



## Water Vessel Safety Policy

Policy #:	ES004.1
Policy Type:	University
Responsible Executive:	VP for Business Affairs
Responsible Office:	Facilities & EHS
Originally Issued:	January 13, 2017
Latest Revision:	October 14, 2019
Effective Date:	May 21, 2020

### I. Policy Statement

The University of Louisiana at Monroe's Water Vessel Safety Policy defines the requirements and procedures to operate University-owned watercraft. The policy covers all water vessels owned, leased, rented, or otherwise used for the University.

### II. Purpose of Policy

The purpose of this policy is to provide a systematic method of screening, training, and accountability for employees and supervisors required to assign or operate state owned/leased/hired water vessels in the scope of their employment as required by LAC Title 37.

### III. Applicability

This Policy is applicable to all faculty, administrators, staff, students, individuals affiliated with the University by contract (including non-employees, such as vendors and independent contractors), and visitors.

### IV. Definitions

**Guilty Plea**: The admission of guilt from the defendant to each charge of the commission of a violation.

**High-Risk Operator**: Individuals having three or more convictions, guilty pleas, and/or nolo contendere pleas for moving vessel violations, or having a single conviction, guilty plea, or nolo contendere plea for operating a vessel while intoxicated, careless operation, reckless operation, negligent homicide, or similar violation, including any civil case for which negligence has been proven within the previous twelve (12) month period.

**Moving Violation**: A moving violation occurs whenever a vehicle is in motion. Examples of moving violations include: speeding, running a stop sign or red light, driving without a license, making a left turn from the right-hand lane.

**Nolo Contendere**: "No Contest" – has the same effect as a guilty plea as far as sentence but may not be considered as an admission of guilt for any other purposes.

**Reckless Operation**: The operation of any motor vehicle, aircraft, vessel, or other means of conveyance in a criminally negligent or reckless manner.

## V. Policy Procedure

### Responsibilities

**Environmental Health and Safety Officer** shall plan, organize, direct, and control the Water Vessel Program for the agency, ensuring that:

- Policies and procedures are established and implemented
- Training courses are conducted and documented
- Operator records are requested and reviewed annually and maintained
- Motor vehicle operators will have their records checked additionally
- Authorization/ Operating History Forms (DA2066) are signed and dated annually
- "Boat Louisiana" (or other required) course status are reviewed annually
- All accidents are reported to Office of Risk Management
- Employees and students meet all the requirements to be authorized to operate a water vessel

### Supervisors

- Shall provide time for each employee or student that needs to be authorized to operate a water vessel to complete the "Boat Louisiana" course or other required training
- Shall ensure that all vessels and vessels' accessories provided to water vessel operators fit for their intended purpose
- Shall ensure that all water vessel policies and procedures are followed
- Shall submit reports within the required time frame
- Shall allow only authorized employees and students to operate water vessels on university business
- Shall assist in conducting accident investigations

### Employees and Students

- Must be authorized to operate a state-owned, leased, or hired water vessel
- Shall only operate a state-owned, leased, or hired water vessel for University business
- Shall only operate the type of water vessel for which they are authorized, licensed, and insured
- Shall be responsible for the safe operation of those vessels
- Shall report any unsafe condition, accident, or citation received involving a state owned, leased, or hired water vessel to their supervisor

### Operator Authorization

Any student or employee of the University must be authorized to operate any water vessel on University business. A water vessel may be used for University business only if it is owned, leased, or rented by the University. Any other privately owned, rented, or leased water vessel cannot be used to conduct University business.

To become officially authorized to operate a water vessel on University business the following steps must be completed:

1. All University water vessel operators must submit a completed Water Vessel Authorization / Operator History Form to the Environmental Health & Safety (EHS) Department.

2. Upon receiving the completed authorization / operator history form, the EHS department will request an operator history report from the Louisiana Department of Wildlife and Fisheries (LDWF). The LDWF will provide any convictions or guilty pleas related to boating associated with that operator. The operator record from the LDWF is reviewed to ensure that the operator is not a high-risk operator.

3. All University water vessel operators must attend a Louisiana Boating Safety Course offered by the Louisiana Department of Wildlife and Fisheries (LDWF). A copy of the boating safety course completion certificate must be submitted with the Authorization / Operator History Form to the Environmental Health & Safety Department.

4. An official driving history will be requested and reviewed for each potential operator that has a driver's license.

Upon completion of these four steps, the EHS department will review the operator history report and official driving history to ensure that the operator is not a high-risk operator. If the operator does not fall into the high-risk category, then that person will be an authorized operator and may operate water vessels for the University. The operator history report will be reviewed annually for all authorized operators.

### **High-Risk Operators**

The operator history report provided by the Louisiana Department of Wildlife and Fisheries (LDWF) and the driver history report (when applicable) will be used to identify if operators are high-risk operators. The operator accident history will be reviewed prior to authorizing new operators and an accident history will be reviewed for all operators annually.

High risk operators are those individuals that meet the following requirements whether in a vehicle or water vessel:

- a. Having three or more convictions, guilty pleas, and/or nolo contendere pleas for moving violations within the previous twelve (12) month period or
- b. Having a single conviction, guilty plea, or nolo contendere plea for operating a vessel while intoxicated, vehicular negligent injury, reckless operation of a vessel, or any similar violation including any civil case for which negligence has been proven within the previous twelve (12) month period.

**If an Authorized Operator becomes a high-risk operator, they shall immediately be removed from the authorized operator's list for a twelve (12) month period from the date of discovery.**

Previously authorized operators must report any change in their high-risk status to the Environmental Health & Safety Department within five business days of the change. Any ticket or citation must be reported within five business days of receipt. If previously authorized operators do not report changes in their high-risk status, they may be subject to disciplinary action once the violation is discovered. A change in risk status would be being arrested, cited, convicted etc. of any of the above listed offenses.

The EHS Department will notify in writing any high-risk water vessel operator and their department head or supervisor concerning the findings indicated in the operator history record.

Once an operator has been classified as high-risk, they will not be allowed to operate water vessels on University business for at least one year after the latest conviction, guilty plea, or no contender plea. If the operator does not report the violation to the Environmental Health and Safety Department, then the period of one year will begin from the time the EHS department was made aware of the violation.

High-risk operators can reapply to the EHS department after one year to be authorized operators. The EHS department will review a recent operator accident history report from the LDWF. Additionally, the high-risk operator must take the boater safety course again within ninety days.

\*Individuals with a conviction must retake the Boat Louisiana or other recognized course within 90 days of the conviction.

### **Boating Safety Course**

The Louisiana Department of Wildlife and Fisheries (LDWF) offers courses in Monroe throughout the year. Contact the local LDWF office for further scheduling information. Additionally, the course is available on the internet ([www.boat-ed.com/la/index.htm](http://www.boat-ed.com/la/index.htm)). The course must be taken within three months of initial employment or enrollment for new operators. Authorized operators are required to repeat the course once every three years. It is the responsibility of the operators to schedule and attend the course. A copy of the certificate of completion should be turned into the EHS department upon completion of the course. If you do not repeat the course within the required three-year period, then you will no longer be allowed to operate water vessels until you retake the course.

### **Water Vessel Inspection**

In order to ensure safety, all equipment must be inspected regularly. All boats that are owned, leased, or rented to the University shall be inspected monthly. This inspection will be performed by the department the water vessel is assigned to and will be documented on the attached inspection form. Additionally, operators should conduct a safety inspection prior to each use of the boat.

The following are items that should be checked during inspections:

- Ensure that there is a Personal Flotation Device (PFD) for the maximum number of persons as indicated on the USCG identification tag posted on the boat. If the boat has no USCG tag, then it should have no less than 1 PFD for each occupant in the vessel. The PFDs should be inspected to ensure they are rated for adults and in good condition.
- Each boat must maintain a copy of the boating accident report form.
- Check boat registration
  - Each boat should have a copy of the registration on board at all times.
  - The LDWF registration number must be posted on each side of the boat near the bow in 3" block letters that differ from the boat color. These letters must be visible when the boat is floating in the water.
- If applicable check the boat trailer for the following:
  - Check for operational trailer lights
  - Check the tires for adequate tread, dry rotting, and proper inflation
  - Ensure that each tire has a fender in good condition
  - Check the wheel bearings for leaking grease seals
  - Check the trailer tongue for good hardware and proper operation
  - Check the trailer rollers for cracking and integrity
  - Make sure the trailer has a visible license plate and current registration

- Check to ensure that there is a safe way to secure the boat to the trailer from both the bow and stern.
- Check that the boat has a length of rope not less than 20 feet on board suitable for mooring it and a way to secure that rope to the bow of the boat (cleat).
- Check the fuel tank for unobstructed ventilation and leaks. Check the fuel lines for cracking, loose fitting, etc.
- If applicable, check the steering mechanism for safe operation, good cables, lubrication, etc.
- Check to ensure that a boat paddle is on board and in good condition in the event of a motor failure.
- Check to make sure that an emergency sounding device is on board and in good condition.
- If applicable, check the towing vehicle for a proper trailer light connection and a properly rated towing hitch.
- For night operations it should be noted that lighting is required.
  - The bow light should have both red and green reflectors with the red reflector on the left side from the operator's point of view.
  - The stern light should have a white reflector and should be visible above the level of the motor or any other devices attached to the stern.

This is a recommended check list and is not inclusive of all safety features of all water vessels. Some larger boats have more safety equipment and may require more detailed inspections.

In addition to the above required items, the following items are recommended for additional safety:

- Marine or two-way radios, mobile telephones
- GPS unit or other navigational
- A basic tool kit including a working flashlight for making emergency repairs on the water
- A first aid kit

### **Preventative Maintenance**

Supervisors shall ensure that preventive maintenance is performed on all required engines/motors/vessels and that documented corrective actions are taken within the applicable time frame. A system of preventive maintenance shall be developed and implemented for all vessels of any size.

### **Accident Reporting**

A boating/water vessel accident is defined as a collision, accident, or other casualty involving a state water vessel, other water vessel, or individual. A water vessel is considered to be involved in a boating accident whenever the occurrence results in damage by or to the water vessel or its equipment, results in injury or loss of life to any person, or results in the disappearance of any person from on board under circumstances that indicate the possibility of death or injury. A boating accident also includes, but is not limited to, capsizing, foundering, flooding, fire, explosion and the disappearance of a water vessel other than by theft.

1. All accidents shall be reported to the next level of supervision by the water vessel operator having the accident on the day of the accident or as soon thereafter as possible using the Louisiana Department of Wildlife & Fisheries Operator Boating Incident Report.

As provided for in R.S. 34:851.10, all accidents involving a vessel and resulting in death or injury to a person must be reported to DWLF within 48 hours and those with property damage in excess of \$500 must be reported within 5 days to: 1-800-442-2511. A wildlife agent will respond to investigate the accident.

2. The supervisor of the individual having the accident shall review the accident report within two working days of the accident and verify the completeness of the report. Incomplete reports shall be returned for missing information. It may be necessary for the supervisor to aid the individual in completing the report. When investigating accidents, the supervisor may request assistance from the Environmental Health & Safety Officer. The Environmental Health & Safety Officer shall submit the accident report forms to Office of Risk Management's Claims Division, Louisiana Department of Wildlife & Fisheries, and/ or U.S. coast Guard immediately.

3. After gathering all available information about the accident, the supervisor of the individual having the accident shall decide whether the accident was preventable. The supervisor shall consider what corrective action(s) is appropriate, which may include: temporary suspension of operating privileges, special training, physical examination, etc. The need for corrective disciplinary action may be considered for each accident where there was improper use of a vessel.

## **VI. Enforcement**

The ULM Environmental, Health & Safety (EHS) Officer is responsible for approving water vessel operators and ensuring this policy meets the Louisiana Office of Risk Management requirements.

Operators that do not comply with the requirements set forth in this policy may be removed from the authorized operator list for a period to be determined by the EHS Officer.

## **VII. Policy Management**

The Vice President for Business Affairs is the responsible executive and the responsible officer. The Environmental Health and Safety Department is the responsible office which implements and administers the policy.

## **VIII. Exclusions**

None

## **IX. Effective Date**

The policy is effective on May 21, 2020.

## X. Adoption

This policy is hereby adopted on this 21<sup>st</sup> day of May 2020.

Recommended for Approval by:

Approved by:



Dr. Bill Graves, VP for Business Affairs



Dr. Nick J. Bruno, President

## XI. Appendices, References and Related Materials

The policy has been developed in accordance with R.S.39:1543.1, state regulations concerning the safety of water vessels.

This policy meets the requirements set forth by the Louisiana Office of Risk Management, Loss Prevention Manual - Water Vessel Program.

[https://www.doa.la.gov/Pages/orm/lpmanual\\_update07116.aspx](https://www.doa.la.gov/Pages/orm/lpmanual_update07116.aspx)

## XII. Revision History

The initial approval date of the policy is March 11, 2008.

The dates of any substantive or “clerical” revisions to the policy include November 20, 2009, and January 13, 2017.

Revised October 14, 2019. Revisions include clerical revisions to the policy statement, and an updated definition of high-risk operator as per ORM requirement on October 9, 2019.

Revised May 21, 2020: Policy was placed in the newest template and converted from an interim policy to a regular university policy by moving through the formal approval process.