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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Environment and Natural
Resources (SC-ENR)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... **HR ... bills and resolutions** (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (August 2012)

June-2014

Registrations for Information Only

- None.

May 3, 2007

EXECUTIVE SESSION HELD

Present: (5) Senators Miller, Jauch, Wirch, Kedzie and Schultz.

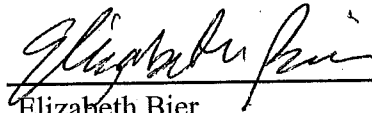
Absent: (0) None.

Moved by Senator Wirch, seconded by Senator Kedzie that **Senate Bill 16** be recommended for passage.

Ayes: (5) Senators Miller, Jauch, Wirch, Kedzie and Schultz.

Noes: (0) None.

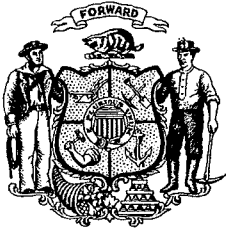
PASSAGE RECOMMENDED, Ayes 5, Noes 0

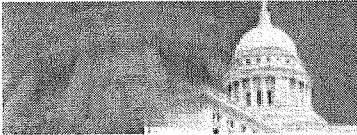


Elizabeth Bier
Committee Clerk

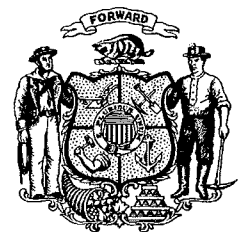


WISCONSIN STATE LEGISLATURE





WISCONSIN STATE LEGISLATURE



Prepared Statement in support of Senate Bill 16 (LRB-0478)
Pete Chisholm – Mercury Marine
April 30, 2007

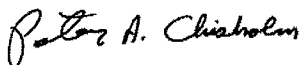
I present this written statement today on behalf of Mercury Marine in support of Senate Bill 16, requiring life jackets for children while in open boats underway..

Mercury Marine has been providing marine engines to the boating public for over 65 years. We want our customers to have a safe and enjoyable boating experience. Recreational boating is many things to many people, but tragedy is not part of anyone's definition. We take it personally at Mercury Marine when we hear that someone has been injured, or worse yet, dies while using a boat powered by one of our engines. In order to understand how recreational boating accidents occur we frequently investigate such events. Our knowledge of recreational boating safety issues also comes from the participation of company employees in safety initiatives sponsored by boating safety organizations, state and federal recreational boating regulatory agencies and various industry organizations.

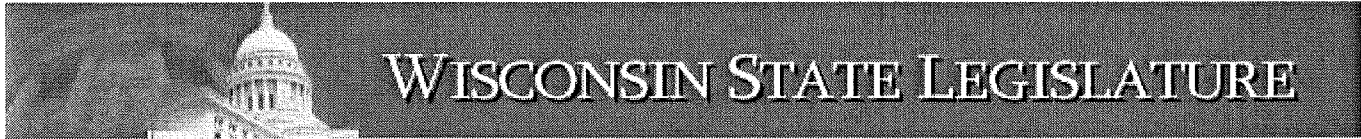
Based on these experiences we support the idea that children should be wearing life jackets while on boats. It is a parent's responsibility to keep their children safe when on the water and insisting on wearing life jackets is one of the best ways to do that. Many adults believe themselves capable of diving into the water to rescue a child who falls overboard. This is a dangerous misconception. Adults may not notice a child falling overboard right away. Children who fall in may not surface immediately. It can be difficult to locate a child in the water—especially when the vessel is in motion.

Wisconsin is one of only 4 states have not adopted a child PFD requirement. I perhaps could begin to understand if Wisconsin ranked last in the number of registered boats, but we are #5 having passed up Texas in numbers of registered boats. As the largest manufacturer of marine propulsion systems in the world, we at Mercury Marine endorse Senate Bill 16

Thank You,
Peter Chisholm



Product Safety Manager,
Mercury Marine



Wisconsin PFD Required Use – SB 16
Senate Hearing Tuesday May 1, 2007 9:00 A.M.
Capitol Room 300 Southeast

I represent the United States Power Squadrons, a 90 year old recreational sail and power boating organization with almost 50,000 members in the United States. Over 2,000 members either live in Wisconsin or in neighboring communities and use Wisconsin waters. Our mission is to promote safe recreational boating through education as well as civic activities including giving Vessel Safety Checks.

The United States Power Squadrons endorses the Federal requirement that children, under 13 onboard recreational boats that are underway, must wear PFDs unless they are below deck or in a cabin space. We hope that all would wear appropriate PFDs when underway. But this is especially true for children. A child needs his own PFD so that he can take it with him and wear it whenever he is on the water.

The parent or responsible adult needs to take the time to purchase a PFD that is the most appropriate for the child. It must be of the appropriate size. One size does not fit all. A very young child needs a life jacket with a strap that goes between the legs. This way, if the child does get into the water, it will not simply slip up over his head and float away. Many have a strap or handle so the child can be lifted from the water and back into the boat. This would be the child's PFD, their very own, one to wear on their family boat, the friend's boat, their kayak, their canoe or even the grandparent's boat. As a boat operator, we must have an appropriate PFD for everyone aboard. One way to assure this, is to have the child wearing the PFD when boarding.

If a person does fall overboard, it is very difficult for an adult, not to panic. Even if a PFD was thrown to him, it is almost impossible to put on the buoyant jacket. If an adult has problems with this, what do you think a child would do? The child needs to be wearing it.

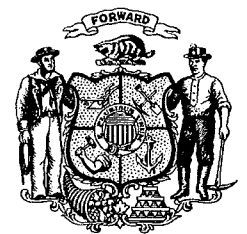
In teaching our courses, we talk about the federal requirement for children to wear a PFD on federal waters. A question quickly follows: Where are federal waters and do they need to be worn on other waters? We certainly can point out nearby federal waters, but they are missing the point. All children should be wearing PFDs for their own safety. We are then asked: If it is so important, then why doesn't Wisconsin have the same requirement? Our answer has been: The DNR recommends it, but the bill has not completed its way through the legislature. I know that you do care about the safety of our children and one way you can show this is by making the wearing of a PFD for children the law.

There are many reasons to wear a PFD but non to not wear one. When we get into a car we grab the seat belt, fasten it and check that the children are secure in their seats. Likewise, when we board a boat, we should grab the PFD, fasten it and check that the children have there's on also. Lives would be saved.

Ronald Kraase, United States Power Squadrons



WISCONSIN STATE LEGISLATURE



**Wisconsin Department of Natural Resources testimony on
SB 16**

**Mandatory PFD Wearage under 13 years of age
Senate Committee of Environment and Natural Resources
May 1, 2007 at 9:00 AM
Room 300 Southeast**

Position of Department of Natural Resources: In Favor

Testimony by: William G. Engfer, Director of Recreation Enforcement and Education

The Department is appearing in support of SB 16 which would require all persons 12 years of age and younger to wear a personal floatation device while they are in a recreational boat that is less than 26 feet in length unless the person is in a cabin space or below the deck while the boat is underway.

(underway definition: not anchored, not aground, not moored, not made fast to a structure or to the shore)

This bill has the potential to decrease the number of boating fatalities in Wisconsin by increasing the number of boaters wearing personal floatation devices. This bill is identical to the federal law that already applies to all joint jurisdiction waterways in Wisconsin like; Lake Michigan, Lake Superior, Bay of Green Bay, Mississippi River, St. Croix River and many other rivers and lakes. This conflict in PFD wearage requirements has also caused confusion for the state's boaters due to the difference between state and federal law being enforced on the same or neighboring

waterways. There are only 3 other states that have not passed a similar law on PFD wearage.

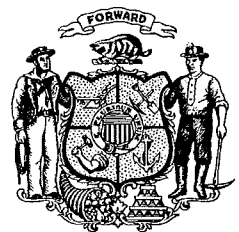
Current PFD design is such that a person can be involved in almost every sport possible without being hindered due to the PFD being worn. **(PFD DEMO)** While it may seem like common sense that adults would require children to wear PFDs while on the water, but when you see that an 11 month old died because they did not have a PFD on. *(and certainly did not have the ability to make that decision)* the importance of this bill becomes even more real.

It is important that we protect our future generations with this law and realize while it is good common sense to have your children wear a PFD while on the water, there are still those who do not. I have included a chart showing those states which have passed this law already. *(The other 3 states that have not passed similar legislation are: Wyoming, Iowa and Virginia)*

I urge you to pass this bill.



WISCONSIN STATE LEGISLATURE





ANTHONY J. STASKUNAS
STATE REPRESENTATIVE • 15TH ASSEMBLY DISTRICT

MEMORANDUM

May 1, 2007

TO: Members, Senate Committee on Environment and Natural Resources

FROM: Rep. Tony Staskunas

RE: Senate Bill 16

Today the Senate Committee on Environment and Natural Resources will have the opportunity to hear testimony on Senate Bill 16, a proposal to require children under the age of 13 to wear personal flotation devices (PFDs) while boating. I am asking for your support of this proposal.

I am a co-sponsor and supporter of SB 16. Over the past few years since I first began pursuing this legislation, ten more states have enacted laws requiring children to wear PFDs. Wisconsin is now one of only four remaining states that have not yet enacted any regulation for PFD use by children.

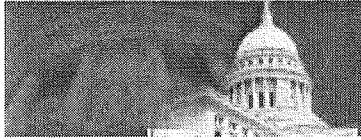
Additionally, during this time period, the US Coast Guard has implemented their own PFD rule. Under the Coast Guard rule any child under the age of 13 must wear a PFD while aboard a moving water vessel. This new Coast Guard rule is enforced on federal navigable waterways in states that do not have their own regulations on PFD usage for children, such as Wisconsin. A penalty of up to **\$1,000** may be assessed for each violation of this Coast Guard rule. The most current information I have for citations issued by the Coast Guard is for 2004. In that year, fourteen individuals were cited for violating the PFD rule in Wisconsin.

The penalty in SB 16 would be **\$50** for the first offense and not more than **\$100** upon conviction of the same offense a 2nd or subsequent time within one year.

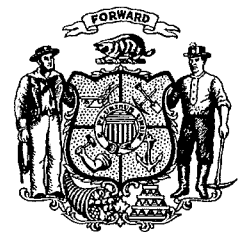
A few examples of these federal navigable waterways in Wisconsin would be Lake Michigan, Lake Superior, the Mississippi River, the Wisconsin River, the Wolf River and the Winnebago system of lakes.

Since this new Coast Guard rule is currently being enforced on some waterways in Wisconsin, it makes sense that we take action to address this boat safety issue and support Senate Bill 16. Children across the state deserve the protection of a lifejacket.

I ask that you please support Senate Bill 16.



WISCONSIN STATE LEGISLATURE





MARK GOTTLIEB

Speaker Pro Tempore
Wisconsin State Assembly

Testimony of Rep. Mark Gottlieb
Senate Bill 16
Senate Committee on Environment and Natural Resources
May 1, 2007

Chairman Miller and Members:

Thank you for holding this public hearing on Senate Bill 16 (SB 16), relating to requiring that personal flotation devices (PFD) be worn by certain underage persons in certain boats.

This bill will prohibit a person from operating a recreational boat that is less than 26 feet in length unless, during the time the boat is under way, every person on the boat who is 12 years old or younger is wearing a PFD or is in a cabin space or below the deck. SB 16 will make PFD requirements for children 12 years and under consistent on all the state's navigable waterways.

On March 29, 2002, the U.S. Coast Guard adopted a federal regulation that requires children under the age of 13 onboard recreational boats that are underway to wear personal flotation devices unless they are below deck or in a cabin space. This regulation currently applies to federal navigable waterways of the state where jurisdiction is shared between the state and federal governments. These joint-jurisdictional waters, currently numbering over 50 in the state, include popular boating areas like Lake Michigan, Lake Superior, Green Bay, Mississippi River, Fox River, Black River, Chippewa River, Menominee River, St. Croix River, Wisconsin River, Wolf River, Winnebago system of lakes, etc.

On joint-jurisdictional waters, the United States Coast Guard has the authority to issue fines up to \$1,000 per offense to boaters who have children under the age of 13 on board and are found not wearing a PFD. Under this legislation, violations will cost boat operators up to \$50 for the first offense and up to \$100 for a second and subsequent offense. Offenders caught on joint-jurisdictional waters by state authorities are only subject to the state fine.

Wisconsin is one of only four states in the country that does not have a PFD requirement for children. For several previous sessions bills have been introduced, and a Joint Legislative Council special committee supported and recommended on a 16-1 vote, requiring the use of PFDs for children in recreational boats under 26 feet in length. While the intent was always the same, many versions surfaced without being passed.

STATE REPRESENTATIVE • 60TH DISTRICT

Last session, this bill passed the Senate but failed to get through the Assembly before we adjourned.

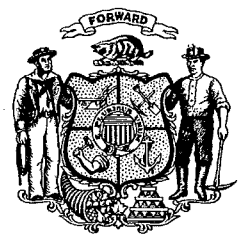
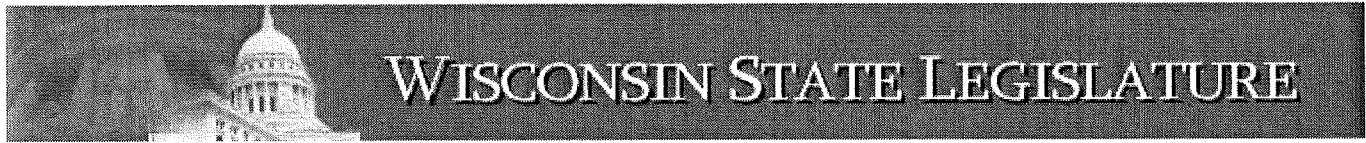
Rep. Staskunas, Senator Sullivan, Senator Roessler and I have been working closely together in support of this bill for two simple reasons: 1) Drowning deaths due to lack of a PFD on a child can be easily prevented and, 2) Uniformity in PFD requirements for all the state's waterways leads to less confusion among recreational boaters.

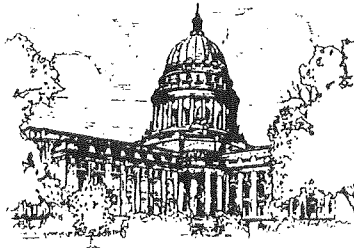
Mr. Chairman, also testifying today will be Bill Gossard with the National Transportation Safety Board, officials from the Wisconsin Department of Natural Resources and other interested parties. They will give this committee further statistical, anecdotal and other information as to why SB 16 is good public policy. I respectfully ask that the members of this committee support and take executive action on Senate Bill 16.

Thank you for the opportunity to testify before you today.

Reference points:

- 46 states now have some form of PFD requirement.
- On March 29, 2002, the U.S. Coast Guard adopted a federal regulation that requires children under the age of 13 onboard recreational boats that are underway to wear PFDs unless they are below deck or in a cabin space.
- The federal regulation applies to federal navigable waterways of the state where jurisdiction is shared between state and federal governments. These waters include over 50 bodies of water, including; Lake Michigan, Lake Superior, Mississippi River, Fox River, Black River, Wolf River, etc.
- While the number of minors involved in boating fatalities each year in Wisconsin is relatively low, these deaths are easily preventable by wearing a PFD.
- S. 30.50 (2) "Boat" or "vessel" means every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water and a fishing raft. The definition of "recreational boat" in AB 45 includes "motorboat" and "nonmotorized boat" as defined in s. 30.50 (6) and (7).
- Violations of the federal PFD law can cost a boater up to \$1,000 for each offense. Under this legislation, violations will cost boaters up to \$50 for the first offense and up to \$100 for a second and subsequent offense. Offenders caught on joint-jurisdictional waters by state authorities are only subject to the state fine.
- The boat operator would be fined if a violation occurred. A warden could only issue one citation if one or more kids aren't wearing a PFD. Additional citations could be issued if the warden caught up with them at a later time.





Wisconsin State Senate

Wisconsin Senate Committee on Environment and Natural Resources
Testimony of Senator Jim Sullivan, May 1st 2007

Good morning and thank you Chairman Miller for allowing me to speak on behalf of SB 16, a provision that requires children twelve years old or younger to wear personal flotation devices while riding in boats on Wisconsin waterways. I would also like to thank Representative Gotlieb, Representative Staskunas, and Senator Roessler for their work on this bill. Working with them on this issue has been a pleasure for me.

The crux of this bill is very simple and what I believe to be a very common sense provision that has been explained here today. I was excited to support this bill because as the son of a Coast Guard Captain, issues like these are very close to my heart. I was also hopeful at the prospect that with the passage of this bill we could help to save lives of children here in Wisconsin.

Frankly, I was surprised when Senator Roessler and Representative Staskunas came to me with this proposal because I had always assumed the federal regulation, which mirrors this provision, was law in the state of Wisconsin as well. After learning that Wisconsin was one of only four states that did not require children 12 years old or younger to wear PFDs while riding in a boat on state waters, I immediately got on board, believing this is worthwhile change that the legislature needs to make.

My reasons for supporting this legislation are simple: children who are riding in boats need to be protected from drowning if they fall out or are swept out of the vessel. As is the case with any method of transportation, accidents happen, and we have the responsibility to anticipate what we can do to minimize the horrible damage that these accidents cause. By requiring children wear PFDs, we also encourage a pattern of safe boating practices at a young age, so that they may understand and recognize the benefits of wearing a life jacket at all times while boating. I am also happy to hear the recent radio ads that the DNR is running on boating safety in the months before summer, and I hope that this as well as other measures can help in that shared goal of a enjoyable and safe recreational season.

As we will hear from the state and national agencies today, making this change has been a priority for them and we are happy to have their support. From the National Transportation Safety Board to the Wisconsin Department of Natural Resources, this provision has been a priority for years now and it is my hope that we can pass it for the upcoming boating season here in Wisconsin.

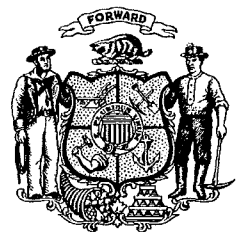
Thank you for the opportunity to speak today. I hope we have earned your support.

Senator Jim Sullivan





WISCONSIN STATE LEGISLATURE





**National
Transportation
Safety Board**

Safety Information

Washington, D.C. 20594

TESTIMONY OF

WILLIAM GOSSARD

NATIONAL TRANSPORTATION SAFETY BOARD

BEFORE THE

COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

WISCONSIN SENATE

ON

SB 16 – LIFEJACKETS FOR CHILDREN

MADISON, WISCONSIN

MAY 1, 2007

Good morning, Chairman Miller and Members of the Committee. It is a pleasure to discuss the National Transportation Safety Board's recreational boating safety recommendation addressing the use of personal flotation devices (lifejackets) for children.

The National Transportation Safety Board is an independent Federal agency charged by Congress to investigate transportation accidents, determine their probable cause, and make recommendations to prevent their recurrence. The Safety Board has neither regulatory authority nor grant funds. The recommendations that arise from our investigations and safety studies are our most important product. In our 40-year history, more than 80 percent of our recommendations have been adopted by organizations and government bodies in a position to effect improvements in transportation safety.

Recreational boating result in the greatest number of transportation fatalities after highway accidents, even exceeding fatalities from aviation accidents. In 2005, 697 persons were killed in boating accidents in this country. An American Red Cross survey indicates that more than 355,000 persons are injured annually from recreational boating accidents, and more than 40 percent of the injuries require medical treatment beyond first aid. The number of recreational boats and the speed at which they operate have increased in recent years.

As a result of its concern regarding the number of boating deaths and injuries, the Safety Board in 1993 conducted a study of recreational boating accidents and their causes. Examining recreational boating accidents that occurred in 18 States in 1991, the Board reviewed information on 407 fatal recreational boating accidents, which resulted in 478 fatalities. These accidents represented about 52 percent of the accidents and about 52 percent of the fatalities that occurred in 1991. The Safety Board also reviewed U.S. Coast Guard data and studies performed by other organizations. Further, the Board investigated three recreational boating accidents from 1992 in which 13 persons died, including 4 children and 2 teenagers. The minimal use of personal flotation devices (PFDs) that we found in our investigations of fatal recreational boating accidents was particularly notable.

The failure to use PFDs can have fatal consequences. And, states should require greater use of PFDs, especially among children

Failure to use PFDs is the leading cause of recreational boating drowning fatalities. Of the 478 fatalities that occurred in the accidents examined in our 1993 study, 351 resulted from drowning. Of those who drowned and for whom information on PFD use was available, 85 percent (281) did not wear PFDs. The Safety Board reviewed the circumstances of the 281 drownings in which the victims were not wearing a PFD and determined that as many as 238 persons (85 percent) may have survived had they been correctly wearing a PFD. Only a few factors can negate the

effectiveness of PFDs, most often hypothermia and injury as a result of blunt trauma force.

The 2005 boating experience again confirmed the importance of PFD use. According to U.S. Coast Guard boating accident statistics, nearly 87 percent of the fatalities who drowned in recreational boating accidents in 2005 could have survived if they had taken the simple step of wearing a lifejacket. Drownings accounted for 491, or nearly 70 percent, of the 697 recreational boating fatalities in 2005. PFDs could have prevented an estimated 426 of the 491 fatalities from drowning or 87 percent of those fatalities. There is no question that wearing a PFD can save your life.

One accident in Arkansas that the Safety Board investigated highlights the Board's concerns. At about 11:30 on a Sunday morning, a 9-person family boarded a family-owned boat at a public boat launching area on the Fourche La Fave River near Perryville, Arkansas. The family, which included a man, a woman, and children ranging in age from 16 months to 14 years, intended to go down the river to fish from the bank. The man and a 12-year-old girl were the only persons on board who could swim.

Although weather conditions were ideal, the boat and the passengers were not adequately prepared for potential problems. The weather was clear and 90 degrees. Visibility was good, and there were only light winds. The 14-foot long aluminum boat was open, flat-bottomed, and not equipped with PFDs. With a 9.9-horsepower outboard motor, the motorboat fell under the Arkansas exemption, which did not require motorboats of less than 10 horsepower to carry PFDs. The passengers, who also did not wear PFDs, sat on four bench seats. At the site of the accident, the river was approximately 80 feet wide, and its depth at the center varied from 9 to 50 feet.

As the boat headed downstream, water splashed on the boy and girl who were sitting in the front seat. They moved rearward, causing the boat to flood. It sank in the middle of the river, in about 14 feet of water, and about 100 feet downstream from the boat launching area. The 12 year-old girl swam to shore, and a 14 year-old girl supported herself in the water by holding onto the bow of the boat, which remained above the surface.

Two fishermen, who arrived at the boat-launching area shortly after the accident, found the 12-year-old on the riverbank and the 14-year-old holding onto the boat. The men entered the water and brought the 14-year-old ashore. One rescuer searched the riverbank for more survivors. He found an unconscious 4-year-old in the water, near the riverbank, in the approximate area of the accident. Although he administered cardiopulmonary resuscitation (CPR), the child was pronounced dead upon arrival at a local hospital. Officials started a search, and found five other victims that day and one the next day. Five children and two adults died in this one accident.

The Safety Board's investigation of this accident concluded that the lack of PFDs contributed to the loss of these seven lives.

Another brief example shows the effectiveness of PFDs. Three men launched a small inflatable raft on the Arkansas River near Swissvale, Colorado. A Colorado State park ranger had spotted the three men at one point. Observing that one rafter was not wearing a PFD, the ranger contacted the men. After determining that the raft carried the correct number of PFDs, the park ranger recommended that the remaining rafter also wear his PFD. The rafter asked if he was legally required to wear a PFD and was told that he was not, whereupon he did not put it on, despite the fact that he could not swim.

After traveling about 2 miles, the men started through a rapid. Their raft was thrown sideways, hit a small rock, and capsized, throwing all three men into the water. Two men wearing PFDs struggled and eventually reached the riverbank. The third man, who had earlier refused to use a PFD, drowned.

State and federal laws require that all boats have life jackets on board. The problem is that they do not work if no one is wearing them. As with many accidents in which boats capsize or persons fall overboard, people don't think to put them on until it's too late. This is why the Safety Board has recommended that the States consider minimum standards to reduce the number and severity of boating accidents by recommending that PFD use by children be made mandatory. Requiring children to wear PFDs could, over time, result in more adults who wear PFDs, such as occurred with the use of child safety seats and safety belts in automobiles.

Currently, 46 States, the District of Columbia, the United States Virgin Islands and Puerto Rico have some type of PFD use requirement for children. The Safety Board would like to see Wisconsin become the 47th State to do so. The Safety Board considers recreational boating safety and the issue of children in PFDs (life jackets) so important that we have included this issue on our 2007 "Most Wanted" transportation safety improvements list as one of the areas where critical changes are needed to reduce unnecessary loss of life. I have provided this brochure and a recent "Safety Alert" for your review.

Senate Bill 16, the measure before you, would require children 12 years old or younger to wear a PFD on vessels less than 26 feet in length while underway. The proposed section would not apply if the child is below the deck or in a cabin space. This bill is consistent with other States' requirements. The U.S. Coast Guard, the National Association of State Boating Law Administrators, and the American Academy of Pediatrics support children under age 13 wearing PFDs (life jackets). Enacting this legislation would be an important step toward making boating safer for the children of Wisconsin, as well as providing a more uniform national program for the safety of all children. Thus, the National Transportation Safety Board is pleased to support Senate Bill 16.

Thank you for providing the National Transportation Safety Board an opportunity to testify about this important safety initiative. I would be happy to answer any questions you may have.



WILLIAM H. GOSSARD

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, DC 20594
(202) 314-6182 FAX: 314-6178
EMAIL: GOSSARD@NTSB.GOV

SB 16
File

Actions needed by States

HIGHWAY

Improve Child Occupant Protection

- Enact State laws requiring booster seats for young children.

Enact Primary Seat Belt Enforcement Laws

- Increase the number of people who wear seat belts through stronger enforcement laws.

Promote Youth Highway Safety

- Enact graduated driver licensing legislation.
- Restrict the number of teen passengers traveling with young novice drivers.
- Prohibit use of wireless communications devices by young novice drivers.

Eliminate Hard Core Drinking Driving

- Enact State legislation and take other actions that are proven to reduce crashes involving those who repeatedly drink large amounts of alcohol and drive including:
 - Frequent, statewide sobriety checkpoints.
 - Legislation to create stricter sanctions for those arrested the first time with a high blood alcohol concentration of 0.15 or higher.
 - Zero blood alcohol requirement for convicted DWI offenders when they get their license back.
 - Administrative rather than court-based license revocation for refusing to take or failing the sobriety test.
 - Vehicle sanctions for DWI offenders.
 - Eliminate plea-bargaining DWI offenses and programs that divert offenders and purge the offense record.
 - Retain DWI records for at least 10 years to identify and prosecute repeat offenders.
 - Develop and operate special sanction court-based programs for hard core DWI offenders.

Improve School Bus/Grade Crossing Safety

- Install stop signs at passive crossings.
- Upgrade school bus railroad crossings that only have warning signs to crossings with lights and gates.
- Install switches on new buses that allow drivers to turn off radios and other devices that mask the sound of train warning horns.
- Enhance bus driver training and evaluation.
- Include grade crossing questions on commercial driver's license exams.

MARINE

Enhance Recreational Boating Safety

- Require mandatory education of boat operators.
- Require use of life jackets by children.
- Require safety instruction prior to personal watercraft rental.



NTSB MOST WANTED

Transportation Safety Improvements

2007

Critical changes needed to reduce transportation accidents and save lives.

NTSB WANTED

AVIATION: The Federal Aviation Administration should act to:

- **Reduce Dangers to Aircraft Flying in Icing Conditions**
 - Use current research on freezing rain and large water droplets to revise the way aircraft are designed and approved for flight in icing conditions.
 - Conduct additional research with NASA to identify realistic ice accumulation and incorporate new information into aircraft certification and pilot training requirements.
- **Eliminate Flammable Fuel/Air Vapors in Fuel Tanks on Transport Category Aircraft**
 - Implement design changes to eliminate the vulnerabilities of flammable fuel/air vapors in all transport category aircraft.
- **Stop Runway Incursions/Ground Collisions of Aircraft**
 - Give immediate warnings of probable collisions/incursions directly to flight crews in the cockpit.
- **Improve Audio and Data Recorders/Require Video Recorders**
 - Require cockpit voice recorders to retain at least 2 hours of audio.
 - Require back-up power sources so cockpit voice recorders collect an extra 10 minutes of data when an aircraft's main power fails.
 - Install video recorders in cockpits to give investigators more information to solve complex accidents.
 - Install dual combination recorders.
 - Expand parameters recorded on Boeing 737 airplanes.
- **Reduce Accidents and Incidents Caused by Human Fatigue**
 - Set working hour limits for flight crews and aviation mechanics based on fatigue research, circadian rhythms, and sleep and rest requirements.
- **Improve Crew Resource Management**
 - Require commuter and on-demand air taxi flight crews to receive crew resource management training.

RAILROAD: The Federal Railroad Administration should act to:

- **Implement Positive Train Control Systems**
 - Prevent train collisions and overspeed accidents by requiring automatic control systems to override mistakes by human operators.

PIPELINE: The Pipeline and Hazardous Materials Safety

- **Administration should act to:**
 - **Reduce Accidents and Incidents Caused by Human Fatigue**
 - Set working hour limits for pipeline controllers based on fatigue research, circadian rhythms, and sleep and rest requirements.

NTSB CLASSIFICATION

- Unacceptable response
- Acceptable response, progressing slowly
- Acceptable response, progressing in a timely manner

Actions needed by Federal Agencies

HIGHWAY:

The Federal Motor Carrier Safety Administration should act to:

- **Improve the Safety of Motor Carrier Operations**
 - Prevent motor carriers from operating if they put vehicles with mechanical problems on the road or unqualified drivers behind the wheel.
- **Prevent Medically Unqualified Drivers from Operating Commercial Vehicles**
 - Establish a comprehensive medical oversight program for interstate commercial drivers.
 - Ensure that examiners are qualified and know what to look for.
 - Track all medical certificate applications.
 - Enhance oversight and enforcement of invalid certificates.
 - Provide mechanisms for reporting medical conditions.

The National Highway Traffic Safety Administration should act to:

- **Enhance Protection for Motorcoach Passengers**
 - Redesign motorcoach window emergency exits so passengers can easily open them.
 - Issue standards for stronger bus roofs and require them in new motorcoaches.
 - Devise new standards to protect motorcoach passengers from being thrown out of their seats or ejected when a bus sustains a front, side, or rear impact or rolls over.
- **Enhance Protection for School Bus Passengers**
 - Devise new standards to protect school bus passengers from being thrown out of their seats or ejected when a school bus sustains a front, side, or rear impact or rolls over.

MARINE:

The U.S. Coast Guard should act to:

- **Reduce Accidents and Incidents Caused by Human Fatigue**
 - Set working hour limits for mariners based on fatigue research, circadian rhythms, and sleep and rest requirements.

INTERMODAL:

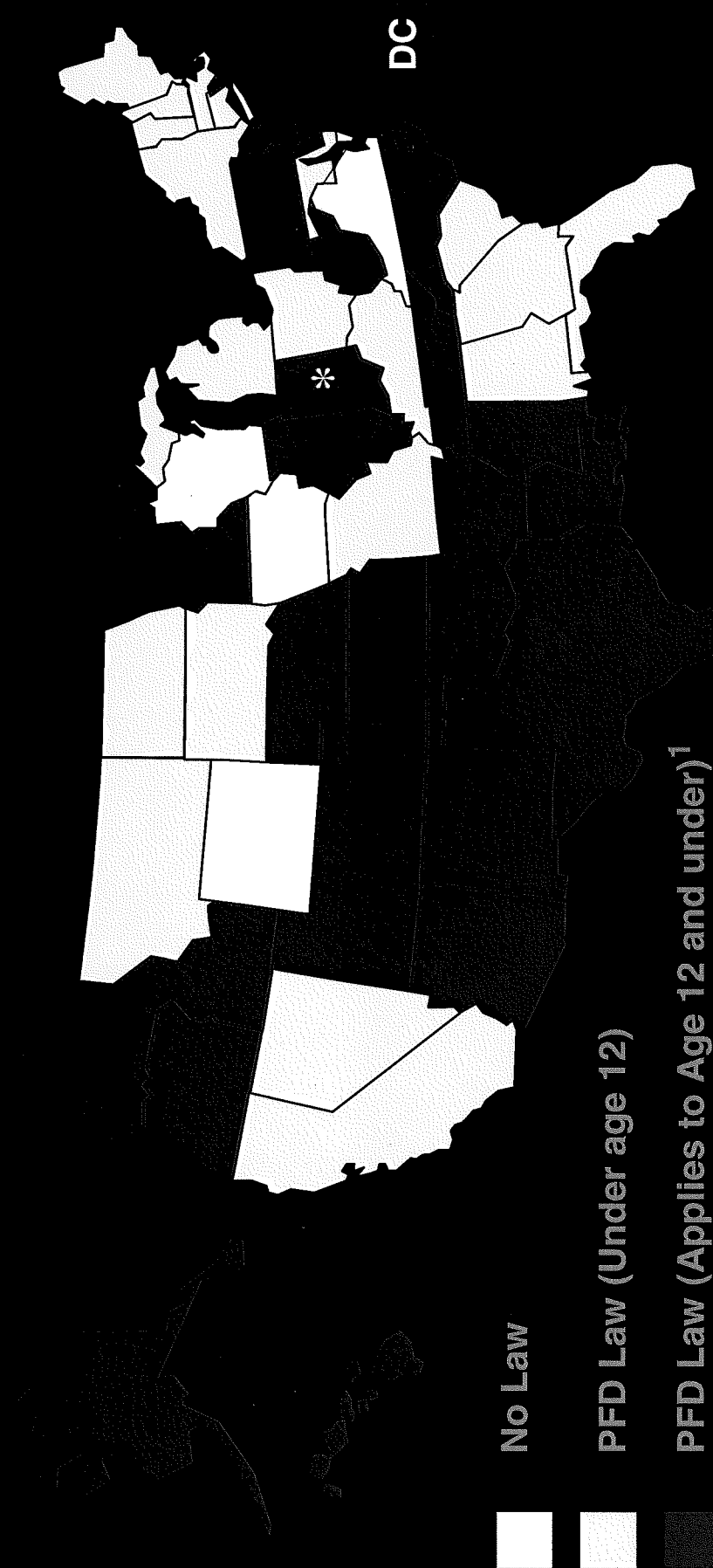
The U.S. Department of Transportation should act to:

- **Reduce Accidents and Incidents Caused by Human Fatigue**
 - Set working hour limits for transportation operators based on fatigue research, circadian rhythms, and sleep and rest requirements.



National Transportation Safety Board
490 L'Enfant Plaza, SW • Washington, DC 20594
(202) 314-6000 • <http://www.ntsb.gov>

Personal Flotation Device Laws for Children



No Law

PFD Law (Under age 12)

PFD Law (Applies to Age 12 and under)¹

Laws Applies only to concurrent Federal/State waters

¹ Idaho Law applies to Age 14 and under

As of September 2006



NTSB



NTSB

SAFETY ALERT

National Transportation Safety Board

★ Recreational Boating

Learn safe boating and protect your children

Recreational boating deaths: a SERIOUS problem

- Recreational boating is fun, but the water can be unforgiving.
- An average of 714 boaters die each year—508 of them by drowning.
- Deaths are the result of two major safety failures: lack of a required personal flotation device (PFD), and uneducated boaters.
- About 84 percent of these drowning victims would still be alive if they had worn PFDs, the U.S. Coast Guard estimates.
- On average, 80 percent of recreational boat operators involved in accidents had never completed a boating safety education course.
- Most of those who drown were in open motorboats—51 percent—and in boats less than 21 feet in length—71 percent.

What can you do to reduce recreational boating accidents and deaths?

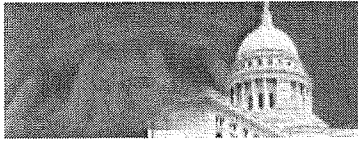
- Use a personal flotation device when aboard a recreational boat and be sure that children always wear PFDs. PFD wear is effective. Boating accident data shows that when mandatory PFD requirements are adopted, drowning fatalities go down.
- Most parents would not drive anywhere without their kids in seatbelts, car seats or booster seats. Parents should not hesitate to protect their children on the water in a life jacket.
- Complete a recreational boating safety course approved by your State.
- Talk or write to your State lawmakers and urge them to support the NTSB's recommendations that States require children to wear PFDs and require all recreational boating operators to complete a boating safety education course.

What should States do to make recreational boating safer?

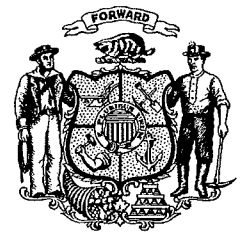
- Establish a State minimum boating safety program that:
 - Requires children, under age 13, to wear PFDs.
 - Requires all State recreational boating operators to complete a boating safety education course.
 - Require a recreational boating operator's license.
- As of February 2007, 46 States, the District of Columbia, Puerto Rico and the U.S. Virgin Islands have enacted laws requiring children to wear PFDs. Wisconsin, Iowa, Virginia and Wyoming need mandatory PFD wear requirements.
- Fourteen States need to act to adopt mandatory boating education safety requirements. They are: Alaska, Arizona, California, Hawaii, Idaho, Indiana, Maine, Massachusetts, Minnesota, Montana, North Carolina, South Carolina, Utah, and Wyoming.

Need more information?

- Visit the NTSB Web site: www.nts.gov and click on the Marine section of the Most Wanted List.



WISCONSIN STATE LEGISLATURE



Testimony of John Van Dinter on Mandatory PFD Wear for Children

Senator Miller and members of the Committee on Environment and Natural Resources it is a pleasure to have the opportunity to address this distinguished group. I am John Van Dinter. I live in the Town of Westport, Dane County, Wisconsin. I am a member of the United States Coast Guard Auxiliary and am here testifying as the Wisconsin State Legislative Liaison Officer for that organization. I have lived and boated the waters of Wisconsin for 60+ years.

The United States Coast Guard Auxiliary is the civilian, uniformed, volunteer component of the United States Coast Guard, as well as the lead volunteer force in the Department of Homeland Security. It is made up of approximately 38,000 volunteer members. As such, the Coast Guard Auxiliary is charged with promoting the Recreational Boating Safety Programs throughout the United States. We are very active in the state of Wisconsin and provide many Boating Safety Classes, Vessel Safety Checks, and Safety Patrols on all of our waters.

Our members and I strongly favor and support mandatory PFD wear for children. Of 491 boating fatalities by drowning nationwide in 2005, 426 of the victims were not wearing a PFD. Of these, 16 were children under the age of 13. During the same period, Wisconsin suffered a total of 13 fatalities of all ages which were attributable to drowning. Wearing a PFD could have prevented most of these unnecessary deaths.

As a member of the Coast Guard Auxiliary I am required at all times while on a dock or a vessel, while under Coast Guard orders, to wear a properly fitting PFD (Personal Flotation Device or Life vest). Because of the importance of this safety device I always wear one, even while recreational boating and require all passengers on my boat to do so. Many of the new life vests are of a comfortable and effective design and are easy to wear for prolonged periods of time. They are the equivalent safety measures to seatbelts in a car.

We have all recognized the deleterious effects of bad decisions; driving drunk, driving without seat belts, shooting a gun without proper preparation or education. In those instances we have protected our children by monitoring and ticketing drivers who do not "buckle-up" their children, and by offering hunter safety classes for children wishing to hunt with parents or grandparents.

Children are not developmentally mature enough to grab a life vest and put it on when all around them panic has set in as it surely will in a time of emergency. Their motor skills do not really develop sufficiently to master the art of finding a vest and putting it on in a quick and safe manner. Anyone watching the USCGAUX Boating Safely film demonstration of adults in a swimming pool trying to grab and put on a life vest while thrashing around in the water would only too clearly understand the futility of such an expectation.

We want our children to experience the pleasures of water activities: fishing, boating, wading for minnows, etc. We must offer them passive protection by supporting life vest legislation for children. They must have the correctly sized life vests worn and secured at all times when the possibility exists that drowning could occur.

Federal regulations now require that children under 13 years of age (that are not in a cabin or below deck) must wear a PFD on all recreational boats while underway. This applies on waters subject to federal jurisdiction. This regulation which does not specify any maximum boat length is already in effect on all Federal waters in Wisconsin.

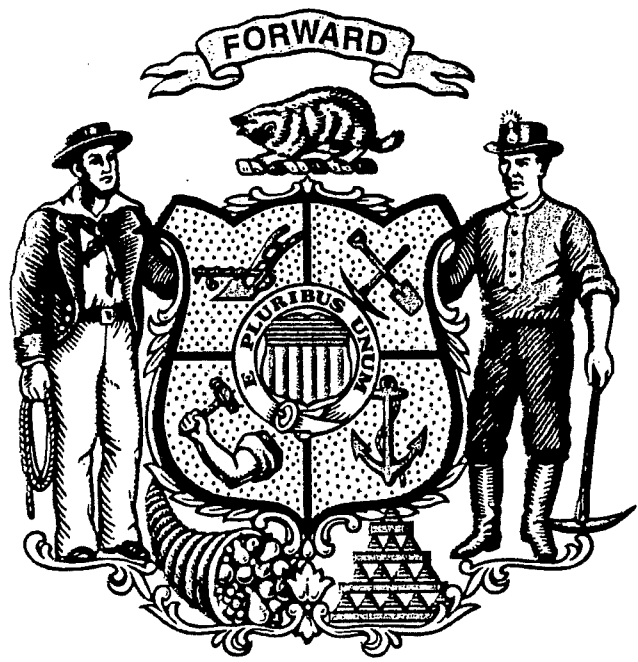
Date?
SB 16
File

At the annual meeting of the United States Coast Guard Auxiliary National Board in Nashville, Tennessee, on 30 August 2003, the following resolution relating to recreational boating safety was approved and passed:

Resolved that, the National Board of the United States Coast Guard Auxiliary supports the mandatory wearing of personal flotation devices (PFDs) approved by the Coast Guard by all children under 13 years of age while aboard recreational vessels under way, except when the children are below decks or in enclosed cabins.

This is the official position of the United States Coast Guard Auxiliary in regards to mandatory wearing of a PFD. This resolution also does not specify the maximum boat length. In the interest of saving lives and greatly enhancing Recreational Boating Safety please pass a resolution to support mandatory PFD wear and work to make it law in Wisconsin. It will save lives.

Thank you for allowing me to testify on behalf of the United States Coast Guard Auxiliary about this important matter. I would be happy to answer any questions that you might have.



Testimony of Maureen Van Dinter on Mandatory PFD Wear for Children

Members of the Committee:

My name is Maureen Van Dinter. I am here to register in favor of passage of this bill. I am a Pediatric Nurse Practitioner, past president of the state professional organization (WAPNAP), and past legislative chair. I also am a member, and Rear Commodore-North, of the US Coast Guard Auxiliary.

National PFD wear rate statistics for FY 2005 indicate that 12.9% to 88.7% of youth under the age of eighteen wear PFD's depending on the type of boat they are on. Those vessels which require PFD use, such as PWCs or sailboards, have a near 100% compliance rate. Most non-motorized watercraft, such as canoes, kayaks, and rafts have much less compliance with PFDs. The USCG Boating Statistics for 2005 indicate 239 injuries to children under the age of 12 and 21 deaths while boating.

We have all recognized that small children lack specific motor skills and abilities. As adults we are called upon to help them with many of their learned tasks: putting on clothing, using a scissors, riding a bike, etc. The ability to button and buckle is a skill most often not learned until near kindergarten age. When placed in a stressful situation children often regress in their skills and forget what they have been taught.

Too few people are familiar with navigation rules or what to do in case of a boating emergency. Should a boat capsize, run aground or collide with another vessel quick action is important to save lives. On airplanes, during the preflight safety briefing, adults are reminded to put on their own oxygen mask before assisting their children. In case of a similar on the water emergency such as a boating accident the adults would not have time to put on a PFD and then dress their children in PFDs before the boat sank. Should the adults be injured in the accident the children would have to fend for themselves at a time of great stress.

You would not allow a child to ride a bike without the proper helmet protection, or sit in a car without a seat belt, safety harness, or child restraint. As adults we must act to safeguard our children while still allowing them to enjoy the state's waterways.

Please pass this bill to protect our children.

Date?

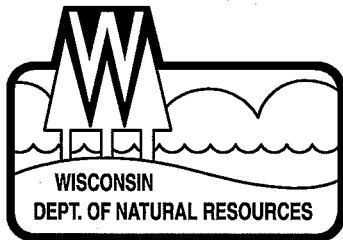
SB 16
File



WISCONSIN STATE LEGISLATURE



→ From last session ←



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary

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Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY 608-267-6897

March 22, 2005

Representative Freese
Representative Staskunas
Senator Roessler

DRAFT

SB 16
File

Subject: Assembly bill AB 260

Dear Legislators,

Thank you for your support of the Personal Floatation Legislation. This safety legislation is needed in the boating safety program and would provide consistency to the public between Wisconsin law and that of other states and the federal government.

I have attached a report that shows those individuals age 17 and under who died in boating accidents from 1994 to 2004. The report includes information as to age, type of watercraft they were in and a short comment on the tragic event that lead to their death. I hope that you will find this information useful in your discussions on AB 260 and SB 135. I have also included a chart showing what other states have in regards to this type of legislation.

Wisconsin currently is one of six states that have not passed this type of law nationwide. Currently two of these six states have legislation that is going through their legislature at this time. Wisconsin has two bill proposals (AB 260 and SB 135) and 3 other states have nothing. If I can be of any assistance in providing information or answering questions that someone might have, please call me at 608-266-0859.

Sincerely,

William G. Engfer, Director
Recreation Enforcement and Education Section

**Minors Involved in Boating Fatalities
1994 – 2004**

Year	Age	Boat Type	Comments
1994	8 & 9	14 ft Home made rowboat	Both victims were in boat that capsized. Neither were wearing PFD's and drowned.
1995	No One under 18 years of age died in a boating accident this year		
1996	11	14 ft rowboat	Victim fell overboard. Was not wearing a PFD.
1997	9	24 ft pontoon boat	Victim fell from boat and struck by propeller. Was not wearing PFD.
	17	Personal water craft	Victim struck a piling. Was not wearing PFD.
	6	19 ft pontoon boat	Victim fell overboard. Was not wearing PFD
1998	16	19 ft motor boat	Victim was water skiing. PFD was not buckled. Victim fell out of PFD and drowned.
	13	19 ft motor boat	Victim was water skiing & wearing improper sized PFD. Victim fell out of PFD and drowned.
	14	Rental kayak	Kayak capsized. Victim not wearing PFD.
1999	12	15 ft motor boat	Boat capsized. Victim was wearing PFD, but drowned.*
	12	14 ft motor boat	Boat capsized. Victim was Not wearing PFD.
2000	17	14 ft rowboat	Victim jumped overboard to retrieve an oar. Was not wearing a PFD
	13	Inner Tube	Victim was tubing on a river and fell off tube. Victim not wearing PFD.
	14	19 ft motor boat	Victim was on Lake Michigan when boat capsized; Victim had PFD on but died from hypothermia. *
2001	17	14 ft motor boat	Victim & 2 companions were fishing on Lake Michigan when boat began taking on water and sank. Victim did not have a PFD
	17 & 17	Paddle boat	Victims took a paddleboat out into Lake Michigan. Wind pushed boat away from shore. Victims left boat and swam for shore. Victims drowned. No PFD's
	11 months	Inner Tube	Victim and father were tubing on a river. Victim fell out of father's grasp and drowned. Victim was not wearing PFD.
	9	Inner Tube	Victim being pulled by 19 ft motor boat when a PWC struck the victim. Victim died from Trauma injuries. Victim was wearing a PFD. *
2002	17	12 ft Rowboat	Drowning Victim tried to swim to shore after boat capsized. Victim was not wearing a PFD.
	13	17 ft Canoe	Victim was in a canoe that began to sink. Victim was not wearing a PFD's, Victim Drowned.
2003	15 & 16	12 ft Open Motor Boat	Friends were out duck hunting in bad weather. Boat was found capsized. Victims were not found until the following Spring. No PFD's were found in boat or on the victims' bodies.
2004	12	12 ft Open Motor boat	Victim was fishing when boat took on water and sunk. Victim could not swim. Victim was not wearing a PFD.
	17	16 ft Open Motor boat	Father, sons & son's friends were out fishing. Boat began to take on water, swamped & sank. Victim was not wearing a PFD and drowned before he could be saved by passing boat.
	16	21 ft Open Motor boat	Victim was skiing, fell and struck head. Died from impact trauma head injury 17 days later. Was wearing a PFD.*
	15	10 ft modified wind surf board	Victim was windsurfing on a modified wind surfboard (boat). Victim was not wearing a PFD and drowned.

National Transportation Safety Board

(Current as of March 2005)

State	Mandatory PFD Use	Mandatory Boater Education	Operator Licensing
Alabama	Yes	See Licensing	YES
Alaska	Yes		
Arizona	Yes		
Arkansas	Yes	YES	
California	Yes		
Colorado	Yes	YES	
Connecticut	Yes	YES	
Delaware	Yes	YES	
D.C.	Yes	YES	
Florida	Yes	YES	
Georgia	Yes	YES	
Hawaii	Yes	YES	
Idaho	Yes		
Illinois	Yes	YES	
Indiana	Yes		
Iowa	Passed Senate and in house		
Kansas	Yes	YES	
Kentucky	Yes	YES	
Louisiana	Yes	YES	
Maine	Yes		
Maryland	Yes	YES	
Massachusetts	Yes	Proposed	
Michigan	Yes	YES	
Minnesota	Passed Senate and House		
Mississippi	Yes	YES	
Missouri	Yes	YES	
Montana	Yes		
Nebraska	Yes	YES	
Nevada	Yes	YES	
New Hampshire	Yes	YES	
New Jersey	Yes	YES	
New Mexico		Leg. Study underway	
New York	Yes	YES	
North Carolina	Yes		
North Dakota	Yes	YES	
Ohio	Yes	YES	
Oklahoma	Yes		
Oregon	Yes	YES	
Pennsylvania	Yes	YES	
Rhode Island	Yes	YES	
South Carolina	Yes		
South Dakota	Yes	YES	
Tennessee	Yes	YES	
Texas	Yes	YES	
Utah	Yes		
Vermont	Yes	YES	
Virginia			
Washington	Yes	Passed Senate and in house	
West Virginia	Yes	YES	
Wisconsin	SB 135 and AB 260	AB 248	
Wyoming			