Jersey waters. Depending on all factors, this would result in a maximum altitude of approximately 300 feet.

Proposed new subsection (l) requires the parasail operator to inspect the towline, winch, and other parasail equipment daily and to trim two feet from the end of the towline that connects the parasail rider to the vessel (known as the bitter end) as needed, but at least every seven days or 400 flights, whichever is sooner. Proposed new subsection (m) requires the operator to maintain a written log on the vessel to document inspection and maintenance of the towline, including trimming, winch, and other parasail equipment. These new subsections are based on OSAG 7 and 18. Proposed new subsection (n) requires that the passenger payload shall not exceed the manufacturer's specifications for canopy and equipment. The proposed new rule also limits the number of passengers to three per canopy and requires that the vessel be equipped with a means of extracting passengers and crew from the water. These requirements are based on OSAG 16 as to the number of passengers and OSAG 38.

Proposed new subsection (o) requires parasail operators to yield right of way to all aircraft and to maintain a safe distance from all aircraft and banners of at least 500 feet. The proposed new subsection also states that the operator shall not assume that any aircraft is aware of the parasail vessel's position. The proposed new rule is based on OSAG 09. The proposed technical amendment to recodified subsection (r) clarifies that the prohibition on advertisement banner flying by a parasail vessel applies during parasail operations.

As the Commission has provided a 60-day comment period on this notice of proposal, this notice is exempted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

#### **Social Impact**

The proposed amendments will have a positive social impact by providing additional safety standards for parasail operations, which will enhance safety of persons engaging in this activity.

#### **Economic Impact**

The proposed amendments may have an economic impact on parasail operators to the extent that operators are required to have certain communications equipment on board and to conduct daily inspections of parasailing equipment, as well as maintain a written log onboard to document such inspections. The cost of a marine VHF radio is approximately \$100.00 to \$150.00. The cost of additional equipment for monitoring weather channels and channel 16 simultaneously depends on the equipment. Members of PAPO are already required by the organization to abide by the standards that the Commission is proposing to adopt. Some costs could be passed along to customers of commercial operators in increased charges. To the extent that the Commission has modified the PAPO requirements, none of the modifications will result in increased costs or result in inconsistent standards applicable to commercial parasailing operations. The proposed amendment to N.J.A.C. 13:82-6.3(k) to increase the allowable length of towline does not mandate operators to purchase additional towline or incur other equipment costs. The proposed amendments would have an indirect economic impact because violation of Commission rules subjects the violator to the fines prescribed in N.J.S.A. 12:7-51.

#### **Federal Standards Statement**

A Federal standards statement is not required because the proposed amendments are not subject to any Federal standards or requirements.

### **Jobs Impact**

The proposed amendments will not result in the creation or loss of any jobs in New Jersey.

### **Agriculture Industry Impact**

The proposed amendments will not have any impact on the agriculture industry in New Jersey.

### **Regulatory Flexibility Analysis**

Commercial parasail operators may be considered small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments impose no reporting requirements, but do impose recordkeeping and compliance requirements. The proposed amendments are based on national standards established by PAPO, as described in the Summary above. The number of small businesses engaged in parasailing in New Jersey is less than 12. Parasail operators may incur costs to acquire additional radio equipment to monitor weather conditions and marine radio channel 16 to the extent they do not already have such equipment. Additional costs for inspection and maintenance of equipment are far outweighed by the increase in passenger safety and the avoidance of costly accidents. Because the standards applicable to parasail operations are intended to increase public safety, differing standards based on business size are not appropriate. Professional services are not needed for compliance.

### **Housing Affordability Impact Analysis**

The proposed amendments will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the amendments would evoke a change in the average costs associated with housing because the proposed amendments concern parasailing on the waters of the State.

### **Smart Growth Development Impact Analysis**

The proposed amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the proposed amendments concern parasailing on the waters of the State.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

#### 13:82-6.3 Operation **and equipment**

(a) Vessels and equipment engaged in parasailing operations must be designed by the manufacturer for parasailing[, and]. **Vessels shall** be equipped with a rear launch platform and hydraulic winch used to release the towline.

(b) All commercial parasail operators [are required to have] **shall possess** the appropriate license for carrying passengers for hire issued by the United States Coast Guard.

(c)-(e) (No change.)

(f) [No parasailing shall be permitted] **Parasailing operations are prohibited** within 600 feet of a bridge span, [concrete] bridge supports, barriers, [other vessels,] or persons in the water.

**1. Parasail operators shall not intentionally conduct operations within 600 feet of other vessels. Vessels not engaged in parasailing operations shall not approach within 600 feet of vessels conducting parasail operations.**

(g) (No change.)

(h) All parasail towing vessels shall be equipped with a **marine VHF radio and equipment capable of monitoring local weather channels and channel 16 simultaneously.**

(i) (No change.)

[j] Parasailing is prohibited when there are sustained winds of 25 knots and/or seas five feet or higher in the area of operation.]

**(j) Parasailing is prohibited when any of the following conditions are present in the area of operation:**

- 1. Sustained winds of 20 miles per hour (17.5 knots);**
- 2. Seas five feet or higher;**
- 3. Excessive or dangerous wind gusts;**

**4. The vessel is not capable of making forward way with forward winch engagement and passenger(s) in tow; or**

**5. Passenger(s) in tow will not begin to sufficiently descend when forward way has been paused.**

(k) Tow lines shall not exceed [500] **800** feet in length. **The tow line deployed while conducting parasail flight operations shall not exceed 500 feet from the vessel to the canopy yoke.**

(l) **Parasail operators shall inspect the tow line, winch, and other parasail equipment daily and shall trim two feet from the end of the tow line that connects the parasail rider to the parasail vessel as needed, but at least every seven days or 400 flights, whichever is sooner.**

(m) **Parasail operators shall maintain a parasail log on the vessel to document inspections and maintenance of the tow line, including trimming, as required in (l) above, winch, and other parasail equipment.**

(n) **The maximum passenger payload shall not exceed the manufacturer's specifications for the canopy and equipment. At no time shall more than three participants be allowed in any canopy. All parasail vessels shall be equipped with a means of extracting passengers and crew from the water.**

(o) **Parasail operators shall:**

**1. Yield right of way to all aircraft;**

**2. Maintain a safe distance from all aircraft and/or banners of no less than 500 feet; and**

**3. Not assume that any aircraft is aware of the parasail vessel's position.**

Recodify existing (l) and (m) as **(p) and (q)** (No change in text.)

[(n)] **(r) Advertisement banner flying during parasailing operations** is prohibited.

[(o)] **(s)** (No change in text.)