

U.S. Department
of Transportation

**United States
Coast Guard**



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From: M. B. Karr, CAPT
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To: Distribution

Subj: U.S. SAILING JUNIOR BIG BOAT SAILING PROGRAM

Ref: (a) Title 46, USC, 2101
(b) NVIC 7-94, Guidance on the Passenger Vessel Safety Act of 1993
(c) Vol. II, Marine Safety Manual

1. Purpose. This policy letter provides enforcement guidance on the Junior Big Boat Sailing Program administered by the U.S. Sailing Association.
2. Action. Sector Commanders/OCMIs/COTPs should direct their staffs to use the guidance herein when performing oversight of the Junior Big Boat Sailing programs operating in their respective zones.
3. Directives Affected. None.
4. Background and Information. Statutory definitions relating to "consideration," "passenger for hire," "small passenger vessel," and "uninspected passenger vessel" are provided in ref (a). General policy regarding the oversight of "passenger for hire" activities is contained in ref (b). This policy letter provides clarifying guidance on how U.S Sailing's Junior Big Boat Sailing Program does not meet the criteria for a "passenger for hire" determination.
5. Guidance. Coast Guard units that become aware of Junior Big Boat Sailing Programs operating in their respective AORs should use the information provided in enclosure (1) to determine extent of Coast Guard oversight. Enclosure (1) will be included in the forthcoming revision to ref (c).

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Encl: Junior Big Boat Sailing Program MSM Volume II addition

Copy: All Areas, and Districts(p) Officers
All Sectors, Activities, MSOs and MSUs

XX. U.S. SAILING ASSOCIATION'S JUNIOR BIG BOAT SAILING PROGRAM

1. Introduction

The United States Sailing Association has developed a "Junior Big Boat Sailing Program" to provide sail training to teens using larger keelboats. The program provides a team-oriented atmosphere and exposes participants to sailing larger vessels that might otherwise be unavailable to them. It is critical that Coast Guard personnel understand the various aspects of this program and how Junior Big Boat Sailing differs from other sail training programs.

2. Program Specifics

A cursory review of the Junior Big Boat Sailing Program might lead to a determination that this training is a "passenger for hire" operation and should be regulated as such. However, this is not the case, as the owners of the vessels that participate in this program do not derive a profit or economic benefit from the use of their vessel in the program. As a result, there is no "passenger for hire" situation and this program is recreational in nature.

Participants pay a fee and condition of carriage is present

All Junior Big Boat Sailing participants pay a fee to participate in the program. This fee is a condition of carriage as only those participants that do pay can participate in the program and sail on participating vessels. This fee is, by definition, "consideration" and would normally mean that a passenger for hire situation exists and participating vessels should be regulated as such.

Junior Big Boat Sailing not "passenger for hire"

The critical element that differentiates the Junior Big Boat Sailing Program from other passenger for hire operations is that the consideration that participants provide goes to an entity that does not have an interest in the participating vessel. Vessel owners donate use of their vessels to the program. Ownership of the participating vessels does not transfer. Vessel owners receive none of the consideration provided by program participants. As a result, by definition, there is no passenger for hire situation and the operation is recreational in nature.

What if the yacht club owns the participating vessel?

In the case where the sponsoring yacht club owns the participating vessel, all of the elements for a passenger for hire situation are present. As a result, these vessels are subject to the regulations appropriate for the number of passengers for hire carried.

3. Operator Licenses

Where the vessels involved are recreational, there are no licensing requirements. In those instances where a passenger for hire situation exists, appropriately licensed operators are required. OCMI's are encouraged to use no-fee licenses and limited UPV licenses as situations may allow.
