

Rules Time
Obligations Among Vessels
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Let us consider for the moment, the obligations among vessels. The International and Inland Rules themselves contain a number of phrases in this regard, notably “keep out of the way” and “shall not impede.” The Inland Rules further contain the phrase “right of way.” This article discusses the specific obligations placed upon a vessel encumbered under one of the situations to which these phrases apply.

First, let us consider the phrase “keep out of the way.”¹ The phrase “keep out of the way” is used to describe the obligation of a sailing vessel when maneuvering near another sailing vessel so as to involve risk of collision (Rule 12), the obligation of an overtaking vessel (Rule 13), the obligation of power-driven vessel when meeting head-on so as to involve risk of collision (Rule 14), the obligation of a power driven vessel crossing another power driven vessel so as to involve risk of collision (Rule 15), and the obligations of vessels with a greater degree of maneuverability when operating in sight of other, less maneuverable vessel (Rule 18). The requirements of the phrase “keep out of the way” are particularly strong. They require that the vessel so obligated take early and substantial action to keep well clear (Rule 16). Close approach by a vessel obligated to keep well clear is not envisioned under Rule 16.

Now let us consider two lesser known obligations. The first of these is the requirements to “not impede.” This obligation applies to certain vessel operating in narrow channels (Rule 9) and certain small vessels and vessels engaged in fishing in regard to vessel following a VTS traffic lane. The obligations of a vessel required not to impede another are found in Rule 8(f). Specifically, a close approach by a vessel required not to impede is envisioned provided that “sufficient sea room” for safe passage is allowed. Further, a vessel, the passage of which is not to be impeded, is still obligated to take action in compliance with the rules contained in Part I (but not Part II or Part III) when a risk of collision becomes evident. Nevertheless, it should be clear that the obligation “not to impede” is not the same as the obligation to “keep out of the way.”

¹ I am ignoring the obligation of stand-on vessels for the moment, which I consider to be the corollary to the obligation to “keep out of the way.”

The second lesser known obligation is contained only within the Inland Rules and is specifically found in Inland Rule 9(a)(ii) and Inland Rule 13(d). Both of these rules specify that a power-driven vessel, when proceeding downbound on a Western River or other waters specified by the secretary, has the “right of way” over upbound vessels. Vessels proceeding downbound in a narrow channel are generally required under Rule 9(a) are required to keep to the outermost right-hand limit of the channel as is safe and practicable. However, for certain large vessels (barges made up to a tow) or other vessel restricted in their maneuverability, this requirement may result in vessels moving downriver in an uncontrolled manner.

Therefore, the Inland Rules take cognizance of the current practices on the Western Rivers, that a downbound vessel may signal an upbound vessel to hold it’s place in the narrow channel or otherwise maneuver to allow sufficient room for passage, that the downbound vessel will signal to the upbound vessel to propose the manner of passage, and that the downbound vessel may use the left-hand side of the channel if required. In many instances, it is current practice for the upbound vessel to “work the points,” i.e. maneuver from one side of the river to another in order to avoid the brunt of the current while the downbound vessel takes full advantage of the current by running down the middle of the channel. This special “right of way” to use the left hand side of the channel is only allowed for vessels that require it for reasons of safety.

In summary, it should now be clear that the obligations among vessels, to “keep out of the way,” “not to impede,” and “right of way,” describe very different things, each with it’s own special situation and rules.

Do I hear those rule book pages rustling?

Fair Winds,
John...