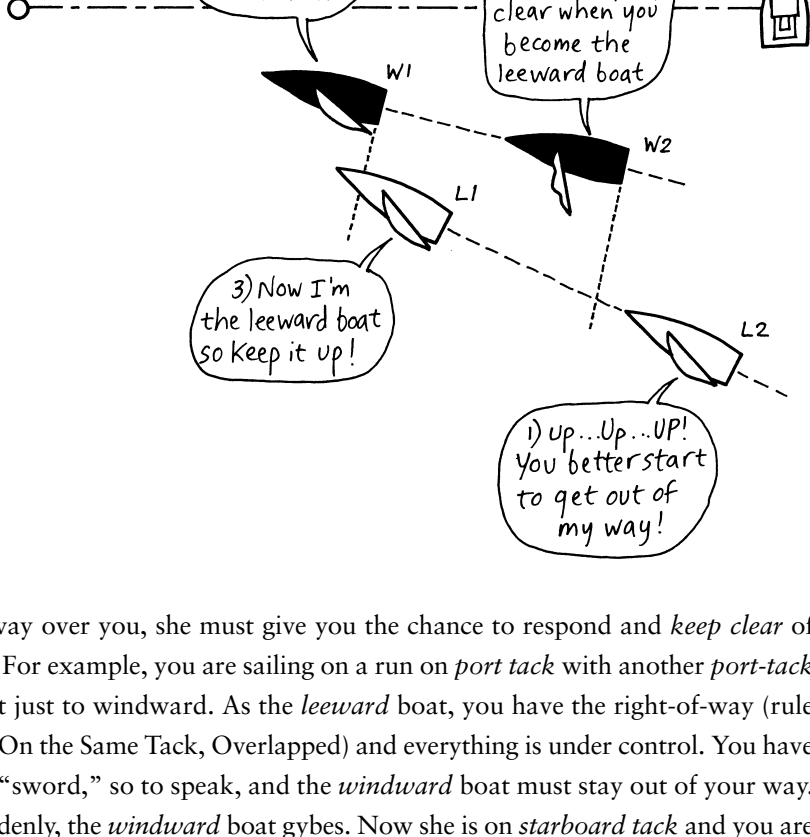


RULE 15 — ACQUIRING RIGHT OF WAY

When a boat acquires right of way, she shall initially give the other boat room to keep clear, unless she acquires right of way because of the other boat's actions.

This rule states one of the oldest and most fundamental principles in the rules, and it makes perfect sense. When a boat takes action that gives her the right



of way over you, she must give you the chance to respond and *keep clear* of her. For example, you are sailing on a run on *port tack* with another *port-tack* boat just to windward. As the *leeward* boat, you have the right-of-way (rule 11, On the Same Tack, Overlapped) and everything is under control. You have the “sword,” so to speak, and the *windward* boat must stay out of your way. Suddenly, the *windward* boat gybes. Now she is on *starboard tack* and you are on *port tack*. She now has the right-of-way; i.e., she now has the “sword” (rule 10, On Opposite Tacks), but she can’t just gybe and hit you; her actions are limited by rule 15.

Case 24 describes a scenario where a boat (B) comes up from astern and becomes overlapped to leeward of the boat *clear ahead*. When B becomes overlapped she gains the right of way under rule 11, but also the limitation under rule 15 “which embodies the principle in the rules that when the right of way shifts from one boat to another, the boat with the newly acquired right of way must give the other boat space and time for response and thus a fair opportunity to keep clear.” (See also Case 53.)

Note that a right-of-way boat does not have to anticipate that she will lose her right of way. Case 53 is clear on this point: “Allowing adequate time for response, when rights and obligations change between two boats, is implied in rule 15 by its requirement to allow the newly obligated boat ‘room to keep clear.’” Therefore, in the example above, the *leeward* boat need not anticipate her requirement to *keep clear* as a *port-tack* boat before the *windward* boat gybes to *starboard*.

However, the use of the word “initially” clearly states that the protection of “room to keep clear” is not continuing. In the old video game *Deluxe Asteroids*, a tiny rocket ship tries to blast apart large rocks that will blow up the ship if they hit her. When there are just too many rocks about to hit, the player can press a button, putting a protective force shield around the ship. At first, the rocks bounce off the shield, but after a few seconds the shield begins to fade and disappear.

The room to respond to a newly acquired obligation to *keep clear* is a temporary “shield” for the new keep-clear boat. It is very strong initially, but fades in strength as the seconds go by. Also, for you to be entitled to the protection of the ‘shield’ you must, at the moment you become the keep-clear boat, make a prompt and careful attempt to begin to get clear of the right-of-way boat. If you delay at all, you lose the protection of “room to keep clear” and you run the risk of fouling the right-of-way boat.

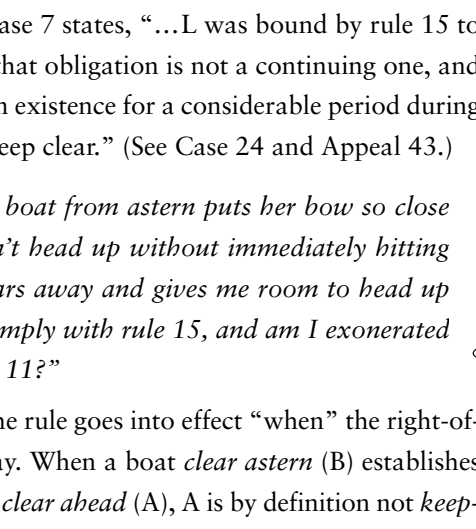
LET’S LOOK AT SOME COMMON SITUATIONS on the race course where this principle of transition comes into play:

Becoming overlapped to leeward of a boat from clear astern (common during pre-start maneuvering and when sailing downwind):

Two boats on the same *tack* are sailing near each other, one *clear astern* (BL) of the other (AW) and catching up. While BL is approaching AW, she must *keep clear*. When she becomes overlapped to leeward of AW, rule 12 (*clear astern/clear ahead*) ceases to apply and she **instantly** becomes the right-of-way boat under rule 11 (*windward/leeward*). This is when rule 15 requires her to initially give AW room to *keep clear* of her. Remember that AW does not need to anticipate that BL will gain the right of way; therefore she does not need to take any evasive action **before** the *overlap* is created. And if AW luffs within the first few seconds of the *overlap* and her stern hits BL’s bow, typically it will be decided

In position 1, SL is past head to wind; therefore she is on starboard tack. However, rule 13 requires that she keep clear of SW until she is on a close-hauled course. If SW has to change course to avoid hitting SL before SL is on a close-hauled course, SL breaks rule 13.

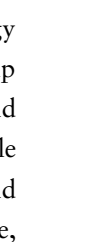
In position 2, SL is on a close-hauled course; therefore, as the leeward boat, she is now the right-of-way boat. SW must now promptly try to avoid hitting SL, but SL must initially give her room to do so under rule 15.



by a protest committee that BL failed to give AW the space she needed to turn out of BL’s way; i.e., that BL broke rule 15.

Rule 15 does not change the fact that W is required to *keep clear* of L. Case 53 makes the point that the keep-clear boat must respond immediately: “After L became overlapped to leeward of W, W immediately trimmed her sails, headed up, and thereafter kept clear. By taking these actions, W fulfilled her obligations under rule 11.” Case 7 states, “...L was bound by rule 15 to allow W room to keep clear, but that obligation is not a continuing one, and in this case the overlap had been in existence for a considerable period during which W certainly had room to keep clear.” (See Case 24 and Appeal 43.)

“If I’m on the starting line and a boat from astern puts her bow so close to leeward of me that she couldn’t head up without immediately hitting me, but then she immediately bears away and gives me room to head up and keep clear of her, does she comply with rule 15, and am I exonerated for my momentary breach of rule 11?”

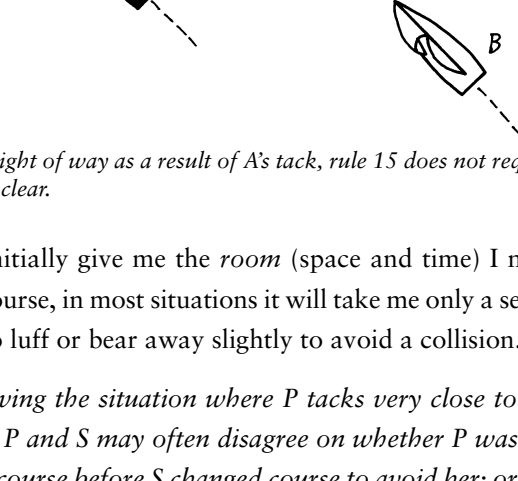


Yes and Yes. Rule 15 states that the rule goes into effect “when” the right-of-way boat acquires the right of way. When a boat *clear astern* (B) establishes an *overlap* within inches of a boat *clear ahead* (A), A is by definition not *keeping clear* at that moment because if B headed up she would immediately make contact with A (see the definition *Keep Clear*). When B establishes the *overlap*, rule 15 requires B to initially give A *room to keep clear*. As long as B immediately bears away and gives A the space A needs to head up and *keep clear* of her, then B has complied with rule 15. And as long as A promptly takes action to *keep clear* of B in a seamanlike way (by turning her boat away from B and trimming her mainsail), she is sailing within the *room* to which she is entitled, and is exonerated by rule 43.1(b) (Exoneration) for her momentary breach of rule 11 (On the Same Tack, Overlapped) (see Case 146 and Appeal 119).

Tacking into a right-of-way position to leeward of a right-of-way boat (commonly known as “lee-bowing”):

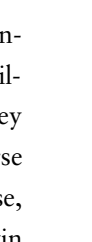
While a boat is tacking near another boat, rule 13 (While Tacking) requires her to *keep clear* of the other boat from the time she passes head to wind until she is on a close-hauled course. But, once she is on a close-hauled course, and if she has become the right-of-way boat, rule 15 applies. For a good analogy (though this may not be the actual highway law), picture yourself coming up the entrance ramp to a three-lane highway. Cars driving down the right-hand lane must stay clear of other cars in the right-hand lane in front of them. While you’re on the ramp you cannot interfere with cars driving in the right-hand lane. If, while you are moving across the white line into the right-hand lane, a car hits you or swerves to miss you, you are in the wrong. But once you get all four wheels across the line, you are now technically in the right-hand lane yourself and cars coming up from behind have to avoid hitting you. However, these cars are not required to begin to avoid you or even to **anticipate** avoiding you until you are completely in the lane. Once you are in the lane they have to try reasonably hard to miss you. If they can’t, then you’ve moved on too close in front of them.

The same is true in sailboats. Let’s say I’m on *starboard tack*, you’re approaching me on *port tack*, and you want to tack on my lee-bow or in front of me. If I could hit you before you passed head to wind (i.e., before you began to cross the white line), you’d be wrong under rule 10 (*port/starboard*). If I could hit you after you’d passed head to wind but before you were aiming on your close-hauled course (i.e., while you were crossing the line), you’d be wrong under rule 13 (a boat past head to wind must *keep clear*). However, the moment you get to your close-hauled course (i.e., completely in my lane) and you are either *clear ahead* or to *leeward* of me, you have the right of way under either rule 12 (*clear astern/clear ahead*) or rule 11 (*windward/leeward*) and I have to promptly take action to *keep clear* of you. This is when rule 15



requires you to initially give me the *room* (space and time) I need to *keep clear* of you. Of course, in most situations it will take me only a second or two to react enough to luff or bear away slightly to avoid a collision.

“In protests involving the situation where P tacks very close to leeward of S, it seems that P and S may often disagree on whether P was actually on a close-hauled course before S changed course to avoid her; or whether P, after acquiring right of way, actually gave S room to keep clear. Are there any onuses to help resolve these disagreements?”



No. In resolving these disagreements, most protest committees apply the principle in Case 50 (see the rule 10 discussion), which is that they first put responsibility on S to satisfy the committee that the boats were close together. Then they put the responsibility on P to satisfy them that P was on a close-hauled course **before** S changed her course; and that once she was on a close-hauled course, she gave S *room to keep clear*. This responsibility on P is often difficult to win against. Hails to the effect of “complete-2-3-4, now you’re changing course” and a witness are very helpful.

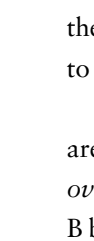
Appeal 78 describes a situation where three *port-tack* boats (L, M and W) were sailing upwind and L (the leeward-most boat) tacked to *starboard* thereby acquiring the right of way. The middle boat (M) tacked to *starboard* and *kept clear* of L, but she tacked so close to the *windward* boat (W) that she and W could not avoid colliding, therefore breaking rule 15. The Appeals Committee said that L, by depriving M of the space necessary to maneuver without breaking a Part 2 rule, failed to give M *room to keep clear* (see the definition *Room*). Furthermore, L caused the contact between M and W. L broke rules 14(b) and 15 against M and is disqualified. M is exonerated by rule 43.1(b) (Exoneration) for breaking rule 15 against W.

Gybing into a right-of-way position:

The same is true when gybing. If two boats are running side by side on *port tack* and the *windward* boat gybes, essentially the moment the foot of the mainsail crosses her centerline she is on *starboard tack* and the other boat (P) must promptly maneuver to get clear. However, S must plan to initially give P the *room* she needs to *keep clear*, which includes space for P’s boom to cross over.

Completing penalty turns or starting after being over early:

Again, the principle applies when a boat is completing penalty turns for fouling another boat or touching a *mark* (rule 44, Penalties at the Time of an Incident). While making her penalty turn(s), she is required to *keep clear* of boats not doing so (rule 21, Starting Errors; Taking Penalties; Backing a Sail). The moment she completes her last turn, she is no longer bound by rule 21. If she suddenly acquires the right of way over a nearby boat, she must give this boat *room* to respond. The same applies when she returns to the correct side of the starting line to *start* after being on the course side of the starting line at the gun (rule 21).



“What is the reason for the last phrase of the rule, ‘unless she acquires right of way because of the other boat’s actions?’”

Good question! This is to protect boats that suddenly become right-of-way boats solely because of an action by the other boat. For example, you are sailing upwind on *starboard tack* just to windward and slightly behind a boat to leeward. Suddenly, the *leeward* boat tacks and is now directly in front of you on *port tack*! Without the last phrase in rule 15, you would be required to give the boat that tacked *room to keep clear* of you, because you have just acquired the right of way! Clearly this would be unacceptable, hence the phrase. Therefore, in the example above, assuming you had to take action to avoid contact, the boat that tacked broke rule 10 (*port/starboard*), and rule 15 did not apply to you.

Another situation where this applies is when two boats on the starting line are on the same *tack* and the boat *clear ahead* (A) bears away and creates an *overlap* with the boat *clear astern* (B). The moment the boats are overlapped, B becomes the right-of-way boat under rule 11 (*windward/leeward*). In this case, B was holding her course and it was A’s action that gave B the right of way. Therefore rule 15 does not apply to B, and if A were to suddenly luff and strike B’s bow with her port stern quarter, A would be penalized for breaking rule 11 (On the Same Tack, Overlapped).