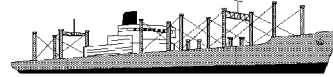
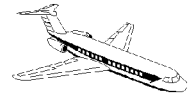




# Rollin' On <sup>®</sup>



An Electronic and Facsimile Newsletter for the Transportation Industry

Volume X, Issue 7

Copyright © 2004

July 2004

## TALL SHIPS AND RULES OF THE SEA

### *Tall Ships: Transportation Deluxe*

Our family recently spent a week in New England, where we saw an old law school friend as well as a niece whose mother wanted reassurance that her daughter had not taken up some secret Bohemian lifestyle, which she had not, mostly anyway. The Tall Ships were in Newport, Rhode Island, which was a change of their itinerary. We had the good fortune of going for a sail on one of the ships on a very pleasant evening.

There is something special about cruising under only the power of the air, with no sound other than the water and the waves and the wind on the sails. It's especially nice when you don't have to do any of the work and can sip your favorite beverage without worry or turmoil. It is no wonder how the sea can captivate one's soul.

There is a flip side to that great experience. If you're sailing across the open water to a faraway destination, they say that the boat gets a foot shorter every day. By the time you reach land, you're ready to disembark and just maybe clean up a little bit.

### **Rules of the Sea: Port or Starboard**

Since it's summer and boat weather, I thought we'd get off land for a little bit and look at a rule of the sea. You never know when this type of knowledge might come in handy.

I spent 6 ½ years in Miami, where I had two different friends with sailboats. While the friend with the 38' boat had a beautiful boat, it was a lot more work than the 25' boat owned by another friend. With the smaller boat, you

**LARRY R. DAVIDSON**  
**Attorney at Law**  
1850 Benj. Franklin Plaza  
One SW Columbia St.  
Portland, Oregon 97258  
(503) 229-0199  
Fax (503) 229-1856  
E-Mail: [larry@rollin-on.com](mailto:larry@rollin-on.com)  
[www.rollin-on.com](http://www.rollin-on.com)

could get out of harbor in the same amount of time, due to the no wake zone, then raise the main and the jib (sloop-rigged, single mast) and you were off in no time.

Those sailors amongst you know that there are rules of the sea, such as the boat with the starboard tack has right of way. My friend's preference was to lean against the cabin with a beer, facing backwards whereas my preference was to man the tiller, so it was a good combination. Steve didn't care much about right of way rules. His attitude was just STAY AWAY from other boats, never mind who has right of way.

Well, on this one particularly gorgeous day on Biscayne Bay, we were on a starboard tack, and another very large boat, off quite a distance from the front, was headed our way on a port tack. Now if you want to know if you're on a collision course, you put an imaginary mark on your boat which lines up with the other boat. If the boat deviates from that line, whether forward or backward, then you aren't on a collision course. The same idea as if you're in a car headed toward railroad tracks and there's a train on those tracks. (Of course, this is not something a reasonable, nonsuicidal person would do.)

So there we are sailing along, with absolutely no sound other than the wind and the water and the waves, and there's no one around, and the beer is cold and life is good. However, there is this itty bitty issue of this large boat coming our way, which Steve has no idea even exists. I see that the boat is

on a port tack, and we are not on a collision course, though just barely.

At this point it should be noted that wind is not always constant. There's no big fan out there that you set on low or medium or high. It comes and it goes, although there is usually some range of constant wind.

Anyway, the skipper on the other boat is watching me, and I'm watching him, and we're getting closer to each other, roughly at a 45 degree angle for his bow into our (well, Steve's) boat. But he's port and I'm starboard, and there's no collision course, and we both know what we're doing (gulp) and so what's the concern? As for me, I'm somewhere between keeping a straight face, so that Steve doesn't have any hint of what is about to happen, and concern (OK, fear) that we're going to smash into each other.

But we continue on our respective courses, and I can see that the other guy is watching to make sure he goes right behind our stern, since he doesn't have right of way. Just as long as the wind holds and there's no unexpected waves and you don't reach for a beer at this particular moment in your life, all should be well.

Now if you're Steve you've been drinking a beer and relaxing and looking backward over the stern and waxing poetic on life and trusting your friend to do a good job at the helm and then all of a sudden your view over the stern is blocked by a **HUGE MOVING BOAT THAT IS WAY TOO CLOSE AND WHERE DID THAT COME FROM?** The other boat continued on its, and all of this occurred without a sound, other than from Steve's attempt to throw me overboard.

That's all for now. Until next time, keep the cargo *rollin'*!

### **Short Bio**

Admitted to the state bars of Oregon, Alaska, Florida and Massachusetts. Practicing law for over 25 years and emphasizing transportation law, business law and related litigation.

### **The Obligatory Disclaimer**

This newsletter is for informational purposes, does not provide legal advice and does not create an attorney-client relationship.