# Navigation Regulations

(1) This chapter contains extracts from **Code of Federal Regulations (CFR)** that are of importance to mariners in the area covered by this Coast Pilot. Sections of little value to the mariner are sometimes omitted. Omitted sections are signified by the following [...]

(2) Extracts from the following titles are contained in this chapter.

(3)

**Title 33 (33 CFR): Navigation and Navigable Waters**

(4) Part 26–Vessel Bridge-to-Bridge Radiotelephone Regulations

(5) Part 80–COLREGS Demarcation Lines

(6) Part 110–Anchorage Regulations

(7) Part 117–Drawbridge Operation Regulations

(8) Part 157–Rules for the Protection of the Marine Environment relating to Tank Vessels Carrying Oil in Bulk

(9) Part 160–Ports and Waterways Safety-General

(10) Part 161–Vessel Traffic Management

(11) Part 162–Inland Waterways Navigation Regulations

(12) Part 164–Navigation Safety Regulations (in part)

(13) Part 165–Regulated Navigation Areas and Limited Access Areas

(14) Part 166–Shipping Safety Fairways

(15) Part 167–Offshore Traffic Separation Schemes

(16) Part 169–Mandatory Ship Reporting Systems

(17) Part 207–Navigation Regulations

(18) Part 334–Danger Zones and Restricted Area Regulations

(19)

**Title 40 (40 CFR): Protection of Environment**

(20) Part 140–Marine Sanitation Device Standard

(21)

**Title 46 (46 CFR): Shipping**

(22) Part 15–Manning Requirements

(23)

**Title 50 (50 CFR): Wildlife and Fisheries**

(24) Part 222–General Endangered and Threatened Marine Species

(25) Part 224–Endangered Marine and Anadromous Species

(26) Part 226–Designated Critical Habitat

(27)

**Note**

(28) These regulations can only be amended by the enforcing agency or other authority cited in the regulations. Accordingly, requests for changes to these regulations should be directed to the appropriate agency for action. In those regulations where the enforcing agency is not cited or is unclear, recommendations for changes should be directed to the following Federal agencies for action:

(29) **U.S. Coast Guard:** (33 CFR 26, 80, 110, 117, 157, 160, 161, 162, 164, 165, 166, 167 and 169);

(30) **U.S. Army Corps of Engineers:** (33 CFR 207 and 334);

(31) **National Marine Fisheries Service, National Oceanic and Atmospheric Administration:** (50 CFR 222, 224 and 226).

(32)

## TITLE 33–NAVIGATION AND NAVIGABLE WATERS

(33)

## Part 26–Vessel Bridge-to-Bridge Radiotelephone Regulations

(34)

**§26.01 Purpose.**

(35) (a) The purpose of this part is to implement the provisions of the Vessel Bridge-to-Bridge Radiotelephone Act. This part–

(36) (1) Requires the use of the vessel bridge-to-bridge radiotelephone;

(37) (2) Provides the Coast Guard's interpretation of the meaning of important terms in the Act;

(38) (3) Prescribes the procedures for applying for an exemption from the Act and the regulations issued under the Act and a listing of exemptions.

(39) (b) Nothing in this part relieves any person from the obligation of complying with the rules of the road and the applicable pilot rules.

(40)

**§26.02 Definitions.**

(41) For the purpose of this part and interpreting the Act–

(42) *Act* means the "Vessel Bridge-to-Bridge Radiotelephone Act", 33 U.S.C. sections 1201–1208;

(43) *Length* is measured from end to end over the deck excluding sheer;

(44) *Power-driven vessel* means any vessel propelled by machinery; and

(45) *Secretary* means the Secretary of the Department in which the Coast Guard is operating;

(46) *Towing vessel* means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

(47) *Vessel Traffic Services (VTS)* means a service implemented under Part 161 of this chapter by the United States Coast Guard designed to improve the safety and efficiency of vessel traffic and to protect the environment. The VTS has the capability to interact with marine traffic and respond to traffic situations developing in the VTS area.

(48) *Vessel Traffic Service Area* or *VTS Area* means the geographical area encompassing a specific VTS area of service as described in Part 161 of this chapter. This area of service may be subdivided into sectors for the purpose of allocating responsibility to individual Vessel Traffic Centers or to identify different operating requirements.

(49) **Note:** Although regulatory jurisdiction is limited to the navigable waters of the United States, certain vessels will be encouraged or may be required, as a condition of port entry, to report beyond this area to facilitate traffic management within the VTS area.

(50)

**§26.03 Radiotelephone required.**

(51) (a) Unless an exemption is granted under §26.09 and except as provided in paragraph (a)(4) of this section, this part applies to:

(52) (1) Every power-driven vessel of 20 meters or over in length while navigating;

(53) (2) Every vessel of 100 gross tons and upward carrying one or more passengers for hire while navigating;

(54) (3) Every towing vessel of 26 feet or over in length while navigating; and

(55) (4) Every dredge and floating plant engaged in or near a channel or fairway in operations likely to restrict or affect navigation of other vessels except for an unmanned or intermittently manned floating plant under the control of a dredge.

(56) (b) Every vessel, dredge, or floating plant described in paragraph (a) of this section must have a radiotelephone on board capable of operation from its navigational bridge, or in the case of a dredge, from its main control station, and capable of transmitting and receiving on the frequency or frequencies within the 156-162 Mega-Hertz band using the classes of emissions designated by the Federal Communications Commission for the exchange of navigational information.

(57) (c) The radiotelephone required by paragraph (b) of this section must be carried on board the described vessels, dredges, and floating plants upon the navigable waters of the United States.

(58) (d) The radiotelephone required by paragraph (b) of this section must be capable of transmitting and receiving on VHF-FM channel 22A (157.1 MHz).

(59) (e) While transiting any of the following waters, each vessel described in paragraph (a) of this section also must have on board a radiotelephone capable of transmitting and receiving on VHF-FM channel 67 (156.375 MHz):

(60) (1) The lower Mississippi River from the territorial sea boundary, and within either the Southwest Pass safety fairway or the South Pass safety fairway specified in 33 CFR 166.200, to mile 242.4 AHP (Above Head of Passes) near Baton Rouge;

(61) (2) The Mississippi River-Gulf Outlet from the territorial sea boundary, and within the Mississippi River-Gulf outlet Safety Fairway specified in 33 CFR 166.200, to that channel's junction with the Inner Harbor Navigation Canal; and

(62) (3) The full length of the Inner Harbor Navigation Canal from its junction with the Mississippi River to that canal's entry to Lake Pontchartrain at the New Seabrook vehicular bridge.

(63) (f) In addition to the radiotelephone required by paragraph (b) of this section, each vessel described in paragraph (a) of this section while transiting any waters within a Vessel Traffic Service Area, must have on board a radiotelephone capable of transmitting and receiving on the VTS designated frequency in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas).

(64) **Note:** A single VHF-FM radio capable of scanning or sequential monitoring (often referred to as "dual watch" capability) will not meet the requirements for two radios.

(65)

**§26.04 Use of the designated frequency.**

(66) (a) No person may use the frequency designated by the Federal Communications Commission under section 8 of the Act, 33 U.S.C. 1207(a), to transmit any information other than information necessary for the safe navigation of vessels or necessary tests.

(67) (b) Each person who is required to maintain a listening watch under section 5 of the Act shall, when necessary, transmit and confirm, on the designated frequency, the intentions of his vessel and any other information necessary for the safe navigation of vessels.

(68) (c) Nothing in these regulations may be construed as prohibiting the use of the designated frequency to communicate with shore stations to obtain or furnish information necessary for the safe navigation of vessels.

(69) (d) On the navigable waters of the United States, channel 13 (156.65 MHz) is the designated frequency required to be monitored in accordance with §26.05(a) except that in the area prescribed in §26.03(e), channel 67 (156.375 MHz) is the designated frequency.

(70) (e) On those navigable waters of the United States within a VTS area, the designated VTS frequency is an additional designated frequency required to be monitored in accordance with §26.05.

(71)

**§26.05 Use of radiotelephone.**

(72) Section 5 of the Act states that the radiotelephone required by this Act is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who shall maintain a listening watch on the designated frequency. Nothing herein shall be interpreted as precluding the use of portable

radiotelephone equipment to satisfy the requirements of this Act.

(73)

**§26.06 Maintenance of radiotelephone; failure of radiotelephone.**

(74) Section 6 of the Act states–

(75) (a) Whenever radiotelephone capability is required by this Act, a vessel's radiotelephone equipment shall be maintained in effective operating condition. If the radiotelephone equipment carried aboard a vessel ceases to operate, the master shall exercise due diligence to restore it or cause it to be restored to effective operating condition at the earliest practicable time. The failure of a vessel's radiotelephone equipment shall not, in itself, constitute a violation of this Act, nor shall it obligate the master of any vessel to moor or anchor his vessel; however, the loss of radiotelephone capability shall be given consideration in the navigation of the vessel.

(76)

**§26.07 Communications.**

(77) No person may use the services of, and no person may serve as, a person required to maintain a listening watch under section 5 of the Act, 33 U.S.C. 1204, unless the person can communicate in the English language.

(78)

**§26.08 Exemption procedures.**

(79) (a) The Commandant has redelegated to the Assistant Commandant for Marine Safety, Security and Environmental Protection, U.S. Coast Guard Headquarters, with the reservation that this authority shall not be further redelegated, the authority to grant exemptions from provisions of the Vessel Bridge-to-Bridge Radiotelephone Act and this part.

(80) (b) Any person may petition for an exemption from any provision of the Act or this part;

(81) (c) Each petition must be submitted in writing to Commandant (CG–DCO–D), Attn: Deputy for Operations Policy and Capabilities, U.S. Coast Guard Stop 7318, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7318, and must state:

(82) (1) The provisions of the Act or this part from which an exemption is requested; and

(83) (2) The reasons why marine navigation will not be adversely affected if the exemption is granted and if the exemption relates to a local communication system how that system would fully comply with the intent of the concept of the Act but would not conform in detail if the exemption is granted.

(84)

**§26.09 List of exemptions.**

(85) (a) All vessels navigating on those waters governed by the navigation rules for Great Lakes and their connecting and tributary waters (33 U.S.C. 241 et seq.) are exempt from the requirements of the Vessel Bridge-to-Bridge Radiotelephone Act and this part until May 6, 1975.

(86) (b) Each vessel navigating on the Great Lakes as defined in the Inland Navigational Rules Act of 1980 (33 U.S.C. 2001 et seq.) and to which the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1201–1208) applies is exempt from the requirements in 33 U.S.C. 1203, 1204, and 1205 and the regulations under §§26.03, 26.04, 26.05, 26.06, and 26.07. Each of these vessels and each person to whom 33 U.S.C. 1208(a) applies must comply with Articles VII, X, XI, XII, XIII, XV, and XVI and Technical Regulations 1-9 of "The Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973."

(87)

## Part 80–COLREGS Demarcation Lines

(88)

**§80.01 General basis and purpose of demarcation lines.**

(89) (a) The regulations in this part establish the lines of demarcation delineating those waters upon which mariners shall comply with the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) and those waters upon which mariners shall comply with the Inland Navigation Rules.

(90) (b) The waters inside of the lines are Inland Rules waters. The waters outside the lines are COLREGS waters.

(91) (c) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

(92)

**§80.135 Hull, Mass. to Race Point, Mass.**

(93) (a) Except inside lines described in this section, the 72 COLREGS apply on the harbors, bays, and inlets on the east coast of Massachusetts from the easternmost radio tower at Hull, charted in approximate position latitude 42°16.7'N., longitude 70°52.6'W., to Race Point on Cape Cod.

(94) (b) A line drawn from Canal Breakwater Light 4 south to the shoreline.

(95)

**§80.145 Race Point, Mass., to Watch Hill, R.I.**

(96) (a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the sounds, bays, harbors, and inlets along the coast of Cape Cod and the southern coasts of Massachusetts and Rhode Island from Race Point to Watch Hill.

(97) (b) A line drawn from Nobska Point Light to Tarpaulin Cove Light on the southeastern side of Naushon Island;

thence from the southernmost tangent of Naushon Island to the easternmost extremity of Nashawena Island; thence from the southwesternmost extremity of Nashawena Island to the easternmost extremity of Cuttyhunk Island; thence from the southwestern tangent of Cuttyhunk Island to the tower on Gooseberry Neck charted in approximate position 41°29.1'N., 71°02.3'W.

(98) (c) A line drawn from Sakonnet Breakwater Light 2 tangent to the southernmost part of Sachuest Point charted in approximate position 41°28.5'N., 71°14.8'W.

(99) (d) An east-west line drawn through Beavertail Light between Brenton Point and the Boston Neck shoreline.

(100)

### §80.150 Block Island, R.I.

(101) The 72 COLREGS shall apply on the harbors of Block Island.

(102)

### §80.155 Watch Hill, RI to Montauk Point, NY.

(103) (a) A line drawn from 41°18'13.999"N., 071°51'30.300"W. (Watch Hill Light) to East Point on Fishers Island.

(104) (b) A line drawn from Race Point to 41°14'36.509"N., 072°02'49.676"W. (Race Rock Light); thence to 41°12'22.900"N., 072°06'24.700"W. (Little Gull Island Light) thence to East Point on Plum Island.

(105) (c) A line drawn from 41°10'16.704"N., 072°12'21.684"W. (Plum Island Harbor East Dolphin Light) to 41°10'17.262"N., 072°12'23.796"W. (Plum Island Harbor West Dolphin Light).

(106) (d) A line drawn from 41°10'25.745"N., 072°12'42.137"W. (Plum Gut Light) to 41°09'48.393"N., 072°13'25.014"W. (Orient Point Light); thence to Orient Point.

(107) (e) A line drawn from 41°06'35.100"N., 072°18'21.400"W. (Long Beach Bar Light) to Cornelius Point.

(108) (f) A line drawn from 41°04'12.000"N., 072°16'48.000"W. (Coecles Harbor Entrance Light) to Sungic Point.

(109) (g) A line drawn from Nicholl Point to 41°02'25.166"N., 072°15'42.971"W. (Cedar Island Light 3CI).

(110) (h) A line drawn from 41°02'06.060"N., 072°11'19.560"W. (Threemile Harbor West Breakwater Light) to 41°02'05.580"N., 072°11'15.777"W. (Threemile Harbor East Breakwater Light).

(111) (i) A line drawn from 41°04'44.210"N., 071°56'20.308"W. (Montauk West Jetty Light 2) to 41°04'46.095"N., 071°56'14.168"W. (Montauk East Jetty Light 1).

(112)

### §80.160 Montauk Point, NY to Atlantic Beach, NY.

(113) (a) A line drawn from the 40°50'17.952"N., 072°28'29.010"W. (Shinnecock Inlet Breakwater Light 2) to 40°50'23.490"N., 072°28'40.122"W. (Shinnecock Inlet Breakwater Light 1).

(114) (b) A line drawn from 40°45'47.763"N., 072°45'11.095"W. (Moriches Inlet Breakwater Light 2) to 40°45'49.692"N., 072°45'21.719"W. (Moriches Inlet Breakwater Light 1).

(115) (c) A line drawn from the westernmost point on Fire Island to the southernmost extremity of the spit of land at the western end of Oak Beach.

(116) (d) A line drawn from 40°34'23.568"N., 073°34'32.364"W. (Jones Inlet Light) 322° true across Jones Inlet to the shoreline.

(117)

### §80.165 New York Harbor.

(118) A line drawn from 40°34'56.600"N., 073°45'17.200"W. (East Rockaway Inlet Breakwater Light) to 40°27'42.177"N., 074°00'07.309"W. (Sandy Hook Light).

(119)

## Part 110–Anchorage Regulations

(120)

### §110.1 General.

(121) (a) The areas described in subpart A of this part are designated as special anchorage areas for the purposes of rule 30 (33 CFR 83.30) and rule 35 (33 CFR 83.35) of the Inland Navigation Rules, 33 CFR Chapter I, Subchapter E. Vessels of less than 20 meters in length; and barges, canal boats, scows, or other nondescript craft, are not required to sound signals required by rule 35 of the Inland Navigation Rules. Vessels of less than 20 meters are not required to exhibit anchor lights or shapes required by rule 30 of the Inland Navigation Rules.

(122) (b) The anchorage grounds for vessels described in Subpart B of this part are established, and the rules and regulations in relation thereto adopted, pursuant to the authority contained in section 7 of the act of March 4, 1915, as amended (38 Stat. 1053; 33 U.S.C. 471).

(123) (c) All bearings in the part are referred to true meridian.

(124) (d) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

(125)

### §110.1a Anchorages under Ports and Waterways Safety Act.

(126) (a) The anchorages listed in this section are regulated under the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.):

(127) (1) Section 110.155 *Port of New York*.

(128) (2) [Reserved]

(129) (b) [Reserved]

(130)

## Subpart A–Special Anchorage Areas

(131)

### §110.38 Edgartown Harbor, Mass.

(132) An area in the inner harbor easterly of the project channel and south of Chappaquiddick Point bounded as follows: Beginning at

(133) 41°23'19"N., 70°30'32"W.; thence along the shore to

(134) 41°22'52"N., 70°30'12"W.; thence

(135) 287°30', 1,600 feet; thence

(136) 327°30', 700 feet; thence

(137) 359°, 800 feet; thence

(138) 024°15', approximately 900 feet to the point of beginning.

(139) **NOTE:** The area is reserved for yachts and other small recreational craft. Fore and aft moorings and temporary floats or buoys for marking anchors in place will be allowed. All moorings shall be so placed that no vessel when anchored shall extend into waters beyond the limits of the area. Fixed mooring piles or stakes are prohibited.

(140)

### §110.40 Silver Beach Harbor, North Falmouth, Mass.

(141) All the waters of the harbor northward of the inner end of the entrance channel.

(142)

### §110.45 Onset Bay, Mass.

(143) Northerly of a line extending from the northernmost point of Onset Island to the easternmost point of Wickets Island; easterly of a line extending from the easternmost point of Wickets Island to the southwest extremity of Point Independence; southerly of the shoreline; and westerly of the shore line and of a line bearing due north from the northernmost point of Onset Island.

(144)

### §110.45a Mattapoisett Harbor, Mattapoisett, Mass.

(145) (a) Area No. 1 beginning at a point on the shore at

(146) 41°39'23"N., 70°48'50"W.; thence 138.5°T. to

(147) 41°38'45"N., 70°48'02"W.; thence 031°T. to

(148) 41°39'02"N., 70°47'48"W.; thence along the shore to the point of beginning.

(149) (b) Area No. 2 beginning at a point on the shore at

(150) 41°39'24"N., 70°49'02"W.; thence 142.5°T to

(151) 41°38'10"N., 70°47'45"W.; thence 219°T. to

(152) 41°37'54"N., 70°48'02"W.; thence along the shore to the point of beginning.

(153) **NOTE:** Administration of the Special Anchorage Area is exercised by the Harbormaster, Town of Mattapoisett pursuant to a local ordinance. The town of Mattapoisett will install and maintain suitable navigational aids to mark the perimeter of the anchorage area.

(154)

### §110.46 Newport Harbor, Newport, R.I.

(155) (a) *Area No. 1*. The waters of Brenton Cove south of a line extending from

(156) 41°28'50"N., 71°18'58"W.; to

(157) 41°28'45"N., 71°20'08"W.; thence along the shoreline to the point of beginning.

(158) (b) *Area No. 2*. The waters east of Goat Island beginning at a point bearing 090°, 245 yards from Goat Island Shoal Light; thence

(159) 007°, 505 yards; thence

(160) 054°, 90 yards; thence

(161) 086°, 330 yards; thence

(162) 122°, 90 yards; thence

(163) 179°, 290 yards; thence

(164) 228°, 380 yards; thence

(165) 270°, 250 yards to the point of beginning.

(166) (c) *Area No. 3*. The waters north of Goat Island Causeway Bridge beginning at Newport Harbor Light; thence 023° to the southwest corner of Anchorage E; thence 081° following the southerly boundary of Anchorage E to the shoreline; thence south along the shoreline to the east foot of the Goat Island Causeway Bridge; thence west following Goat Island Causeway Bridge to the shoreline of Goat Island; thence north following the east shore of Goat Island to the point of beginning.

(167)

### §110.47 Little Narragansett Bay, Watch Hill, R.I.

(168) All of the navigable waters of Watch Hill Cove southeasterly of a line beginning at the shore end of the United States project groin on the southerly shore of the cove and running 41°30' true, to the northerly shore of the cove at a point about 200 feet west of the west side of the shore end of Meadow Lane, with the exception of a 100-foot wide channel running from the westerly end of the cove in a southeasterly direction to the Watch Hill Yacht Club pier, thence along in front of the piers on the easterly side of the cove northerly to the shore at the north end of the cove.

(169)

### §110.48 Thompson Cove on east side of Pawcatuck River below Westerly, R.I.

(170) Eastward of a line extending from the channelward end of Thompson Dock at the northern end of Thompson Cove 184° to the shore at the southern end of Thompson Cove.

(171)

### §110.50 Stonington Harbor, Conn.

(172) (a) *Area No. 1*. Beginning at the southeastern tip of Wamphassuc Point; thence to the northwesterly end of Stonington Inner Breakwater; thence along the breakwater to

(173) 71°54'50.5"W.; thence to

(174) 41°20'25.3"N., 71°54'50.5"W.; thence to a point on the shoreline at

(175) 41°20'32"N., 71°54'54.8"W.; thence along the shoreline to the point of beginning.

(176) (b) *Area No. 2*. Beginning at a point on the shoreline at

(177) 41°19'55.8"N., 71°54'28.9"W.; thence to

(178) 41°19'55.8"N., 71°54'37.1"W.; thence to

(179) 41°20'01.6"N., 71°54'38.8"W.; thence to

(180) 41°20'02.0"N., 71°54'34.3"W.; thence along the shoreline to the point of beginning.

(181) (c) *Area No. 3*. Beginning at a point on the shoreline at

(182) 41°20'29.5"N., 71°54'43.0"W.; thence to

(183) 41°20'25.6"N., 71°54'48.5"W.; thence to

(184) 41°20'10.7"N., 71°54'48.5"W.; thence to the shoreline at

(185) 41°20'10.7"N.; thence along the shoreline to the point of beginning.

(186) **NOTE:** A fixed mooring stake or pile is prohibited. The General Statutes of the State of Connecticut authorizes the Harbor Master of Stonington to station and control a vessel in the harbor.

(187)

### §110.50a Fishers Island Sound, Stonington, Conn.

(188) An area on the east side of Mason Island bounded as follows:

(189) Beginning at the shore line on the easterly side of Mason Island at

(190) 41°20'06"N.; thence due east about 600 feet to

(191) 41°20'06"N., 71°57'37"W.; thence due south about 2,400 feet to

(192) 41°19'42"N., 71°57'37"W.; thence due west about 1,000 feet to the shore line on the easterly side of Mason Island at

(193) 41°19'42"N.; thence along the shore line to the point of beginning.

(194) **NOTE:** The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes will be prohibited. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and the discretion of the local Harbor Master.

(195)

### §110.50b Mystic Harbor, Groton and Stonington, Conn.

(196) (a) *Area No. 1*. Beginning at Ram Point on the westerly side of Mason Island at

(197) 41°19'44"N., 71°58'42"W.; thence to

(198) 41°19'30"N., 71°58'43"W.; thence to

(199) 41°19'36"N., 71°58'58"W.; thence to

(200) 41°19'45"N., 71°58'56"W.; thence to the point of beginning.

(201) (b) *Area No. 2*. Beginning at a point about 250 feet southerly of Area 1 and on line with the easterly limit of Area 1 at

(202) 41°19'27"N., 71°58'44"W.; thence to

(203) 41°19'19"N., 71°58'45"W.; thence to

(204) 41°19'25"N., 71°58'59"W.; thence to

(205) 41°19'33"N., 71°58'58"W.; thence to the point of beginning.

(206) **NOTE**: The areas will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the areas. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the local Harbor Master.

(207)

### §110.50c Mumford Cove, Groton, Conn.

(208) (a) *Area No. 1*. Beginning at a point on the easterly shore of Mumford Cove at

(209) 41°19'36"N., 72°01'06"W.; to

(210) 41°19'30"N., 72°01'04"W.; thence to the shore at

(211) 41°19'31"N., 72°01'00"W.; and thence along the shoreline to the point of beginning.

(212) (b) *Area No. 2*. Beginning at a point on the easterly shore of Mumford Cove at

(213) 41°19'15.0"N., 72°00'54.0"W.; thence to

(214) 41°19'14.5"N., 72°00'59.0"W.; thence to

(215) 41°19'11.0"N., 72°00'58.0"W.; thence to

(216) 41°19'10.0"N., 72°00'54.0"W.; thence to

(217) 41°19'12.5"N., 72°00'52.0"W.; thence to

(218) 41°19'14.0"N., 72°00'55.0"W.; and thence to the point of beginning.

(219) **NOTE:** The areas are principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes will be prohibited. The anchoring of vessels and placing of temporary moorings will be under the jurisdiction, and at the discretion, of the local Harbor Master.

(220)

### §110.50d Mystic Harbor, Noank, Conn.

(221) (a) The area comprises that portion of the harbor off the easterly side of Morgan Point beginning at a point at

(222) 41°19'15.0"N., 71°59'13.5"W.; thence to

(223) 41°19'15.0"N., 71°59'00.0"W.; thence to

(224) 41°19'02.5"N., 71°59'00.0"W.; thence to

(225) 41°19'06.0"N., 71°59'13.5"W.; and thence to the point of beginning.

(226) (b) The following requirements shall govern this special anchorage area:

(227) (1) The area will be principally for use by yachts and other recreational craft.

(228) (2) Temporary floats or buoys for marking anchors will be allowed but fixed piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall extend beyond the limits of the area.

(229) (3) The anchoring of vessels and the placing of temporary moorings shall be under the jurisdiction and at the discretion of the local harbor master, Noank, Conn.

(230)

**§110.51 Groton, Conn.**

(231) The waters between an unnamed cove and Pine Island. (a) Beginning at a point on the shoreline of Avery Point at

(232) 41°19'01.4"N., 72°03'42.8"W.; thence to a point in the cove at

(233) 41°19'02.5"N., 72°03'36.2"W.; thence southeasterly to a point at

(234) 41°18'56.2"N., 72°03'34.2"W.; thence northeasterly to

(235) 41°19'02.5"N., 72°03'19.2"W.; thence terminating at the tip of Jupiter Point at

(236) 41°19'04.4"N., 72°03'19.7"W. DATUM: NAD 83

(237) (b) Beginning at a point on the shoreline of Pine Island at

(238) 41°18'47.1"N., 72°03'36.8"W.; thence northerly to

(239) 41°18'54.1"N., 72°03'35.4"W.; thence northeasterly to a point at

(240) 41°19'01.2"N., 72°03'19.3"W.; thence terminating at a point at

(241) 41°18'54.0"N., 72°03'17.5"W. DATUM NAD 83

(242) **NOTE:** The areas designated by (a) and (b) are principally for the use of recreational vessels. Vessels shall be anchored so that no part of the vessel obstructs the 135 foot wide channel. Temporary floats or buoys for marking the location of the anchor of a vessel at anchor may be used. Fixed mooring pilings or stakes are prohibited.

(243)

**§110.52 Thames River, New London, Conn.**

(244) (a) *Area No. 1*. An area in the westerly part of Greens Harbor bounded as follows: Beginning at a point on the shore 100 yards southeasterly of the southerly side of Thames Street extended; thence 84°, 420 yards; thence 156°, 425 yards; thence 240°, 210 yards to the shore; and thence northwesterly along the shore to the point of beginning.

(245) (b) *Area No. 2*. An area in the westerly part of Greens Harbor bounded as follows: Beginning at a point on the shore 15 yards southeasterly of the southerly side of Converse Place extended; thence 54°, 170 yards; thence 114°30', 550 yards; thence 266°30', 250 yards; thence 234°, 230 yards, to the shore; and thence northwesterly along the shore to the point of beginning.

(246) (c) *Area No. 3*. An area on the westerly side of the Thames River in the vicinity of Jacobs Rock, the location of the U.S. Coast Guard Academy Sailing Center, bounded as follows: Beginning at the point on the shore where the north side of the Jacobs Rock causeway meets the western shoreline; thence northerly along the western shore of the Thames River a distance of 200 yards; thence 090°, 240 yards; thence 180°, 200 yards to the Jacobs Rock causeway; thence westerly along the causeway to the point of beginning.

(247) **Note**: The area designated by paragraph (c) of this section is principally for the use of U.S. Coast Guard Academy and Academy-related boats. Temporary floats or buoys for marking anchors may be used. The anchoring of vessels and the placing of moorings will be under the jurisdiction and at the discretion of the Chief, Waterfront Branch, U.S. Coast Guard Academy, New London, Connecticut.

(248) (d) *Area No. 4*. An area in the western part of the Thames River, north of the highway bridge, bounded as follows: Beginning at a point 125 yards north of the highway bridge at

(249) 41°21'56"N., 72°05'32"W.; thence easterly to

(250) 41°21'56"N., 72°05'27"W.; thence northerly to

(251) 41°22'12"N., 72°05'27"W.; thence westerly to

(252) 41°22'12"N., 72°05'47"W.; thence southeasterly to

(253) 41°22'02"N., 72°05'40"W.; thence downriver along the charted foul grounds to the point of beginning.

(254)

**§110.53 Niantic, Conn.**

(255) Beginning on the shoreline at

(256) 41°18'25.3"N., 72°12'16.3"W.; thence to

(257) 41°18'23.3"N., 72°12'11.6"W.; thence to

(258) 41°18'50.7"N., 72°11'51.5"W.; thence to the shore at

(259) 41°18'56.5"N., 72°12'05.6"W.; thence along the shoreline to the point of beginning.

(260) **NOTE:** This area is for public use, principally for vessels used for a recreational purpose. A temporary float or buoy for marking the location of the anchor of a vessel at anchor may be used. Fixed mooring piles or stakes are prohibited.

(261)

**§110.54 Long Island Sound, on west side of entrance to Pataguanset River, Conn.**

(262) An area east of Giants Neck (formerly known as Grant Neck) described as follows: Beginning at a point bearing

(263) 114°, 75 feet, from the outer end of the breakwater at the south end of Giants Neck; thence

(264) 90°, 1,050 feet; thence

(265) 22°17'30", 2,140 feet; thence

(266) 283°27'15.5", 240 feet; thence

(267) 220°36'39", 1,252.6 feet; thence

(268) 295°23'16.5", 326.5 feet; thence

(269) 269°02'42.6", 240 feet; thence

(270) 261°46'50.9", 181.9 feet; thence

(271) 226°28'07.7", 275.9 feet; thence

(272) 147°43'27.7", 449.4 feet; thence

(273) 238°01'35.8", 379.6 feet; and thence approximately

(274) 156°31'05.8", 462.11 feet, to the point of beginning.

(275)

**§110.55 Connecticut River, Conn.**

(276) (a) *West of Calves Island at Old Saybrook*. Beginning at a point bearing

(277) 254°09'16", 153 yards, from Calves Island 20 Light; thence

(278) 157°, 1,037 yards; thence

(279) 175°, 150 yards; thence

(280) 265°, 250 yards; thence

(281) 350°, 660 yards; thence

(282) 337°, 460 yards; and thence approximately

(283) 67°, 135 yards, to the point of beginning.

(284) (a–1) *Area No. 1, at Essex*. Beginning at a point on the shore on the west side of Haydens Point bearing approximately 211°, 270 yards, from Haydens Point Light; thence

(285) 270°, 160 yards; thence

(286) 000°, 140 yards; thence

(287) 300°, 190 yards; thence

(288) 330°, 400 yards; thence

(289) 090°, 60 yards; thence

(290) 150°, 350 yards; thence

(291) 120°, about 434 yards to a point on the shore; thence along the shore to the point of beginning.

(292) (b) *Area No. 2, at Essex*. Beginning at

(293) 41°21'22"N., 72°22'53"W.; thence

(294) 205°30', 375 yards; thence

(295) 194°31', 100 yards; thence

(296) 185°00', 440 yards; thence

(297) 153°30', 80 yards; thence

(298) 121°00', 220 yards; thence

(299) 000°00', approximately 1060 yards to the point of beginning.

(300) **NOTE:** The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the local Harbor Master.

(301) (c) *West of Brockway Island at Essex*. That portion of the waters northwest of a line ranging 238° from latitude 41°22'20.7", longitude 72°22'49.8" to the shoreline; southwest of a line connecting a point at latitude 41°22'20.7", longitude 72°22'49.8" and a point at latitude 41°22'28.2", longitude 72°22'56"; and southeast of a line ranging 238° from latitude 41°22'28.2", longitude 72°22'56" to the shoreline.

(302) **NOTE:** This area is principally for vessels used for a recreational purpose. A mooring buoy is permitted. Fixed mooring piles or stakes are prohibited.

(303) (d) *Area No. 1, at Eddy Rock Light*. Beginning at

(304) 41°26'38"N., 72°27'37"W.; to

(305) 41°26'12"N., 72°27'18"W.; to

(306) 41°26'11"N., 72°27'22"W.; to

(307) 41°26'23"N., 72°27'42"W.; to

(308) 41°26'36"N., 72°27'43"W.; thence extending to the point of beginning.

(309) (e) *Area No. 2, at Lord Island*. Beginning at

(310) 41°26'11"N., 72°27'16"W.; thence to

(311) 41°26'03"N., 72°27'02"W.; thence to

(312) 41°25'59"N., 72°26'51"W.; thence to

(313) 41°25'58"N., 72°26'52"W.; thence to

(314) 41°26'05"N., 72°27'11"W.; thence to

(315) 41°26'10"N., 72°27'20"W.; thence extending to the point of beginning.

(316) **NOTE:** The areas designated by paragraphs (d) and (e) of this section are principally for use by yachts and other recreational craft. Fore and aft moorings will be allowed. Temporary floats or buoys for marking anchors in place will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the areas. The anchoring of vessels and placing of mooring floats or buoys will be under the jurisdiction, and at the discretion of the local Harbor Master. Area 2 will not be used during the shad fishing season.

(317) (e–1) *Area No. 1 at Chester*. Beginning at a point about 600 feet southeasterly of the entrance of Chester Creek, at

(318) 41°24'23"N., 72°25'41"W.; to

(319) 41°24'05"N., 72°25'41"W.; to

(320) 41°24'05"N., 72°25'32"W.; to

(321) 41°24'23"N., 72°25'32"W.; thence due west about 600 feet to the point of beginning.

(322) **NOTE:** The area is principally for use by yachts and other recreational craft. A mooring buoy is allowed. Fixed mooring piles or stakes are prohibited.

(323) (e–2) *Area No. 2 at Chester*. That area south of latitude 41°24'43.9", west of longitude 72°25'35", north of latitude 41°24'33.4", and east of longitude 72°25'40.8".

(324) **NOTE**: Area No. 2 may not be used during the shad fishing season, April 1 to June 15, inclusive. A mooring buoy is permitted at other times. Fixed mooring piles or stakes are prohibited.

(325) (f) *Vicinity of Mouse Island Bar below Portland*. On the north side of the river shoreward of lines described as follows:

(326) (1) Beginning at a point bearing 02°, 175 yards, from Mouse Island 73 Light; thence 270°, 480 yards; and thence due north, approximately 230 yards, to the shore.

(327) (2) Beginning at the said point bearing 02°, 175 yards, from Mouse Island 73 Light; thence 70°, 400 yards; and thence 350°, approximately 250 yards, to the shore.

(328) (g) *Area at Portland*. Beginning at a point on the shore, about 700 feet southeasterly from the easterly end of the New York, New Haven and Hartford Railroad Company bridge at

(329) 41°33'55", 72°38'43"; thence 250° to

(330) 41°33'54", 72°38'46"; thence 160° to

(331) 41°33'48", 72°38'43"; thence 145° to

(332) 41°33'44", 72°38'39"; thence 055° to a point on the shore at

(333) 41°33'47", 72°38'32"; thence along the shore to the point of beginning.

(334) **NOTE:** The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limit of the area or closer than 50 feet to the Federal channel limit. The anchoring of

vessels and the placing of temporary moorings will be under the jurisdiction, and at the discretion of the local Harbor Master.

(335)

**§110.55a Five Mile River, Norwalk and Darien, Conn.**

(336) The water area of the Five Mile River beginning at a point on the southeast shore of Butler Island at 41°03'27.5"N., 73°26'52"W.; thence following the shoreline northerly along the westerly side of Five Mile River to the highway bridge at Route 136 (White Bridge); thence easterly along the southerly side of the highway bridge to the easterly side of Five Mile River; thence following the shoreline southerly along the easterly side of Five Mile River to a point on the southwest shore at Rowayton at 41°03'30"N., 73°26'47"W., thence 242° to the point of beginning, except those areas within the designated project channel as shown by dotted lines on the Five Mile River on Chart No. 12368 (formerly C and GS Chart No. 221) issued by National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(337) **NOTE:** Under an Act of the Connecticut State Legislature the harbor superintendent, appointed by the Five Mile River Commission, may control moorings and navigation including preventing vessels from anchoring in the Federal project channel.

(338)

**§ 110.55b Connecticut River, Old Saybrook, Connecticut.**

(339) (a) *Special anchorage area A*. All of the waters enclosed by a line beginning at latitude 41°19'54.75"N., longitude 072°21'08.40"W.; thence to latitude 41°19'21.50"N., longitude 072°20'49.65"W.; thence to latitude 41°19'17.80"N., longitude 072°20'49.25"W.; thence to latitude 41°19'17.05"N., longitude 72°20'59"W.; thence to latitude 41°19'25.40"N., longitude 72°21'00.95"W.; thence to latitude 41°19'29.50"N., longitude 72°21'17.60"W.; thence to latitude 41°19'35.40"N., longitude 72°21'22.90"W.; thence to latitude 41°19'52.35"N., longitude 72°21'26.10"W.; thence to the point of beginning.

(340) (b) *Special anchorage area B*. All of the waters enclosed by a line beginning at latitude 41°17'26"N., longitude 072°21'04"W.; thence to latitude 41°17'24.60"N., longitude 072°21'16"W.; thence to latitude 41°17'20"N., longitude 072°21'09"W.; thence to latitude 41°17'16"N., longitude 072°21'05"W.; thence to latitude 41°17'16"N., longitude 072°21'03"W.; thence to latitude 41°17'21.5"N., longitude 072°21'04.5"W.; thence to the point of beginning.

(341) (c) *Special anchorage area C*. All of the waters enclosed by a line beginning at latitude 41°17'27"N., longitude 072°21'35"W.; thence to latitude 41°17'24"N., longitude 072°22'01"W.; thence to latitude 41°17'16"N., longitude 072°22'00"W.; thence to latitude 41°17'19"N., longitude 072°21'33"W.; thence to the point of beginning.

(342) **Note to § 110.55b**: All coordinates referenced use datum NAD 83. All anchoring in the areas is under the supervision of the town of Old Saybrook Harbor Master or other such authority as may be designated by the authorities of the town of Old Saybrook, Connecticut. Mariners using these special anchorage areas are encouraged to contact local and state authorities, such as the local harbormaster, to ensure compliance with any additional applicable state and local laws. This area is principally for use by recreational craft. Temporary floats or buoys for marking anchors or moorings in place are allowed in this area. Fixed mooring piles or stakes are not allowed. All moorings or anchors shall be placed well within the anchorage areas so that no portion of the hull or rigging will at any time extend outside of the anchorage.

(343)

**§110.56 Noroton Harbor, Darien, Conn.**

(344) (a) Beginning at a point on the southwesterly side of Long Neck Point at

(345) 41°02'10"N., 73°28'44"W.; thence northwesterly to

(346) 41°02'17"N., 73°29'11"W.; thence in a north-northwesterly direction to the southeast side of Pratt Island at

(347) 41°02'28"N., 73°29'17"W.; thence following the shoreline around the easterly and northerly sides of Pratt Island, the westerly and northerly sides of Pratt Cove, and the westerly side of the Darien River to the causeway and dam at Gorham Pond on the north; thence along the downstream side of the causeway and dam to the easterly side of the Darien River, thence along the easterly shoreline to the point of beginning.

(348) **NOTE:** An ordinance of the town of Darien, Conn. requires the Darien Harbor Master's approval of the location and type of any mooring placed in this special anchorage area.

(349)

**§110.58 Cos Cob Harbor, Greenwich, Conn.**

(350) (a) *Area A*. Beginning at the mean low water line about 2,800 feet downstream from the easterly end of the New York, New Haven and Hartford Railroad Bridge at

(351) 41°01'23"N., 73°35'40"W.; thence to

(352) 41°01'23"N., 73°35'42"W.; thence to

(353) 41°01'02"N., 73°35'50"W.; thence to

(354) 41°01'02"N., 73°35'48"W.; thence extending along the mean low water line to the point of beginning.

(355) (b) *Area B*. Beginning at the mean low water line about 700 feet downstream from the westerly end of the New York, New Haven and Hartford Railroad Bridge at

(356) 41°01'42"N., 73°35'47"W.; thence to

(357) 41°01'42"N., 73°35'45"W.; thence to

(358) 41°01'23"N., 73°35'44"W.; thence to

(359) 41°01'04"N., 73°35'52"W.; thence to

(360) 41°01'02"N., 73°35'55"W.; thence to

(361) 41°01'02"N., 73°36'00"W.; thence to

(362) 41°01'05"N., 73°36'00"W.; thence along the mean low water line to the point of beginning.

(363) **NOTE:** The areas are principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and placing of temporary moorings will be under the jurisdiction, and at the discretion of the local Harbor Master. All moorings shall be so placed that no moored vessels will extend into the waters beyond the limits of the areas or closer than 50 feet to the Federal channel limits.

(364)

**§110.59 Eastern Long Island, NY.**

(365) (a) *Huntington Harbor*. Beginning on the shoreline at 40°54'19.5"N., 73°26'07.9"W.; thence to 40°54'19.5"N., 73°26'02.4"W.; thence along the eastern shoreline to the Mill Dam Road Bridge; thence along the downstream side of the bridge to the westerly side of Huntington Harbor; thence along the western shoreline to the point of beginning.

(366) (b) *Centerport Harbor*. Beginning at the shoreline at 40°54'00"N., 73°22'55.3"W.; thence to 40°54'03.8"N., 73°22'52.1"W.; thence along the eastern shoreline to the Mill Dam Bridge; thence along the downstream side of the bridge to the westerly side of Centerport Harbor; thence along the western shoreline to the point of beginning.

(367) (c) *Northport Harbor*. Beginning on the shoreline at

(368) 40°54′25″N., 73°22′05″W.; thence to

(369) 40°54′37.5″N., 73°21′32.9″ W.; thence along the eastern shoreline to

(370) 40°53′33.1″N., 73°21′28.2″W.; thence to

(371) 40°53′25.8″N., 73°21′37.7″W.; thence along the shoreline to the point of beginning.

(372) **Note:** The areas designated by paragraphs (a), (b), and (c) of this section are principally for vessels used for a recreational purpose. A vessel shall be anchored so that no part of the vessel comes within 50 feet of the marked channel. A temporary float or buoy for marking the location of the anchor of a vessel at anchor may be used. Fixed mooring piles or stakes are prohibited.

(373) (d) *Cold Spring Harbor*. That portion of the waters of Cold Spring Harbor easterly of a line ranging from the cupola in the extreme inner harbor through Cold Spring Harbor Light; southerly of a line ranging from the southernmost point of an L-shaped pier off Wawepex Grove through the Clock Tower at Laurelton and northerly of a line ranging from the outer end of the Socony Mobil Oil Company's pier at Cold Spring Harbor through the Clock Tower at Laurelton, with the exception of an area within a 300-foot radius of the outer end of the Socony Mobil Oil Company's pier.

(374) (e) *Oyster Bay Harbor, New York*. That portion of Oyster Bay Harbor adjacent to the easterly side of Centre Island, westerly of a line on range with Cold Spring Harbor Light and the Stone House on the end of Plum Point, Centre Island.

(375) (f) *Harbor of Oyster Bay, Oyster Bay, New York*. The water area north of the town of Oyster Bay enclosed by a line beginning on the shoreline at

(376) 40°52'35.5"N., 73°32'17"W.; thence to

(377) 40°52'59.5"N., 73°32'18"W.; thence to

(378) 40°53'00"N., 73°30'53"W.; thence to

(379) 40°52'39"N., 73°30'54"W.; thence to the shoreline at

(380) 40°52'25"N., 73°31'18"W.; thence following the shoreline to the point of beginning.

(381) (g) *Harbor of Oyster Bay, New York, Moses Point to Brickyard Point*. That portion of the waters of the Harbor of Oyster Bay enclosed by a line beginning at Moses Point on Centre Island at

(382) 40°53'11"N., 73°31'14"W.; thence to

(383) 40°53'02"N., 73°31'22"W.; thence to

(384) 40°53'02"N., 73°32'00"W.; thence to Brickyard Point on Centre Island at

(385) 40°53'06"N., 73°32'00"W.; thence following the shoreline to the point of beginning.

(386) **Note:** The anchoring of vessels and placement of temporary moorings in anchorage areas described in paragraph (g) of this section will be under the jurisdiction of the local Harbormaster appointed in accordance with Article 12 of the Village Ordinance of the Village of Centre Island, New York.

(387) (h) *Coecles Harbor at Shelter Island, New York*. That portion of Coecles Harbor bounded on the North by a line drawn between the northernmost point of land at Sungic Point and 41°04'09"N., 72°17'54"W., thence eastward along the shoreline to the point of origin.

(388) (i) *West Neck Harbor at Shelter Island, New York*. That portion of West Neck Harbor bounded on the North by a line drawn between 41°02'48"N., 72°20'27"W. and a point on Shell Beach located at 41°02'29"N., 72°20'59"W.; thence eastward along the shoreline to the point of origin.

(389)

**§110.60 Captain of the Port, New York.**

(390) (a) *Western Long Island Sound*. (1) *Glen Island*. All waters surrounding Glen Island bound by the following points:

(391) 40°52'53.1"N., 073°46'58.9"W.; thence to

(392) 40°52'46.6"N., 073°47'02.7"W.; thence to

(393) 40°53'01.3"N., 073°47'22.6"W.; thence to a line drawn from

(394) 40°53'24.4"N., 073°46'56.7"W. to

(395) 40°53'20.6"N., 073°46'51.2"W., excluding all waters within 25 feet of the 50-foot channel west and south of Glen Island.

(396) (2) *Echo Bay*. All waters northwest of a line drawn from

(397) 40°54'10.0"N., 073°45'52.9"W. to

(398) 40°54'25.0"N., 073°45'38.4"W.

(399) **Note:** An ordinance of the Town of New Rochelle NY requires a permit from the New Rochelle Harbor Master or the New Rochelle Superintendent of Bureau of Marinas, Docks and Harbors before any mooring is placed in this special anchorage area.

(400) (3) *Glen Island, East*. All waters east of Glen Island, bound by the following points:

(401) 40°53'01.4"N., 073°46'51.4"W.; thence to
(402) 40°53'03.1"N., 073°46'44.4"W.; thence to
(403) 40°53'06.2"N., 073°46'38.0"W.; thence to
(404) 40°53'15.0"N., 073°46'44.00"W.; thence along the shoreline to the point of origin.
(405) (4) *City Island, Eastern Shore*. All waters bound by the following points:
(406) 40°50'12.0"N., 073°46'57.3"W.; thence to
(407) 40°50'31.9"N., 073°46'18.3"W.; thence to
(408) 40°51'17.0"N., 073°46'49.9"W.; thence to
(409) 40°51'19.8"N., 073°46'51.3"W.; thence to
(410) 40°51'47.0"N., 073°47'02.5"W.; thence to
(411) 40°51'28.5"N., 073°47'31.7"W.; thence to
(412) 40°51'25.1"N., 073°47'29.9"W.; thence along the shoreline to the point of origin, excluding the Cable and Pipeline Area between City and Hart Islands.
(413) (5) *City Island, Western Shore*. All waters bound by the following points:
(414) 40°50'11.6"N., 073°46'58.4"W.; thence to
(415) 40°50'02.5"N., 073°47'23.3"W.; thence to
(416) 40°50'43.7"N., 073°47'56.0"W.; thence to
(417) 40°51'15.9"N., 073°47'36.0"W.; thence to
(418) 40°51'15.9"N., 073°47'28.6"W.; thence along the shoreline to the point of origin.
(419) (6) *Eastchester Bay, Western Shore*. All waters shoreward of a line connecting the following points:
(420) 40°49'31.3"N., 073°48'26.3"W.; thence to
(421) 40°50'56.4"N., 073°48'49.2"W.; thence to
(422) 40°50'55.3"N., 073°48'55.4"W.; thence along the shoreline to the point of origin.
(423) (7) *Eastchester Bay, Locust Point*. All waters west of a line drawn from
(424) 40°48'56.3"N., 073°47'56.2"W. to
(425) 40°48'34.4"N., 073°47'56.2"W.
(426) (8) *Manhasset Bay, Plum Point*. All waters bound by the following points:
(427) 40°50'02.9"N., 073°43'37.3"W.; thence to
(428) 40°49'54.0"N., 073°43'14.9"W.; thence to
(429) 40°50'06.6"N., 073°42'51.0"W.; thence to
(430) 40°50'18.6"N., 073°42'51.0"W.; thence along the shoreline to the point of origin; excluding the seaplane restricted area described in § 162.
(431) (9) *Manhasset Bay, Toms Point*. All waters bound by the following points:
(432) 40°50'20.6"N., 073°42'49.5"W.; thence to
(433) 40°50'05.3"N., 073°42'49.4"W.; thence to
(434) 40°49'58.6"N., 073°42'39.0"W.; thence to
(435) 40°49'48.9"N., 073°42'55.6"W.; thence to
(436) 40°49'49.3"N., 073°42'20.4"W.; thence to
(437) 40°50'02.5"N., 073°42'14.2"W.; thence to
(438) 40°50'11.8"N., 073°42'15.4"W.; thence along the shoreline to the point of origin.
(439) (10) *Manhasset Bay, at Port Washington*. All waters bound by the following points:
(440) 40°49'44.9"N., 073°42'11.3"W.; thence to
(441) 40°49'44.3"N., 073°43'03.2"W.; thence to
(442) 40°49'06.8"N., 073°42'46.6"W.; thence to
(443) 40°49'07.0"N., 073°42'16.2"W.; thence along the shoreline to the point of origin.
(444) (11) *Manhasset Bay, West Shore*. All waters bound by the following points:
(445) 40°49'24.6"N., 073°43'40.2"W.; thence to
(446) 40°49'33.2"N., 073°43'28.3"W.; thence to
(447) 40°49'43.8"N., 073°43'53.5"W.; thence to
(448) 40°49'39.2"N., 073°43'57.9"W.; thence along the shoreline to the point of origin.
(449) (12) *Manhasset Bay, Plandome*. All waters bound by the following points:
(450) 40°48'41.6"N., 073°42'31.7"W.; thence to
(451) 40°48'43.6"N., 073°42'42.5"W.; thence to
(452) 40°48'29.0"N., 073°42'44.4"W.; thence to
(453) 40°48'27.3"N., 073°42'35.6"W.; thence along the shoreline to the point of origin.
(454) (13) *Elm Point*. All waters bound by the following points:
(455) 40°49'01.0"N., 073°45'41.9"W.; thence to
(456) 40°49'04.4"N., 073°45'45.3"W.; thence to
(457) 40°49'13.8"N., 073°45'38.7"W.; thence to
(458) 40°49'18.9"N., 073°45'28.3"W.; thence to
(459) 40°49'08.9"N., 073°45'17.5"W.; thence along the shoreline to the point of origin.
(460) **Note:** Temporary floats or buoys for marking anchors in place are allowed. Fixed mooring piles or stakes are prohibited. An ordinance of the village of Kings Point regulates mooring and anchoring in the area which includes this special anchorage area.
(461) (14) *Little Neck Bay*. All waters east of a line drawn from
(462) 40°47'39.4"N., 73°46'27.1"W.; thence to
(463) 40°48'36.6"N., 073°45'58.5"W.; thence to
(464) 40°48'36.4"N., 073°45'48.4"W.; thence along the shoreline to the point of origin.
(465) (15) *Hempstead Harbor, Mosquito Neck*. All waters bound by the following points:
(466) 40°51'43.0"N., 073°39'37.1"W.; thence to
(467) 40°51'09.4"N., 073°39'32.4"W.; thence to
(468) 40°51'14.6"N., 073°39'08.9"W.; thence to
(469) 40°51'20.0"N., 073°38'56.1"W.; thence along the shoreline and breakwater to the point of origin.
(470) (16) *Hempstead Harbor, Sea Cliff*. All waters bound by the following points:
(471) 40°51'16.7"N., 073°38'51.9"W.; thence to
(472) 40°51'12.9"N., 073°39'07.2"W.; thence to
(473) 40°51'03.6"N., 073°39'31.6"W.; thence to
(474) 40°50'24.7"N., 073°39'26.4"W.; thence to
(475) 40°50'22.0"N., 073°39'10.2"W.; thence along the shoreline to the point of origin.
(476) (b) *East River and Flushing Bay*. (1) *Flushing Bay, College Point North*. All waters bound by the following points:
(477) 40°47'37.5"N., 073°51'13.4"W.; thence to
(478) 40°47'10.3"N., 073°51'34.0"W.; thence to
(479) 40°47'09.1"N., 073°51'32.6"W.; thence along the shoreline to the point of origin.

(480) (2) *Flushing Bay, College Point South*. All waters bound by the following points:

(481) 40°47'01.8"N., 073°51'29.2"W.; thence to

(482) 40°47'01.8"N., 073°51'33.2"W.; thence to

(483) 40°46'31.7"N., 073°51'15.9"W.; thence to

(484) 40°46'46.1"N., 073°50'58.6"W.; thence along the shoreline to the point of origin.

(485) (3) *Flushing Bay, Cape Ruth*. All waters bound by the following points:

(486) 40°46'39.9"N., 073°50'56.1"W.; thence to

(487) 40°46'29.2"N., 073°51'14.3"W.; thence to

(488) 40°46'12.3"N., 073°51'04.3"W.; thence to

(489) 40°46'15.2"N., 073°50'55.2"W.; thence along the shoreline to the point of origin.

(490) (4) *Flushing Bay, Southeast Area*. All waters south of a line drawn from 40°45'41.4"N., 073°50'57.2"W. to 40°45'51.7"N., 073°50'34.2"W.

(491) (5) *Flushing Bay, Southwest Area*. All waters bound by the following points:

(492) 40°45'36.7"N., 073°51'16.3"W.; thence to

(493) 40°45'48.5"N., 073°50'58.4"W.; thence to

(494) 40°45'51.3"N., 073°50'59.2"W.; thence to

(495) 40°45'49.4"N., 073°51'07.5"W.; thence to

(496) 40°45'58.7"N., 073°51'13.4"W.; thence to

(497) 40°46'02.1"N., 073°51'20.1"W.; thence to

(498) 40°45'54.8"N., 073°51'28.7"W.; thence to

(499) 40°45'46.2"N., 073°51'35.3"W.; thence northward along the shoreline and breakwater to the point of origin.

(500) (6) *Flushing Bay, West Area*. All waters bound by the following points:

(501) 40°46'51.1"N., 073°52'07.3"W.; thence to

(502) 40°47'11.2"N., 073°51'47.1"W.; thence to

(503) 40°47'01.9"N., 073°51'39.6"W.; thence to

(504) 40°46'28.3"N., 073°51'20.0"W.; thence to the point of origin.

(505) **Note:** The anchoring of vessels and placing of temporary moorings in anchorage areas described in paragraphs (b)(5) and (b)(6) of this section will be under the jurisdiction, and at the discretion of the local Harbor Master appointed by the City of New York.

(506) (7) *Bowery Bay*. All waters bounded by the following points:

(507) 40°46'58.4"N., 073°53'44.1"W.; thence to

(508) 40°47'03.3"N., 073°53'37.4"W.; thence to

(509) 40°47'00.3"N., 073°53'29.3"W.; thence to

(510) 40°46'57.0"N., 073°53'29.8"W.; thence to

(511) 40°46'59.9"N., 073°53'34.2"W.; thence to

(512) 40°46'58.5"N., 073°53'35.8"W.; thence to

(513) 40°46'57.1"N., 073°53'33.8"W.; thence to

(514) 40°46'55.9"N., 073°53'35.2"W.; thence to

(515) 40°46'58.2"N., 073°53'39.0"W.; thence to

(516) 40°46'56.1"N., 073°53'41.4"W.; thence along the shoreline and pier to the point of origin.

(517) (c) *Hudson River*. (1) *Yonkers, Greystone Station*. All waters bound by the following points:

(518) 40°58'19.8"N., 073°53'22.8"W.; thence to

(519) 40°58'21.1"N., 073°53'28.7"W.; thence to

(520) 40°58'42.7"N., 073°53'20.3"W.; thence to

(521) 40°58'41.8"N., 073°53'15.4"W.; thence along the shoreline to the point of origin.

(522) (2) *Yonkers, North Glenwood*. All waters bound by the followings points:

(523) 40°57'26.8"N., 073°53'46.6"W.; thence to

(524) 40°57'27.3"N., 073°53'48.8"W.; thence to

(525) 40°57'55.3"N., 073°53'34.4"W.; thence to

(526) 40°57'53.6"N., 073°53'28.6"W.; thence along the shoreline to the point of origin.

(527) (3) *Nyack*. That portion of the Hudson River bound by the following points:

(528) 41°06'06.8"N., 073°54'55,5"W.; thence to

(529) 41°06'06.8"N., 073°54'18.0"W.; thence to

(530) 41°05'00.0"N., 073°54'18.0"W.; thence to

(531) 41°05'00.0"N., 073°55'02.2"W.; thence along the along the shoreline to the point of origin (NAD 1983), excluding a fairway in the charted cable area that is marked with buoys.

(532) **Note:** The area is principally for use by yachts and other recreational craft. A mooring buoy is permitted.

(533) (4) *Manhattan, Fort Washington Point*. All waters bound by the following points:

(534) 40°51'08.1"N., 073°56'36.7"W.; thence to

(535) 40°51'09.4"N., 073°56'40.9"W.; thence to

(536) 40°52'08.3"N., 073°55'56.6"W.; thence along the shoreline to the point of origin.

(537) (5) *Yonkers, Main Street*. All waters bound by the following points:

(538) 40°56'15.4"N., 073°54'11.2"W.; thence to

(539) 40°56'16.7"N., 073°54'20.2"W.; thence to

(540) 40°56'08.9"N., 073°54'22.6"W.; thence to

(541) 40°56'07.9"N., 073°54'16.9"W.; thence to

(542) 40°56'07.0"N., 073°54'17.3"W. to

(543) (6) *Yonkers, JFK Marina*. All waters bound by the following points:

(544) 40°57'28.5"N., 073°53'46.0"W.; thence to

(545) 40°57'30.5"N., 073°53'56.8"W.; thence to

(546) 40°57'07.5"N., 073°54'06.2"W.; thence to

(547) 40°57'06.0"N., 073°53'59.5"W.; thence along the shoreline to the point of origin.

(548) **Note:** The areas designated by paragraphs (c)(5) and (c)(6) are limited to vessels no greater than 20 meters in length and is primarily for use by recreational craft on a seasonal or transient basis. These regulations do not prohibit the placement of moorings within the anchorage area, but requests for the placement of moorings should be directed to the local government to ensure compliance with local and state laws. All moorings shall be so placed that no vessel, when anchored, will at any time extend beyond the limits of the area. Fixed mooring piles or stakes are prohibited. Mariners are encouraged to contact the local harbormaster for any additional ordinances and to ensure compliance with additional applicable state and local laws.

(549) (7) *Hastings-on-Hudson*. All waters bound by the following points:

(550) 40°59'56.0"N., 073°53'05.4"W.; thence to

(551) 40°59'56.3"N., 073°53'09.6"W.; thence to

(552) 41°00'05.1"N., 073°53'09.2"W.; thence to
(553) 41°00'14.7"N., 073°53'06.4"W.; thence to
(554) 41°00'14.5"N., 073°53'00.5"W.; thence along the shoreline to the point of origin.
(555) (8) *Tarrytown*. All waters bound by the following points:
(556) 41°04'21.0"N., 073°52'03.4"W.; thence to
(557) 41°04'21.0"N., 073°52'11.3"W.; thence to
(558) 41°04'13.6"N., 073°52'11.0"W.; thence to
(559) 41°04'13.6"N., 073°52'00.5"W.; thence along the shoreline to the point of origin.
(560) (9) *West Point*. All waters west of a line drawn from 41°23'10.0"N., 073°57'18.1"W. to 41°23'23.5"N., 073°57'11.5"W.
(561) (10) *Haverstraw*. That portion of the Hudson River bound by the following points:
(562) 41°11'25.2"N., 073°57'19.9"W.; thence to
(563) 41°11'34.2"N., 073°57'00.8"W.; thence to
(564) 41°11'41.9"N., 073°57'07.5"W.; thence to
(565) 41°11'31.8"N., 073°57'26.5"W.; thence to
(566) 41°11'30.8"N., 073°57'24.9"W.; thence to the point of origin.
(567) (11) *Cedar Hill*. All waters bounded by the following points:
(568) 42°32'33.1"N., 073°45'33.1"W.; thence to
(569) 42°32'33.1"N., 073°45'28.3"W.; thence to
(570) 42°32'49.2"N., 073°45'26.6"W.; thence to
(571) 42°32'49.3"N., 073°45'31.1"W.; thence along the shoreline to the point of origin.
(572) (12) *79th Street Boat Basin South*. All waters of the Hudson River enclosed by a line beginning at the northwest corner of the 70th Street pier at approximate position
(573) 40°46′47.10″N, 073°59′29.13″W; thence to
(574) 40°47′02.60″N, 073°59′17.88″W; thence to
(575) 40°46′59.73″N, 073°59′13.01″W; thence along the shoreline and pier to the point of beginning.
(576) (13) *79th Street Boat Basin North*. All waters of the Hudson River enclosed by a line beginning on the shoreline near West 110th Street at approximate position
(577) 40°48′21.06″N, 073°58′15.72″W; thence to
(578) 40°48′21.06″N, 073°58′24.00″W; thence to
(579) 40°47′14.70″N, 073°59′09.00″W; thence to
(580) 40°47′11.84″N, 073°59′08.90″W; thence along the breakwater and shoreline to the point of beginning.
(581) (i) The anchoring of vessels and use of the moorings in anchorage areas described in paragraphs (c)(12) and (13) of this section will be under the supervision of the local Harbor Master appointed by the City of New York. Mariners may contact the boat basin on VHF CH 9 or at 212–496–2105 for mooring and anchoring availability. All moorings or anchors shall be placed well within the anchorage areas so that no portion of the hull or rigging will at any time extend outside of the anchorage.
(582) (ii) [Reserved.]
(583) (d) *New York Harbor*. (1) *Newark Bay, Southeast*. All waters bound by the following points:
(584) 40°39'27.9"N., 074°08'07.1"W.; thence to
(585) 40°39'31.7"N., 074°08'13.4"W.; thence to
(586) 40°39'31.4"N., 074°08'24.6"W.; thence to
(587) 40°39'52.4"N., 074°08'11.7"W.; thence to
(588) 40°39'47.8"N., 074°07'59.4"W.; thence along the shoreline to the point of origin.
(589) (2) *Great Kills Harbor*. All waters northeast of a line connecting the following points:
(590) 40°32'06.4"N., 074°08'24.5"W.; thence to
(591) 40°32'06.9"N., 074°08'25.8"W.; thence to
(592) 40°32'19.0"N., 074°08'21.1"W.; thence to
(593) 40°32'28.1"N., 074°08'24.3"W.; thence to
(594) 40°32'40.3"N., 074°08'08.4"W.; thence to
(595) 40°32'45.2"N., 074°08'11.4"W.; thence along the northern and eastern shoreline to the point of origin.
(596) **Note:** The special anchorage area is principally for use by yachts and other recreational craft. A temporary float or buoy for marking the location of the anchor of a vessel at anchor may be used. Fixed mooring piles or stakes are prohibited. Vessels shall be anchored so that no part of the vessel comes within 50 feet of the marked channel.
(597) (3) *Jamaica Bay, Canarsie Beach*. All waters bound by the following points:
(598) 40°37'22.0"N., 073°53'43.5"W.; thence to
(599) 40°37'18.4"N., 073°53'32.9"W.; thence to
(600) 40°37'37.6"N., 073°53'06.5"W.; thence to
(601) 40°37'42.9"N., 073°53'14.4"W.; thence along the shoreline to the point of origin.
(602) (4) *Jamaica Bay, East Broad Channel*. All waters bound by the following points:
(603) 40°35'48.5"N., 073°49'12.5"W.; thence to
(604) 40°35'50.2"N., 073°49'04.7"W.; thence to
(605) 40°36'23.4"N., 073°48'56.3"W.; thence along the shoreline to the point of origin.
(606) **Note:** The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed.
(607) (5) *Sheepshead Bay, West*. All waters bound by the following points:
(608) 40°35'00.0"N., 073°56'54.8"W.; thence to
(609) 40°34'58.9"N., 073°57'09.6"W.; thence to
(610) 40°34'56.6"N., 073°57'09.1"W.; thence to
(611) 40°34'57.5"N., 073°56'54.4"W.; thence to the point of origin.
(612) (6) *Sheepshead Bay, North*. All waters bound by the following points:
(613) 40°34'58.5"N., 073°56'00.5"W.; thence to
(614) 40°34'58.6"N., 073°56'26.0"W.; thence to
(615) 40°34'56.6"N., 073°56'26.8"W.; thence to
(616) 40°34'54.8"N., 073°56'24.8"W.; thence to
(617) 40°34'55.4"N., 073°56'10.1"W.; thence to
(618) 40°34'57.9"N., 073°56'00.5"W.; thence to the point of origin.
(619) (7) *Sheepshead Bay, South*. All waters bound by the following points:
(620) 40°34'54.2"N., 073°56'01.8"W.; thence to
(621) 40°34'53.6"N., 073°56'27.2"W.; thence to
(622) 40°34'55.8"N., 073°56'43.6"W.; thence to

(623) 40°34'54.5"N., 073°56'43.6"W.; thence to
(624) 40°34'52.0"N., 073°56'34.0"W.; thence to
(625) 40°34'53.1"N., 073°56'01.6"W.; thence to the point of origin.
(626) (i) The anchoring of vessels and use of the moorings in anchorage areas described in paragraphs (d)(5) through (7) of this section will be under the supervision of the local Harbor Master appointed by the City of New York. Mariners may contact the Harbor Master at 718–478–0480. All moorings or anchors shall be placed well within the anchorage areas so that no portion of the hull or rigging will at any time extend outside of the anchorage. For guest moorings and access to and from the anchorage areas described in paragraphs (d)(5) through (7) mariners may contact the following boating clubs: Miramar Yacht Club 718–769–3548; Port Sheepshead 917–731–8607; or Sheepshead Yacht Club 718–891–0991.
(627) (ii) [Reserved]
(628) (8) *Lower Bay, Point Comfort*. All waters bound by the following points:
(629) 40°27'18.5"N., 074°08'24.5"W.; thence to
(630) 40°27'37.4"N., 074°08'51.8"W.; thence to
(631) 40°27'51.4"N., 074°08'31.9"W.; thence to
(632) 40°27'49.7"N., 074°07'44.9"W.; thence to
(633) 40°27'15.3"N., 074°07'45.7"W.; thence along the shoreline to the point of origin.
(634) (9) *Perth Amboy, NJ*. All waters bound by the following points:
(635) 40°30'26.00"N., 074°15'42.00"W.; thence to
(636) 40°30'24.29"N., 074°15'35.20"W.; thence to
(637) 40°30'02.79"N., 074°15'44.16"W.; thence to
(638) 40°29'35.70"N., 074°16'08.88"W.; thence to
(639) 40°29'31.00"N., 074°16'20.75"W.; thence to
(640) 40°29' 47.26"N., 074°16'49.82"W.; thence to
(641) 40°30'02.00"N., 074°16'41.00"W., thence along the shoreline to the point of origin.
(642) (i) This area is limited to vessels no greater than 20 meters in length and is primarily for use by recreational craft on a seasonal or transient basis. These regulations do not prohibit the placement of moorings within the anchorage area, but requests for the placement of moorings should be directed to the Raritan Yacht Club Fleet Captain (telephone 732-826-2277 or VHF Channel 9) to ensure compliance with local and State laws. All moorings shall be so placed that no vessel, when anchored, will at any time extend beyond the limits of the area. Fixed mooring piles or stakes are prohibited seaward of the pier head line. Mariners are encouraged to contact the Raritan Yacht Club Fleet Captain for any additional ordinances or laws and to ensure compliance with additional applicable State and local laws.
(643) (ii) [Reserved]
(644) (e) *Datum*. All positions are NAD 1983.

(645)

## Subpart B–Anchorage Grounds

(646)

### §110.140 Buzzards Bay, Nantucket Sound, and adjacent waters, Mass.

(647) (a) *New Bedford Outer Harbor*–(1) *Anchorage A*. West of Sconticut Neck, and shoreward of a line described as follows: Beginning at a point 100 yards southwest of Fort Phoenix Point; thence 154° along a line which passes 100 yards east of New Bedford Channel Buoys 8, 6, and 4, to a point bearing approximately 130°, 225 yards, from New Bedford Channel Buoy 4; thence 87°, 340 yards; thence 156° along a line approximately one mile to its intersection with a line ranging 87° from the cupola on Clarks Point; thence 87° to Sconticut Neck.
(648) (2) *Anchorage B*. All waters bounded by a line beginning at
(649) 41°36′42.3″N., 70°54′24.9″W.; thence to
(650) 41°36′55.5″N., 70°54′06.6″W.; thence to
(651) 41°36′13.6″N., 70°53′40.2″W.; thence to
(652) 41°36′11.1″N., 70°54′07.6″W.; thence along the shoreline to the beginning point.
(653) (b) *Buzzards Bay near entrance to approach channel to Cape Cod Canal*–(1) *Anchorage C*. West of a line parallel to and 850 feet westward from the centerline of Cleveland Ledge Channel; north of a line bearing 129° from the tower on Bird Island; east of a line bearing 25°30' and passing through Bird Island Reef Bell Buoy 13; and south of a line bearing 270° from Wings Neck Light.
(654) Each vessel must obtain permission to proceed to Anchorage C from the U.S. Army Corps of Engineers Cape Cod Canal Control traffic controller.
(655) (2) *Anchorage D*. Beginning at a point bearing 185°, 1,200 yards, from Hog Island Channel 4 Light; thence 129° to a point bearing 209°, approximately 733 yards, from Wings Neck Light; thence 209° to Southwest Ledge Buoy 10; thence 199° along a line to its intersection with a line bearing 129° from the tower on Bird Island; thence 309° to a point 850 feet easterly, right angle distance, from the centerline of Cleveland Ledge Channel; thence northeasterly along a line parallel to and 850 feet eastward from the centerline of Cleveland Ledge Channel to its intersection with a line bearing 218°30' from the point of beginning; thence 38°30' to the point of beginning.
(656) Each vessel must obtain permission to proceed to Anchorage D from the U.S. Army Corps of Engineers Cape Cod Canal Control traffic controller.
(657) (3) *Anchorage L*. The area of water bounded by lines connecting the following points:
(658) 41°30'11"N., 70°48'10"W.; to
(659) 41°30'46"N., 70°48'45"W.; to
(660) 41°32'24"N., 70°45'50"W.; to
(661) 41°31'48"N., 70°45'15"W. and thence to start.
(662) (4) *Anchorage M–(westside)*. The waters bounded by a line connecting the following points:

(663) 41°35'35"N., 70°44'47"W.; to

(664) 41°36'24"N., 70°45'53"W.; to

(665) 41°35'00"N., 70°47'53"W.; to

(666) 41°34'12"N., 70°46'47"W. and thence to the beginning.

(667) (5) Each vessel that anchors in these anchorages must notify the U.S. Army Corps of Engineers Cape Cod Canal Control traffic controller when it anchors, and provide the vessel's name, length, draft, cargo, and its position.

(668) (6) Each vessel anchored in these anchorages must notify U.S. Army Corps of Engineers Cape Cod Canal Control traffic controller when it weighs anchor.

(669) (7) No vessel may anchor unless it maintains a bridge watch, guards and answers Channel 16 FM, and maintains an accurate position plot.

(670) (8) No vessel may anchor unless it maintains the capability to get underway within 30 minutes; except with prior approval of the Coast Guard Captain of the Port Providence.

(671) (9) No vessel may anchor in a "dead ship" status (propulsion or control unavailable for normal operations) without the prior approval of the Coast Guard Captain of the Port Providence.

(672) (10) No vessel may conduct lightering operations within these anchorages.

(673) (c) *Vineyard and Nantucket Sounds*–(1) *Anchorage E***.** South of a line beginning at a point bearing 180° about 3.25 miles from Cuttyhunk Light; thence 65° to a point bearing 180°, 0.625 mile from Nashawena Lighted Whistle Buoy; thence 57°30' passing 600 yards northerly of Middle Ground Lighted Bell Buoy 25A, to a point bearing 145°, 1.25 miles from Nobska Point Light; southwest of a line ranging 113° through West Chop Buoy 25 to East Chop Flats Bell Buoy 23; and west of a line bearing 163° between East Chop Flats Bell Buoy 23 and Lone Rock Buoy 1; and northerly of a line bearing 269° between Lone Rock Buoy 1 and a point on the mainland at Oak Bluffs about 0.30 mile southerly of Oak Bluffs Wharf.

(674) (2) *Anchorage F*. Southeast of the Elizabeth Islands, north of a line ranging 97°30' from Cuttyhunk Light toward Nashawena Lighted Whistle Buoy to a point 0.375 mile from that buoy; northwest of a line bearing 57°30' from the last-named point to a point opposite the entrance to Woods Hole; and southwest of a line from the shore of Nonamesset Island bearing 114° and ranging through West Chop Light and East Chop Light.

(675) (3) *Anchorage G*. South of a line beginning at a point on the mainland at Oak Bluffs about 0.30 mile southerly of Oak Bluffs Wharf bearing 89° to Lone Rock Buoy 1; thence 113° from Lone Rock Buoy 1 to Outer Flats Bell Buoy 17; thence 86° to Cross Rip Lightship; thence 118°30' to Tuckernuck Shoal Bell Buoy 7; thence ranging 149° toward Brant Point Light to the breakwater at Brant Point.

(676) (4) *Anchorage H***.** In the vicinity of Squash Meadow shoal, east of a line ranging 163° through Squash Meadow West End Buoy 21; north of lines parallel to and 0.5 mile northerly from lines joining Lone Rock Buoy 1, Outer Flats Bell Buoy 17, and Cross Rip Lightship; and south of a line ranging 97° from East Chop Light toward Cross Rip Lightship.

(677) (5) *Anchorage I***.** Northerly of a line ranging 109° from Nobska Point Light toward Hedge Fence Lighted Horn and Gong Buoy 16, and of a line ranging 97°30' through Hedge Fence East End Buoy to Halfmoon Shoal Lighted Bell Buoy 12, thence 73° to Handkerchief Shoal Buoy 16, and thence to the westernmost point of Monomoy Island.

(678) (6) *Anchorage J*. East of a line bearing 329°, parallel to and 0.875 mile northeasterly of a line running from Brant Point Light through Tuckernuck Shoal Bell Buoy 7, from Coatue Beach to a point 1.25 miles southeasterly from a line between Halfmoon Shoal Lighted Bell Buoy 12 and Handkerchief Shoal Buoy 16; thence 73°, parallel to and 1.25 miles southeasterly from a line running from Halfmoon Shoal Lighted Bell Buoy 12 through Handkerchief Shoal Buoy 16, to a point bearing 215° from Stone Horse North End Lighted Bell Buoy 9; thence 35° to Stone Horse North End Lighted Bell Buoy 9; thence 70° to a point bearing 207° from Pollock Rip Lightship; and thence 27° through, and to a point 5.0 miles northeasterly from, Pollock Rip Lightship.

(679) (7) *Anchorage K*. North of a line tangent to the southeasterly edge of Monomoy Point and extending to Bearse Shoal North End Buoy 2A and west of a line bearing 7° from Bearse Shoal North End Buoy 2A to Chatham Bar Buoy 2.

(680) (d) *The regulations*. (1) Floats or buoys for marking anchors or moorings in place will be allowed in all areas. Fixed mooring piles or stakes are prohibited.

(681) (2) Except in cases of great emergency, no vessels shall be anchored in New Bedford Outer Harbor, Buzzards Bay near the entrance to the approach channel to Cape Cod Canal, or Vineyard and Nantucket Sounds, outside of the anchorage areas defined in paragraphs (a) to (c) of this section.

(682) (3) Anchors must not be placed outside the anchorage areas, nor shall any vessel be so anchored that any portion of the hull or rigging will at any time extend outside the boundaries of the anchorage area.

(683) (4) Any vessel anchoring under the circumstances of great emergency outside any anchorage area must be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel, nor obstruct the approach to any pier nor impede the movement of any boat, and shall move away immediately after the emergency ceases or upon notification by an officer of the Coast Guard.

(684) (5) A vessel upon being notified to move into the anchorage limits or to shift its position in anchorage grounds must get under way at once or signal for a tug, and must change position as directed with reasonable promptness.

(685) (6) Whenever the maritime or commercial interests of the United States so require, any officer of the Coast Guard is hereby empowered to shift the position of any vessel anchored within the anchorage areas, of any vessel anchored outside the anchorage areas, and of any vessel which is so moored or anchored as to impede or obstruct vessel movements in any channel.

(686) (7) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from the penalties of the law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating the law.

(687)

**§110.142 Nantucket Harbor, Mass.**

(688) (a) *The anchorage grounds*. In the Nantucket Harbor, beginning at a point 210 yards, 090° from Brant Point Light; thence easterly to

(689) 41°17'23.0"N., 70°05'14.5"W.; thence southerly to

(690) 41°17'03.0"N., 70°05'14.5"W.; thence southwesterly to

(691) 41°16'54.0"N., 70°05'23.0"W.; thence northwesterly to

(692) 41°16'55.0"N., 70°05'31.0"W.; thence northeasterly to

(693) 41°17'07.5"N., 70°05'27.0"W.; thence to the point of beginning.

(694) (b) *The regulations*. The anchorage is for the use of commercial and pleasure craft. Temporary floats or buoys for marking anchors or moorings in place will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels including the placing of anchors and moorings is subject to the supervision and approval of the local harbor master.

(695)

**§110.145 Narragansett Bay, R.I.**

(696) (a) *East Passage*–(1) *Anchorage A*. East of Conanicut Island, beginning at the easterly extremity of the Dumplings; extending 009° to a point at

(697) 41°29'28.0"N., 71°21'05.5"W.; thence

(698) 356°, 5,350 feet; thence

(699) 024°, 5,700 feet; thence

(700) 012°, 1,100 feet; thence

(701) 311.5°, 2,300 feet; thence

(702) 351°, 5,350 feet; thence

(703) 270°, 3,200 feet to the easterly side of Conanicut Island; thence generally along the easterly side of the island to a point on the easterly side of the island due west of the Dumplings; and thence due east to the point of beginning; excluding the approach to the Jamestown Ferry, a zone 900 feet wide to the southward of a line ranging 103° from a point, 300 feet north of the existing ferry landing toward the spire of Trinity Church, Newport.

(704) (i) That portion of the area to the northward of the approach of the Jamestown Ferry shall be restricted for the anchorage of vessels of the U.S. Navy. In that portion of the area to the southward of the approach of the Jamestown Ferry, the requirements of the Navy shall predominate.

(705) (ii) Temporary floats or buoys for marking anchors or moorings in place shall be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(706) (2) *Anchorage B*. Off the west shore of Aquidneck Island to north of Coggeshall Point, northerly of a line ranging 075° from a point on the easterly end of Gould Island, latitude 41°32'13", longitude 71°20'40.5", toward the shore of Aquidneck Island; east of a line ranging 019° from the easternmost of the Dumplings to latitude 41°36'16", longitude 71°17'48"; thence northeast to latitude 41°36'53", longitude 71°17'07.5"; thence east to latitude 41°36'53", longitude 71°16'40", thence southwesterly to latitude 41°35'54", longitude 71°17'17.5"; thence southeasterly to the shore at the easterly end of the north boundary of the cable area in the vicinity of Coggeshall Point; excluding the cable area in the vicinity of Coggeshall Point.

(707) (i) *Anchorage B–1*. Off the southerly end of Prudence Island beginning at

(708) 41°34'08.9"N., 71°19'25.8"W.; thence

(709) 019°, 1,900 feet; thence

(710) 289°, 1,900 feet; thence

(711) 199°, 1,900 feet; thence

(712) 109°, 1,900 feet to the point of beginning.

(713) (a) In this area the requirements of the Navy shall predominate.

(714) (b) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(715) (ii) [Reserved]

(716) (3) *Anchorage C*.

(717) (i) [Reserved]

(718) (ii) West of Coasters Harbor Island, west of a line bearing 351° from Tracey Ledge Buoy 5 through Seventeen-foot Spot Buoy northeast of Gull Rocks; south of a line bearing 292° from the cupola at the Naval War College; east of a line ranging 19° from the easternmost of the Dumplings toward Dyer Island North Point Shoal Lighted Bell Buoy 12A; and north of latitude 41°30'22" which parallel passes through a point 230 yards north of Rose Island Shoal Northeast End Buoy 8.

(719) (iii) In this area the requirements of the Navy shall predominate.

(720) (iv) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(721) (4) *Anchorage D*. West of Goat Island, an area bounded by the following coordinates:

(722) Northeast Corner: 41°29.484′ N, 071°19.975′ W

(723) Northwest Corner: 41°29.484′ N, 071°20.578′ W

(724) Southwest Corner: 41°29.005′ N, 071°20.578′ W

(725) Southeast Corner: 41°29.005′ N, 071°19.975′ W

(726) (i) In this area the requirements of the Navy shall predominate from May 1 to October 1, subject at all times to such adjustments as may be necessary to accommodate all classes of vessels which may require anchorage room.

(727) (ii) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(728) (iii) Should any part of an anchored vessel extend into the recommended vessel route in the East Passage of Narragansett Bay, a securite call notifying mariners of the vessel's exact position and status shall be made at least hourly on VHF channels 13 and 16.

(729) (iv) As much as practicable vessels anchoring will do so in the following order:

(730) (A) Primary anchoring point: 41°29.25′ N, 071°20.15′ W

(731) (B) Secondary anchoring point: 41°29.38′ N, 071°20.45′ W

(732) (C) Tertiary anchoring point: 41°29.15′ N, 071°20.50′ W

(733) Note to paragraph (a): "Anchoring point" is the intended position of the anchor at rest on the bottom of the anchorage. All coordinates referenced use datum: NAD 83.

(734) (5) *Anchorage E*. South of Coasters Harbor Island, east of a line bearing 341° from the outer end of Briggs Wharf to the southwestern shore of Coasters Harbor Island near the War College Building; and north of a line ranging 265° from the flagstaff at Fort Greene toward Rose Island Light.

(735) (i) In this area the requirements of the naval service will predominate from May 1 to October 1, but will at all times be subject to such adjustment as may be necessary to accommodate all classes of vessels that may require anchorage room.

(736) (ii) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(737) (b) *West Passage* (1) *Anchorage H***.** North of a line 1,000 yards long bearing 88° from Bonnet Point; west of a line bearing 3° from the eastern end of the last-described line; and south of a line ranging 302° through a point 200 yards south of the Kearny wharf toward the church spire at South Ferry, Boston Neck.

(738) (i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(739) (2) *Anchorage I*. North of a line 1,000 yards long bearing 88° from Bonnet Point to the shore at Austin Hollow; east of a line bearing 183° from Dutch Island Light; and south of a line ranging 302° through a point 200 yards south of the Kearny wharf toward the church spire at South Ferry, Boston Neck.

(740) (i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(741) (3) *Anchorage J***.** At Saunderstown, south of a line ranging 110° from the south side of the ferry wharf toward the cable crossing sign on Dutch Island; west of a line ranging 192° from Plum Beach Shoal Buoy 1 PB toward the east shore of The Bonnet; and north of a line from the shore ranging 108° toward Dutch Island Light and the north end of the wharf at Beaver Head.

(742) (i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(743) (4) *Anchorage K*. In the central and southern portion of Dutch Island Harbor, north of a line ranging 106° from Beaver Head Point Shoal Buoy 2 toward the Jamestown standpipe; east of a line ranging 14° from Beaver Head Point Shoal Buoy 2 toward the inshore end of the engineer wharf, Dutch Island; southeast of a line ranging 50° from Dutch Island Light toward the windmill north of Jamestown; and south of a line parallel to and 100 yards southwesterly from a line ranging 132° from the engineer wharf, Dutch Island, and the west ferry wharf, Jamestown.

(744) (i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(745) (5) *Anchorage L*. North of a line ranging 101° from a point on shore 300 yards northerly of the Saunderstown ferry wharf toward the entrance to Round Swamp, Conanicut Island; west of a line bearing 15° parallel to and 1,000 feet westerly from a line joining the western point of Dutch Island and Twenty-three Foot Rock Buoy 4, and a line ranging 6° from Dutch Island Light toward Warwick Light; and south of a line ranging 290° from Sand Point, Conanicut Island, to Wickford Harbor Light, and a line bearing 226° from Wickford Harbor Light to Poplar Point tower.

(746) (i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(747) (6) *Anchorage M*. East and north of Dutch Island, northeast of a line ranging 316° from the inshore end of the west ferry wharf, Jamestown, toward the north end of Dutch Island to a point bearing 88°, 200 yards, from the engineer wharf, Dutch Island, thence ranging 3° toward the shore of Conanicut Island at Slocum Ledge; north of a line 200 yards off the Dutch Island shore ranging 281° from the entrance to Round Swamp toward a point on shore 300 yards northerly from the Saunderstown ferry wharf; east of a line ranging 15° from the western point of Dutch Island to Twenty-three Foot Rock Buoy 4; and south of a line bearing 77° from Twenty-three Foot Rock Buoy 4 to the shore.

(748) (i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(749) (7) *Anchorage N*. West of the north end of Conanicut Island, south of a line bearing 262° from Conanicut Island Light; east of a line bearing 8° from Twenty-three Foot Rock Buoy 4; and north of a line ranging 290° from Sand Point toward Wickford Harbor Light.

(750) (i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(751) (c) *Bristol Harbor*–(1) *Anchorage O*. South of the south line of Franklin Street extended westerly; west of a line bearing 164°30' parallel to and 400 feet westerly from the State harbor line between Franklin and Constitution Streets, and of a line ranging 244° from a point on the north line of Constitution Street extended 400 feet beyond the State harbor line toward Usher Rock Buoy 3; and north of the north line of Union Street extended to the Popasquash Neck Shore.

(752) (i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(753) (d) *The regulations*. (1) Except in cases of great emergency, no vessel shall be anchored in the entrances to Narragansett Bay, in Newport Harbor, or in Bristol Harbor, outside of the anchorage areas defined in paragraphs (a), (b) and (c) of this section.

(754) (2) Anchors must not be placed outside the anchorage areas, nor shall any vessel be so anchored that any portion of the hull or rigging shall at any time extend outside the boundaries of the anchorage area. However, Anchorage D (paragraph (a)(4) of this section) is exempt from this requirement.

(755) (3) Any vessel anchoring under the circumstances of great emergency outside the anchorage areas must be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel, nor obstruct the approach to any pier, nor impede the movement of any boat, and shall move away immediately after the emergency ceases, or upon notification by an officer of the Coast Guard.

(756) (4) A vessel upon being notified to move into the anchorage limits or to shift its position on anchorage grounds must get under way at once or signal for a tug, and must change position as directed with reasonable promptness.

(757) (5) Whenever the maritime or commercial interests of the United States so require, any officer of the Coast Guard is hereby empowered to shift the position of any vessel anchored within the anchorage areas, of any vessel anchored outside the anchorage areas, and of any vessel which is so moored or anchored as to impede or obstruct vessel movements in any channel.

(758) (6) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from the penalties of the law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating the law.

(759)

**§110.146 Long Island Sound.**

(760) (a) *Anchorage grounds*. (1) *Bridgeport Anchorage Ground*. That portion of Long Island Sound enclosed by a line connecting the following points:

(761) 41°04'52"N., 73°14'04"W.; thence to

(762) 41°03'45"N., 73°14'04"W.; thence to

(763) 41°03'45"N., 73°11'39"W.; thence to

(764) 41°02'50"N., 73°12'08"W.; thence to

(765) 41°02'50"N., 73°16'18"W.; thence to

(766) 41°04'52"N., 73°16'18"W.; returning to point of origin.

(767) (2) *New Haven North Anchorage Ground*. That portion of Long Island Sound enclosed by a line connecting the following points:

(768) 41°12'18"N., 72°52'36"W.; thence to

(769) 41°12'18"N., 72°49'36"W.; thence to

(770) 41°10'12"N., 72°48'18"W.; thence to

(771) 41°10'12"N., 72°52'12"W.; thence to

(772) 41°11'06"N., 72°53'06"W.; returning to point of origin.

(773) (3) *New Haven South Anchorage Ground*. That portion of Long Island Sound enclosed by a line connecting the following points:

(774) 41°09'30"N., 72°47'48"W.; thence to

(775) 41°08'36"N., 72°47'24"W.; thence to

(776) 41°08'36"N., 72°51'24"W.; thence to

(777) 41°09'30"N., 72°51'24"W.; returning to point of origin.

(778) (4) *New London Anchorage Ground*. That portion of Long Island Sound enclosed by a line connecting the following points:

(779) 41°14'11"N., 72°15'38" W.; thence to

(780) 41°15'05"N., 72°16'02" W.; thence to

(781) 41°15'39"N., 72°13'21" W.; thence to

(782) 41°14'45"N., 72°12'57" W.; returning to point of origin.

(783) (5) *Northport Anchorage Ground*. That portion of Long Island Sound enclosed by a line connecting the following points:

(784) 40°58'48" N., 73°16'30"W.; thence to

(785) 40°57'42" N., 73°11'42"W.; thence to

(786) 40°56'30" N., 73°13'30"W.; thence to

(787) 40°57'36" N., 73°18'12"W.; returning to point of origin.

(788) (6) *Port Jefferson Anchorage Ground*. That portion of Long Island Sound enclosed by a line connecting the following points:

(789) 41°01'48"N., 73°04'54"W.; thence to

(790) 41°01'48"N., 73°00'00"W.; thence to

(791) 41°00'18"N., 73°00'00"W.; thence to

(792) 41°00'18"N., 73°04'54"W.; returning to point of origin.

(793) (7) *Riverhead Anchorage Ground*. That portion of Long Island Sound enclosed by a line connecting the following points:

(794) 41°03'00"N., 72°42'00"W.; thence to

(795) 41°04'00"N., 72°36'00"W.; thence to

(796) 41°02'00"N., 72°35'24"W.; thence to

(797) 41°01'24" N., 72°41'24"W.; returning to point of origin.

(798) (8) All coordinates referenced use datum: NAD 83.

(799) (b) *General regulations*. (1) These anchorages are designated for general purposes, but are intended primarily for use by commercial vessels of 300 gross tons and greater and all tank vessels including tank barges.

Except in emergencies, commercial vessels of 300 gross tons and greater and all tank vessels, including tank barges, anchoring in the Captain of the Port Long Island Sound Zone inside the line of demarcation shall anchor in the anchorage grounds described above.

(800) (2) Prior to anchoring in the anchorage area, all vessels shall notify the Coast Guard Captain of the Port via VHF-FM Channel 16.

(801) (3) In anchorages where lightering and bunkering operations are authorized, the Captain of the Port must be notified at least four hours in advance of a vessel conducting lightering or bunkering operations, as required by 156.118 of this title. In addition, all lightering and bunkering operations must be done in accordance with 156.120 of this title.

(802) (4) Within an anchorage, navigation is prohibited within 500 yards of an anchored vessel that is conducting bunkering or lightering operations. In accordance with the "Regulated Navigation Area: Long Island Sound Marine Inspection and Captain of the Port Zone," 33 CFR 165.153(d)(7), navigation also is prohibited within 100 yards of a vessel engaged in commercial service.

(803) (5) Any vessel conducting lightering or bunkering operations shall display by day a red flag at its mast head or at least 10 feet above the upper deck if the vessel has no mast, and by night the flag must be illuminated by spotlight. These signals shall be in addition to day signals, lights, and whistle signals required by rules 30 (33 U.S.C. 2030) and 35 (33 U.S.C. 2035) of the Inland Navigation Rules when at anchor in a general anchorage area.

(804) (6) Except as otherwise provided, a vessel may not occupy an anchorage for more than 30 days, unless the vessel obtains written permission from the Captain of the Port.

(805) (7) If a request is made for the long-term lay up of a vessel, the Captain of the Port may establish special conditions with which the vessel must comply in order for such a request to be approved.

(806) (8) The Captain of the Port may prescribe specific conditions for vessels anchoring within the anchorage grounds described in this section, pursuant to 33 CFR 109.05. These conditions may include, but are not limited to: The number and location of anchors; scope of chain; readiness of the engineering plant and equipment; use of tugs; and requirements for maintaining communication guards on selected radio frequencies.

(807) (9) No vessel in such condition that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels shall occupy an anchorage, except in cases where unforeseen circumstances create conditions of imminent peril to personnel, and then only for such period as may be authorized by the Captain of the Port.

(808) (10) All vessels anchored within the designated anchorage grounds shall comply with the regulations found in 33 CFR 164.19 and shall maintain a continuous bridge watch by a licensed deck officer proficient in English, monitoring VHF-FM Channel 16. This individual shall confirm that the ship's crew performs frequent checks of the vessel's position to ensure the vessel is not dragging anchor. A second VHF-FM radio monitoring Channel 13 is strongly recommended.

(809) (11) Anchors shall be placed well within the anchorage grounds so that no portion of the hull or rigging will at any time extend outside of the anchorage area.

(810) (12) The Coast Guard Captain of the Port may close the anchorage area and direct vessels to depart the anchorage during periods of adverse weather or at other times as deemed necessary in the interest of port safety and security.

(811) (13) Any vessel anchored in these grounds must be capable of getting underway if ordered by the Captain of the Port and must be able to do so within two (2) hours of notification by the Captain of the Port. If a vessel will not be able to get underway within two (2) hours of notification, permission must be requested from the Captain of the Port to remain in the anchorage. No vessel shall anchor in a "dead ship" status (propulsion or control unavailable for normal operations) without prior approval of the Captain of the Port.

(812) (14) Fixed moorings, piles or stakes are prohibited.

(813)

### §110.147 New London Harbor, Conn.

(814) (a) *The anchorage grounds*–(1) *Anchorage A*. In the Thames River east of Shaw Cove, bounded by lines connecting points which are the following bearings and distances from Monument, Groton (41°21'18"N., 72°04'48"W.): 243°, 1,400 yards; 246°, 925 yards; 217°, 1,380 yards; and 235°, 1,450 yards.

(815) (2) *Anchorage B*. In the Thames River southward of New London, bounded by lines connecting points which are the following bearings and distances from New London Harbor Light (41°18'59"N., 72°05'25"W.): 002°, 2,460 yards; 009°, 2,480 yards; 026°, 1,175 yards; and 008°, 1,075 yards.

(816) (3) *Anchorage C*. In the Thames River southward of New London Harbor, bounded by lines connecting a point bearing 100°, 450 yards from New London Harbor Light, a point bearing 270°, 575 yards from New London Ledge Light (41°18'21"N., longitude 72°04'41"W.), and a point bearing 270°, 1,450 yards from New London Ledge Light.

(817) (4) *Anchorage D*. In Long Island Sound approximately two miles west-southwest of New London Ledge Light, bounded by lines connecting points which are the following bearings and distances from New London Ledge Light; 246°, 2.6 miles; 247°, 2.1 miles; 233°, 2.1 miles; and 235°, 2.6 miles.

(818) (5) *Anchorage E*. The waters at the mouth of New London Harbor one mile southeast of New London Ledge Light beginning at

(819) 41°17'26"N., 72°04'21"W.; thence northeasterly to

(820) 41°17'38"N., 72°03'54"W.; thence southeasterly to

(821) 41°16'50"N., 72°03'16"W.; and thence southwesterly to

(822) 41°16'38"N., 72°03'43"W.; and thence northwesterly to the point of beginning.

(823) (6) *Anchorage F*. The waters off the mouth of New London Harbor two miles southeast of New London Ledge Light beginning at

(824) 41°16'00"N., 72°03'13"W.; thence westerly to

(825) 41°16'00"N., 72°03'38"W.; thence northerly to

(826) 41°16'35"N., 72°03'38"W.; thence easterly to

(827) 41°16'35"N., 72°03'13"W.; and thence southerly to the point of beginning.

(828) (b) *The regulations*–(1) Anchorage A is for barges and small vessels drawing less than 12 feet.

(829) (2) Anchorage F is reserved for the use of naval vessels and, except in cases of emergency, no other vessel may anchor in Anchorage F without permission from the Captain of the Port, New London, CT.

(830) (3) Except in emergencies, vessels shall not anchor in New London Harbor or the approaches thereto outside the anchorages defined in paragraph (a) of this section unless authorized to do so by the Captain of the Port.

(831)

**§110.148 Johnsons River at Bridgeport, Conn.**

(832) (a) *The anchorage grounds*. In Johnsons River, beginning at

(833) point "A" 41°10'12.3"N., 73°09'50.2"W.; to

(834) point "B" 41°10'12.3"N., 73°09'52.1"W.; to

(835) point "C" 41°10'10.0"N., 73°09'54.9"W.; to

(836) point "D" 41°10'05.0"N., 73°09'56.1"W.; to

(837) point "E" 41°10'04.0"N., 73°09'55.9"W.; to

(838) point "F" 41°10'05.0"N., 73°09'54.5"W.; to

(839) point "G" 41°10'05.8"N., 73°09'54.5"W.; thence to the point of beginning.

(840) (b) *The regulations*. The anchorage is for use by commercial and pleasure craft. Temporary floats or buoys for marking anchors or moorings will be allowed. The anchoring of vessels and placing of temporary anchors or mooring piles are under the jurisdiction of the local harbor master. Fixed mooring piles or stakes will not be allowed.

(841)

**§110.149 Narragansett Bay, RI.**

(842) (a) Brenton Point anchorage ground. An area bounded by the following coordinates:

(843) 41°22′37.1″ N, 71°14′40.3″W; thence to

(844) 41°20′42.8″ N, 71°14′40.3″W; thence to

(845) 41°18′24.1″ N, 71°20′32.5″W; thence to

(846) 41°20′22.6″ N, 71°20′32.5″W; thence back to point of origin.

(847) (b) The following regulations apply in the Brenton Point anchorage ground.

(848) (1) Prior to anchoring within the anchorage area, all vessels shall notify the Coast Guard Captain of the Port via VHF–FM Channel 16.

(849) (2) Except as otherwise provided, no vessel may occupy this anchorage ground for a period of time in excess of 96 hours without prior approval of the Captain of the Port.

(850) (3) If a request is made for the longterm lay up of a vessel, the Captain of the Port may establish special conditions with which the vessel must comply in order for such a request to be approved.

(851) (4) No vessel in such condition that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels shall occupy an anchorage except in cases where unforeseen circumstances create conditions of imminent peril to personnel and then only for such period as may be authorized by the Captain of the Port.

(852) (5) Anchors shall be placed well within the anchorage areas so that no portion of the hull or rigging will at any time extend outside of the anchorage area.

(853) (6) The Coast Guard Captain of the Port may close the anchorage area and direct vessels to depart the anchorage during periods of adverse weather or at other times as deemed necessary in the interest of port safety and security.

(854) (7) Any vessel anchored in these grounds must be capable of getting underway if ordered by the Captain of the Port and must be able to do so within two hours of notification by the Captain of the Port. If a vessel will not be able to get underway within two hours of notification, permission must be requested from the Captain of the Port to remain in the anchorage. No vessel shall anchor in a "dead ship" status (propulsion or control unavailable for normal operations) without prior approval of the Captain of the Port.

(855) (8) Brenton Point anchorage ground is a general anchorage area reserved primarily for commercial vessels waiting to enter Narragansett Bay.

(856) (9) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(857) (10) All coordinates referenced use datum: NAD 83.

(858)

**§110.150 Block Island Sound N.Y.**

(859) (a) *The anchorage ground*. A ¾- by 2-mile rectangular area approximately 3 miles east-northeast of Gardiners Island with the following coordinates:

(860) 41°06'12"N., 72°00'05"W.

(861) 41°07'40"N., 72°01'54"W.

(862) 41°08'12"N., 72°01'10"W.

(863) 41°06'46"N., 71°59'18"W.

(864) (b) *The regulations*. This anchorage ground is for use of U.S. Navy submarines. No vessel or person may approach or remain within 500 yards of a U.S. Navy submarine anchored in this anchorage ground.

(865)

**§110.155 Port of New York.**

(866) (a) *Long Island Sound*–(1) *Anchorage No. 1*. Southwest of a line between Neptune Island and Glen Island ranging from Aunt Phebe Rock Light and tangent to the north edge of Glen Island; southwest of a line tangent to the northeast edge of Glen Island and Goose Island breakwater; southwest of a line bearing

southeasterly from the southwest end of Goose Island breakwater and on range with the south gable of the Casino on the northeast end of Glen Island; west of a line ranging from the east edge of Goose Island breakwater to the west edge of the north end of Hart Island; west of Hart Island; and northwest of a line extending from Hart Island Light to Locust Point; excluding from this area, however, (i) the waters northeast of a line ranging 303° from the southwest end of Hart Island; northwest of a line ranging from the water tank at the north end of Davids Island 207°40' to the northwest end of City Island; and south of latitude 40°52'12"; and (ii) the waters west of Hunter Island; and south of a line ranging from the most southerly end of Glen Island tangent to the most northerly end of Hunter Island.

(867) (i) Boats shall not anchor in this area in buoyed channels.

(868) (ii) Boats shall be so anchored as to leave at all times an open, usable channel, at least 50 feet wide, west and south of Glen Island.

(869) **NOTE:** The special anchorage area in this anchorage is described in §110.60.

(870) (2) [Reserved]

(871) (b) *East River*–(1) *Anchorage No. 6*. On Hammond Flats north of a line bearing 260° from the head of the pier on Throgs Neck at the foot of Pennyfield Avenue to the north tower of Bronx-Whitestone Bridge at Old Ferry Point.

(872) (2) [Reserved]

(873) (3) *Anchorage No. 8*. North of a line bearing 259° between the north tower of the Bronx-Whitestone Bridge at Old Ferry Point and a point at latitude 40°47'57", longitude 73°52'16"; thence east of a line bearing 0° to latitude 40°48'06"; thence southeast of a line parallel to the bulkhead extending northeasterly to latitude 40°48'20"; thence north of a line bearing 296° to shore.

(874) (4) *Anchorage No. 9*. East of a line from College Point Reef Light tangent to the west side of College Point; and south of a line from College Point Reef Light to Whitestone Point.

(875) (5) *Anchorage No. 10*. An area in Flushing Bay, beginning at a point on shore at La Guardia Airport at

(876) 40°46'49"N., 73°52'21"W.; to

(877) 40°47'20"N., 73°51'55"W.; to

(878) 40°47'38"N., 73°51'15"W.; and an area on the west side of Bowery Bay, beginning at

(879) 40°46'58"N., 73°53'46"W.; to

(880) 40°47'03"N., 73°53'39"W.; to

(881) 40°47'00"N., 73°53'31"W.; to

(882) 40°46'55"N., 73°53'32"W.; to

(883) 40°46'49"N., 73°53'39"W.

(884) **NOTE:** Special anchorage areas in this anchorage are described in §110.60.

(885) (6) *Anchorage No. 11*. An area in East River beginning at a point on a pierhead at

(886) 40°47'55.0"N., 73°53'19.5"W.; to

(887) 40°47'40.0"N., 73°51'58.0"W.; to

(888) 40°47'16.0"N., 73°52'15.0"W.

(889) (7) [Reserved]

(890) (8) *Anchorage No. 14*. In Hallets Cove, east of a line from a point on shore 100 feet west of the southerly prolongation of 2nd Street, Astoria, to Gibbs Point.

(891) (c) *Hudson River* (1) *Anchorage No. 16*. North of a line on a range with the north side of the north pier of the Union Dry Dock and Repair Company Shipyard, Edgewater, New Jersey; west of a line ranging 25° from a point 120 yards east of the east end of said pier to a point (500 yards from the shore and 915 yards from the Fort Lee flagpole) on a line ranging approximately 100°22' from the Fort Lee flagpole toward the square chimney on the Medical Center Building at 168th Street, Manhattan; and south of said line ranging between the Fort Lee flagpole and the square chimney on the Medical Center Building.

(892) (i) When the use of Anchorage No. 16 is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(893) (2) *Anchorage No. 17*. All waters of the Hudson River bound by the following points:

(894) 40°56′26.66″N, 073°55′12.06″W; thence to

(895) 40°56′22.54″N, 073°54′49.77″W; thence to

(896) 40°55′56.00″N, 073°54′58.00″W; thence to

(897) 40°55′54.15″N, 073°54′46.96″W; thence to

(898) 40°54′18.43″N, 073°55′21.12″W; thence to

(899) 40°52′27.59″N, 073°56′14.32″W; thence to

(900) 40°51′34.20″N, 073°56′52.64″W; thence to

(901) 40°51′20.76″N, 073°57′31.75″W; thence along the shoreline to the point of origin (NAD 83).

(902) (i) When the use of Anchorage No. 17 is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(903) (ii) [Reserved]

(904) (3) *Anchorage No. 18–A*. East of lines bearing 8° from the northwest corner of the crib icebreaker north of the New York Central Railroad Company drawbridge across Spuyten Duyvil Creek (Harlem River) to a point 250 yards offshore and on line with the New York Central Railroad signal bridge at the foot of West 231st Street, extended, at Spuyten Duyvil, Bronx, New York; thence bearing 19° to the channelward face of the Mount St. Vincent Dock at the foot of West 261st Street, Riverdale, Bronx, New York.

(905) (i) When the use of Anchorage No. 18–A is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(906) (4) *Anchorage No. 18*. All waters of the Hudson River bound by the following points:

(907) 40°56′54.0″N, 073°54′40.0″W; thence to

(908) 40°56′51.0″N, 073°54′24.0″W; thence to

(909) 40°55′53.0″N, 073°54′40.0″W; thence to

(910) 40°55′56.0″N, 073°54′58.0″W; thence to the point of origin (NAD 83).

(911) (i) This anchorage ground is reserved for use by ships only.

(912) (ii) [Reserved]

(913) (5) Anchorages No. 19 East and 19 West.

(914) (i) *Anchorage No. 19 East*. All waters of the Hudson River bound by the following points:

(915) 40°49'42.6"N., 073°57'14.7"W.; thence to

(916) 40°49'45.9"N., 073°57'22.0"W.; thence to

(917) 40°49'52.0"N., 073°57'22.0"W.; thence to

(918) 40°50'08.3"N., 073°57'10.8"W.; thence to

(919) 40°50'55.4"N., 073°56'59.7"W.; thence to

(920) 40°51'02.5"N., 073°56'57.4"W.; thence to

(921) 40°51'00.8"N., 073°56'49.4"W.; thence along the shoreline to the point of origin.

(922) (ii) *Anchorage No. 19 West*. All waters of the Hudson River bound by the following points:

(923) 40°46'56.3"N., 073°59'42.2"W.; thence to

(924) 40°47'36.9"N., 073°59'11.7"W.; thence to

(925) 40°49'31.3"N., 073°57'43.8"W.; thence to

(926) 40°49'40.2"N., 073°57'37.6"W.; thence to

(927) 40°49'52.4"N., 073°57'37.6"W.; thence to

(928) 40°49'57.7"N., 073°57'47.3"W.; thence to

(929) 40°49'32.2"N., 073°58'12.9"W.; thence to

(930) 40°49'00.7"N., 073°58'33.1"W.; thence to

(931) 40°48'28.7"N., 073°58'53.8"W.; thence to

(932) 40°47'38.2"N., 073°59'31.2"W.; thence to

(933) 40°47'02.7"N., 073°59'57.4"W.; thence to the point of origin.

(934) (iii) The following regulations apply to 33 CFR 110.155(c)(5)(i) and (ii):

(935) (A) No vessel may conduct lightering operations in these anchorage grounds without permission from the Captain of the Port. When lightering is authorized, the Captain of the Port New York must be notified at least four hours in advance of a vessel conducting lightering operations as required by 156.118 of this title.

(936) (B) Any vessel conducting lightering or bunkering operations shall display by day a red flag (46 CFR 35.30–1; Pub 102; International Code of Signals signaling instructions) at its mast head or at least 10 feet above the upper deck if the vessel has no mast, and by night the flag must be illuminated by spotlight. These signals shall be in addition to day signals, lights and whistle signals as required by rules 30 (33 USC 2030 and 33 CFR 83.30) and 35 (33 USC 2035 and 33 CFR 83.35) of the Inland Navigation Rules when at anchor in a general anchorage area.

(937) (C) Within an anchorage, fishing and navigation are prohibited within 500 yards of an anchored vessel displaying a red flag.

(938) (D) These anchorage grounds are only authorized for use by tugs and/or barges.

(939) (E) No vessel may occupy this anchorage ground for a period of time in excess of 96 hours without prior approval of the Captain of the Port.

(940) (F) No vessel may anchor in Anchorage No. 19 East or No. 19 West without permission from the Captain of the Port.

(941) (G) Each vessel shall report its position within Anchorage No. 19 East or No. 19 West to the Captain of the Port immediately after anchoring.

(942) (H) All coordinates referenced use datum: NAD 83.

(943) (6) *Anchorage No. 19–A*. An area located west of Hyde Park enclosed by the coordinates starting at

(944) 41°48'35"N., 73°57'00"W.; to

(945) 41°48'35"N., 73°56'44"W.; to

(946) 41°47'32"N., 73°56'50"W.; to

(947) 41°47'32"N., 73°57'10"W.; thence back to

(948) 41°48'35"N., 73°57'00"W. (NAD 1983).

(949) (i) No vessel may anchor in Anchorage 19–A from December 16 to the last day of February without permission from the Captain of the Port, New York.

(950) (ii) No vessel less than 20 meters in length may anchor in Anchorage 19–A without prior approval of the Captain of the Port, New York.

(951) (d) *Upper Bay*–(1) *Anchorage No. 20–A*.

(952) (i) All waters bound by the following points:

(953) 40°42'06.9"N., 074°02'18.0"W.; thence to

(954) 40°42'05.4"N., 074°01'56.9"W.; thence to

(955) 40°41'54.9"N., 074°01'57.7"W.; thence to

(956) 40°41'54.0"N., 074°02'12.0"W.; thence to

(957) 40°41'54.4"N., 074°02'11.7"W.; thence to

(958) 40°41'57.5"N., 074°02'07.5"W.; thence to

(959) 40°42'06.1"N., 074°02'19.1"W.; thence to the point of origin (NAD 83).

(960) (ii) See 33 CFR 110.155(d)(6), (d)(16), and (1).

(961) (2) *Anchorage No. 20–B*.

(962) (i) All waters bound by the following points:

(963) 40°41'46.2"N., 074°02'23.0"W.; thence to

(964) 40°41'42.4"N., 074°02'00.5"W.; thence to

(965) 40°41'35.7"N., 074°02'02.7"W.; thence to

(966) 40°41'30.3"N., 074°02'06.3"W.; thence to

(967) 40°41'41.9"N., 074°02'29.2"W.; thence to the point of origin (NAD 83).

(968) (ii) See 33 CFR 110.155(d)(6), (d)(16), and (1).

(969) (3) *Anchorage No. 20–C*.

(970) (i) All waters bound by the following points:

(971) 40°41'42.4"N., 074°02'41.5"W.; thence to

(972) 40°41'25.8"N., 074°02'09.2"W.; thence to

(973) 40°41'02.1"N., 074°02'24.7"W.; thence to

(974) 40°41'09.4"N., 074°02'40.0"W.; thence to

(975) 40°41'13.3"N., 074°02'41.5"W.; thence to

(976) 40°41'15.8"N., 074°02'32.6"W.; thence to

(977) 40°41'25.3"N., 074°02'29.1"W.; thence to

(978) 40°41'33.0"N., 074°02'44.5"W.; thence to

(979) 40°41'32.5"N., 074°02'48.0"W.; thence to the point of origin (NAD 83).

(980) (ii) See 33 CFR 110.155(d)(6), (d)(16), and (l).

(981) (4) *Anchorage No. 20–D*. That area enclosed by coordinates starting at

(982) 40°41'09.5"N., 74°02'49.5"W.; to

(983) 40°40'59.2"N., 74°02'27.9"W.; to

(984) 40°40'44.5"N., 74°02'37.5"W.; to

(985) 40°40'42.7"N., 74°03'07.6"W.; thence back to the beginning.

(986) (i) See 33 CFR 110.155 (d)(6), (d)(16), and (1).

(987) (5) *Anchorage No. 20–E*. That area enclosed by coordinates starting at

(988) 40°40'38.2"N., 74°02'59.6"W.; to

(989) 40°40'39.4"N., 74°02'40.9"W.; to

(990) 40°40'09.2"N., 74°03'00.7"W.; to

(991) 40°40'24.4"N., 74°03'24.6"W.; thence back to the beginning.

(992) (i) See 33 CFR 110.155 (d)(6), (d)(16), and (1).

(993) (6) No vessel may occupy this anchorage for a period of time in excess of 72 hours without the prior approval of the Captain of the Port.

(994) (7) *Anchorage No. 20–F*. All waters bound by the following points:

(995) 40°40'12.2"N., 074°03'39.9"W.; thence to

(996) 40°39'53.9"N., 074°03'09.6"W.; thence to

(997) 40°39'38.9"N., 074°03'19.5"W.; thence to

(998) 40°39'53.5"N., 074°03'53.7"W.; thence to the point of origin (NAD 83).

(999) (i) See 33 CFR 110.155 (d)(9), (d)(16), and (1).

(1000) (ii) [Reserved]

(1001) (8) *Anchorage No. 20–G*. That area enclosed by coordinates starting at

(1002) 40°39'30.1"N., 74°04'08.0"W.; to

(1003) 40°39'32.0"N., 74°03'53.5"W.; to

(1004) 40°39'27.5"N., 74°03'42.5"W.; to

(1005) 40°39'13.0"N., 74°03'51.0"W.; to

(1006) 40°39'09.5"N., 74°04'23.1"W.; thence back to the beginning.

(1007) (i) See 33 CFR 110.155 (d)(9), (d)(16), and (l).

(1008) (9) This anchorage is designated a naval anchorage. The Captain of the Port may permit commercial vessels to anchor temporarily in this anchorage, ordinarily not more than 24 hours, when the anchorage will not be needed for naval vessels. Upon notification of an anticipated naval arrival, any commercial vessel so anchored must relocate at its own expense.

(1009) (10) *Anchorage No. 21–A*. That area enclosed by coordinates starting at

(1010) 40°40'22.5"N., 74°01'35.2"W.; to

(1011) 40°40'20.5"N., 74°01'27.7"W.; to

(1012) 40°39'48.9"N., 74°01'22.4"W.; to

(1013) 40°38'54.7"N., 74°02'18.9"W.; to

(1014) 40°39'03.0"N., 74°02'26.3"W.; thence back to the beginning.

(1015) (i) See 33 CFR 110.155 (d)(16) and (l).

(1016) (ii) No vessel may occupy this anchorage for a period of time in excess of 96 hours without prior approval of the Captain of the Port.

(1017) (11) *Anchorage No. 21–B*. That area enclosed by coordinates starting at

(1018) 40°40'23.8"N., 74°02'10.9"W.; to

(1019) 40°40'26.2"N., 74°01'49.5"W.; to

(1020) 40°40'22.5"N., 74°01'35.2"W.; to

(1021) 40°39'03.0"N., 74°02'26.3"W.; to

(1022) 40°38'54.7"N., 74°02'18.9"W.; to

(1023) 40°38'43.7"N., 74°02'30.3"W.; to

(1024) 40°39'19.3"N., 74°03'03.3"W.; to

(1025) 40°39'22.3"N., 74°03'02.4"W.; to

(1026) 40°40'18.6"N., 74°02'25.5"W.; thence back to the beginning.

(1027) (i) See 33 CFR 110.155 (d)(16) and (l).

(1028) (ii) No vessel with a draft of 10 feet (3.048 meters) or less may occupy this anchorage without the prior approval of the Captain of the Port.

(1029) (iii) No vessel may occupy this anchorage for a period of time in excess of 96 hours without prior approval of the Captain of the Port.

(1030) (12) *Anchorage No. 21–C*. That area enclosed by coordinates starting at

(1031) 40°39'19.3"N., 74°03'03.3"W.; to

(1032) 40°38'43.7"N., 74°02'30.3"W.; to

(1033) 40°38'41.6"N., 74°02'32.5"W.; to

(1034) 40°38'03.0"N., 74°02'48.7"W.; to

(1035) 40°38'03.0"N., 74°03'03.5"W.; to

(1036) 40°38'38.4"N., 74°03'15.5"W.; thence back to the beginning.

(1037) (i) See 33 CFR 110.155 (d)(16) and (l).

(1038) (ii) No vessel with a draft of 33 feet (10.0584 meters) or less may occupy this anchorage without the prior approval of the Captain of the Port.

(1039) (iii) No vessel may occupy this anchorage for a period of time in excess of 96 hours without prior approval of the Captain of the Port.

(1040) (13) *Anchorage No. 23–A*. That area enclosed by coordinates starting at

(1041) 40°38'36.5"N., 74°04'13.5"W.; to

(1042) 40°38'37.0"N., 74°03'49.0"W.; to

(1043) 40°38'23.4"N., 74°03'37.2"W.; to

(1044) 40°37'49.5"N., 74°03'25.7"W.; to

(1045) 40°37'49.8"N., 74°03'50.1"W.; to

(1046) 40°37'50.0"N., 74°03'50.2"W.; to

(1047) 40°37'53.0"N., 74°04'07.0"W.; thence back to

(1048) 40°38'36.5"N., 74°04'13.5"W.

(1049) (i) See 33 CFR 110.155 (d)(16) and (l).

(1050) (ii) No vessel may occupy this anchorage for a period of time in excess of 48 hours without the prior approval of the Captain of the Port.

(1051) (iii) No vessel with a length overall in excess of 670 feet (204.216 meters) may occupy this anchorage without the prior approval of the Captain of the Port.

(1052) (iv) No vessel with a draft of 40 feet (12.192 meters) or more may occupy this anchorage without the prior approval of the Captain of the Port unless it anchors within 5 hours after ebb current begins at the Narrows.

(1053) (v) See 33 CFR 334.85 for information on anchoring near the U.S. Navy restricted area adjacent to this anchorage.

(1054) (14) *Anchorage No. 23–B*. That area enclosed by coordinates starting at

(1055) 40°37'49.8"N., 74°03'50.1"W.; to

(1056) 40°37'49.5"N., 74°03'25.7"W.; to

(1057) 40°37'27.0"N., 74°03'18.1"W.; to

(1058) 40°37'23.0"N., 74°03'59.0"W.; to

(1059) 40°37'30.0"N., 74°04'04.0"W.; to

(1060) 40°37'37.5"N., 74°03'46.0"W.; thence back to

(1061) 40°37'49.8"N., 74°03'50.1"W.

(1062) (i) See 33 CFR 110.155 (d)(13)(ii) and (iv), (d)(16), and (l).

(1063) (ii) No vessel with a length overall of 670 feet (204.216 meters) or less may occupy this anchorage without the prior approval of the Captain of the Port.

(1064) (iii) See 33 CFR 334.85 for information on anchoring near the U.S. Navy restricted area adjacent to this anchorage.

(1065) (15) *Anchorage No. 24*.That area enclosed by coordinates starting at

(1066) 40°37'23.0"N., 74°03'59.0"W.; to

(1067) 40°37'27.0"N., 74°03'18.1"W.; to

(1068) 40°36'40.1"N., 74°03'02.2"W.; to

(1069) 40°36'25.5"N., 74°02'56.4"W.; to

(1070) 40°36'21.0"N., 74°03'11.0"W.; to

(1071) 40°36'25.0"N., 74°03'17.5"W.; thence back to the beginning.

(1072) (i) See 33 CFR 110.155 (d)(13) (ii) and (iv), (d)(16), and (l).

(1073) (ii) No vessel with a length overall of less than 800 feet (243.84 meters), or with a draft of less than 40 feet (12.192 meters) may occupy this anchorage without the prior approval of the Captain of the Port.

(1074) (16) Any vessel anchored in or intending to anchor in Federal Anchorage 20–A through 20–G, 21–A through 21–C, 23–A and 23–B, 24 or 25 must comply with the following requirements:

(1075) (i) No vessel may anchor unless it notifies the Captain of the Port when it anchors, of the vessel's name, length, draft, and its position in the anchorage.

(1076) (ii) Each vessel anchored must notify the Captain of the Port when it weighs anchor.

(1077) (iii) No vessel may conduct lightering operations unless it notifies the Captain of the Port before it begins lightering operations.

(1078) (iv) Each vessel lightering must notify the Captain of the Port at the termination of lightering.

(1079) (v) No vessel may anchor unless it maintains a bridge watch, guards and answers Channel 16 FM, and maintains an accurate position plot.

(1080) (vi) If any vessel is so close to another that a collision is probable, each vessel must communicate with the other vessel and the Captain of the Port on Channel 16 FM and shall act to eliminate the close proximity situation.

(1081) (vii) No vessel may anchor unless it maintains the capability to get underway within 30 minutes except with prior approval of the Captain of the Port.

(1082) (viii) No vessel may anchor in a "dead ship" status (propulsion or control unavailable for normal operations) without the prior approval of the Captain of the Port.

(1083) (ix) Each vessel in a "dead ship" status must engage an adequate number of tugs alongside during tide changes. A tug alongside may assume the Channel 16 FM radio guard for the vessel after it notifies the Captain of the Port.

(1084) (x) No vessel may lighter in a "dead ship" status without prior approval from the Captain of the Port.

(1085) (e) *Lower Bay*–(1) *Anchorage No. 25*.That area enclosed by coordinates starting at

(1086) 40°35'58.2"N., 74°02'18.4"W.; to

(1087) 40°36'12.0"N., 74°01'29.0"W.; to

(1088) 40°36'03.0"N., 74°00'52.5"W.; to

(1089) 40°34'57.5"N., 74°00'25.0"W.; to

(1090) 40°34'40.0"N., 74°01'03.0"W.; to

(1091) 40°34'53.0"N., 74°01'56.1"W.; to

(1092) 40°35'23.9"N., 74°02'04.8"W.; thence back to the beginning.

(1093) (i) See 33 CFR 110.155 (d)(16) and (l).

(1094) (ii) When the use of this anchorage is required by naval vessels, any commercial vessels anchored therein must move when directed by the Captain of the Port.

(1095) (iii) No vessel may occupy this anchorage for a period of time in excess of 96 hours without prior approval of the Captain of the Port.

(1096) (f) *Lower Bay, Raritan Bay, Sandy Hook Bay, and Atlantic Ocean*. (1) *Anchorage No. 26*. In Raritan and Sandy Hook Bays all waters bound by the following points: 40°30′06.74"N., 074°10'04.96"W.; thence to 40°28′59.44"N., 074°05′00.00"W.; thence to 40°28′44.94"N., 074°05′00.00"W.; thence to 40°29′05.02"N., 074°07′30.56"W.; thence to 40°29′17.49"N., 074°10′16.50"W.; thence to the point of origin (NAD 83).

(1097) (2) *Anchorage No. 27*. In the Atlantic Ocean all waters bound by the following points: 40°28′49.27"N., 074°00′12.13"W.; thence to 40°28′52.12"N., 074°00′00.56"W.; thence to 40°28′40.88"N., 073°58′51.95"W.; thence to 40°25′57.91"N., 073°54′55.56"W.; thence to 40°23'45.55"N., 073°54′54.89"W.; thence to 40°23′45.38"N., 073°58′32.10"W.; thence along the shoreline to the point of origin (NAD 83).

(1098) (3)*Anchorage No. 28*.In Lower Bay all waters bound by the following points: 40°30′02.30"N., 074°08′52.69"W.; thence to 40°29′10.10"N., 074°04′59.65"W.; thence to 40°29′09.99"N., 074°02′57.75"W.; thence to 40°31′52.89"N., 074°02′39.89"W.; thence to 40°31′59.72"N., 074°03′25.13"W.; thence to 40°31′28.57"N., 074°03′40.70"W.; thence to 40°30′26.24"N., 074°05′11.46"W.; thence to 40°30′19.01"N., 074°06′21.37"W.; thence to 40°30′21.53"N., 074°08′46.19"W.; thence to the point of origin (NAD 83).

(1099) (g) [Reserved]

(1100) (h) [Reserved]

(1101) (i) *Arthur Kill*–(1) *Anchorage No. 41*. The passage between Pralls Island and Staten Island included between a line running 29° from the extreme northwest point of Pralls Island to a point on Staten Island and a line from the southern point of Pralls Island to the north side of the mouth of Neck Creek at Travis, Staten Island.

(1102) (2) *Anchorage No. 42*. East of lines ranging from the head of the Tottenville Shipyard Company pier at Tottenville, Staten Island, to the first pier of the Outerbridge Crossing west from the Staten Island shore, thence to Arthur Kill Light 10, thence to Arthur Kill Light 14, and thence to Arthur Kill Lighted Buoy 16; and south of a line from thence to Smoking Point.

(1103) (j) *Raritan Bay*–(1) *Anchorage No. 44*. An area in Raritan Bay located at the junction of Arthur Kill and Raritan River, beginning at

(1104) 40°03'07"N., 74°15'30"W.; to

(1105) 40°30'01"N., 74°15'30"W.; to

(1106) 40°29'27"N., 74°15'06"W.; to

(1107) 40°29'24"N., 74°15'01"W.; to

(1108) 40°29'15"N., 74°14'55"W.; to

(1109) 40°29'14"N., 74°15'25"W.; to

(1110) 40°29'48"N., 74°15'48"W.; thence to the point of beginning.

(1111) (i) The anchorage is restricted to deepdraft vessels except that barges may moor in that portion of the anchorage southerly of latitude 40°29'22".

(1112) (ii) No vessel shall occupy the deepdraft portion of the anchorage for a longer period than 48 hours without a permit from the Captain of the Port.

(1113) (2) *Anchorage No. 45*. West of the Raritan Bay Channel leading into Arthur Kill; north of the Raritan River Channel leading into Raritan River; and east of the Cutoff Channel between Raritan River and Arthur Kill, except that part of the said area occupied by Anchorage No. 44.

(1114) (i) Vessels must not anchor in the channel to Keyport Harbor west of lines ranging from Keyport Channel Buoy 1 to Keyport Channel Buoy 9, thence through Keyport Channel Buoys 11 and 13 to the northeast corner of the easterly steamboat wharf; and east of a line extending from a point 400 yards west of Keyport Channel Buoy 1 tangent to the west shore at the mouth of Matawan Creek.

(1115) (ii) [Reserved]

(1116) (k) [Reserved]

(1117) (l) *General regulations*. (1) No vessel in excess of 800 feet (243.84 meters) in length overall or 40 feet (12.192 meters) in draft may anchor unless it notifies the Captain of the Port at least 48 hours prior to entering Ambrose Channel.

(1118) (2) Except in cases of great emergency, no vessel shall be anchored in the navigable waters of the Port of New York outside of the anchorage areas established in this section, nor cast anchor within a cable or pipe line area shown on a Government chart, nor be moored, anchored, or tied up to any pier, wharf, or vessel in such manner as to obstruct or endanger the passage of any vessel in transit by, or to or from, adjacent wharves, piers, or slips.

(1119) (3) No vessel shall occupy for a longer period than 30 days, unless a permit is obtained from the Captain of the Port for that purpose, any anchorage for which the time of occupancy is not otherwise prescribed in this section. No vessel in a condition such that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels shall occupy an anchorage except in an emergency, and then only for such period as may be permitted by the Captain of the Port.

(1120) (4) Whenever, in the opinion of the Captain of the Port, such action may be necessary, that officer may require any or all vessels in any designated anchorage area to moor with two or more anchors.

(1121) (5) Every vessel whose crew may be reduced to such number that it will not have sufficient men on board to weigh anchor at any time shall be anchored with two anchors, with mooring swivel put on before the crew shall be reduced or released, unless the Captain of the Port shall waive the requirement of a mooring swivel.

(1122) (6) Anchors of all vessels must be placed well within the anchorage areas, so that no portion of the hull or rigging shall at any time extend outside the boundaries of the anchorage area.

(1123) (7) Any vessel anchoring under circumstances of great emergency outside of the anchorage areas must be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel nor obstruct the approach to any pier nor impede the movement of any boat, and shall move away immediately after the emergency ceases, or upon notification by the Captain of the Port.

(1124) (8) Operations near commercial mooring buoys permitted by the District Engineer, U.S. Army Corps of Engineers.

(1125) (i) No vessel shall continuously occupy a mooring when a vessel in regular traffic requires the berth or when navigation would be menaced or inconvenienced thereby.

(1126) (ii) No vessel shall moor or anchor in any anchorage in such a manner as to interfere with the use of a duly authorized mooring buoy. Nor shall any vessel moored to a buoy authorized by the District Engineer, U.S. Army Corps of Engineers be moored such that any portion of that vessel comes within 50 feet of a marked or dredged channel.

(1127) (iii) No vessel shall be operated within the limits of an anchorage at speed exceeding 6 knots when in the vicinity of a moored vessel.

(1128) (iv) In an emergency the Captain of the Port may shift the position of any unattended vessel moored in or near any anchorage.

(1129) (9) Barge dispensing stations and stake boats may be anchored in such places as the Captain of the Port may designate.

(1130) (10) Upon approval of the District Engineer, Corps of Engineers, the Captain of the Port may permit wrecking plant or other vessels legally engaged in recovering sunken property, or in laying or repairing pipe lines or cables legally established, or plant engaged in dredging operations, to anchor within channels of the Port of New York. Permit issued by the Captain of the Port is not necessary for plant engaged upon works of river and harbor improvement under the supervision of the District Engineer, but the District Engineer will notify the Captain of the Port in advance of all such proposed work.

(1131) (11) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port is hereby empowered to shift the position of any vessel anchored within the anchorage areas, of any vessel anchored outside the anchorage areas, of any vessel

which is so moored or anchored as to impede or obstruct vessel movements in any channel or obstruct or interfere with range lights and of any vessel which, lying at the exterior end of a pier or alongside an open bulkhead, obstructs or endangers the passage of vessels in transit by, or to or from, adjacent wharf property or impedes the movements of vessels entering or leaving adjacent slips.

(1132) (12) A vessel upon being notified to move into the anchorage limits or to shift its position on anchorage grounds, shall get under way at once or signal for a tug, and shall change position as directed, with reasonable promptness.

(1133) (13) Nothing in this section shall be construed as relieving any vessel or the owner or person in charge of any vessel from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating law.

(1134) (14) Any vessel prohibited by these rules from anchoring in a specific anchorage because of the vessel's length or draft may anchor in the anchorage with permission from the Captain of the Port.

(1135) (m) *Anchorages for vessels carrying explosives–*

(1136) (1) [Reserved]

(1137) (2) *Anchorage No. 49–F (emergency naval anchorage).* That portion of Sandy Hook Bay bounded by a line bearing 170°, 3,800 yards, from a point bearing 281°30', 2,050 yards from Sandy Hook Light; thence 260°, 500 yards; thence 350°, 3,800 yards; thence 080°, 500 yards, to the point of beginning.

(1138) (i) This anchorage is to be used for the anchorage of naval vessels during emergencies only.

(1139) (ii) No pleasure or commercial craft shall navigate or moor within this area at any time when naval vessels which are moored in the area display a red flag by day or a red light by night.

(1140) (3) *Anchorage No. 49–G (naval anchorage).* That portion of Sandy Hook Bay bounded by a line bearing 208°, 1,350 yards, from a point bearing 292°30', 3,600 yards, from Sandy Hook Light; thence 298°, 620 yards; thence 002°, 1,250 yards; thence 107°, 1,150 yards, to the point of beginning.

(1141) (i) No pleasure or commercial craft shall navigate or moor within this area at any time when vessels which are moored in the area display a red flag by day or red light by night.

(1142) (n) *Regulations for explosive anchorages*. (1) Anchorages Nos. 49–F, and 49–G are reserved for vessels carrying explosives. All vessels carrying explosives shall be within these areas when anchored, except as provided in paragraph (n)(6) of this section.

(1143) (2) A written permit shall be obtained from the Captain of the Port before vessels carrying explosives, or on which explosives are to be loaded, may proceed to the anchorages provided for them; and no vessel shall occupy a berth in such anchorage except by authority of such permit, which permit may be revoked at any time.

(1144) (3) Vessels used in connection with loading or unloading explosives on vessels in anchorage areas, including tugs and stevedore boats, shall carry a written permit from the Captain of the Port. The Captain of the Port may, in his discretion, require every person having business on board vessels which are being loaded with explosives, other than members of the crew, to have a pass from the Captain of the Port in such form as he shall prescribe. Such permit or pass shall be shown whenever required by him or by his authorized agents.

(1145) (4) Whenever any vessel not fitted with mechanical power anchors in the explosives anchorages while carrying explosives, the Captain of the Port may require the attendance of a tug upon such vessel when in his judgment such action is necessary.

(1146) (5) Vessels carrying explosives shall comply with the general regulations in paragraph (1) of this section when applicable.

(1147) (6) The District Engineer, Corps of Engineers, may authorize, in writing, a vessel carrying explosives for use on river and harbor works or on other work under federal permit issued by the District Engineer to anchor in or near the vicinity of such work without a permit from the Captain of the Port. The District Engineer will prescribe the quantities of such explosives allowed on such vessel and the conditions under which they are to be stored and handled, and will furnish the Captain of the Port with a copy of such safety instructions together with a copy of his written authorization.

(1148) (7) Every vessel loading, unloading, transporting, or containing explosives shall display by day a red flag at least 16 square feet in area at its masthead, or at least 10 feet above the upper deck if the vessel has no mast, and shall display by night a red light in the same position specified for the flag.

(1149) (8) When local regulations of any place require previous local authority for the transfer of explosives or fireworks between vessels or between a vessel and a wharf or other place ashore, the Captain of the Port will permit the removal from the anchorage of such vessel containing explosives to any place covered by such local regulations only when he is satisfied that the required local authority has been granted.

(1150) **NOTE:** The anchorage in this section are regulated under Title I, Ports and Waterways Safety Act of 1972 as stated in §110.1a(a) of this Part. The penalties for violating regulations under this Act are stated in §110.1a (b) of this Part.

(1151)

### §110.156 Randall Bay, Freeport, Long Island, N.Y.

(1152) (a) *The anchorage grounds*. Southward of a line 312 feet south of and parallel to the south side of Casino Street; eastward of a line 215 feet east of and parallel to the east side of West Side Avenue, said line extending southerly to a point 233 feet north of the prolonged north side of Clinton Street; northeastward of a line from the last-mentioned point to a point 243 feet southerly of the

prolonged south side of Clinton Street and 210 feet east of the east side of Prospect Street; eastward of a line 210 feet east of and parallel to the east side of Prospect Street; northward of a line 25 feet north of and parallel to the prolonged north side of Suffolk Street; westward of a line 210 feet west of and parallel to the west side of South Long Beach Avenue, said line extending northerly to a point 222 feet south of the prolonged south side of Queens Street; southwestward of a line from the last-mentioned point to a point 74 feet northerly of the prolonged north side of Queens Street and 120 feet west of the west side of Roosevelt Avenue; and westward of a line 120 feet west of and parallel to the west side of Roosevelt Avenue.

(1153) (b) *The regulations*. (1) When applied for, a berth in this anchorage, if available, may be assigned to any vessel by the Captain of the Port of Long Island Sound.

(1154) (2) The Captain of the Port is authorized to issue permits for maintaining mooring buoys within the anchorage. The method of anchoring these buoys shall be as prescribed by the Captain of the Port.

(1155) (3) No vessel shall anchor in the anchorage in such manner as to interfere with the use of a duly authorized mooring buoy.

(1156) (4) No vessel shall be navigated within the anchorage at a speed exceeding six knots.

(1157) (5) In case of emergencies, the Captain of the Port is authorized to shift the position of any unattended vessel moored in or near the anchorage.

(1158)

## Part 117–Drawbridge Operation Regulations

(1159)

## Subpart A–General Requirements

(1160)

### §117.1 Purpose.

(1161) (a) This part prescribes the general and special drawbridge operating regulations that apply to the drawbridges across the navigable waters of the United States and its territories. The authority to regulate drawbridges across the navigable waters of the United States is vested in the Secretary of Homeland Security.

(1162) (b) Subpart A contains the general operation requirements that apply to all drawbridges.

(1163) (c) Subpart B contains specific requirements for operation of individual drawbridges. These requirements are in addition to or vary from the general requirements in Subpart A. Specific sections in subpart B that vary from a general requirement in Subpart A supersede the general requirement. All other general requirements in Subpart A, that are not at variance, apply to the drawbridges and removable span bridges listed in Subpart B.

(1164)

### §117.4 Definitions.

(1165) The following definitions apply to this part:

(1166) *Appurtenance* means an attachment or accessory extending beyond the hull or superstructure that is not an integral part of the vessel and is not needed for a vessel's piloting, propelling, controlling, or collision avoidance capabilities.

(1167) *Automated drawbridge* means a drawbridge that is operated by an automated mechanism, not a drawtender. An automated drawbridge is normally kept in the open to navigation position and closes when the mechanism is activated.

(1168) *Deviation* means a District Commander's action authorizing a drawbridge owner to temporarily not comply with the drawbridge opening requirements in this part.

(1169) *Drawbridge* means a bridge with an operational span that is intended to be opened for the passage of waterway traffic.

(1170) *Drawspan* means the operational span of a drawbridge.

(1171) *Lowerable* means a non-structural vessel appurtenance that is or can be made flexible, hinged, collapsible, or telescopic so that it can be mechanically or manually lowered.

(1172) *Nonstructural* means that the item is not rigidly fixed to the vessel and can be relocated or altered.

(1173) *Not essential* to navigation means that a nonstructural vessel appurtenance, when in the lowered position, would not adversely affect the vessel's piloting, propulsion, control, or collision-avoidance capabilities.

(1174) *Public vessel* means a vessel that is owned and operated by the United States Government and is not engaged in commercial service, as defined in 46 U.S.C. 2101.

(1175) *Remotely operated drawbridge* means a drawbridge that is operated by remote control from a location away from the drawbridge.

(1176) *Removable span bridge* means a bridge that requires the complete removal of a span by means other than machinery installed on the bridge to open the bridge to navigation.

(1177) *Untended* means that there is no drawtender at the drawbridge.

(1178)

### §117.5 When the drawbridge must open.

(1179) Except as otherwise authorized or required by this part, drawbridges must open promptly and fully for the passage of vessels when a request or signal to open is given in accordance with this subpart.

(1180)

### §117.7 General requirements of drawbridge owners.

(1181) Except for drawbridges that have been authorized, before January 3, 2007, to remain closed to navigation or as otherwise specified in subpart B, drawbridge owners must:

(1182) (a) Provide the necessary drawtender(s) for the safe and prompt opening of the drawbridge.

(1183) (b) Maintain the working machinery of the drawbridge in good operating condition.

(1184) (c) Cycle the drawspan(s) periodically to ensure operation of the drawbridge.

(1185) (d) Ensure that the drawbridge operates in accordance with the requirements of this part.

(1186) (e) Any drawbridge allowed to remain closed to navigation prior to January 3, 2007, when necessary, must be returned to operable condition within the designated time set forth by the District Commander and will become subject to the requirements of this part.

(1187)

**§117.8 Permanent changes to drawbridge operation.**

(1188) (a) Anyone may submit a written request to the District Commander for a permanent change to a drawbridge operating requirement. The request must include documentation supporting or justifying the requested change.

(1189) (b) If after evaluating the request, the District Commander determines that the requested change is not needed, he or she will respond to the request in writing and provide the reasons for denial of the requested change.

(1190) (c) If the District Commander decides that a change may be needed, he or she will begin a rulemaking to implement the change.

(1191)

**§117.9 Delaying opening of a draw.**

(1192) No person shall unreasonably delay the opening of a draw after the signals required by §117.15 have been given.

(1193) **NOTE:** Trains are usually controlled by the block method. That is, the track is divided into blocks or segments of a mile or more in length. When a train is in a block with a drawbridge, the draw may not be able to open until the train has passed out of the block and the yardmaster or other manager has "unlocked" the drawbridge controls. The maximum time permitted for delay is defined in Subpart B for each affected bridge. Land and water traffic should pass over or through the draw as soon as possible in order to prevent unnecessary delays in the opening and closure of the draw.

(1194)

**§117.11 Unnecessary opening of the draw.**

(1195) No vessel owner or operator shall–

(1196) (a) Signal a drawbridge to open if the vertical clearance is sufficient to allow the vessel, after all lowerable nonstructural vessel appurtenances that are not essential to navigation have been lowered, to safely pass under the drawbridge in the closed position; or

(1197) (b) Signal a drawbridge to open for any purpose other than to pass through the drawbridge opening.

(1198)

**§117.15 Signals.**

(1199) (a) *General*. (1) The operator of each vessel requesting a drawbridge to open shall signal the drawtender and the drawtender shall acknowledge that signal. The signal shall be repeated until acknowledged in some manner by the drawtender before proceeding.

(1200) (2) The signals used to request the opening of the draw and to acknowledge that request shall be sound signals, visual signals, or radiotelephone communications described in this subpart.

(1201) (3) Any of the means of signaling described in this subpart sufficient to alert the party being signaled may be used.

(1202) (b) *Sound signals*. (1) Sound signals shall be made by whistle, horn, megaphone, hailer, or other device capable of producing the described signals loud enough to be heard by the drawtender.

(1203) (2) As used in this section, "prolonged blast" means a blast of four to six seconds duration and "short blast" means a blast of approximately one second duration.

(1204) (3) The sound signal to request the opening of a draw is one prolonged blast followed by one short blast sounded not more than three seconds after the prolonged blast. For vessels required to be passed through a draw during a scheduled closure period, the sound signal to request the opening of the draw during that period is five short blasts sounded in rapid succession.

(1205) (4) When the draw can be opened immediately, the sound signal to acknowledge a request to open the draw is one prolonged blast followed by one short blast sounded not more than 30 seconds after the requesting signal.

(1206) (5) When the draw cannot be opened immediately, or is open and shall be closed promptly, the sound signal to acknowledge a request to open the draw is five short blasts sounded in rapid succession not more than 30 seconds after the vessel's opening signal. The signal shall be repeated until acknowledged in some manner by the requesting vessel.

(1207) (c) *Visual signals*. (1) The visual signal to request the opening of a draw is–

(1208) (i) A white flag raised and lowered vertically; or

(1209) (ii) A white, amber, or green light raised and lowered vertically.

(1210) (2) When the draw can be opened immediately, the visual signal to acknowledge a request to open the draw, given not more than 30 seconds after the vessel's opening signal, is–

(1211) (i) A white flag raised and lowered vertically;

(1212) (ii) A white, amber, or green light raised and lowered vertically, or

(1213) (iii) A fixed or flashing white, amber, or green light or lights.

(1214) (3) When the draw cannot be opened immediately, or is open and must be closed promptly, the visual signal to acknowledge a request to open the draw is–

(1215) (i) A red flag or red light swung back and forth horizontally in full sight of the vessel given not more than 30 seconds after the vessel's opening signal; or

(1216) (ii) A fixed or flashing red light or lights given not more than 30 seconds after the vessel's opening signal.

(1217) (4) The acknowledging signal when the draw cannot open immediately or is open and must be closed promptly

shall be repeated until acknowledged in some manner by the requesting vessel.

(1218) (d) *Radiotelephone communications*. (1) Radiotelephones may be used to communicate the same information provided by sound and visual signals.

(1219) (2) The vessel and the drawtender shall monitor the frequency used until the vessel has cleared the draw.

(1220) (3) When radiotelephone contact cannot be initiated or maintained, sound or visual signals under this section shall be used.

(1221)

**§117.17 Signaling for contiguous drawbridges.**

(1222) When a vessel must pass two or more drawbridges close together, the opening signal is given for the first bridge. After acknowledgment from the first bridge that it will promptly open, the opening signal is given for the second bridge, and so on until all bridges that the vessel must pass have been given the opening signal and have acknowledged that they will open promptly.

(1223)

**§117.19 Signaling when two or more vessels are approaching a drawbridge.**

(1224) When two or more vessels are approaching the same drawbridge at the same time, or nearly the same time, whether from the same or opposite directions, each vessel shall signal independently for the opening of the draw and the drawtender shall reply in turn to the signal of each vessel. The drawtender need not reply to signals by vessels accumulated at the bridge for passage during a scheduled open period.

(1225)

**§117.21 Signaling for an opened drawbridge.**

(1226) When a vessel approaches a drawbridge with the draw in the open position, the vessel shall give the opening signal. If no acknowledgment is received within 30 seconds, the vessel may proceed, with caution, through the open draw.

(1227)

**§117.23 Installation of radiotelephones.**

(1228) (a) When the District Commander deems it necessary for reasons of safety of navigation, the District Commander may require the installation and operation of a radiotelephone on or near a drawbridge.

(1229) (b) The District Commander gives written notice of the proposed requirement to the bridge owner.

(1230) (c) All comments the owner wishes to submit shall be submitted to the District Commander within 30 days of receipt of the notice under paragraph (b) of this section.

(1231) (d) If, upon consideration of the comments received, the District Commander determines that a radiotelephone is necessary, the District Commander notifies the bridge owner that a radiotelephone shall be installed and gives a reasonable time, not to exceed six months, to install the radiotelephone and commence operation.

(1232)

**§117.24 Radiotelephone installation identification.**

(1233) (a) The Coast Guard authorizes, and the District Commander may require the installation of a sign on drawbridges, on the upstream and downstream sides, indicating that the bridge is equipped with and operates a VHF radiotelephone in accordance with §117.23.

(1234) (b) The sign shall give notice of the radiotelephone and its calling and working channels–

(1235) (1) In plain language; or

(1236) (2) By a sign consisting of the outline of a telephone handset with the long axis placed horizontally and a vertical three-legged lightning slash superimposed over the handset. The slash shall be as long vertically as the handset is wide horizontally and normally not less than 27 inches and no more than 36 inches long. The preferred calling channel should be shown in the lower left quadrant and the preferred working channel should be shown in the lower right quadrant.

(1237)

**§117.31 Drawbridge operations for emergency vehicles and emergency vessels.**

(1238) (a) Upon receiving notification that an emergency vehicle is responding to an emergency situation, a drawtender must make all reasonable efforts to have the drawspan closed at the time the emergency vehicle arrives.

(1239) (b) When a drawtender receives notice, or a proper signal as provided in §117.15 of this part, the drawtender shall take all reasonable measures to have the draw opened, regardless of the operating schedule of the draw, for passage of the following, provided this opening does not conflict with local emergency management procedures which have been approved by the cognizant Coast Guard Captain of the Port:

(1240) (1) Federal, State, and local government vessels used for public safety;

(1241) (2) vessels in distress where a delay would endanger life or property;

(1242) (3) commercial vessels engaged in rescue or emergency salvage operations; and

(1243) (4) vessels seeking shelter from severe weather.

(1244)

**§117.33 Closure of draw for natural disasters or civil disorders.**

(1245) Drawbridges need not open for the passage of vessels during periods of natural disasters or civil disorders declared by the appropriate authorities unless otherwise provided for in Subpart B or directed to do so by the District Commander.

(1246)

**§117.35 Temporary change to a drawbridge operating schedule.**

(1247) (a) For any temporary change to the operating schedule of a drawbridge, lasting less than or equal to 180 days, the District Commander may issue a deviation approval letter to the bridge owner and publish a "Notice

of temporary deviation from regulations" in the **Federal Register**.

(1248) (b) If the time period for a temporary change to the operating schedule of a drawbridge will be greater then 180 days, the District Commander will follow appropriate rulemaking procedures and publish a temporary rule in the **Federal Register** prior to the start of the action.

(1249) (c) *Request for change*. (1) To temporarily change the drawbridge-operating requirements the bridge owner must submit a written request to the District Commander for approval of the change.

(1250) (2) The request must describe the reason for the deviation and the dates and times scheduled for the start and end of the change.

(1251) (3) Requests should be submitted as early as possible, preferably 90 days before the start of the action. District Commanders have discretion to accept requests submitted less than 90 days before a needed change if those requests can be processed before the date of the needed change.

(1252) (d) *Determination*. The District Commander's determination to allow the schedule change is normally forwarded to the bridge owner within ten working days after receipt of the request. If the request is denied, the reasons for the denial will be set out in the District Commander's decision letter.

(1253) (e) The drawbridge must return to its regular operating schedule immediately at the end of the designated time period.

(1254) (f) If the authorized deviation period for an event is broken into separate time periods on the same day or on consecutive days, the drawbridge must provide openings for navigation between authorized schedule changes.

(1255) (g) The District Commander will also announce the change to the operating schedule in the Local Notice to Mariners and other appropriate local media.

(1256)

### §117.36 Closure of drawbridge for emergency repair.

(1257) (a) When a drawbridge unexpectedly becomes inoperable, or should be immediately rendered inoperable because of mechanical failure or structural defect, the drawbridge owner must notify the District Commander of the closure without delay and give the reason for the emergency closure of the drawbridge and an estimated time when the drawbridge will be returned to operating condition.

(1258) (b) The District Commander will notify mariners about the drawbridge status through Broadcast Notices to Mariners, Local Notice to Mariners and any other appropriate local media.

(1259) (c) Repair work under this section must be performed with all due speed in order to return the drawbridge to operation as soon as possible.

(1260)

### §117.39 Authorized closure of drawbridge due to infrequent requests for openings.

(1261) (a) When there have been no requests for drawbridge openings for at least two years, a bridge owner may request in writing that the District Commander authorize the drawbridge to remain closed to navigation and to be untended.

(1262) (b) The District Commander may:

(1263) (1) Authorize the closure of the drawbridge;

(1264) (2) Set out any conditions in addition to the requirement in paragraph (d): and

(1265) (3) Revoke an authorization and order the drawbridge returned to operation when necessary.

(1266) (c) All drawbridges authorized to remain closed to navigation, under this section, must be maintained in operable condition.

(1267) (d) Authorization under this section does not:

(1268) (1) Authorize physical changes to the drawbridge structure, or

(1269) (2) Authorize removal of the operating machinery.

(1270) (e) Drawbridges authorized under this section to remain closed to navigation and to be untended are identified in subpart B of this part.

(1271)

### §117.40 Advance notice for drawbridge opening.

(1272) (a) Upon written request by the owner of a drawbridge, the District Commander may authorize a drawbridge to operate under an advance notice for opening. The drawbridge tender, after receiving the advance notice, must open the drawbridge at the requested time and allow for a reasonable delay in arrival of the vessel giving the advance notice.

(1273) (b) If the request is approved, a description of the advanced notice for the drawbridge will be added to subpart B of this part.

(1274)

### §117.41 Maintaining drawbridges in the fully open position.

(1275) (a) Drawbridges permanently maintained in the fully open to navigation position may discontinue drawtender service as long as the drawbridge remains fully open to navigation. The drawbridge must remain in the fully open position until drawtender service is restored.

(1276) (b) If a drawbridge is normally maintained in the fully open to navigation position, but closes to navigation for the passage of pedestrian, vehicular, rail, or other traffic, the drawbridge must be tended unless:

(1277) (1) Special operating requirements are established in subpart B of this part for that drawbridge; or

(1278) (2) The drawbridge is remotely operated or automated.

(1279)

### §117.42 Remotely operated and automated drawbridges.

(1280) (a) Upon written request by the owner of a drawbridge, the District Commander may authorize a

drawbridge to operate under an automated system or from a remote location.

(1281) (b) If the request is approved, a description of the full operation of the remotely operated or automated drawbridge will be added to subpart B of this part.

(1282)

**§117.47 Clearance gauges.**

(1283) (a) Clearance gauges are required for drawbridges across navigable waters of the United States discharging into the Atlantic Ocean south of Delaware Bay (including the Lewes and Rehoboth Canal, DE) or into the Gulf of Mexico (including coastal waterways contiguous thereto and tributaries to such waterways and the Lower Atchafalaya River, LA), except the Mississippi River and its tributaries and outlets.

(1284) (b) Except for provisions in this part which specify otherwise for particular drawbridges, clearance gauges shall be designed, installed, and maintained according to the provisions of 33 CFR 118.160 (not carried in this Coast Pilot).

(1285) **NOTE:** Clearance gauge requirements, if any, for drawbridges other than those referred to in this section are listed in Subpart B under the appropriate bridge.

(1286)

**§117.49 Process of violations.**

(1287) (a) Complaints of alleged violations under this part are submitted to the District Commander of the Coast Guard District in which the drawbridge is located.

(1288) (b) Penalties for violations under this part are assessed and collected under Subpart 1.07 of Part 1 of this chapter (not published in this Coast Pilot; see 33 CFR 1.07).

(1289)

## Subpart B–Specific Requirements

(1290)

**§117.51 General.**

(1291) The drawbridges in this subpart are listed by the state in which they are located and by the waterway they cross. Waterways are arranged alphabetically by state. The drawbridges listed under a waterway are generally arranged in order from the mouth of the waterway moving upstream. The drawbridges on the Atlantic Intracoastal Waterway are listed from north to south and on the Gulf Intracoastal Waterway from east to west.

(1292)

**§117.55 Posting of requirements.**

(1293) (a) The owner of each drawbridge under this subpart, other than removable span bridges, must ensure that a sign summarizing the requirements in this subpart applicable to the drawbridge is posted both upstream and downstream of the drawbridge. The requirements to be posted need not include those in Subpart A or §§117.51 through 117.59 of this part.

(1294) (b) The signs shall be of sufficient size and so located as to be easily read at any time from an approaching vessel.

(1295) (c) If advance notice is required to open the draw, the signs shall also state the name, address, and telephone number of the person to be notified.

(1296)

**§117.59 Special requirements due to hazards.**

(1297) For the duration of occurrences hazardous to safety or navigation, such as floods, freshets, and damage to the bridge or fender system, the District Commander may require the owner of an operational drawbridge listed in this subpart to have the bridge attended full time and open on signal.

(1298) **CONNECTICUT**

(1299)

**§117.202 Cold Spring Brook.**

(1300) The draw of the footbridge, mile 0.1 at Saybrook, shall open within 15 minutes of a mariner's request by telephone. To enable mariners to request bridge openings, the owner shall maintain and monitor a telephone at the bridge and provide a means for mariners to secure their boats upstream and downstream of the bridge in order to use this telephone.

(1301)

**§117.205 Connecticut River.**

(1302) (a) The owners of the AMTRAK Old Saybrook-Old Lyme Bridge, mile 3.4, the Route 82 Bridge, mile 16.8, and the CONRAIL Middletown-Portland Bridge, mile 32.0, shall provide, and keep in good legible condition, clearance gauges with figures not less than twelve (12) inches which designed, installed and maintained according to the provisions of §118.160 of this chapter.

(1303) (b) The draws of the AMTRAK Old Saybrook-Old Lyme Bridge, mile 3.4, and the CONRAIL Middletown-Portland Bridge, mile 32.0, shall be opened as soon as practicable for all non-commercial vessels that cannot pass under the closed draws, but in no case shall the delay be more than 20 minutes from the time the opening was requested.

(1304) (c) The draw of the Route 82 Bridge, mile 16.8, at East Haddam, shall open on signal except that, from 15 May to 31 October, between 9 a.m. and 9 p.m., the draw need open for recreational vessels on the hour and half-hour only. The draw shall open on signal for commercial vessels at all times.

(1305)

**§117.207 Housatonic River.**

(1306) (a) The draw of the US 1 Bridge, mile 3.5, at Stratford, shall open on signal; except that, from 7 a.m. to 9 a.m., Monday through Friday, and 4 p.m. to 5:45 p.m. daily, the draw need not open for the passage of vessels. From December 1 through March 31, from 8 p.m. to 4 a.m., the draw shall open on signal if at least six-hours notice is given by calling the number posted at the bridge.

(1307) (b) The draw of the Metro-North (Devon) bridge, mile 3.9 at Stratford, shall operate as follows:

(1308) (1) The draw shall open on signal; except as follows:

(1309) (i) From 7 a.m. to 9 a.m. and from 4 p.m. to 5:45 p.m. Monday through Friday except Federal holidays or an emergency, the draw need not be opened for the passage of vessels.

(1310) (ii) From 5:30 a.m. to 7 a.m. and from 5:45 p.m. to 8:15 p.m. except Saturdays, Sundays, and Federal holidays, the draw need not be opened more than once in any 60 minute period.

(1311) (iii) From 9 p.m. to 5 a.m., the draw shall open on signal if notice is given before 4 p.m. on the day of the intended passage.

(1312) (2) A delay in opening the draw shall not exceed 20 minutes for the passage of approaching trains from the time of the request.

(1313)

**§117.209 Mianus River.**

(1314) The draw of the Metro-North bridge, mile 1.0 at Greenwich, shall operate as follows:

(1315) (a) From 5 a.m. to 9 p.m.–

(1316) (1) The draw shall open on signal immediately for the passage of commercial vessels and as soon as practicable but no later than 20 minutes after the signal to open for the passage of all other vessels.

(1317) (2) When a train scheduled to cross the bridge without stopping has passed the Greenwich or Riverside stations and is in motion toward the bridge, the draw shall open as soon as the train has crossed the bridge.

(1318) (b) The draw shall open on signal from April 1 through October 31, from 9 p.m. to 5 a.m., after at least a four-hour advance notice is given and from November 1 through March 30, from 9 p.m. to 5 a.m., after at least a twenty-four-hour advance notice is given by calling the number posted at the bridge.

(1319)

**§117.211 Mystic River.**

(1320) (a) The draw of the Amtrak railroad bridge, mile 2.4 at Mystic, shall operate as follows:

(1321) (1) From April 1 to October 31, the draw shall open on signal.

(1322) (2) From November 1 to March 31, the draw shall open on signal from 5 a.m. to 9 p.m. From 9 p.m. to 5 a.m., the draw shall open on signal if at least eight hours notice is given.

(1323) (3) Commercial vessels shall be passed Immediately at any time; however, the opening may be delayed up to eight minutes to allow trains, which have entered the drawbridge block and are scheduled to cross the bridge without stopping, to clear the block.

(1324) (4) All other vessels shall be passed as soon as practicable but no later than 20 minutes after the signal to open is given.

(1325) (b) The draw of the U.S. 1 Bridge, mile 2.8, at Mystic, shall open on signal except:

(1326) (1) From May 1 through October 31, from 7:40 a.m. to 6:40 p.m., the draw need only open hourly at twenty minutes before the hour.

(1327) (2) From November 1 through April 30, from 8 p.m. to 4 a.m., the draw shall open on signal if at least six-hours notice is given by calling the number posted at the bridge.

(1328)

**§117.213 New Haven Harbor, Quinnipiac and Mill Rivers.**

(1329) The draws of the Tomlinson Bridge, mile 0.0, the Ferry Street Bridge, mile 0.7, and the Grand Avenue Bridge, mile 1.3, across the Quinnipiac River, and the Chapel Street Bridge, mile 0.4, across the Mill River, shall operate as follows:

(1330) (a) The draw of the Tomlinson Bridge at mile 0.0, across the Quinnipiac River shall open on signal; except that, from 7:30 a.m. to 8:30 a.m., noon to 12:15 p.m., 12:45 p.m. to 1 p.m., and 4:45 p.m. to 5:45 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessel traffic.

(1331) (b) The draw of the Ferry Street Bridge at mile 0.7, across Quinnipiac River, shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and 4:45 p.m. to 5:45 p.m., Monday through Friday, except Federal holidays, the draws need not open for the passage of vessel traffic. From 9 p.m. to 5 a.m. the draw shall open on signal if at least a one-hour advance notice is given by calling the number posted at the bridge.

(1332) (c) The draw of the Grand Avenue Bridge at mile 1.3, across the Quinnipiac River shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and 4:45 p.m. to 5:45 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessel traffic. From 9 p.m. to 5 a.m. the draw shall open on signal if at least a one-hour advance notice is given by calling the number posted at the bridge.

(1333) (d) The draw of the Chapel Street Bridge at mile 0.4, across the Mill River shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and 4:45 p.m. to 5:45 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessel traffic. From 9 p.m. to 5 a.m. the draw shall open on signal after at least a one-hour advance notice is given by calling the number posted at the bridge.

(1334)

**§117.215 Niantic River.**

(1335) (a) The draw of the Amtrak Bridge, mile 0.0, at Niantic, shall open on signal at all times. When a train scheduled to cross the bridge without stopping has entered the drawbridge block, a delay in opening the draw may occur until the train has cleared the block. The delay should not exceed 10 minutes.

(1336) (b) The draw of the S156 Bridge, mile 0.1, at Niantic, shall open on signal; except that, from 7 a.m. to 8 a.m., and 4 p.m. to 5 p.m., Monday through Friday, except holidays, the draw shall open only for the passage of commercial vessels. From December 1 through March

31, from 8 p.m. to 4 a.m., the draw shall open on signal if at least six hours notice is given by calling the number posted at the bridge.

(1337)

**§117.217 Norwalk River.**

(1338) (a) The draw of the Washington Street S136 Bridge, mile 0.0, at Norwalk, shall operate as follows:

(1339) (1) The draw shall open on signal; except that, from 7 a.m. to 8:45 a.m., 11:45 a.m. to 1:15 p.m. and 4 p.m. to 6 p.m., Monday through Friday, except holidays, the draw need not be opened for the passage of vessels that draw less than 14 feet of water.

(1340) (2) The draw need not open for the passage of vessel traffic, from 10 a.m. to 12 p.m., on the first Saturday in December, to facilitate the running of the annual Norwalk River Fun Run. Should inclement weather force the postponement of the race the above bridge closure shall be implemented the next day, the first Sunday after the first Saturday in December, from 10 a.m. to 12 p.m.

(1341) (3) The bridge opening signal is three short blasts. Vessels drawing 14 feet of water or more shall add one prolonged blast after the three short blasts.

(1342) (b) The draw of the Metro-North "WALK" Bridge, mile 0.1, at Norwalk, shall operate as follows:

(1343) (1) The draw shall open on signal between 4:30 a.m. and 9 p.m. after at least a two hour advance notice is given; except that, from 5:45 a.m. through 9:45 a.m. and from 4 p.m. through 8 p.m., Monday through Friday excluding holidays, the draw need not open for the passage of vessel traffic unless an emergency exists.

(1344) (2) From 9 p.m. through 4:30 a.m. the draw shall open on signal after at least a four hour advance notice is given.

(1345) (3) A delay in opening the draw not to exceed 10 minutes may occur when a train scheduled to cross the bridge without stopping has entered the drawbridge lock.

(1346) (4) Requests for bridge openings may be made by calling the bridge via marine radio VHF-FM Channel 13 or the telephone number posted at the bridge.

(1347)

**§117.219 Pequonnock River.**

(1348) (a) The draw of the Stratford Avenue Bridge at mile 0.1, at Bridgeport, shall open on signal; except that, from 6:45 a.m. to 7:15 a.m., 7:45 a.m. to 8:15 a.m., 11:45 a.m. to 1:15 p.m., and 4:30 p.m. to 6:10 p.m., the draw need not open for the passage of vessel traffic. From December 1 through March 31, from 8 p.m. to 4 a.m., the draw shall open on signal if at least a six-hour notice is given by calling the number posted at the bridge.

(1349) (b) The draw of the Metro-North Peck Bridge at mile 0.3, at Bridgeport, shall open on signal or after three blasts as follows:

(1350) (1) From 5:45 a.m. to 9 p.m. except:

(1351) (i) From Monday through Friday, excluding holidays or emergencies, the draw need not be opened from 6:45 a.m. to 7:15 a.m., 7:45 a.m. to 8:15 a.m., and 4:30 p.m. to 6:10 p.m.

(1352) (ii) From Monday through Friday, excluding holidays or emergencies, the draw need not be opened more than once during the periods from 5:45 a.m. to 6:45 a.m., 7:15 a.m. to 7:45 a.m., 8:15 a.m. to 9 a.m., and 6:10 p.m. to 8:15 p.m.

(1353) (2) From 9 p.m. to 5:45 a.m., the draw shall open on signal if at least an eight-hour notice is given by calling the number posted at the bridge.

(1354) (3) The draw need not open on signal if a train is approaching so closely that it may not be safely stopped; however, any delay in opening the draw shall not exceed seven minutes from the time the request to open is received.

(1355) (c) The draw of the East Washington Street Bridge at mile 0.6, shall open on signal or after one prolonged blast followed by two short blasts, if at least a twenty four hour notice is given by calling the number posted at the bridge.

(1356)

**§117.221 Saugatuck River.**

(1357) (a) Public vessels of the United States must be passed through as soon as possible.

(1358) (b) The draw of the Metro-North "SAGA" Bridge, mile 1.1 at Saugatuck shall operate as follows:

(1359) (1) Year-round need not open:

(1360) (i) Weekdays from 7 a.m. to 8:10 a.m. and 5:30 p.m. to 7 p.m. except on federal holidays;

(1361) (ii) From 9 p.m. to 5 a.m.

(1362) (2) From October 1-May 31, open on signal:

(1363) (i) Weekdays from 8:10 a.m.-4 p.m.;

(1364) (ii) Weekends and federal holidays 7 a.m.-4 p.m.;

(1365) (iii) If at least eight hours notice is given: daily, from 5 a.m.-7 a.m., 4 p.m.-5:30 p.m. and 7 p.m.-9 p.m., and weekends and federal holidays from 5:30 p.m.-7 p.m.

(1366) (3) From June 1-September 30, open on signal 5 a.m.-9 p.m., except as provided in paragraph (b)(1)(i) of this section.

(1367) (4) A delay in opening the draw not to exceed 10 minutes may occur when a train scheduled to cross the bridge without stopping has entered the drawbridge block.

(1368) (c) The draw of the Route 136 Bridge, mile 1.3 at Saugatuck shall operate as follows:

(1369) (1) Year-round, need not open weekdays, except federal holidays, from 7 a.m. to 8:30 a.m. and 5:30 p.m. to 7:30 p.m.

(1370) (2) From April 15-October 31, open on signal if at least two hours notice is given, except as provided in paragraph (c)(1) of this section.

(1371) (3) From November 1-April 14, open on signal:

(1372) (i) From 8:30 a.m. to 3 p.m. if at least eight hours notice is given:

(1373) (ii) From 3 p.m. to 8:30 a.m., if at least 24 hours notice is given, except as provided in paragraph (c)(1) of this section.

(1374)

**§117.223 Shaw Cove.**

(1375) The draw of the Amtrak bridge, mile 0.0 at New London, shall open on signal from December 1 through March 31 from 8 a.m. to 5 p.m. Monday through Friday. From December 1 through March 31 from 5 p.m. to 8 a.m. and on Saturdays and Sundays, the draw shall open on signal if at least eight hours notice is given. From April 1 through November 30 from 5 a.m. to 10 p.m., the draw shall open on signal; and, from 10 p.m. to 5 a.m., the draw shall open on signal if at least one hour notice is given. A delay of up to 10 minutes may be expected if a train is approaching so closely that it may not be safely stopped. When a vessel is in an emergency that may endanger life or property, the draw shall open as soon as possible.

(1376)

**§117.224 Thames River.**

(1377) The draw of the Amtrak Bridge, mile 3.0, at New London, shall operate as follows:

(1378) (a) The draw shall open on signal to 75 feet above mean high water for all vessel traffic unless a full bridge opening to 135.3 feet above mean high water is requested.

(1379) (b) The 75 foot opening will be signified by a range light display with one solid green light and one flashing green light and the full 135.3 foot opening will be signified with two solid green range lights.

(1380) (c) The draw shall open on signal for public vessels of the United States and commercial vessels; except that, when a train scheduled to cross the bridge without stopping has passed the Midway, Groton, or New London stations and is in motion toward the bridge, the lift span shall not be opened until the train has crossed the bridge.

(1381) (d) The draw shall open on signal as soon as practicable for all other vessel traffic but no later than 20 minutes after the signal to open is given.

(1382)

**§117.225 Yellow Mill Channel.**

(1383) The drawspan of the Stratford Avenue Bridge, mile 0.3 at Bridgeport, must open on signal if at least 24-hours notice is given. Public vessels of the United States must pass through as soon as possible.

(1384) **MASSACHUSETTS**

(1385)

**§117.585 Acushnet River.**

(1386) (a) The New Bedford-Fairhaven RT-6 Bridge, mile 0.0, will open promptly, provided proper signal is given, on the following schedule:

(1387) (1) On the hour between 6:00 a.m. and 10:00 a.m. inclusive.

(1388) (2) At a quarter past the hour between 11:15 a.m. and 6:15 p.m. inclusive.

(1389) (3) At all other times on call.

(1390) (b) The draw will be opened at any time for vessels whose draft exceeds 15 feet, for vessels owned or operated by the U.S. Government, the State of Massachusetts, or by local authorities.

(1391) (c) Each opening of the draw, from the time vehicular traffic flow is stopped until the flow resumes, shall not exceed 15 minutes except for vessels whose draft exceeds 15 feet or in extraordinary circumstances.

(1392) (d) From 6 p.m. on December 24 to midnight on December 25 and from 6 p.m. on December 31 to midnight on January 1, the draw shall open on signal if at least a two-hour notice is given by calling the number posted at the bridge.

(1393)

**§117.587 Apponagansett River.**

(1394) (a) The draw of the Padanaram Bridge, mile 1.0, shall open on signal from 1 May through 31 October, between 6 a.m. and 9 p.m., daily, as follows:

(1395) (1) The bridge shall open on signal, twice an hour, on the hour and half hour between 6 a.m. and 9 a.m. and between 8 p.m. and 9 p.m.

(1396) (2) The bridge shall open on signal, once an hour, on the hour between 9 a.m. and 8 p.m.

(1397) (b) At all other times the bridge shall open if at least four (4) hours advance notice is given.

(1398) (c) The owners of this bridge shall provide and maintain mooring facilities for vessels to make fast while waiting for the bridge to open.

(1399) (d) The owners of this bridge shall provide and keep in good legible condition, clearance gauges for each draw with figures not less than twelve (12) inches high designed, installed and maintained according to the provisions of section 118.160 of this chapter.

(1400)

**§117.589 Cape Cod Canal.**

(1401) The draw of the Conrail railroad bridge, mile 0.7 at Bourne, shall operate as follows:

(1402) (a) The draw is normally in the fully open position except for the passage of trains or for maintenance. No signal is required if the draw is in the fully open position.

(1403) (b) If the draw is not in the fully open position, the opening signal is one prolonged and one short blast.

(1404) (c) Signals to be sounded from the bridge are–

(1405) (1) Immediately preceding the opening of the draw, one prolonged blast;

(1406) (2) Immediately preceding the closing of the draw, two prolonged blasts;

(1407) (3) When a vessel has sounded the opening signal and the draw cannot be opened immediately, five short blasts in a rapid succession; and

(1408) (4) When the draw is closed and visibility is reduced in foggy weather, five short blasts in rapid succession every two minutes.

(1409)

**§117.598 Eel Pond Channel.**

(1410) The following requirements apply to the draw of Eel Pond (Water Street) drawbridge at mile 0.0 at Falmouth, Massachusetts.

(1411) (a) The draw shall open at all times as soon as possible for public vessels of the United States, State or local vessels used for public safety, and vessels in distress.

The opening signal for these vessels shall be four or more short blast of a whistle, horn, or radio request.

(1412) (b) The owners of this bridge shall provide and keep in good legible condition clearance gauges for each draw with figures not less than 12 inches high designed, installed and maintained according to the provisions of section 118.160 of these regulations.

(1413) (c) The draw shall operate as follows:

(1414) (1) On signal from October 15 through May 14, from 8 a.m. to 5 p.m. except as provided in paragraph (c)(3)(i) of this section.

(1415) (2) Need open on signal only on the hour and half hour as follows:

(1416) (i) From May 15 through June 14 and from September 16 through October 14, from 7 a.m. to 7 p.m.

(1417) (ii) From June 15 through September 15, from 6 a.m. to 9 p.m.

(1418) (3) The draw shall open on signal if at least 8 hours advance notice is given:

(1419) (i) At all times on Christmas, New Years, Easter and all Sundays in January and February.

(1420) (ii) At all other times not stipulated in paragraphs (c)(1) and (c)(2) of this section.

(1421)

**§117.607 Mitchell River.**

(1422) The Chatham Highway Bridge, at mile 0.2, at Chatham, Massachusetts, shall operate as follows:

(1423) (a) From May 1 through October 31, the draw shall open on signal from 8 a.m. to 5 p.m., if at least one-hour notice is given and from 5 p.m. to 8 a.m. the draw shall open on signal if at least 12-hours notice is given by calling the Chatham Harbormasters Department.

(1424) (b) From November 1 through April 30, the draw shall open on signal if at least a 24-hours advance notice is given by calling the Chatham Harbormasters Department.

(1425)

**§117.619 Taunton River.**

(1426) (a) The Brightman Street (Route-6) Bridge at mile 1.8, between Fall River and Somerset, shall operate as follows:

(1427) (b) The draw shall open on signal between 5 a.m. and 9 p.m., daily. From 9 p.m. through 5 a.m. the draw shall open on signal after at least a one-hour advance notice is given by calling the number posted at the bridge.

(1428) (c) From June 1 through August 31, the draw need not open for the passage of pleasure craft from 7 a.m. to 9:30 a.m., and from 4 p.m. to 6:30 p.m., Monday through Friday, except holidays. The draw shall open for commercial vessel at all times.

(1429) (d) From 6 p.m. on December 24 to midnight on December 25, and from 6 p.m. on December 31 to midnight on January 1, the draw shall open on signal if at least a two-hour advance notice is given by calling the number posted at the bridge.

(1430) (e) The owner of the bridge shall provide and keep in good legible condition clearance gauges located on both upstream and downstream sides of the draw with figures not less than twelve inches in height, designed, installed and maintained according to the provisions of §118.160 of this chapter.

(1431) (f) The draw of the Veterans Memorial Bridge, mile 2.1, across the Taunton River between Fall River and Somerset, shall operate as follows:

(1432) (1) From 7 a.m. through 3 p.m. the draw shall open on signal.

(1433) (2) From 3 p.m. through 7 a.m. the draw shall open on signal provided a two hour advance notice is given by calling the number posted at the bridge.

(1434)

**§117.620 Westport River-East Branch.**

(1435) The Westport Point Bridge, mile 1.2 at Westport, shall operate as follows:

(1436) (a) Public vessels of the United States must be passed as soon as possible.

(1437) (b) The owners of this bridge shall provide and keep in good legible condition clearance gauges for each draw with figures not less than 12 inches high designed, installed, and maintained, according to the provisions of §118.160 of this chapter.

(1438) (c) That the drawspan for the Westport Point Drawbridge, mile 1.2 at Westport, must open on signal if at least 24 hours notice is given.

(1439)

**§117.622 West Bay**

(1440) The draw of the West Bay Bridge, mile 1.2 at Osterville, shall operate as follows;

(1441) (1) From November 1 through April 30, the draw shall open on signal if at least a twenty-four hour advance notice is given.

(1442) (2) From May 1 through June 15, the draw shall open on signal from 8 a.m. to 6 p.m.

(1443) (3) From June 16 through September 30, the draw shall open on signal from 7 a.m. to 9 p.m.

(1444) (4) From October 1 through October 31, the draw shall open on signal from 8 a.m. to 6 p.m.

(1445) (5) At all other times from May 1 through October 31, the draw shall open on signal if at least a four-hour advance notice is given by calling the number posted at the bridge.

(1446) **NEW JERSEY**

(1447)

**§117.702 Arthur Kill**

(1448) (a) The draw of the Arthur Kill (AK) Railroad Bridge shall be maintained in the full open position for navigation at all times, except during periods when it is closed for the passage of rail traffic.

(1449) (b) The bridge owner/operator shall maintain a dedicated telephone hot line for vessel operators to call the bridge in advance to coordinate anticipated bridge closures. The telephone hot line number shall be posted on signs at the bridge clearly visible from both the up and downstream sides of the bridge.

(1450) (c) Tide constrained deep draft vessels shall notify the bridge operator, daily, of their expected times of vessel transits through the bridge, by calling the designated telephone hot line.

(1451) (d) The bridge shall not be closed for the passage of rail traffic during any predicted high tide period if a tide constrained deep draft vessel has provided the bridge operator with an advance notice of their intent to transit through the bridge. For the purposes of this regulation, the predicted high tide period shall be considered to be from two hours before each predicted high tide to a half-hour after each predicted high tide taken at the Battery, New York.

(1452) (e) The bridge operator shall issue a manual broadcast notice to mariners of the intent to close the bridge for a period of up to 30 minutes for the passage of rail traffic, on VHF-FM channels 13 and 16 (minimum range of 15 miles) 90 minutes before and again at 75 minutes before each bridge closure.

(1453) (f) Beginning at 60 minutes prior to each bridge closure, automated or manual broadcast notice to mariners must be repeated at 15 minute intervals and again at 10 and 5 minutes prior to each bridge closure and once again as the bridge begins to close, at which point the appropriate sound signal will be given.

(1454) (g) Two 15 minute bridge closures may be provided each day for the passage of multiple rail traffic movements across the bridge. Each 15 minute bridge closure shall be separated by at least a 30 minute period when the bridge is returned to and remains in the full open position. Notification of the two 15 minute closures shall follow the same procedures outlined in paragraphs (e) and (f) above.

(1455) (h) A vessel operator may request up to a 30 minute delay for any bridge closure in order to allow vessel traffic to meet tide or current requirements; however, the request to delay the bridge closure must be made within 30 minutes following the initial broadcast for the bridge closure. Requests received after the initial 30 minute broadcast will not be granted.

(1456) (i) In the event of a bridge operational failure, the bridge operator shall immediately notify the Coast Guard Captain of the Port New York. The bridge owner/operator must provide and dispatch a bridge repair crew to be on scene at the bridge no later than 45 minutes after the bridge fails to operate. A repair crew must remain on scene during the operational failure until the bridge has been fully restored to normal operations or until the bridge is raised and locked in the fully open position.

(1457) (j) When the bridge is not tended locally it must be operated from a remote location. A sufficient number of closed circuit TV cameras, approved by the Coast Guard, shall be operated and maintained at the bridge site to enable the remotely located bridge tender to have full view of both river traffic and the bridge.

(1458) (k) VHF-FM channels 13 and 16 shall be maintained and monitored to facilitate communication in both the remote and local control locations. The bridge shall also be equipped with directional microphones and horns to receive and deliver signals to vessels.

(1459) (l) Whenever the remote control system equipment is disabled or fails to operate for any reason, the bridge operator shall immediately notify the Captain of the Port New York. The bridge shall be physically tended and operated by local control as soon as possible, but no more than 45 minutes after malfunction or disability of the remote system.

(1460) (m) Mechanical bypass and override capability of the remote operation system shall be provided and maintained at all times.

(1461)

**§117.709 Cheesequake Creek.**

(1462) (a) The draw of the S35 Bridge, at mile 0.0, at Morgan, South Amboy, New Jersey, shall operate as follows:

(1463) (1) From April 1 through November 30 from 7 a.m. to 8 p.m., the draw need only open on the hour. From 8 p.m. to 11 p.m. the draw shall open on signal. From 11 p.m. to 7 a.m. the draw shall open after at least a two hour advance notice is given by calling the number posted at the bridge.

(1464) (2) From December 1 through March 31, the draw shall open on signal after at least a two hour advance notice is given by calling the number posted at the bridge.

(1465) (b) The draw of the New Jersey Transit Rail Operations railroad bridge, mile 0.2, operates as follows:

(1466) (1) The draw shall open on signal; except that, at least four hours notice is required–

(1467) (i) From January 1 through March 31 from 6 p.m. to 6 a.m.;

(1468) (ii) From April 1 through April 30 and November 1 through November 30 from 10 p.m. to 6 a.m. Monday through Thursday, and midnight Sunday through 6 a.m. Monday; and

(1469) (iii) From December 1 through December 31 from 10 p.m. to 6 a.m.

(1470) (2) The owners of the bridge shall provide and keep in good legible condition two board gages painted white with black figures not less than eight inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(1471)

**§117.718 Elizabeth River.**

(1472) (a) The draw of the South Front Street bridge, mile 0.0 at Elizabeth, shall open on signal; except that, from 12 midnight to 7 a.m., the draw shall open on signal if at least three hours notice is given.

(1473) (b) The draws of the New Jersey Transit Rail Operations railroad bridge, mile 0.7, the Baltic Street bridge, mile 0.9, the Summer Street bridge, mile 1.3, the South Street bridge, mile 1.8, and the Bridge Street bridge, mile 2.1, all at Elizabeth, need not be opened for the passage of vessels.

(1474)

**§117.723 Hackensack River.**

(1475) (a) The following requirements apply to all bridges across the Hackensack River:

(1476) (1) The owners of each bridge shall provide and keep in good legible condition clearance gauges for each draw, with figures not less than 18 inches high for bridges below the turning basin at mile 4.0, and 12 inches high for bridges above mile 4.0. The gauges shall be designed, installed and maintained according to the provisions of §118.160 of this chapter.

(1477) (2) Train and locomotives shall be controlled so that any delay in opening the draw shall not exceed 10 minutes. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting the opening of the bridge is given, the train may continue across the bridge and must clear the bridge interlocks before stopping or reversing.

(1478) (3) New Jersey Transit Rail Operations' (NJTRO) roving crews shall consist of two qualified operators on each shift, each having a vehicle which is equipped with marine and railroad radios, a cellular telephone, and emergency bridge repair and maintenance tools. This crew shall be split with one drawtender stationed at Upper Hack and the other drawtender at the NJTRO HX drawbridge. Adequate security measures shall be provided to prevent vandalism to the bridge operating controls and mechanisms to ensure prompt openings of NJTRO bridges.

(1479) (4) Except as provided in paragraphs (b) through (j) of this section, the draws shall open on signal.

(1480) (b) The draw of the PATH Bridge, mile 3.0, at Jersey City, shall open on signal provided at least a two-hour advance notice is provided by calling the number posted at the bridge. The draw need not open for the passage of vessel traffic Monday through Friday, except Federal holidays, from 6 a.m. to 10 a.m. and from 4 p.m. to 8 p.m. Additional bridge openings shall be provided for commercial vessels from 6 a.m. to 7:20 a.m.; 9:20 a.m. to 10 a.m.; 4 p.m. to 4:30 p.m. and from 6:50 p.m. to 8 p.m. provided at least a two-hour advance notice is given by calling the number posted at the bridge.

(1481) (c) The draw of the Hack-Freight Railroad Bridge at mile 3.1, shall open on signal at all times, except as provided in paragraph (a)(2) of this section. The bridge shall be operated from a remote location at all times, except when it is tended locally. Sufficient closed circuit television cameras, approved by the Coast Guard, shall be operated and maintained at the bridge site to enable the remotely located bridge tender to have full view of both river traffic and the bridge.

(1482) (1) Radiotelephone Channel 13/16 VHF–FM shall be maintained and utilized to facilitate communication in both remote and local control locations. The bridge shall also be equipped with directional microphones and horns to receive and deliver signals to vessels.

(1483) (2) Whenever the remote control system equipment is partially disabled or fails for any reason, the bridge shall be physically tended and operated by local control as soon as possible, but no more than 45 minutes after malfunction or disability of the remote system. Mechanical bypass and override capability of the remote system shall be provided and maintained.

(1484) (d) Except as provided in paragraph (a)(2) of this section, the draw of the NJTRO Lower Hack Bridge, mile 3.4, at Jersey City shall open on signal if at least a one-hour advance notice is given to the drawtender at the Upper Hack bridge, mile 6.9, at Secaucus, New Jersey by calling the number posted at the bridge. In the event the NJTRO HX draw tender is at the Newark/Harrison (Morristown Line) Bridge, mile 5.8, on the Passaic River, up to an additional half hour delay is permitted.

(1485) (e) Except as provided in paragraph (a)(2) of this section, the draw of the Amtrak Portal Bridge, mile 5.0, at Little Snake Hill, need not open for the passage of vessel traffic Monday through Friday, except Federal holidays, from 6 a.m. to 10 a.m. and from 4 p.m. to 8 p.m. Additional bridge openings shall be provided for commercial vessels from 6 a.m. to 7:20 a.m.; 9:20 a.m. to 10 a.m.; 4 p.m. to 4:30 p.m. and from 6:50 p.m. to 8 p.m., if at least a one-hour advance notice is given by calling the number posted at the bridge. At all other times the draw shall open on signal.

(1486) (f) Except as provided in paragraph (a)(2) of this section, the draw of the NJTRO Upper Hack Bridge, mile 6.9 at Secaucus, N.J. shall open on signal unless the drawtender is at the NJTRO HX Bridge, mile 7.7 at Secaucus, N.J. over the Hackensack River, then up to a half hour delay is permitted.

(1487) (g) Except as provided in paragraph (a)(2) of this section, the draw of the NJTRO HX Bridge at mile 7.7, shall open on signal if at least a half hour notice is given to the drawtender at the Upper Hack Bridge.

(1488) (h) Except as provided in paragraph (a)(2) of this section, the draw of the S46 Bridge, at mile 14.0, in Little Ferry, shall open on signal if at least a twenty four hour advance notice is given by calling the number posted at the bridge.

(1489) (i) The draw of the Harold J. Dillard Memorial (Court Street) Bridge, mile 16.2, Hackensack, shall open on signal if at least four hours notice is given.

(1490) (j) The draw of the New York Susquehanna and Western Railroad bridge, mile 16.3, and the Midtown bridge, mile 16.5, both at Hackensack, need not be opened for the passage of vessels, however, the draws shall be restored to operable condition within 12 months after notification by the District Commander to do so.

(1491) (k) The draw of the Route 1 & 9 (Lincoln Highway) Bridge, mile 2.0, between Kearny and Jersey City, shall open on signal; except that, the draw need not open for the passage of vessel traffic between 6 a.m. and 10 a.m. and between 2 p.m. and 6 p.m., Monday through Friday, except holidays. Tide dependent deep draft vessels may request bridge openings between 6 a.m. and 10 a.m. and between 2 p.m. and 6 p.m. provided at least a twelve hour

advance notice is given by calling the number posted at the bridge.

(1492)

**§117.734 Navesink River (Swimming River).**

(1493) The Oceanic Bridge, mile 4.5, shall open on signal; except that, from December 1 through March 31, the draw shall open on signal, if at least a twenty-four hour notice is given by calling the number posted at the bridge. The owner of this bridge shall provide and keep in good legible condition clearance gauges with figures not less than eight inches high, designed, installed and maintained according to the provisions of §118.160 of this chapter.

(1494)

**§117.735 Newark Bay.**

(1495) The following requirements apply to all bridges across this waterway:

(1496) (a) Public vessels of the United States, state or local vessels used for public service, and vessels in distress shall be passed through the draw without delay. The opening signal from these vessels is four or more short blasts of a whistle or horn or a radio request.

(1497) (b) The owners of these bridges shall provide and keep in good legible condition two board gages painted white with black figures not less than 12 inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(1498) (c) Trains and locomotives shall be controlled so that any delay in opening the draw span shall not exceed five minutes. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, the train may continue across the bridge and must clear the bridge interlocks before stopping.

(1499)

**§117.736 Oceanport Creek.**

(1500) The drawspan for the New Jersey Transit Rail Operations Drawbridge, mile 8.4 near Oceanport, must open on signal from May 15 through September 15 between 5 a.m. and 9 p.m.; except that, the drawspan need not open 6 a.m. to 7:45 a.m. and 5:30 p.m. to 7:30 p.m. on weekdays, excluding all federal holidays except for Martin Luther King Day. The drawspan must open on signal upon four hours notice from May 15 through September 15 between 9 p.m. and 5 a.m., and from September 16 through May 14; except that, the drawspan need not be opened from 6 a.m. to 7:45 a.m. and 5:30 p.m. to 7:30 p.m. on weekdays, excluding all federal holidays except for Martin Luther King Day. Public vessels of the United States must be passed as soon as possible at anytime.

(1501)

**§117.738 Overpeck Creek.**

(1502) (a) The draws of the Conrail and the New York, Susquehanna and Western railroad bridges, mile 0.0 both at Ridgefield Park, N.J. operate as follows:

(1503) (1) The draws shall open on signal if at least 24 hours notice is given.

(1504) (2) Public vessels of the United States, state or local vessels used for public safety, and vessels in distress shall be passed through the draw of each bridge as soon as possible.

(1505) (3) The owners of these bridges shall provide and keep in good legible condition two board gages painted white with black figures not less than 12 inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(1506) (b) Trains and locomotives shall be controlled so that any delay in opening the draw span shall not exceed five minutes. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, the train may continue across the bridge and must clear the bridge interlocks before stopping.

(1507)

**§117.739 Passaic River.**

(1508) (a) The following requirements apply to all bridges in this section across the Passaic River:

(1509) (1) The owners of these bridges shall provide, and keep in good legible condition, clearance gauges with figures not less than twelve (12) inches high designed, installed and maintained according to the provisions of §118.160 of this chapter.

(1510) (2) New Jersey Transit Rail Operations' (NJTRO) roving crews shall consist of an adequate number of operators to ensure NJTRO bridges are operated according to the requirements of this section.

(1511) (b) Suspended.

(1512) (c) The draw of CONRAIL's Point-No-Point Railroad Bridge, mile 2.6, at Newark, shall open on signal if at least four hours notice is given to the CONRAIL Movement Desk. After the signal to open is given, the opening may be delayed no more than ten minutes.

(1513) (d) The draw of the Jackson Street Bridge, mile 4.6, shall open on signal if at least four hours notice is given by calling the number posted at the bridge.

(1514) (e) The draw of the Amtrak Dock Bridge, mile 5.0, at Harrison, shall open on signal after at least a twenty-four hour advance notice is given by calling the number posted at the bridge; except that, from 7:20 a.m. to 9:20 a.m. and from 4:30 p.m. to 6:50 p.m., Monday through Friday, except Federal holidays, the draw need not be opened for the passage of vessel traffic. At all other times, a bridge opening may be delayed no more than ten minutes for the passage of rail traffic, unless the draw tender and the vessel operator agree to a longer delay.

(1515) (f) The draw of the Bridge Street Bridge, mile 5.6, shall open on signal if at least four hours notice is given by calling the number posted at the bridge.

(1516) (g) The draw of the NJTRO Newark-Harrison (Morristown Line) Bridge, mile 5.8, at Harrison, New

Jersey shall open on signal if at least one hour advance notice is given to the drawtender at Upper Hack Bridge mile 6.9, across the Hackensack River at Secaucus, N.J. In the event the HX drawtender is at the Lower Hack Bridge, mile 3.4 on the Hackensack River, at Jersey City then up to an additional half hour delay in opening is permitted. After the signal to open is given, the opening may be delayed no more than ten minutes. From 7:15 a.m. to 9 a.m. and from 4:30 p.m. to 6:50 p.m., Monday through Friday except federal holidays, the draw need not open.

(1517) (h) The Route 280 Bridge, mile 5.8, at Harrison, New Jersey, shall open on signal if at least 24 hours notice is given by calling the number posted at the bridge.

(1518) (i) The draw of the Clay Street Bridge, mile 6.0, shall open on signal if at least four hours notice is given by calling the number posted at the bridge.

(1519) (j) The draw of the NJTRO (West Arlington) Bridge, mile 8.0, at Kearney, shall open on signal from 7 a.m. to 11 p.m. if at least eight hours notice is given. After the signal to open is given, the opening may be delayed no more than ten minutes. From 11 p.m. to 7 a.m., the draw need not be opened.

(1520) (k) The draw of the Route 7 (Rutgers Street) Bridge, mile 8.9, at Belleville, shall open on signal if at least four hours notice is given.

(1521) (l) The draw of the Avondale Bridge, mile 10.7, at Lyndhurst, shall open on signal if at least four hours notice is given.

(1522) (m) The draw of the NJTRO Bridge, mile 11.7, shall open on signal after at least a 24 hour notice is given by calling the number posted at the bridge.

(1523) (n) The draw of the following bridges need not be opened for the passage of vessels:

(1524) (1) Gregory Avenue Bridge, mile 14.0 at Wallington.

(1525) (2) West Eighth Street Bridge, mile 15.3 at Garfield.

(1526) (o) The draw of the Route 1 & 9 (Lincoln Highway) Bridge, mile 1.8, between Kearny and Newark, shall open on signal if at least a four hour advance notice is given; except that, the draw need not open for the passage of vessel traffic between 6 a.m. and 10 a.m. and between 2 p.m. and 6 p.m., Monday through Friday, except holidays. Tide dependant deep draft vessels may request bridge openings between 6 a.m. and 10 a.m. and between 2 p.m. and 6 p.m., provided at least a twelve hour advance notice is given by calling the number posted at the bridge.

(1527) (p) – (s) [Reserved]

(1528)

**§117.743 Rahway River.**

(1529) The draw of the Conrail Bridge, mile 2.0, across the Rahway River, at Linden, New Jersey, shall operate as follows:

(1530) (a) The draw shall remain in the full open position at all times, and shall only be closed for the passage of rail traffic or the performance of maintenance authorized in accordance with subpart A of this part.

(1531) (b) The draw shall be remotely operated by a bridge/train dispatcher located at the Conrail Dispatch Office at Mount Laurel, New Jersey.

(1532) (c) A marine traffic light system shall be maintained at the bridge and display flashing green lights to indicate that vessels may pass through the bridge, and flashing red lights anytime the bridge is not in the full open position.

(1533) (d) An infrared sensor system shall be maintained at the bridge to determine that no conflict with vessel traffic exists while the bridge is closing.

(1534) (e) Before the bridge may be closed from the remote location, an on-site train crewmember shall observe the waterway for any vessel traffic. All approaching vessels shall be allowed to pass before the bridge may close. The on-scene train crewmember shall then communicate with the bridge/train dispatcher at the Conrail Dispatch Office, at Mount Laurel, either by radio or telephone, to request the bridge be closed.

(1535) (f) While the bridge is moving from the full open to full closed position, the bridge/train dispatcher shall maintain constant surveillance of the navigational channel at the bridge using the infrared sensor system.

(1536) (g) If the infrared sensors detect a vessel or other obstruction approaching or under the bridge before the draw is fully lowered and locked, the closing sequence shall be stopped, automatically, and the draw shall be raised to its full open position until the channel is clear.

(1537) (h) During the downward bridge closing movement, the marine traffic light system located at the bridge will change from flashing green to flashing red, the public address system shall announce that the bridge shall be closing, and the horn shall sound two times, pause 10 seconds, then repeat two horn blasts until the bridge is seated and fully locked down.

(1538) (i) When all rail traffic has cleared the bridge, the bridge/train dispatcher shall sound the horn five-times to signal that the draw is about to open.

(1539) (j) In the event of a failure, or obstruction to the infrared sensor system, the bridge shall immediately be returned to the full open position until the problem is corrected.

(1540) (k) In the event of a loss of communication between the on-site personnel and the bridge/train dispatcher, the bridge shall immediately be returned to the full open position until the problem is corrected.

(1541) (l) Should the draw become inoperable from the remote site while the bridge is in the closed position, a bridge tender, maintenance personnel, or engineer shall be deployed to be on scene within one hour from the time the draw becomes inoperable until the bridge can be returned to the full open position.

(1542) (m) Trains shall be controlled so that any delay in opening of the draw shall not exceed ten minutes after a train has crossed the bridge; except, as provided in 33 CFR 117.31(b). However, if a train moving toward the bridge has crossed the home signal for the bridge, the train may continue across the bridge and must clear the bridge interlocks before stopping.

(1543)

**§117.747 Raritan River**

(1544) (a) The draw of New Jersey Transit Rail Operations Railroad Bridge at mile 0.5 shall open on signal; except that, from 6 a.m. to 9:30 a.m. and 4:30 p.m. to 7:30 p.m., Monday through Friday, except holidays, the bridge need not open.

(1545) (b) The bridge owner shall provide and keep in good legible condition two clearance gauges with figures not less than 12 inches high designed, installed and maintained according to the provisions of §118.160 of this chapter.

(1546) (c) Trains and locomotives shall be controlled so that any delay in opening the draw span shall not exceed ten minutes. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, the train may continue across the bridge and must clear the bridge interlocks before the bridge may be opened.

(1547)

**§117.755 Shrewsbury River.**

(1548) The draw of the Monmouth County highway bridge at mile 4.0 across the Shrewsbury River at Sea Bright, New Jersey, shall operate as follows:

(1549) (a) The draw shall open on signal at all times; except that, from May 15 through September 30, on Saturday, Sunday, and holidays, between 9 a.m. and 7 p.m., the draw need open only on the hour and half hour.

(1550) (b) The draw need not be opened at any time for a sail boat unless it is operating under auxiliary power or is being towed by powered vessel.

(1551) (c) The owners of the bridge shall keep in good legible condition two clearance gages with figures not less than eight inches high, designed, installed, and maintained according to the provisions of §118.160 of this chapter.

(1552)

**§117.756 South River.**

(1553) The draw of the CONRAIL bridge, mile 2.8 at South River shall open on weekdays (exclusive of holidays) from December 1 through the last day of February if at least four hours notice is given. From March 1 through November 30, and December 1 through the last day of February on weekends and holidays the draw shall be maintained open to navigation except for closure to accommodate passage of a train. The draw shall be opened as soon as possible at all times for passage of a public vessel of the United States.

(1554) **NEW YORK**

(1555)

**§117.771 Bronx River.**

(1556) (a) The draw of the Bruckner Boulevard Bridge, mile 1.1, at the Bronx, New York, shall open on signal if at least a two-hour advance notice is given to the New York City Department of Transportation (NYCDOT) Radio Hotline, or the NYCDOT Bridge Operations Office. From 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, the bridge need not be opened for the passage of vessels.

(1557) (b) The draw of the Conrail Bridge, mile 1.6 at the Bronx, New York, need not be opened for the passage of vessels.

(1558) (c) The owners of the Bruckner Boulevard Bridge, mile 1.1, and the Conrail Bridge, mile 1.6, both at the Bronx, New York, shall provide and keep in good legible condition two clearance gauges designed, installed and maintained in accordance with the provisions of §118.160 of this chapter.

(1559)

**§117.779 Eastchester Bay (Arm of).**

(1560) The draw of the highway bridge, mile 2.2 between Rodman Neck and City Island, need not be opened for the passage of vessels.

(1561)

**§117.781 East River.**

(1562) The following requirements apply to the Roosevelt Island bridge, mile 6.4 at New York City, as follows:

(1563) (a) Public vessels of the United States Government, state or local vessels used for public safety, and vessels in distress shall be passed through the draws of each bridge as soon as possible without delay at anytime. The opening signal from these vessels shall be four or more short blasts of a whistle, horn or radio request.

(1564) (b) The owners of each bridge shall provide and keep in good legible condition clearance gauges for each draw with figures not less than 12 inches high designed, installed and maintained according to the provisions of §118.160 of these regulations.

(1565) (c) The draw of the Roosevelt Island bridge shall open on signal if at least two hour advance notice is given to the drawtender at the Grand Street/Avenue bridge, mile 3.1 across Newtown Creek (East Branch), the New York Department of Transportation (NYCDOT) Radio Hotline or NYCDOT Bridge Operations Office. In the event the drawtender is at Borden Avenue or Hunters Point Avenue bridges mile 1.2 and 1.4, respectively, across Dutch Kills, up to an additional half hour delay may be required.

(1566)

**§117.787 Gowanus Canal.**

(1567) The draws of the Ninth Street Bridge, mile 1.4, the Third Street Bridge, mile 1.8, the Carroll Street Bridge, mile 2.0, and the Union Street Bridge, mile 2.1, at Brooklyn, shall open on signal, if at least a two-hour advance notice is given to the New York City Department of Transportation (NYCDOT), Radio Hotline, or the NYCDOT Bridge Operations Office.

(1568)

**§117.789 Harlem River.**

(1569) (a) The draws of all railroad bridges across the Harlem River may remain in the closed position from the time a train scheduled to cross the bridge is within five minutes from the bridge, and until that train has fully crossed the bridge. The maximum time permitted for delay shall not exceed ten (10) minutes. Land and

water traffic should pass over or through the draw as soon as possible to prevent unnecessary delays in the opening and closure of the draw.

(1570) (b)(1) The draws of the bridges at 103 Street, mile 0.0, 125 Street (Triborough), mile 1.3, Willis Avenue, mile 1.5, Third Avenue, mile 1.9, Madison Avenue, mile 2.3, 145 Street, mile 2.8 Macombs Dam, mile 3.2, 207 Street, mile 6.0, and the Broadway Bridge, mile 6.8 shall open on signal if at least a four-hour advance notice is given to New York City Highway Radio (Hotline) Room and the Triborough Bridge and Tunnel Authority (TBTA) for the 125 Street (Triborough), mile 1.3. The draws of the above bridges, except the Broadway Bridge, need not open for the passage of vessel traffic from 6 a.m. to 9 a.m. and 5 p.m. to 7 p.m., Monday through Friday, except federal holidays. The draw of the Broadway Bridge need not open for the passage of vessel traffic from 7 a.m. to 10 a.m. and 4 p.m. to 7 p.m., Monday through Friday, except federal holidays.

(1571) (2) The draws of the Willis Avenue Bridge, mile 1.5, Third Avenue Bridge, mile 1.9, and the Madsion Avenue Bridge, mile 2.3, need not open for the passage of vessel traffic at various times between 8 a.m. and 5 p.m. on the first Sunday in May and November. The exact time and date of each bridge closure will be published in the Local Notice to Mariners several weeks prior to each closure.

(1572) (c) The draw of the Metro North (Park Avenue) Bridge, mile 2.1, shall open on signal, except, as provided in paragraph (a) of this section, if a least a four-hour advance notice is given. The draw need not open for the passage of vessel traffic from 5 a.m. to 10 a.m. and 4 p.m. to 8 p.m., Monday through Friday, except Federal holidays.

(1573) (d) The draw of the Spuyten Duyvil railroad bridge, mile 7.9, shall open on signal at all times, except as provided in paragraph (a) of this section.

(1574)

### §117.791 Hudson River.

(1575) (a) The draws of the bridges listed in this section shall open as soon as possible at any time for the passage of the following vessels:

(1576) (1) Downbound vessels during a freshet of a height exceeding an elevation determined by the District Commander.

(1577) (2) Public vessels of the United States.

(1578) (3) Vessels of 500 tons or more.

(1579) (4) Tugs with a tow on a hawser.

(1580) (b) The draws of the bridges listed in this section shall not remain open for more than 15 minutes and may remain closed for up to 10 minutes to allow accumulated land traffic to pass.

(1581) (c) The draw of the CSX Transportation bridge, mile 146.2 between Albany and Rensselaer, shall open on signal; except that, from December 16 through March 31, the draw shall open on signal if at least 24 hours notice is given.

(1582) (d) The draw of the state highway bridge, mile 150.2 between Troy and Menands, need not be opened for the passage of vessels.

(1583) (e) The draw of the highway bridge, mile 152.7, between Troy and Green Island, operates as follows:

(1584) (1) From April 1 through December 15 the draw shall open on signal if at least a twenty four hour advance notice is given by calling the number posted at the bridge.

(1585) (2) From December 16 through March 31, the draw need not open for the passage of vessel traffic.

(1586)

### §117.793 Hutchinson River (Eastchester Creek).

(1587) (a) The following requirements apply to all bridges across Hutchinson River (Eastchester Creek);

(1588) (1) The owners of each bridge shall provide and keep in good legible condition clearance gauges for each draw with figures not less than 12 inches high designed, installed and maintained according to the provision of §118.160 of this chapter.

(1589) (2) Trains and locomotives shall be controlled so that any delay in opening the draw shall not exceed ten minutes except as provided in §117.31(b). However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, the train may continue across the bridge and must clear the bridge interlocks before stopping.

(1590) (3) Except as provided in paragraphs (b) and (c) of this section each draw shall open on signal.

(1591) (b) The draw of the Hutchinson River Parkway Bridge, mile 0.9, at the Bronx, New York shall open on signal if at least a two-hour notice is given to the New York City Department of Transportation (NYCDOT) Radio Hotline, or the NYCDOT Bridge Operations Office.

(1592) (c) The draw of the South Fulton Avenue Bridge, mile 2.9, shall open on signal from three hours before to three hours after the predicted high tide. For the purposes of this section, predicted high tide occurs four hours after predicted high water for New York (Battery), as given in the tide tables published by private entities using data provided by the National Ocean Service.

(1593) (1) At all other times, the bridge shall open on signal if at least four hours advance notice is given to the Westchester County Road Maintenance Division during normal work hours or to the County's Parkway Police at all other times.

(1594) (2) The bridge tender shall honor requests for opening within six hours after predicated high water if such request is given to the bridge tender while he or she is on station (three hours before to three hours after predicted high tide).

(1595)

### §117.795 Jamaica Bay and Connecting Waterways.

(1596) (a) The draw of the Marine Parkway bridge, mile 3.0 over Rockaway Inlet, shall open on signal Monday through Friday from 8 a.m., to 4 p.m. At all other times,

the draw shall open on signal if at least eight hours notice is given: however, the draw shall open on signal if at least a one hour notice is given for the passage of U.S. Navy or National Oceanic and Atmospheric Administration vessels.

(1597) (b) The draws of the New York City highway bridge, mile 0.8 across Mill Basin on Belt Parkway, need not be opened for the passage of vessels from noon to 9 p.m. on Sundays from May 15 to September 30, Memorial Day, Independence Day, and Labor Day. However, on these days, from two hours before to one hour after predicted high tide, the draw shall open on signal. For the purpose of this section, predicted high tide occurs 15 minutes later than that predicted for Sandy Hook, as given in the tide tables published by private entities using data provided by the National Ocean Service. At all times, public vessels of the United States and state or local vessels used for public safety shall be passed as soon as possible.

(1598) (c) The draw of the Beach Channel railroad bridge shall open on signal; except that, the draw need not open for the passage of vessel traffic, 6:45 a.m. to 8:20 a.m. and 5 p.m. to 6:45 p.m., Monday through Friday, except Federal holidays.

(1599)

**§117.799 Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal.**

(1600) (a) At all times, public vessels of the United States must be passed through the drawspan of each drawbridge listed in this section as soon as possible.

(1601) (b) The draw of each bridge listed in this section need not be opened for sailing vessels, unless the vessels are under machinery power or under tow, if an opening would unduly delay other vessel or vehicular traffic.

(1602) (c) The owners of the bridges listed in this section shall provide and keep in good legible condition two board gages painted white with black figures not less than eight inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridges that they are plainly visible to operators of vessels approaching the bridges either up or downstream.

(1603) (d) The draws of the West Bay Bridge, mile 0.1, across Quantuck Canal, Beach Lane Bridge, mile 1.1, across Quantuck Canal, Quoque Bridge, mile 1.1, across Quoque Canal, and the Smith Point Bridge, mile 6.1, across Narrow Bay, shall open on signal, from October 1 through April 30, from 8 a.m. to 4 p.m., and from May 1 through September 30, from 6 a.m. to 10 p.m. At all other times during these periods, the draws shall open as soon as possible but not more than one hour after a request to open is received.

(1604) (e) The draw of the Atlantic Beach Bridge across Reynolds Channel, mile 0.4, shall open on signal–

(1605) (1) From October 1 through May 14;

(1606) (2) From May 15 through September 30, except that it need be opened only on the hour and half hour from 4 p.m. to 7 p.m. on weekdays and from 11 a.m. to 9 p.m. on Saturdays, Sundays, Memorial Day, Independence Day, and Labor Day; and

(1607) (3) From May 15 through September 30, from two hours before to one hour after predicted high tide. Predicted high tide occurs 10 minutes earlier than that predicted for Sandy Hook, as given in the tide table published by the National Oceanic and Atmospheric Administration.

(1608) (f) The draw of the Loop Parkway Bridge across Long Creek, mile 0.7, shall open on signal every other hour on the even hour; except that, from April 1 through October 31 on Saturdays, Sundays, and Federal holidays, the draw shall open on signal every three hours beginning at 3 a.m. If an opening is desired at other than a scheduled time, notice may be given from the telephone located on either side of the bridge or via marine radiotelephone.

(1609) (g) The draw of the Long Beach Bridge across Reynolds Channel, mile 4.7, shall open on signal; except that:

(1610) (1) From midnight to 8 a.m. year-round, the draw shall open on signal if at least four hours notice is given; and

(1611) (2) From 3 p.m. to 8 p.m. on Saturdays, Sundays, and holidays from May 15 through September 30, the draw need be opened only on the hour and the half hour.

(1612) (3) From 10 p.m. to midnight on July 3 each year the draw need not open for the passage of vessel traffic.

(1613) (h) The draw of the Meadowbrook State Parkway Bridge, mile 12.8, across Sloop Channel, shall open on signal if at least one-half hour notice is given to the New York State Department of Transportation, as follows:

(1614) (1) Every other hour on the even hour.

(1615) (2) From April 1 through October 31, on Saturday, Sundays, and Federal holidays, every three hours beginning at 1:30 a.m. Notice may be given from the telephone located at the moorings on each side of the bridge or by marine radio.

(1616) (3) From 9 p.m. to midnight, on the Fourth of July, the Meadowbrook State Parkway Bridge need not open for the passage of vessel traffic.

(1617) (i) The draw of the Captree State Parkway bridge at mile 30.7, across State Boat Channel, at Captree Island, shall open on signal if at least one half hour advance notice is given by calling the number posted at the bridge as follows:

(1618) (1) Every other hour on the even hour.

(1619) (2) From April 1 through October 31, on Saturday, Sunday, and Federal holidays every three hours beginning at 3 a.m.

(1620)

**§117.800 Mill Neck Creek.**

(1621) The draw of the Bayville Bridge, mile 0.1, at Oyster Bay, New York, shall open on signal between 7 a.m. and 11 p.m., from May 1 through October 31, and between 7 a.m. and 5 p.m., Monday through Friday, from November 1 through April 30. At all other times the draw shall open

on signal provided at least a two-hour advance notice is given by calling the number posted at the bridge.

(1622)

**§117.801 Newtown Creek, Dutch Kills, English Kills and their tributaries.**

(1623) (a) The following requirements apply to all bridges across Newtown Creek, Dutch Kills, English Kills, and their tributaries:

(1624) (1) The owners of all bridges across Newtown Creek, Dutch Kills, English Kills and their tributaries listed under this section, shall provide and keep in good legible condition two clearance gauges with figures not less than 12 inches high designed, installed and maintained according to the provisions of §118.160 of this chapter.

(1625) (2) Trains and locomotives shall be controlled so that any delay in opening the draw shall not exceed five minutes. If a train moving toward the bridge has crossed the home signal for the bridge before the request to open the bridge is given, that train may continue across the bridge, but must clear the interlock before stopping.

(1626) (b) The draws of the Long Island Railroad bridges, at mile 1.1, across Dutch Kills at Queens, shall open on signal if at least six-hours advance notice is given to the Long Island Railroad Movement Bureau, except as provided in paragraph (a)(2) of this section.

(1627) (c) The draw of the Borden Avenue Bridge, mile 1.2, across Dutch Kills at Queens, shall open on signal if at least a two-hour advance notice is given to the New York City Department of Transportation (NYCDOT) Radio Hotline or NYCDOT Bridge Operations Office.

(1628) (d) The draw of the Hunters Point Avenue Bridge, mile 1.4, across Dutch Kills at Queens, shall open on signal if at least a two-hour advance notice is given to the New York City Department of Transportation (NYCDOT) Radio Hotline or the NYCDOT Bridge Operations Office.

(1629) (e) The draw of the Metropolitan Avenue Bridge, mile 3.4, across English Kills at New York City, shall open on signal if at least a two-hour advance notice is given to the New York City Department of Transportation (NYCDOT) Radio Hotline or the NYCDOT Bridge Operations Office.

(1630) (f) The draw of the Grand Street/Avenue Bridge, mile 3.1, across Newtown Creek (East Branch) between Brooklyn and Queens, shall open on signal if at least a two-hour advance notice is given to the New York City Department of Transportation (NYCDOT) Radio Hotline or the NYCDOT Bridge Operations Office.

(1631) (g)(1) The draw of the Pulaski Bridge, mile 0.6, and the Greenpoint Avenue Bridge, mile 1.3, shall open on signal if at least a two hour advance notice is given to the New York City Department of Transportation Radio (Hotline) Room.

(1632) (2) The Pulaski Bridge, mile 0.6, need not open for vessel traffic at various times between 8 a.m. and 5 p.m. on the first Sunday in both May and November. The exact time and date of the bridge closure will be published in the Local Notice to Mariners several weeks prior to the first Sunday of both May and November.

(1633)

**§117.805 Peekskill (Annsville) Creek.**

(1634) The draw of the Conrail bridge, mile 0.0 at Peekskill, need not be opened for the passage of vessels.

(1635)

**§117.813 Wappinger Creek.**

(1636) The draw of the Metro-North Commuter railroad bridge, mile 0.0 at New Hamburg, need not be opened for the passage of vessels. However, the draw shall be returned to operable condition within six months after notification by the District Commander to do so.

(1637)

**§117.815 Westchester Creek.**

(1638) The draw of the Bruckner Boulevard/Unionport Bridge, mile 1.7, at the Bronx, New York, shall open on signal if at least a two-hour advance notice is given to the New York City Department of Transportation (NYCDOT) radio hotline, or the NYCDOT Bridge Operations Office. The draw need not be opened for vessel traffic from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday. The owner of the bridge shall provide clearance gauges according to the provisions of §118.160 of this chapter.

(1639) **NOTE**: Call signs and radio channels for drawbridges equipped with radiotelephones are included with the bridge descriptions in chapters 4 through 12.

(1640)

## Part 157–Rules for the Protection of the Marine Environment relating to Tank Vessels Carrying Oil in Bulk.

(1641)

## Subpart A–General

(1642)

**§157.01 Applicability.**

(1643) (a) Unless otherwise indicated, this part applies to each vessel that carries oil in bulk as cargo and that is:

(1644) (1) Documented under the laws of the United States (a U.S. vessel); or

(1645) (2) Any other vessel that enters or operates in the navigable waters of the United States, or that operates, conducts lightering under 46 U.S.C. 3715, or receives cargo from or transfers cargo to a deepwater port under 33 U.S.C. 1501 et seq., in the United States Exclusive Economic Zone, as defined in 33 U.S.C. 2701(8).

(1646) (b) This part does not apply to a vessel exempted under 46 U.S.C. 2109 or 46 U.S.C. 3702.

(1647)

**§157.02 Incorporation by reference: Where can I get a copy of the publications mentioned in this part?**

(1648) (a) Certain material is incorporated by reference into this part with the approval of the Director of the

Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*. Also, it is available for inspection at the Coast Guard Headquarters. Contact Commandant (CG–ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7509; telephone 202–372–1375. The material is also available from the sources indicated in this section.

(1649) *(b) International Maritime Organization (IMO)*—4 Albert Embankment, London SE1 7SR, United Kingdom.

(1650) (1) IMCO Assembly Resolution A.393(X), adopted on 14 November 1977, Recommendation on International Performance and Test Specifications For Oily Water Separating Equipment and Oil Content Meters ("A.393(x)"), incorporation by reference approved for §157.12.

(1651) (2) IMO Assembly Resolution A.496(XII), Adopted on 19 November 1981, Agenda Item 11, Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers ("A.496(XII)"), incorporation by reference approved for §157.12.

(1652) (3) IMO Assembly Resolution A.586(14), Adopted on 20 November 1985, Agenda item 12, Revised Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers ("A.586(14)"), incorporation by reference approved for §157.12.

(1653) (4) IMO Marine Environment Protection Committee Resolution MEPC.13 (19), adopted on 9 December 1983, Guidelines for Plan Approval and Installation Survey of Oil Discharge Monitoring and Control Systems for Oil Tankers and Environmental Testing of Control Sections Thereof ("MEPC.13(19)"), incorporation by reference approved for §157.12.

(1654) (5) IMO Marine Environment Protection Committee Resolution MEPC.108(49), Adopted on 18 July 2003, Revised Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers ("MEPC.108(49)"), incorporation by reference approved for §157.12.

(1655) (6) IMO Assembly Resolution A.601(15), Provision and Display of Manoeuvring Information on Board Ships, Annex sections 1.1, 2.3, 3.1, and 3.2 with appendices, adopted on 19 November 1987 ("A.601(15)"), incorporation by reference approved for §157.450.

(1656) (7) IMO Assembly Resolution A.744(18), Guidelines on the Enhanced Programme of Inspections During Surveys of Bulk Carriers and Oil Tankers, Annex B sections 1.1.3-1.1.4, 1.2-1.3, 2.1, 2.3-2.6, 3-8, and Annexes 1-10 with appendices, adopted 4 November 1993 ("A.744(18)"), incorporation by reference approved for §157.430.

(1657) (8) IMO Assembly Resolution A.751(18), Interim Standards for Ship Manoeuvrability, Annex sections 1.2, 2.3-2.4, 3-4.2, and 5, adopted 4 November 1993 with Explanatory Notes in MSC/Circ. 644 dated 6 June 1994 ("A.751(18)"), incorporation by reference approved for §157.445.

(1658) (9) MARPOL Consolidated Edition 2011, Annex I, Regulations for the prevention of pollution by oil, Chapter 4—Requirements for the cargo area of oil tankers, Part A—Construction, Regulation 22, "Pump-room bottom protection," (Annex I, Regulation 22) incorporation by reference approved for §157.14.

(1659) (10) MARPOL Consolidated Edition 2011, Annex I, Regulations for the prevention of pollution by oil, Chapter 4—Requirements for the cargo area of oil tankers, Part A—Construction, Regulation 23, "Accidental oil outflow performance," (Annex I, Regulation 23) incorporation by reference approved for §157.20.

(1660) (c) *Oil Companies International Marine Forum (OCIMF)* 27 Queen Anne's Gate, London, SW1H 9BU, England].

(1661) (1) International Safety Guide for Oil Tankers and Terminals, Fourth Edition, Chapters 6, 7, and 10, 1996, incorporation by reference approved for §157.435.

(1662) (2) [Reserved]

(1663)

**§157.03 Definitions.**

(1664) Except as otherwise stated in a subpart:

(1665) *Amidships* means the middle of the length.

(1666) *Animal fat* means a non-petroleum oil, fat, or grease derived from animals and not specifically identified elsewhere in this part.

(1667) *Ballast voyage* means the voyage that a tank vessel engages in after it leaves the port of final cargo discharge.

(1668) *Breadth* or *B* means the maximum molded breadth of a vessel in meters.

(1669) *Cargo tank length* means the length from the forward bulkhead of the forwardmost cargo tanks, to the after bulkhead of the aftermost cargo tanks.

(1670) *Center tank* means any tank inboard of a longitudinal bulkhead.

(1671) *Clean ballast* means ballast which:

(1672) (1) If discharged from a vessel that is stationary into clean, calm water on a clear day, would not–

(1673) (i) Produce visible traces of oil on the surface of the water or on adjoining shore lines; or

(1674) (ii) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines; or

(1675) (2) If verified by an approved oil discharge monitoring and control system, has an oil content that does not exceed 15 p.m.

(1676) *Combination carrier* means a vessel designed to carry oil or solid cargoes in bulk.

(1677) *Crude oil* means any liquid hydrocarbon mixture occurring naturally in the earth, whether or not treated to render it suitable for transportation, and includes crude oil from which certain distillate fractions may have been removed, and crude oil to which certain distillate fractions may have been added.

(1678) *Deadweight* or *DWT* means the difference in metric tons between the lightweight displacement and the total displacement of a vessel measured in water of specific gravity 1.025 at the load waterline corresponding to the assigned summer freeboard.

(1679) *Dedicated clean ballast tank* means a cargo tank that is allocated solely for the carriage of clean ballast.

(1680) *Domestic trade* means trade between ports or places within the United States, its territories and possessions, either directly or via a foreign port including trade on the navigable rivers, lakes, and inland waters.

(1681) *Double bottom* means watertight protective spaces that do not carry any oil and which separate the bottom of tanks that hold any oil within the cargo tank length from the outer skin of the vessel.

(1682) *Double hull* means watertight protective spaces that do not carry any oil and which separate the sides, bottom, forward end, and aft end of tanks that hold any oil within the cargo tank length from the outer skin of the vessel as prescribed in §157.10d.

(1683) *Doubles sides* means watertight protective spaces that do not carry any oil and which separate the sides of tanks that hold any oil within the cargo tank length from the outer skin of the vessel.

(1684) *Existing vessel* means any vessel that is not a new vessel.

(1685) *Fleeting or assist towing vessel* means any commercial vessel engaged in towing astern, alongside, or pushing ahead, used solely within a limited geographic area, such as a particular barge fleeting area or commercial facility, and used solely for restricted service, such as making up or breaking up larger tows.

(1686) *Foreign trade* means any trade that is not domestic trade.

(1687) *From the nearest land* means from the baseline from which the territorial sea of the United States is established in accordance with international law.

(1688) *Fuel oil* means any oil used as fuel for machinery in the vessel in which it is carried.

(1689) *Inland vessel* means a vessel that is not oceangoing and that does not operate on the Great Lakes.

(1690) *Instantaneous rate of discharge of oil content* means the rate of discharge of oil in liters per hour at any instant, divided by the speed of the vessel in knots at the same instant.

(1691) *Integrated tug barge* means a tug and a tank barge with a mechanical system that allows the connection of the propulsion unit (the tug) to the stern of the cargo carrying unit (the tank barge) so that the two vessels function as a single self-propelled vessel.

(1692) *Large primary structural member* includes any of the following:

(1693) (1) Web frames.

(1694) (2) Girders.

(1695) (3) Webs.

(1696) (4) Main brackets.

(1697) (5) Transverses.

(1698) (6) Stringers.

(1699) (7) Struts in transverse web frames when there are 3 or more struts and the depth of each is more than 1/15 of the total depth of the tank.

(1700) *Length* or *L* means the distance in meters from the fore side of the stem to the axis of the rudder stock on a waterline at 85 percent of the least molded depth measured from the molded baseline, or 96 percent of the total length on that waterline, whichever is greater. In vessels designed with drag, the waterline is measured parallel to the designed waterline.

(1701) *Lightweight* means the displacement of a vessel in metric tons without cargo, fuel oil, lubricating oil, ballast water, fresh water, and feedwater in tanks, consumable stores, and any persons and their effects.

(1702) *Major conversion* means a conversion of an existing vessel that:

(1703) (1) Substantially alters the dimensions or carrying capacity of the vessel, except a conversion that includes only the installation of segregated ballast tanks, dedicated clean ballast tanks, a crude oil washing system, double sides, a double bottom, or a double hull;

(1704) (2) Changes the type of vessel;

(1705) (3) Substantially prolongs the vessel's service life; or

(1706) (4) Otherwise so changes the vessel that it is essentially a new vessel, as determined by the Commandant (CG–CVC).

(1707) *MARPOL 73/78* means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating to that Convention. A copy of MARPOL 73/78 is available from the International Maritime Organization, 4 Albert Embankment, London, SE1, 7SR, England.

(1708) *New vessel* means:

(1709) (1) A U.S. vessel in domestic trade that:

(1710) (i) Is constructed under a contract awarded after December 31, 1974;

(1711) (ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1975;

(1712) (iii) Is delivered after December 31, 1977; or

(1713) (iv) Has undergone a major conversion for which:

(1714) (A) The contract is awarded after December 31, 1974;

(1715) (B) In the absence of a contract, conversion is begun after June 30, 1975; or

(1716) (C) Conversion is completed after December 31, 1977; and

(1717) (2) A foreign vessel or a U.S. vessel in foreign trade that;

(1718) (i) Is constructed under a contract awarded after December 31, 1975;

(1719) (ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1976;

(1720) (iii) Is delivered after December 31, 1979; or

(1721) (iv) Has undergone a major conversion for which:

(1722) (A) The contract is awarded after December 31, 1975;

(1723) (B) In the absence of a contract, conversion is begun after June 30, 1976; or

(1724) (C) Conversion is completed after December 31, 1979.

(1725) *Non-petroleum oil* means oil of any kind that is not petroleum-based. It includes, but is not limited to, animal fat and vegetable oil.

(1726) *Oceangoing* has the same meaning as defined in §151.05 of this chapter.

(1727) *Officer in charge of a navigational watch* means any officer employed or engaged to be responsible for navigating or maneuvering the vessel and for maintaining a continuous vigilant watch during his or her periods of duty and following guidance set out by the master, international or national regulations, and company policies.

(1728) *Oil* means oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. This includes liquid hydrocarbons as well as animal and vegetable oils.

(1729) *Oil cargo residue* means any residue of oil cargo whether in solid, semi-solid, emulsified, or liquid form from cargo tanks and cargo pump room bilges, including but not limited to, drainages, leakages, exhausted oil, muck, clingage, sludge, bottoms, paraffin (wax), and any constituent component of oil. The term "oil cargo residue" is also known as "cargo oil residue."

(1730) *Oily mixture* means a mixture, in any form, with any oil content. "Oily mixture" includes, but is not limited to–

(1731) (1) Slops from bilges;

(1732) (2) Slops from oil cargoes (such as cargo tank washings, oily waste, and oily refuse);

(1733) (3) Oil residue; and

(1734) (4) Oily ballast water from cargo or fuel oil tanks, including any oil cargo residue.

(1735) *Oil residue* means–

(1736) (1) Oil cargo residue; and

(1737) (2) Other residue of oil whether in solid, semi-solid, emulsified, or liquid form resulting from drainages, leakages, exhausted oil and other similar occurrences from machinery spaces.

(1738) *Oil spill response vessel* means a vessel that is exclusively dedicated to operations to prevent or mitigate environmental damage due to an actual or impending accidental oil spill. This includes a vessel that performs routine service as an escort for a tank vessel, but excludes a vessel that engages in any other commercial activity, such as the carriage of any type of cargo.

(1739) *Oil tanker* means a vessel that is constructed or adapted primarily to carry crude oil or products in bulk as cargo. This includes a tank barge, a tankship, and a combination carrier, as well as a vessel that is constructed or adapted primarily to carry noxious liquid substances in bulk as cargo and which also carries crude oil or products in bulk as cargo.

(1740) *Other non-petroleum oil* means an oil of any kind that is not petroleum oil, an animal fat, or a vegetable oil.

(1741) *Permeability of a space* means the ratio of volume within a space that is assumed to be occupied by water to the total volume of that space.

(1742) *Petroleum oil* means petroleum in any form, including but not limited to, crude oil, fuel oil, sludge, oil residue, and refined products.

(1743) *Primary towing vessel* means any vessel engaged in towing astern, alongside, or pushing ahead and includes the tug in an integrated tug barge. It does not include fleeting or assist towing vessels.

(1744) *Product* means any liquid hydrocarbon mixture in any form, except crude oil, petrochemicals, and liquefied gases.

(1745) *Segregated ballast* means the ballast water introduced into a tank that is completely separated from the cargo oil and fuel oil system and that is permanently allocated to the carriage of ballast.

(1746) *Slop tank* means a tank specifically designated for the collection of cargo drainings, washings, and other oily mixtures.

(1747) *Tank* means an enclosed space that is formed by the permanent structure of a vessel, and designed for the carriage of liquid in bulk.

(1748) *Tank barge* means a tank vessel not equipped with a means of self-propulsion.

(1749) *Tank vessel* means a vessel that is constructed or adapted primarily to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that–

(1750) (1) Is a vessel of the United States;

(1751) (2) Operates on the navigable waters of the United States; or

(1752) (3) Transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States. This does not include an offshore supply vessel, or a fishing vessel or fish tender vessel of not more than 750 gross tons when engaged only in the fishing industry.

(1753) *Tankship* means a tank vessel propelled by mechanical power or sail.

(1754) *Vegetable oil* means a non-petroleum oil or fat not specifically identified elsewhere in this part that is derived from plant seeds, nuts, kernels, or fruits.

(1755) *Wing tank* means a tank that is located adjacent to the side shell plating.

(1756)

**§157.04 Authorization of classification societies.**

(1757) (a) The Coast Guard may authorize any classification society (CS) to perform certain plan reviews, certifications, and inspections required by this part on vessels classed by that CS except that only U.S. classification societies may

be authorized to perform those plan reviews, inspections, and certifications for U.S. vessels.

(1758) (b) If a CS desires authorization to perform the plan reviews, certifications, and inspections required under this part, it must submit to the Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501, evidence from the governments concerned showing that they have authorized the CS to inspect and certify vessels on their behalf under the MARPOL 73/78.

(1759) (c) The Coast Guard notifies the CS in writing whether or not it is accepted as an authorized CS. If authorization is refused, reasons for the refusal are included.

(1760) (d) Acceptance as an authorized CS terminates unless the following are met:

(1761) (1) The authorized CS must have each Coast Guard regulation that is applicable to foreign vessels on the navigable waters of the United States.

(1762) (2) Each issue concerning equivalents to the regulations in this part must be referred to the Coast Guard for determination.

(1763) (3) Copies of any plans, calculations, records of inspections, or other documents relating to any plan review, inspection, or certification performed to meet this part must be made available to the Coast Guard.

(1764) (4) Each document certified under §§157.116(a)(2), 157.118(b)(1)(ii), and 157.216(b)(1)(ii) must be marked with the name or seal of the authorized CS.

(1765) (5) A copy of the final documentation that is issued to each vessel that is certified under this part must be referred to the Commandant (CG-CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501.

(1766)

## Subpart B–Design, Equipment, and Installation

(1767)

### §157.08 Applicability of Subpart B.

(1768) **NOTE:** An "oil tanker" as defined in §157.03 includes barges as well as self-propelled vessels.

(1769) (a) Sections 157.10d and 157.11(g) apply to each vessel to which this part applies.

(1770) (b) Sections 157.11 (a) through (f), 157.12, 157.15, 157.19(b)(3), 157.33, and 157.37 apply to each vessel to which this part applies that carries 200 cubic meters or more of crude oil or products in bulk as cargo, as well as to each oceangoing oil tanker to which this part applies of 150 gross tons or more. These sections do not apply to a foreign vessel which remains beyond the navigable waters of the United States and does not transfer oil cargo at a port or place subject to the jurisdiction of the United States.

(1771) (c) Section 157.21 applies to each oil tanker to which this part applies of 150 gross tons or more that is oceangoing or that operates on the Great Lakes. This section does not apply to a foreign vessel which remains beyond the navigable waters of the United States and does not transfer oil cargo at a port or place subject to the jurisdiction of the United States.

(1772) (d) Sections in subpart B of 33 CFR part 157 that are not specified in paragraphs (a) through (c) of this section apply to each oceangoing oil tanker to which this part applies of 150 gross tons or more, unless otherwise indicated in paragraphs (e) through (m) of this section. These sections do not apply to a foreign vessel which remains beyond the navigable waters of the United States and does not transfer oil cargo at a port or place subject to the jurisdiction of the United States.

(1773) (e) Sections 157.11 (a) through (f), 157.12, and 157.15 do not apply to a vessel, except an oil tanker, that carries less than 1,000 cubic meters of crude oil or products in bulk as cargo and which retains oil mixtures on board and discharges them to a reception facility.

(1774) (f) Sections 157.11 (a) through (f), 157.12, 157.13, and 157.15 do not apply to a tank vessel that carries only asphalt, carbon black feedstock, or other products with similar physical properties, such as specific gravity and cohesive and adhesive characteristics, that inhibit effective product/water separation and monitoring.

(1775) (g) Sections 157.11 (a) through (f), 157.12, 157.13, 157.15, and 157.23 do not apply to a tank barge that cannot ballast cargo tanks or wash cargo tanks while underway.

(1776) (h) Sections 157.19 and 157.21 do not apply to a tank barge that is certificated by the Coast Guard for limited short protected coastwise routes if the barge is otherwise constructed and certificated for service exclusively on inland routes.

(1777) (i) Section 157.09(d) does not apply to any:

(1778) (1) U.S. vessel in domestic trade that is constructed under a contract awarded before January 8, 1976;

(1779) (2) U.S. vessel in foreign trade that is constructed under a contract awarded before April 1, 1977; or

(1780) (3) Foreign vessel that is constructed under a contract awarded before April 1, 1977.

(1781) (j) Sections 157.09 and 157.10a do not apply to a new vessel that:

(1782) (1) Is constructed under a building contract awarded after June 1, 1979;

(1783) (2) In the absence of a building contract, has the keel laid or is at a similar stage of construction after January 1, 1980;

(1784) (3) Is delivered after June 1, 1982; or

(1785) (4) Has undergone a major conversion for which:

(1786) (i) The contract is awarded after June 1, 1979;

(1787) (ii) In the absence of a contract, conversion is begun after January 1, 1980; or

(1788) (iii) Conversion is completed after June 1, 1982.

(1789) (k) Sections 157.09(b)(3), 157.10(c)(3), 157.10a(d)(3), and 157.10b(b)(3) do not apply to tank barges.

(1790) (1) Section 157.10b does not apply to tank barges if they do not carry ballast while they are engaged in

trade involving the transfer of crude oil from an offshore oil exploitation or production facility on the Outer Continental Shelf of the United States.

(1791) (m) Section 157.12 does not apply to a U.S. vessel that:

(1792) (1) Is granted an exemption under Subpart F of this part; or

(1793) (2) Is engaged solely in voyages that are:

(1794) (i) Between ports or places within the United States, its territories or possessions;

(1795) (ii) Of less than 72 hours in length; and

(1796) (iii) At all times within 50 nautical miles of the nearest land.

(1797) (n) Section 157.10d does not apply to:

(1798) (1) A vessel that operates exclusively beyond the navigable waters of the United States and the United States Exclusive Economic Zone, as defined in 33 U.S.C. 2701(8);

(1799) (2) An oil spill response vessel;

(1800) (3) Before January 1, 2015–

(1801) (i) A vessel unloading oil in bulk as cargo at a deepwater port licensed under the Deepwater Port Act of 1974 (33 U.S.C. 1501 *et seq.*); or

(1802) (ii) A delivering vessel that is offloading oil in bulk as cargo in lightering activities–

(1803) (A) Within a lightering zone established under 46 U.S.C. 3715(b)(5); and

(1804) (B) More than 60 miles from the territorial sea base line, as defined in 33 CFR 2.20.

(1805) (4) A vessel documented under 46 U.S.C., Chapter 121, that was equipped with a double hull before August 12, 1992;

(1806) (5) A barge of less than 1,500 gross tons as measured under 46 U.S.C., Chapter 145, carrying refined petroleum in bulk as cargo in or adjacent to waters of the Bering Sea, Chukchi Sea, and Arctic Ocean and waters tributary thereto and in the waters of the Aleutian Islands and the Alaskan Peninsula west of 155 degrees west longitude; or

(1807) (6) A vessel in the National Defense Reserve Fleet pursuant to 50 App. U.S.C. 1744.

(1808)

**§157.10d Double hulls on tank vessels.**

(1809) (a) With the exceptions stated in §157.08(n), this section applies to a tank vessel–

(1810) (1) For which the building contract is awarded after June 30, 1990; or

(1811) (2) That is delivered after December 31, 1993;

(1812) (3) That undergoes a major conversion for which;

(1813) (i) The contract is awarded after June 30, 1990; or

(1814) (ii) Conversion is completed after December 31, 1993; or

(1815) (4) That is otherwise required to have a double hull by 46 U.S.C. 3703a(c).

(1816) **NOTE:** 46 U.S.C. 3703a(c) is shown in appendix G to this part.

(1817) (b) Each vessel to which this section applies must be fitted with:

(1818) (1) A double hull in accordance with this section; and

(1819) (2) If §157.10 applies, segregated ballast tanks and a crude oil washing system in accordance with that section.

(1820) (c) Except on a vessel to which §157.10d(d) applies, tanks within the cargo tank length that carry any oil must be protected by double sides and a double bottom as follows:

(1821) (1) Double sides must extend for the full depth of the vessel's side or from the uppermost deck, disregarding a rounded gunwale where fitted, to the top of the double bottom. At any cross section, the molded width of the double side, measured at right angles to the side shell plating, from the side of tanks containing oil to the side shell plating, must not be less than the distance w as shown in Figure 157.10d(c) and specified as follows:

(1822) (i) For a vessel of 5,000 DWT and above: $w$=[0.5+(DWT/20,000)] meters; or, $w$=2.0 meters (79 in.), whichever is less, but in no case less than 1.0 meter (39 in.).

(1823) (ii) For a vessel of less than 5,000 DWT: $w$=[0.4+(2.4)(DWT/20,000)] meters, but in no case less than 0.76 meter (30 in.).

(1824) (iii) For a vessel to which Paragraph (a)(4) of this section applies: $w$=0.76 meter (30 in.), provided that the double side was fitted under a construction or conversion contract awarded prior to June 30, 1990.

(1825)

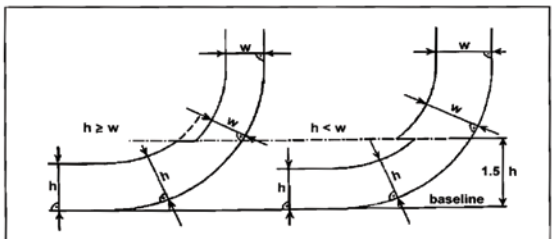



Figure 157.10d(c) Minimum Double Hull Dimensions

(1826) (2) At any cross section, the molded depth of the double bottom, measured at right angles to the bottom shell plating, from the bottom of tanks containing oil to the bottom shell plating, must not be less than the distance $h$ as shown in Figure 157.10d(c) and specified as follows:

(1827) (i) For a vessel of 5,000 DWT and above: $h$=B/15; or, $h$=2.0 meters (79 in.), whichever is less, but in no case less than 1.0 meter (39 in.).

(1828) (ii) For a vessel of less than 5,000 DWT: $h$=B/15, but in no case less than 0.76 meter (30 in.).

(1829) (iii) For a vessel to which Paragraph (a)(4) of this section applies: $h$=B/15; or, $h$=2.0 meters (79 in.), whichever is the lesser, but in no case less than 0.76 meter (30 in.), provided that the double bottom was fitted under a construction or conversion contract awarded prior to June 30, 1990.

(1830) (3) For a vessel built under a contract awarded after September 11, 1992, within the turn of the bilge or at cross sections where the turn of the bilge is not clearly defined,

tanks containing oil must be located inboard of the outer shell–

(1831) (i) For a vessel of 5,000 DWT and above: At levels up to 1.5 *h* above the base line, not less than the distance *h*, as shown in Figure 157.10d(c) and specified in Paragraph (c)(2) of this section. At levels greater than 1.5 *h* above the base line, not less than the distance *w*, as shown in Figure 157.10d(c) and specified in Paragraph (c)(1) of this section.

(1832) (ii) For a vessel of less than 5,000 DWT: Not less than the distance *h* above the line of the mid-ship flat bottom, as shown in Figure 157.10d(c)(3)(ii) and specified in Paragraph (c)(2) of this section. At levels greater than *h* above the line of the mid-ship flat bottom, not less than the distance *w*, as shown in Figure 157.10d(c)(3)(ii) and specified in Paragraph (c)(1) of this section.

(1833)

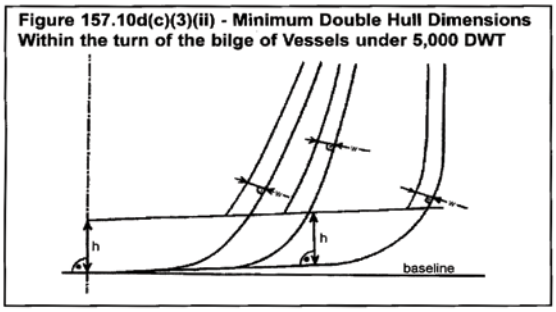



Figure 157.10d(c)(3)(ii) - Minimum Double Hull Dimensions Within the turn of the bilge of Vessels under 5,000 DWT

(1834) (4) For a vessel to which §157.10(b) applies that is built under a contract awarded after September 11, 1992.

(1835) (i) The aggregate volume of the double sides, double bottom, forepeak tanks, and afterpeak tanks must not be less than the capacity of segregated ballast tanks required under §157.10(b). Segregated ballast tanks that may be provided in addition to those required under §157.10(b) may be located anywhere within the vessel.

(1836) (ii) Double side and double bottom tanks used to meet the requirements of §157.10(b) must be located as uniformly as practicable along the cargo tank length. Large inboard extensions of individual double side and double bottom tanks, which result in a reduction of overall side or bottom protection, must be avoided.

(1837) (d) A vessel of less than 10,000 DWT that is constructed and certificated for service exclusively on inland or limited short protected coastwise routes must be fitted with double sides and a double bottom as follows:

(1838) (1) A minimum of 61 cm. (2 ft.) from the inboard side of the side shell plate, extending the full depth of the side or from the main deck to the top of the double bottom, measured at right angles to the side shell; and

(1839) (2) A minimum of 61 cm. (2 ft.) from the top of the bottom shell plating, along the full breadth of the vessel's bottom, measured at right angles to the bottom shell.

(1840) (3) For a vessel to which Paragraph (a)(4) of this section applies, the width of the double sides and the depth of the double bottom may be 38 cm. (15 in.), in lieu of the dimensions specified in paragraphs (d)(1) and (d)(2) of this section, provided that the double side and double bottom tanks were fitted under a construction or conversion contract awarded prior to June 30, 1990.

(1841) (4) For a vessel built under a contract awarded after September 11, 1992, a minimum 46 cm. (18 in.) clearance for passage between framing must be maintained throughout the double sides and double bottom.

(1842) (e) Except as provided in Paragraph (e)(3) of this section, a vessel must not carry any oil in any tank extending forward of:

(1843) (1) The collision bulkhead; or

(1844) (2) In the absence of a collision bulk-head, the transverse plane perpendicular to the centerline through a point located:

(1845) (i) The lesser of 10 meters (32.8 ft.) or 5 percent of the vessel length, but in no case less than 1 meter (39 in.), aft of the forward perpendicular;

(1846) (ii) On a vessel of less than 10,000 DWT tons that is constructed and certificated for service exclusively on inland or limited short protected coastwise routes, the lesser of 7.62 meters (25 ft.) or 5 percent of the vessel length, but in no case less than 61 cm. (2 ft.), aft of the headlog or stem at the freeboard deck; or

(1847) (iii) On each vessel which operates exclusively as a box or trail barge, 61 cm. (2 ft.) aft of the headlog.

(1848) (3) This Paragraph does not apply to independent fuel oil tanks that must be located on or above the main deck within the areas described in paragraphs (e)(1) and (e)(2) of this section to serve adjacent deck equipment that cannot be located further aft. Such tanks must be as small and as far aft as is practicable.

(1849) (f) On each vessel, the cargo tank length must not extend aft to any point closer to the stern than the distance equal to the required width of the double side, as prescribed in §157.10d(c)(1) or §157.10d(d)(1).

(1850)

## Subpart G–Interim Measures for Certain Tank Vessels Without Double Hulls Carrying Petroleum Oils

(1851)

### §157.400 Purpose and applicability.

(1852) (a) The purpose of this subpart is to establish mandatory safety and operational requirements to reduce environmental damage resulting from petroleum oil spills.

(1853) (b) This subpart applies to each tank vessel specified in §157.01 of this part that–

(1854) (1) Is 5,000 gross tons or more;

(1855) (2) Carries petroleum oil in bulk as cargo or oil cargo residue; and

(1856) (3) Is not equipped with a double hull meeting §157.10d of this part, or an equivalent to the requirements of §157.10d, but required to be equipped with a double hull at a date set forth in 46 U.S.C. 3703a (b)(3) and (c)(3).

(1857)

**§157.445 Maneuvering performance capability.**

(1858) (a) A tankship owner or operator shall ensure that maneuvering tests in accordance with IMO Resolution A.751(18), sections 1.2, 2.3-2.4, 3-4.2, and 5 (with Explanatory Notes in MSC/Circ. 644) have been conducted by July 29, 1997. Completion of maneuvering performance tests must be shown by–

(1859) (1) For a foreign flag tankship, a letter from the flag administration or an authorized classification society, as described in §157.04 of this part, stating the requirements in Paragraph (a) of this section have been met; or

(1860) (2) For a U.S. flag tankship, results from the vessel owner confirming the completion of the tests or a letter from an authorized classification society, as described in §157.04 of this part, stating the requirements in Paragraph (a) of this section have been met.

(1861) (b) If a tankship undergoes a major conversion or alteration affecting the control systems, control surfaces, propulsion system, or other areas which may be expected to alter maneuvering performance, the tankship owner or operator shall ensure that new maneuvering tests are conducted as required by Paragraph (a) of this section.

(1862) (c) If a tankship is one of a class of vessels with identical propulsion, steering, hydrodynamic, and other relevant design characteristics, maneuvering performance test results for any tankship in the class may be used to satisfy the requirements of Paragraph (a) of this section.

(1863) (d) The tankship owner or operator shall ensure that the performance test results, recorded in the format of Appendix 6 of the Explanatory Notes in MSC/Circ. 644., are prominently displayed in the wheelhouse.

(1864) (e) Prior to entering the port or place of destination and prior to getting underway, the tankship master shall discuss the results of the performance tests with the pilot while reviewing the anticipated transit and the possible impact of the tankship's maneuvering capability on the transit.

(1865)

## Part 160–Ports and Waterways Safety-General

(1866)

## Subpart A–General:

(1867)

**§160.1 Purpose.**

(1868) Part 160 contains regulations implementing the Ports and Waterways Safety Act (33 U.S.C. 1221) and related statutes.

(1869)

**§160.3 Definitions.**

(1870) For the purposes of this subchapter:

(1871) *Bulk* means material in any quantity that is shipped, stored, or handled without the benefit of package, label, mark or count and carried in integral or fixed independent tanks.

(1872) *Captain of the Port* means the Coast Guard officer designated by the Commandant to command a Captain of the Port Zone as described in part 3 of this chapter.

(1873) *Commandant* means the Commandant of the United States Coast Guard.

(1874) *Deviation* means any departure from any rule in this subchapter.

(1875) *Director, Vessel Traffic Services* means the Coast Guard officer designated by the Commandant to command a Vessel Traffic Service (VTS) as described in part 161 of this chapter.

(1876) *District Commander* means the Coast Guard officer designated by the Commandant to command a Coast Guard District as described in part 3 of this chapter.

(1877) *ETA* means estimated time of arrival.

(1878) *Length of Tow* means, when towing with a hawser, the length in feet from the stern of the towing vessel to the stern of the last vessel in tow. When pushing ahead or towing alongside, length of tow means the tandem length in feet of the vessels in tow excluding the length of the towing vessel.

(1879) *Person* means an individual, firm, corporation, association, partnership, or governmental entity.

(1880) *State* means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Trust Territories of the Pacific Islands, the Commonwealth of the Northern Marianas Islands, and any other commonwealth, territory, or possession of the United States.

(1881) *Tanker* means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous materials in bulk in the cargo spaces.

(1882) *Tank Vessel* means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue.

(1883) *Vehicle* means every type of conveyance capable of being used as a means of transportation on land.

(1884) *Vessel* means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(1885) *Vessel Traffic Services (VTS)* means a service implemented under Part 161 of this chapter by the United States Coast Guard designed to improve the safety and efficiency of vessel traffic and to protect the environment. The VTS has the capability to interact with marine traffic and respond to traffic situations developing in the VTS area.

(1886) *Vessel Traffic Service Area* or *VTS Area* means the geographical area encompassing a specific VTS area of service as described in Part 161 of this chapter. This area of service may be subdivided into sectors for the purpose of allocating responsibility to individual Vessel Traffic Centers or to identify different operating requirements.

(1887) **Note:** Although regulatory jurisdiction is limited to the navigable waters of the United States, certain vessels will be encouraged or may be required, as a condition of

port entry, to report beyond this area to facilitate traffic management within the VTS area.

(1888) *VTS Special Area* means a waterway within a VTS area in which special operating requirements apply.

(1889)

**§160.5 Delegations.**

(1890) (a) District Commanders and Captains of the Ports are delegated the authority to establish safety zones.

(1891) (b) Under the provisions of 33 CFR 6.04-1 and 6.04-6, District Commanders and Captains of the Ports have been delegated authority to establish security zones.

(1892) (c) Under the provisions of 33 CFR 1.05-1, District Commanders have been delegated authority to establish regulated navigation areas.

(1893) (d) Subject to the supervision of the cognizant Captain of the Port and District Commander, Diretors, Vessel Traffic Services are delegated authority under 33 CFR 1.01-30 to discharge the duties of the Captain of the Port that involve directing the operation, movement and anchorage of vessels within a Vessel Traffic Service area including management of vessel traffic within anchorages, regulated navigation areas and safety zones, and to enforce Vessel Traffic Service and ports and waterways safety regulations. This authority may be exercised by Vessel Traffic Center personnel. The Vessel Traffic Center may, within the Vessel Traffic Service area, provide information, make recommendations, or to a vessel required under Part 161 of this chapter to participate in a Vessel Traffic Service, issue an order, including an order to operate or anchor as directed; require the vessel to comply with orders issued; specify times of entry, movement or departure; restrict operations as necessary for safe operation under the circumstances; or take other action necessary for control of the vessel and the safety of the port or of the marine environment.

(1894)

**§160.7 Appeals.**

(1895) (a) Any person directly affected by a safety zone or an order or direction issued under this subchapter (33 CFR Subchapter P) may request reconsideration by the official who issued it or in whose name it was issued. This request may be made orally or in writing, and the decision of the official receiving the request may be rendered orally or in writing.

(1896) (b) Any person directly affected by the establishment of a safety zone or by an order or direction issued by, or on behalf of, a Captain of the Port may appeal to the District Commander through the Captain of the Port. The appeal must be in writing, except as allowed under paragraph (e) of this section, and shall contain complete supporting documentation and evidence which the appellant wishes to have considered. Upon receipt of the appeal, the District Commander may direct a representative to gather and submit documentation or other evidence which would be necessary or helpful to a resolution of the appeal. A copy of this documentation and evidence is made available to the appellant. The appellant is afforded five working days from the date of receipt to submit rebuttal materials. Following submission of all materials, the District Commander issues a ruling, in writing, on the appeal. Prior to issuing the ruling, the District Commander may, as a matter of discretion, allow oral presentation on the issues.

(1897) (c) Any person directly affected by the establishment of a safety zone or by an order or direction issued by, or on behalf of, a District Commander, or who receives an unfavorable ruling on an appeal taken under paragraph (b) of this section may appeal to the Area Commander through the District Commander. The appeal must be in writing, except as allowed under paragraph (e) of this section, and shall contain complete supporting documentation and evidence which the appellant wishes to have considered. Upon receipt of the appeal, the Area Commander may direct a representative to gather and submit documentation or other evidence which would be necessary or helpful to a resolution of the appeal. A copy of this documentation and evidence is made available to the appellant. The appellant is afforded five working days from the date of receipt to submit rebuttal materials. Following submission of all materials, the Area Commander issues a ruling, in writing, on the appeal. Prior to issuing the ruling, the Area Commander may, as a matter of discretion, allow oral presentation on the issues.

(1898) (d) Any person who receives an unfavorable ruling on an appeal taken under paragraph (c) of this section, may appeal to the Commandant (CG–5P), Attn: Assistant Commandant for Prevention, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501. The appeal must be in writing, except as allowed under paragraph (e) of this section. The Area Commander forwards the appeal, all the documents and evidence which formed the record upon which the order or direction was issued or the ruling under paragraph (c) of this section was made, and any comments which might be relevant, to the Assistant Commandant for Prevention. A copy of this documentation and evidence is made available to the appellant. The appellant is afforded 5 working days from the date of receipt to submit rebuttal materials to the Assistant Commandant for Prevention. The decision of the Assistant Commandant for Prevention is based upon the materials submitted, without oral argument or presentation. The decision of the Assistant Commandant for Prevention is issued in writing and constitutes final agency action.

(1899) (e) If the delay in presenting a written appeal would have significant adverse impact on the appellant, the appeal under paragraphs (b) and (c) of this section may initially be presented orally. If an initial presentation of the appeal is made orally, the appellant must submit the appeal in writing within five days of the oral presentation to the Coast Guard official to whom the presentation was made. The written appeal must contain, at a minimum, the basis for the appeal and a summary of the material presented orally. If requested, the official to whom the

appeal is directed may stay the effect of the action while the ruling is being appealed.

(1900)

## Subpart B–Control of Vessel and Facility Operations

(1901)

### §160.101 Purpose.

(1902) This subpart describes the authority exercised by District Commanders and Captains of the Ports to insure the safety of vessels and waterfront facilities, and the protection of the navigable waters and the resources therein. The controls described in this subpart are directed to specific situations and hazards.

(1903)

### §160.103 Applicability.

(1904) (a) This subpart applies to any–

(1905) (1) Vessel on the navigable waters of the United States, except as provided in paragraphs (b) and (c) of this section;

(1906) (2) Bridge or other structure on or in the navigable waters of the United States; and

(1907) (3) Land structure or shore area immediately adjacent to the navigable waters of the United States.

(1908) (b) This subpart does not apply to any vessel on the Saint Lawrence Seaway.

(1909) (c) Except pursuant to international treaty, convention, or agreement, to which the United States is a party, this subpart does not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in–

(1910) (1) Innocent passage through the territorial sea of the United States;

(1911) (2) Transit through the navigable waters of the United States which form a part of an international strait.

(1912)

### §160.105 Compliance with orders.

(1913) Each person who has notice of the terms of an order issued under this subpart must comply with that order.

(1914)

### §160.107 Denial of entry.

(1915) Each District Commander or Captain of the Port, subject to recognized principles of international law, may deny entry into the navigable waters of the United States or to any port or place under the jurisdiction of the United States, and within the district or zone of that District Commander or Captain of the Port, to any vessel not in compliance with the provisions of the Port and Tanker Safety Act (33 U.S.C. 1221-1232) or the regulations issued thereunder.

(1916)

### §160.109 Waterfront facility safety.

(1917) (a) To prevent damage to, or destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters, and to protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss, each District Commander or Captain of the Port may–

(1918) (1) Direct the handling, loading, unloading, storage, and movement (including the emergency removal, control, and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material as those terms are defined in 46 U.S.C. 2101 on any structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and

(1919) (2) Conduct examinations to assure compliance with the safety equipment requirements for structures.

(1920)

### §160.111 Special orders applying to vessel operations.

(1921) Each District Commander or Captain of the Port may order a vessel to operate or anchor in the manner directed when–

(1922) (a) The District Commander or Captain of the Port has reasonable cause to believe that the vessel is not in compliance with any regulation, law or treaty;

(1923) (b) The District Commander or Captain of the Port determines that the vessel does not satisfy the conditions for vessel operation and cargo transfers specified in §160.113; or

(1924) (c) The District Commander or Captain of the Port has determined that such order is justified in the interest of safety by reason of weather, visibility, sea conditions, temporary port congestion, other temporary hazardous circumstances, or the condition of the vessel.

(1925)

### §160.113 Prohibition of vessel operation and cargo transfers.

(1926) (a) Each District Commander or Captain of the Port may prohibit any vessel subject to the provisions of chapter 37 of Title 46, U.S. Code, from operating in the navigable waters of the United States, or from transferring cargo or residue in any port or place under the jurisdiction of the United States, and within the district or zone of that District Commander or Captain of the Port, if the District Commander or the Captain of the Port determines that the vessel's history of accidents, pollution incidents, or serious repair problems creates reason to believe that the vessel may be unsafe or pose a threat to the marine environment.

(1927) (b) The authority to issue orders prohibiting operation of the vessels or transfer of cargo or residue under paragraph (a) of this section also applies if the vessel:

(1928) (1) Fails to comply with any applicable regulation;

(1929) (2) Discharges oil or hazardous material in violation of any law or treaty of the United States;

(1930) (3) Does not comply with applicable vessel traffic service requirements;

(1931) (4) While underway, does not have at least one deck officer on the navigation bridge who is capable of communicating in the English language.

(1932) (c) When a vessel has been prohibited from operating in the navigable waters of the United States under paragraphs (a) or (b) of this section, the District Commander or Captain of the Port may allow provisional entry into the navigable waters of the United States, or into any port or place under the jurisdiction of the United States and within the district or zone of that District Commander or Captain of the Port, if the owner or operator of such vessel proves to the satisfaction of the District Commander or Captain of the Port, that the vessel is not unsafe or does not pose a threat to the marine environment, and that such entry is necessary for the safety of the vessel or the persons on board.

(1933) (d) A vessel which has been prohibited from operating in the navigable waters of the United States, or from transferring cargo or residue in a port or place under the jurisdiction of the United States under the provisions of paragraph (a) or (b)(1), (2) or (3) of this section, may be allowed provisional entry if the owner or operator proves, to the satisfaction of the District Commander or Captain of the Port that has jurisdiction, that the vessel is no longer unsafe or a threat to the environment, and that the condition which gave rise to the prohibition no longer exists.

(1934)

### §160.115 Withholding of clearance.

(1935) (a) Each District Commander or Captain of the Port may request the Secretary of the Treasury, or the authorized representative thereof, to withhold or revoke the clearance required by 46 U.S.C. App. 91 of any vessel, the owner or operator of which is subject to any penalties under 33 U.S.C. 1232.

(1936)

## Subpart C–Notification of Arrival, Hazardous Conditions, and Certain Dangerous Cargoes

(1937)

### §160.201 General.

(1938) This subpart contains requirements and procedures for submitting a notice of arrival (NOA), and a notice of hazardous condition. The sections in this subpart describe:

(1939) (a) Applicability and exemptions from requirements in this subpart;

(1940) (b) Required information in an NOA;

(1941) (c) Required updates to an NOA;

(1942) (d) Methods and times for submission of an NOA, and updates to an NOA;

(1943) (e) How to obtain a waiver; and

(1944) (f) Requirements for submission of the notice of hazardous condition.

(1945) **Note to §160.201.** For notice-of-arrival requirements for the U.S. Outer Continental Shelf, see 33 CFR part 146.

(1946)

### §160.202 Definitions.

(1947) Terms in this subpart that are not defined in this section or in §160.3 have the same meaning as those terms in 46 U.S.C. 2101. As used in this subpart—

(1948) *Agent* means any person, partnership, firm, company or corporation engaged by the owner or charterer of a vessel to act in their behalf in matters concerning the vessel.

(1949) *Barge* means a non-self propelled vessel engaged in commerce.

(1950) *Boundary waters* mean the waters from main shore to main shore of the lakes and rivers and connecting waterways, or the portions thereof, along which the international boundary between the United States and the Dominion of Canada passes, including all bays, arms, and inlets thereof, but not including tributary waters which in their natural channels would flow into such lakes, rivers, and waterways, or waters flowing from such lakes, rivers, and waterways, or the waters of rivers flowing across the boundary.

(1951) *Carried in bulk* means a commodity that is loaded or carried on board a vessel without containers or labels and received and handled without mark or count.

(1952) *Certain dangerous cargo (CDC)* includes any of the following:

(1953) (1) Division 1.1 or 1.2 explosives as defined in 49 CFR 173.50.

(1954) (2) Division 1.5D blasting agents for which a permit is required under 49 CFR 176.415 or, for which a permit is required as a condition of a Research and Special Programs Administration exemption.

(1955) (3) Division 2.3 "poisonous gas", as listed in 49 CFR 172.101 that is also a "material poisonous by inhalation" as defined in 49 CFR 171.8, and that is in a quantity in excess of 1 metric ton per vessel.

(1956) (4) Division 5.1 oxidizing materials for which a permit is required under 49 CFR 176.415 or for which a permit is required as a condition of a Research and Special Programs Administration exemption.

(1957) (5) A liquid material that has a primary or subsidiary classification of Division 6.1 "poisonous material" as listed in 49 CFR 172.101 that is also a "material poisonous by inhalation," as defined in 49 CFR 171.8 and that is in a bulk packaging, or that is in a quantity in excess of 20 metric tons per vessel when not in a bulk packaging.

(1958) (6) Class 7, "highway route controlled quantity" radioactive material or "fissile material, controlled shipment," as defined in 49 CFR 173.403.

(1959) (7) All bulk liquefied gas cargo carried under 46 CFR 151.50–31 or listed in 46 CFR 154.7 that is flammable and/or toxic and that is not carried as certain dangerous cargo residue (CDC residue).

(1960) (8) The following bulk liquids except when carried as CDC residue:

(1961) (i) Acetone cyanohydrin;

(1962) (ii) Allyl alcohol;

(1963) (iii) Chlorosulfonic acid;

(1964) (iv) Crotonaldehyde;

(1965) (v) Ethylene chlorohydrin;

(1966) (vi) Ethylene dibromide;

(1967) (vii) Methacrylonitrile;

(1968) (viii) Oleum (fuming sulfuric acid); and

(1969) (ix) Propylene oxide, alone or mixed with ethylene oxide.

(1970) (9) The following bulk solids:

(1971) (i) Ammonium nitrate listed as a Division 5.1 (oxidizing) material in 49 CFR 172.101 except when carried as CDC residue; and

(1972) (ii) Ammonium nitrate based fertilizer listed as a Division 5.1 (oxidizing) material in 49 CFR 172.101 except when carried as CDC residue.

(1973) *Certain dangerous cargo residue (CDC residue)* includes any of the following:

(1974) (1) Ammonium nitrate in bulk or ammonium nitrate based fertilizer in bulk remaining after all saleable cargo is discharged, not exceeding 1,000 pounds in total and not individually accumulated in quantities exceeding two cubic feet.

(1975) (2) For bulk liquids and liquefied gases, the cargo that remains onboard in a cargo system after discharge that is not accessible through normal transfer procedures, with the exception of the following bulk liquefied gas cargoes carried under 46 CFR 151.50–31 or listed in 46 CFR 154.7:

(1976) (i) Ammonia, anhydrous;

(1977) (ii) Chlorine;

(1978) (iii) Ethane;

(1979) (iv) Ethylene oxide;

(1980) (v) Methane (LNG);

(1981) (vi) Methyl bromide;

(1982) (vii) Sulfur dioxide; and

(1983) (viii) Vinyl chloride.

(1984) *Charterer* means the person or organization that contracts for the majority of the carrying capacity of a ship for the transportation of cargo to a stated port for a specified period. This includes "time charterers" and "voyage charterers."

(1985) *Crewmember* means all persons carried on board the vessel to provide navigation and maintenance of the vessel, its machinery, systems, and arrangements essential for propulsion and safe navigation or to provide services for other persons on board.

(1986) *Embark* means when a crewmember or a person in addition to the crew joins the vessel.

(1987) *Ferry schedule* means a published document that:

(1988) (1) Identifies locations a ferry travels to and from;

(1989) (2) Lists the times of departures and arrivals; and

(1990) (3) Identifies the portion of the year in which the ferry maintains this schedule.

(1991) *Foreign vessel* means a vessel of foreign registry or operated under the authority of a country except the United States.

(1992) *Great Lakes* means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the Saint Lawrence River as far as Saint Regis, and adjacent port areas.

(1993) *Gross tons* means the tonnage determined by the tonnage authorities of a vessel's flag state in accordance with the national tonnage rules in force before the entry into force of the International Convention on Tonnage Measurement of Ships, 1969 ("Convention"). For a vessel measured only under Annex I of the Convention, gross tons means that tonnage. For a vessel measured under both systems, the higher gross tonnage is the tonnage used for the purposes of the 300-gross-ton threshold.

(1994) *Hazardous condition* means any condition that may adversely affect the safety of any vessel, bridge, structure, or shore area or the environmental quality of any port, harbor, or navigable waterway of the United States. It may, but need not, involve collision, allision, fire, explosion, grounding, leaking, damage, injury or illness of a person aboard, or manning-shortage.

(1995) *Nationality* means the state (nation) in which a person is a citizen or to which a person owes permanent allegiance.

(1996) *Operating exclusively within a single Captain of the Port zone* refers to vessel movements within the boundaries of a single COTP zone, e.g., from one dock to another, one berth to another, one anchorage to another, or any combination of such transits. Once a vessel has arrived in a port in a COPT zone, it would not be considered as departing from a port or place simply because of its movements within that specific port.

(1997) *Operator* means any person including, but not limited to, an owner, a charterer, or another contractor who conducts, or is responsible for, the operation of a vessel.

(1998) *Persons in addition to crewmembers* mean any person onboard the vessel, including passengers, who are not included on the list of crewmembers.

(1999) *Port or place of departure* means any port or place in which a vessel is anchored or moored.

(2000) *Port or place of destination* means any port or place in which a vessel is bound to anchor or moor.

(2001) *Public vessel* means a vessel that is owned or demise-(bareboat) chartered by the government of the United States, by a State or local government, or by the government of a foreign country and that is not engaged in commercial service.

(2002) *Time charterer* means the party who hires a vessel for a specific amount of time. The owner and his crew manage the vessel, but the charterer selects the ports of destination.

(2003) *Voyage charterer* means the party who hires a vessel for a single voyage. The owner and his crew manage the vessel, but the charterer selects the ports of destination.

(2004)

**§160.203 Applicability.**

(2005) (a) This subpart applies to the following vessels that are bound for or departing from ports or places within the navigable waters of the United States, as defined in

33 CFR 2.36(a), which includes internal waters and the territorial seas of the United States, and any deepwater port as defined in 33 CFR 148.5:

(2006) (1) U.S. vessels in commercial service, and

(2007) (2) All foreign vessels.

(2008) (b) Unless otherwise specified in this subpart, the owner, agent, master, operator, or person in charge of a vessel regulated by this subpart is responsible for compliance with the requirements in this subpart.

(2009) (c) Towing vessels controlling a barge or barges required to submit an NOA under this subpart must submit only one NOA containing the information required for the towing vessel and each barge under its control.

(2010)

**§160.204 Exemptions and exceptions.**

(2011) (a) Except for reporting notice of hazardous conditions, the following vessels are exempt from requirements in this subpart:

(2012) (1) A passenger or offshore supply vessel when employed in the exploration for or in the removal of oil, gas, or mineral resources on the continental shelf.

(2013) (2) An oil spill response vessel (OSRV) when engaged in actual spill response operations or during spill response exercises.

(2014) (3) After December 31, 2015, a vessel required by 33 CFR 165.830 or 165.921 to report its movements, its cargo, or the cargo in barges it is towing.

(2015) (4) A United States or Canadian vessel engaged in the salving operations of any property wrecked, or rendering aid and assistance to any vessels wrecked, disabled, or in distress, in waters specified in Article II of the 1908 Treaty of Extradition, Wrecking and Salvage (35 Stat. 2035; Treaty Series 502).

(2016) (5) The following vessels neither carrying certain dangerous cargo nor controlling another vessel carrying certain dangerous cargo:

(2017) (i) A foreign vessel 300 gross tons or less not engaged in commercial service.

(2018) (ii) A vessel operating exclusively within a single Captain of the Port zone. Captain of the Port zones are defined in 33 CFR part 3.

(2019) (iii) A U.S. towing vessel and a U.S. barge operating solely between ports or places of the contiguous 48 states, Alaska, and the District of Columbia.

(2020) (iv) A public vessel.

(2021) (v) Except for a tank vessel, a U.S. vessel operating solely between ports or places of the United States on the Great Lakes.

(2022) (vi) A U.S. vessel 300 gross tons or less, engaged in commercial service not coming from a foreign port or place.

(2023) (vii) Each ferry on a fixed route that is described in an accurate schedule that is submitted by the ferry operator, along with information in paragraphs (a)(5)(vii)(A) through (J) of this section, to the Captain of the Port for each port or place of destination listed in the schedule at least 24 hours in advance of the first date and time of arrival listed on the schedule. At least 24 hours before the first date and time of arrival listed on the ferry schedule, each ferry operator who submits a schedule under paragraph (a)(5)(vii) of this section must also provide the following information to the Captain of the Port for each port or place of destination listed in the schedule for the ferry, and if the schedule or the following submitted information changes, the ferry operator must submit an updated schedule at least 24 hours in advance of the first date and time of arrival listed on the new schedule and updates on the following items whenever the submitted information is no longer accurate:

(2024) (A) Name of the vessel;

(2025) (B) Country of registry of the vessel;

(2026) (C) Call sign of the vessel;

(2027) (D) International Maritime Organization (IMO) international number or, if the vessel does not have an assigned IMO international number, the official number of the vessel;

(2028) (E) Name of the registered owner of the vessel;

(2029) (F) Name of the operator of the vessel;

(2030) (G) Name of the vessel's classification society or recognized organization, if applicable;

(2031) (H) Each port or place of destination;

(2032) (I) Estimated dates and times of arrivals at and departures from these ports or places; and

(2033) (J) Name and telephone number of a 24-hour point of contact.

(2034) (6) From April 30, 2015 through December 31, 2015, vessels identified as being subject to 33 CFR 165.830 or 165.921.

(2035) (b) A vessel less than 500 gross tons is not required to submit the International Safety Management (ISM) Code Notice (Entry 7 in Table 160.206 of §160.206).

(2036) (c) A U.S. vessel is not required to submit the International Ship and Port Facility Security (ISPS) Code Notice information (Entry 8 in Table 160.206 of §160.206).

(2037)

**§160.205 Notices of arrival.**

(2038) The owner, agent, Master, operator, or person in charge of a vessel must submit notices of arrival consistent with the requirements in this subpart.

(2039)

**§160.206 Information required in an NOA.**

(2040) (a) Information required. With the exceptions noted in paragraph (b) of this section, each NOA must contain all of the information items specified in Table 160.206. Vessel owners and operators should protect any personal information they gather in preparing notices for transmittal to the National Vessel Movement Center (NVMC) to prevent unauthorized disclosure of that information.

(2041) (b) Exceptions. If a crewmember or person on board other than a crewmember is not required to carry a passport for travel, then passport information required in

(2042)

| Table 160.206 – NOA Information Items | | |
|---|---|---|
| **Required Information** | **Vessels neither carrying CDC nor controlling another vessel carrying CDC** | **Vessels carrying CDC or controlling another vessel carrying CDC** |
| **(1) Vessel Information** | | |
| (i) Name | X | X |
| (ii) Name of the registered owner | X | X |
| (iii) Country of registry | X | X |
| (iv) Call sign | X | X |
| (v) International Maritime Organization (IMO) international number or, if vessel does not have an assigned IMO international number, substitute with official number | X | X |
| (vi) Name of the operator | X | X |
| (vii) Name of the charterer | X | X |
| (viii) Name of classification society or recognized organization | X | X |
| (ix) Maritime Mobile Service Identity (MMSI) number, if applicable | X | X |
| (x) Whether the vessel is 300 gross tons or less (yes or no) | X | X |
| (xi) USCG Vessel Response Plan Control Number, if applicable | X | X |
| **(2) Voyage Information** | | |
| (i) Names of last five foreign ports or places visited | X | X |
| (ii) Dates of arrival and departure for last five foreign ports or places visited | X | X |
| (iii) For the port or place of the United States to be visited, list the names of the receiving facility, the port or place, the city, and the state | X | X |
| (iv) For the port or place in the United States to be visited, the estimated date and time of arrival | X | X |
| (v) For the port or place in the United States to be visited, the estimated date and time of departure | X | X |
| (vi) The location (port or place and country) or position (latitude and longitude or waterway and mile marker) of the vessel at the time of reporting | X | X |
| (vii) The name and telephone number of a 24-hour point of contact | X | X |
| (viii) Whether the vessel's voyage time is less than 24 hours (yes or no) | X | X |
| (ix) Last port or place of departure | X | X |
| (x) Dates of arrival and departure for last port or place of departure | X | X |
| **(3) Cargo Information** | | |
| (i) A general description of cargo, other than CDC, on board the vessel (e.g. grain, container, oil, etc.) | X | X |
| (ii) Name of each CDC carried, including cargo UN number, if applicable | – | X |
| (iii) Amount of each CDC carried | – | X |
| **(4) Information for each Crewmember On Board** | | |
| (i) Full name | X | X |
| (ii) Date of birth | X | X |
| (iii) Nationalitiy | X | X |
| (iv) Passport* or mariners document number (type of identification and number) | X | X |
| (v) Position or duties on the vessel | X | X |
| (vi) Where the crewmembers embarked (list port or place and country) | X | X |
| **(5) Information for each Person On Board in Addition to Crew** | | |
| (i) Full name | X | X |
| (ii) Date of birth | X | X |
| (iii) Nationality | X | X |
| (iv) Passport number* | X | X |
| (v) Where the person embarked (list port or place and country) | X | X |
| **(6) Operational condition of equipment required by 33 CFR part 164 of this chapter (see note to table)** | X | X |
| **(7) International Safety Management (ISM) Code Notice** | | |
| (i) The date of expiration for the company's Document of Compliance certificate that covers the vessel | X | X |
| (ii) The date of expiration for the vessel's Safety Management Certificate | X | X |
| (iii) The name of the Flag Administration, or the recognized organization(s) representing the vessel Flag Administration, that issued those certificates | X | X |
| **(8) International Ship and Port Facility Code (ISPS) Notice** | | |
| (i) The date of issuance for the vessel's International Ship Security Certificate (ISSC), if any | X | X |
| (ii) Whether the ISSC, if any, is an initial Interim ISSC, subsequent and consecutive Interim ISSC, or final ISSC | X | X |
| (iii) Declaration that the approved ship security plan, if any, is being implemented | X | X |
| (iv) If a subsequent and consecutive Interim ISSC, the reasons therefore | X | X |
| (v) The name and 24-hour contact information for the Company Security Officer | X | X |
| (vi) The name of the Flag Administration, or the recognized security organization(s) representing the vessel Flag Administration that issued the ISSC | X | X |

**Note to Table 160.206**. For items with an asterisk (*), see paragraph (b) of this section. Submitting a response for item 6 indicating that navigation equipment is not operating properly does not serve as notice to the District Commander, Captain of the Port, or Vessel Traffic Center, under 33 CFR 164.53.

Table 160.206 by items (4)(iv) and (5)(iv) need not be provided for that person.

(2043)

**§160.208 Updates to a submitted NOA.**

(2044) (a) Unless otherwise specified in this section, whenever events cause NOA information submitted for a vessel to become inaccurate, or the submitter to realize that data submitted was inaccurate, the owner, agent, Master, operator, or person in charge of that vessel must submit an update within the times required in §160.212.

(2045) (b) Changes in the following information need not be reported:

(2046) (1) Changes in arrival or departure times that are less than six (6) hours;

(2047) (2) Changes in vessel location or position of the vessel at the time of reporting (entry (2)(vi) to Table 160.206); and

(2048) (3) Changes to crewmembers' position or duties on the vessel (entry (4)(vii) to Table 160.206).

(2049) (c) When reporting updates, revise and resubmit the NOA.

(2050)

**§160.210 Methods for submitting an NOA.**

(2051) (a) *National Vessel Movement Center (NVMC)*. Except as otherwise provided in this paragraph or paragraph (b) of this section, vessels must submit NOA information required by §160.206 to the NVMC using methods currently specified at *www.nvmc.uscg.gov*, which includes submission through the NVMC electronic Notice of Arrival and Departure (eNOAD) World Wide Web site, and XML, which includes the Excel Workbook format. These data may also be submitted using other methods that may be added as future options on *www.nvmc.uscg.gov*. XML spreadsheets may be submitted via email to *enoad@nvmc.uscg.gov*. If a vessel operator must submit an NOA or an update, for a vessel in an area without internet access or when experiencing technical difficulties with an onboard computer, and he or she has no shore-side support available, the vessel operator may fax or phone the submission to the NVMC. Fax at 1–800–547–8724 or 304–264–2684. Workbook available at *www.nvmc.uscg.gov*; or, telephone at 1–800–708–9823 or 304–264–2502.

(2052) (b) *Saint Lawrence Seaway*. Those vessels transiting the Saint Lawrence Seaway inbound, bound for a port or place in the United States, may meet the submission requirements of paragraph (a) of this section by submitting the required information to the Saint Lawrence Seaway Development Corporation and the Saint Lawrence Seaway Management Corporation of Canada using methods specified at *www.nvmc.uscg.gov*.

(2053)

**§160.212 When to submit an NOA.**

(2054) (a) *Submission of an NOA*. (1) Except as set out in paragraphs (a)(2) and (a)(3) of this section, all vessels must submit NOAs within the times required in paragraph (a)(4) of this section.

(2055) (2) Towing vessels, when in control of a vessel carrying CDC and operating solely between ports or places of the contiguous 48 states, Alaska, and the District of Columbia, must submit an NOA before departure but at least 12 hours before arriving at the port or place of destination.

(2056) (3) U.S. vessels 300 gross tons or less, arriving from a foreign port or place, and whose voyage time is less than 24 hours must submit an NOA at least 60 minutes before departure from the foreign port or place. Also, Canadian vessels 300 gross tons or less, arriving directly from Canada, via boundary waters, to a United States port or place on the Great Lakes, whose voyage time is less than 24 hours must submit an NOA at least 60 minutes before departure from the Canadian port or place.

(2057) (4) Times for submitting NOAs are as follows:

(2058)

| If your voyage time is – | Then you must submit an NOA – |
|---|---|
| (i) 96 hours or more; or | At least 96 hours before arriving at the port or place of destination; or |
| (ii) Less than 96 hours | Before departure but at least 24 hours before arriving at the port or place of destination. |

(2059) (b) *Submission of updates to an NOA*. (1) Except as set out in paragraphs (b)(2) and (b)(3) of this section, vessels must submit updates in NOA information within the times required in paragraph (b)(4) of this section.

(2060) (2) Towing vessels, when in control of a vessel carrying CDC and operating solely between ports or places in the contiguous 48 states, Alaska, and the District of Columbia, must submit updates to an NOA as soon as practicable but at least 6 hours before entering the port or place of destination.

(2061) (3) U.S. vessels 300 gross tons or less, arriving from a foreign port or place, whose voyage time is—

(2062) (i) Less than 24 hours but greater than 6 hours, must submit updates to an NOA as soon as practicable, but at least 6 hours before entering the port or place of destination.

(2063) (ii) Less than or equal to 6 hours, must submit updates to an NOA as soon as practicable, but at least 60 minutes before departure from the foreign port or place.

(2064) (4) Times for submitting updates to NOAs are as follows:

(2065)

| If your remaining voyage time is – | Then you must submit updates to an NOA – |
|---|---|
| (i) 96 hours or more; | As soon as practicable, but at least 24 hours before arriving at the port or place of destination; |
| (ii) Less than 96 hours but not less than 24 hours; or | As soon as practicable, but at least 24 hours before arriving at the port or place of destination; or |
| (iii) Less than 24 hours | As soon as practicable, but at least 12 hours before arriving at the port or place of destination. |

(2066)

### §160.214 Waivers.

(2067) The Captain of the Port may waive, within that Captain of the Port's designated zone, any of the requirements of this subpart for any vessel or class of vessels upon finding that the vessel, route, area of operations, conditions of the voyage, or other circumstances are such that application of this subpart is unnecessary or impractical for purposes of safety, environmental protection, or national security.

(2068)

### §160.215 Force majeure.

(2069) When a vessel is bound for a port or place of the United States under force majeure, it must comply with the requirements in this section, but not other sections of this subpart. The vessel must report the following information to the nearest Captain of the Port as soon as practicable:

(2070) (a) The vessel Master's intentions;

(2071) (b) Any hazardous conditions as defined in §160.202; and

(2072) (c) If the vessel is carrying certain dangerous cargo or controlling a vessel carrying certain dangerous cargo, the amount and name of each CDC carried, including cargo UN number if applicable.

(2073)

### §160.216 Notice of hazardous conditions.

(2074) (a) Whenever there is a hazardous condition either on board a vessel or caused by a vessel or its operation, the owner, agent, master, operator, or person in charge must immediately notify the nearest Coast Guard Sector Office or Group Office, and in addition submit any report required by 46 CFR 4.05-10.

(2075) (b) When the hazardous condition involves cargo loss or jettisoning as described in 33 CFR 97.115, the notification required by paragraph (a) of this section must include—

(2076) (1) What was lost, including a description of cargo, substances involved, and types of packages;

(2077) (2) How many were lost, including the number of packages and quantity of substances they represent;

(2078) (3) When the incident occurred, including the time of the incident or period of time over which the incident occurred;

(2079) (4) Where the incident occurred, including the exact or estimated location of the incident, the route the ship was taking, and the weather (wind and sea) conditions at the time or approximate time of the incident; and

(2080) (5) How the incident occurred, including the circumstances of the incident, the type of securing equipment that was used, and any other material failures that may have contributed to the incident.

(2081)

## Part 161–Vessel Traffic Management

(2082)

## Subpart A–Vessel Traffic Services

(2083)

### General Rules

(2084)

### §161.1 Purpose and Intent.

(2085) (a) The purpose of this part is to promulgate regulations implementing and enforcing certain sections of the Ports and Waterways Safety Act (PWSA) setting up a national system of Vessel Traffic Services that will enhance navigation, vessel safety, and marine environmental protection and promote safe vessel movement by reducing the potential for collisions, rammings, and groundings, and the loss of lives and property associated with these incidents within VTS areas established hereunder.

(2086) (b) Vessel Traffic Services provide the mariner with information related to the safe navigation of a waterway. This information, coupled with the mariner's compliance with the provisions set forth in this part, enhances the safe routing of vessels through congested waterways or waterways of particular hazard. Under certain circumstances, a VTS may issue directions to control the movement of vessels in order to minimize the risk of collision between vessels, or damage to property or the environment.

(2087) (c) The owner, operator, charterer, master, or person directing the movement of a vessel remains at all times responsible for the manner in which the vessel is operated and maneuvered, and is responsible for the safe navigation of the vessel under all circumstances. Compliance with these rules or with a direction of the VTS is at all times contingent upon the exigencies of safe navigation.

(2088) (d) Nothing in this part is intended to relieve any vessel, owner, operator, charterer, master, or person directing the movement of a vessel from the consequences of any neglect to comply with this part or any other applicable law or regulations (e.g., the International Regulations for Prevention of Collisions at Sea, 1972 (72 COLREGS) or the Inland Navigation Rules) or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

(2089)

### §161.2 Definitions.

(2090) For the purposes of this part:

(2091) *Cooperative Vessel Traffic Services (CVTS)* means the system of vessel traffic management established and jointly operated by the United States and Canada within adjoining waters. In addition, CVTS facilitates traffic movement and anchorages, avoids jurisdictional

disputes, and renders assistance in emergencies in adjoining United States and Canadian waters.

(2092) *Hazardous Vessel Operating Condition* means any condition related to a vessel's ability to safely navigate or maneuver, and includes, but is not limited to:

(2093) (1) The absence or malfunction of vessel operating equipment, such as propulsion machinery, steering gear, radar system, gyrocompass, depth sounding device, automatic radar plotting aid (ARPA), radiotelephone, Automatic Identification System equipment, navigational lighting, sound signaling devices or similar equipment.

(2094) (2) Any condition on board the vessel likely to impair navigation, such as lack of current nautical charts and publications, personnel shortage, or similar condition.

(2095) (3) Vessel characteristics that affect or restrict maneuverability, such as cargo or tow arrangement, trim, loaded condition, underkeel or overhead clearance, speed capabilities, power availability, or similar characteristics, which may affect the positive control or safe handling of the vessel or the tow.

(2096) *Navigable waters* means all navigable waters of the United States including the territorial sea of the United States, extending to 12 nautical miles from United States baselines, as described in Presidential Proclamation No. 5928 of December 27, 1988.

(2097) *Precautionary Area* means a routing measure comprising an area within defined limits where vessels must navigate with particular caution and within which the direction of traffic may be recommended.

(2098) *Towing Vessel* means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

(2099) *Vessel Movement Center (VMC)* means the shore-based facility that operates the vessel tracking system for a Vessel Movement Reporting System (VMRS) area or sector within such an area. The VMC does not necessarily have the capability or qualified personnel to interact with marine traffic, nor does it necessarily respond to traffic situations developing in the area, as does a Vessel Traffic Service (VTS).

(2100) *Vessel Movement Reporting System (VMRS)* means a mandatory reporting system used to monitor and track vessel movements. This is accomplished by a vessel providing information under established procedures as set forth in this part in the areas defined in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas).

(2101) *Vessel Movement Reporting System (VMRS) User* means a vessel, or an owner, operator, charterer, Master, or person directing the movement of a vessel that is required to participate in a VMRS.

(2102) *Vessel Traffic Center (VTC)* means the shore-based facility that operates the vessel traffic service for the Vessel Traffic Service area or sector within such an area.

(2103) *Vessel Traffic Services (VTS)* means a service implemented by the United States Coast Guard designed to improve the safety and efficiency of vessel traffic and to protect the environment. The VTS has the capability to interact with marine traffic and respond to traffic situations developing in the VTS area.

(2104) *Vessel Traffic Service Area* or *VTS Area* means the geographical area encompassing a specific VTS area of service. This area of service may be subdivided into sectors for the purpose of allocating responsibility to individual Vessel Traffic Centers or to identify different operating requirements.

(2105) **Note:** Although regulatory jurisdiction is limited to the navigable waters of the United States, certain vessels will be encouraged or may be required, as a condition of port entry, to report beyond this area to facilitate traffic management within the VTS area.

(2106) *VTS Special Area* means a waterway within a VTS area in which special operating requirements apply.

(2107) *VTS User* means a vessel or an owner, operator, charterer, Master, or person directing the movement of a vessel within a VTS area that is:

(2108) (1) Subject to the Vessel Bridge-to-Bridge Radiotelephone Act;

(2109) (2) Required to participate in a VMRS; or

(2110) (3) Equipped with a required Coast Guard type-approved Automatic Identification System (AIS).

(2111) *VTS User's Manual* means the manual established and distributed by the VTS to provide the mariner with a description of the services offered and rules in force for that VTS. Additionally, the manual may include chartlets showing the area and sector boundaries, general navigational information about the area, and procedures, radio frequencies, reporting provisions and other information which may assist the mariner while in the VTS area.

(2112)

### §161.3 Applicability.

(2113) The provisions of this subpart shall apply to each VTS User and may also apply to any vessel while underway or at anchor on the navigable waters of the United States within a VTS area, to the extent the VTS considers necessary.

(2114)

### §161.4 Requirement to carry the rules.

(2115) Each VTS User shall carry on board and maintain for ready reference a copy of these rules.

(2116) **Note:** These rules are contained in the applicable U.S. Coast Pilot, the VTS User's Manual which may be obtained by contacting the appropriate VTS, and periodically published in the Local Notice to Mariners. The VTS User's Manual and the World VTS Guide, an International Maritime Organization (IMO) recognized publication, contain additional information which may assist the prudent mariner while in the appropriate VTS area.

(2117)

### §161.5 Deviations from the rules.

(2118) (a) Requests to deviate from any provision in this part, either for an extended period of time or if anticipated before the start of a transit, must be submitted in writing to

the appropriate District Commander. Upon receipt of the written request, the District Commander may authorize a deviation if it is determined that such a deviation provides a level of safety equivalent to that provided by the required measure or is a maneuver considered necessary for safe navigation under the circumstances. An application for an authorized deviation must state the need and fully describe the proposed alternative to the required measure.

(2119) (b) Requests to deviate from any provision in this part due to circumstances that develop during a transit or immediately preceding a transit may be made to the appropriate Vessel Traffic Center (VTC). Requests to deviate must be made as far in advance as practicable. Upon receipt of the request, the VTC may authorize a deviation if it is determined that, based on vessel handling characteristics, traffic density, radar contacts, environmental conditions and other relevant information, such a deviation provides a level of safety equivalent to that provided by the required measure or is a maneuver considered necessary for safe navigation under the circumstances.

(2120)

**§161.6 Preemption.**

(2121) The regulations in this part have preemptive impact over State laws or regulations on the same subject matter. The Coast Guard has determined, after considering the factors developed by the Supreme Court in *U.S. v. Locke,* 529 U.S. 89 (2000), that by enacting Chapter 25 of the Ports and Waterways Safety Act (33 U.S.C. 1221 *et seq*.), Congress intended that Coast Guard regulations preempt State laws or regulations regarding vessel traffic services in United States ports and waterways.

(2122)

**Services, VTS Measures, and Operating Requirements**

(2123)

**§161.10 Services.**

(2124) To enhance navigation and vessel safety, and to protect the marine environment, a VTS may issue advisories, or respond to vessel requests for information, on reported conditions within the VTS area, such as:

(2125) (a) Hazardous conditions or circumstances;

(2126) (b) Vessel congestion;

(2127) (c) Traffic density;

(2128) (d) Environmental conditions;

(2129) (e) Aids to navigation status;

(2130) (f) Anticipated vessel encounters;

(2131) (g) Another vessel's name, type, position, hazardous vessel operating conditions, if applicable, and intended navigation movements, as reported;

(2132) (h) Temporary measures in effect;

(2133) (i) A description of local harbor operations and conditions, such as ferry routes, dredging, and so forth;

(2134) (j) Anchorage availability; or

(2135) (k) Other information or special circumstances.

(2136)

**§161.11 VTS measures.**

(2137) (a) A VTS may issue measures or directions to enhance navigation and vessel safety and to protect the marine environment, such as, but not limited to:

(2138) (1) Designating temporary reporting points and procedures;

(2139) (2) Imposing vessel operating requirements; or

(2140) (3) Establishing vessel traffic routing schemes.

(2141) (b) During conditions of vessel congestion, restricted visibility, adverse weather, or other hazardous circumstances, a VTS may control, supervise, or otherwise manage traffic, by specifying times of entry, movement, or departure to, from, or within a VTS area.

(2142)

**§161.12 Vessel operating requirements.**

(2143) (a) Subject to the exigencies of safe navigation, a VTS User shall comply with all measures established or directions issued by a VTS.

(2144) (b) If, in a specific circumstance, a VTS User is unable to safely comply with a measure or direction issued by the VTS, the VTS User may deviate only to the extent necessary to avoid endangering persons, property or the environment. The deviation shall be reported to the VTS as soon as is practicable.

(2145) (c) When not exchanging voice communications, a VTS User must maintain a listening watch as required by §26.04(e) of this chapter on the VTS frequency designated in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas). In addition, the VTS User must respond promptly when hailed and communicated in the English language.

(2146) **Note to §161.12(c):** As stated in 47 CFR 80.148(b), a very high frequency watch on Channel 16 (156.800 MHz) is not required on vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Act and participating in a Vessel Traffic Service (VTS) system when the watch is maintained on both the vessel bridge-to-bridge frequency and a designated VTS frequency.

(2149) (d) As soon as practicable a VTS User shall notify the VTS of any of the following:

(2150) (1) A marine casualty as defined in 46 CFR 4.05-1;

(2151) (2) Involvement in the ramming of a fixed or floating object;

(2152) (3) A pollution incident as defined in §151.15 of this chapter:

(2153) (4) A defect or discrepancy in an aid to navigation;

(2154) (5) A hazardous condition as defined in §160.202 of this chapter;

(2155) (6) Improper operation of vessel equipment required by Part 164 of this chapter;

(2156) (7) A situation involving hazardous materials for which a report is required by 49 CFR 176.48; and

(2157) (8) A hazardous vessel operating condition as defined in §161.2.

(2147)

**TABLE 161.12(c)-VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas**

| Center MMSI[1] Call Sign | Designated frequency (Channel designation)—purpose[2] | Monitoring Area [3, 4] |
|---|---|---|
| **Berwick Bay 003669950**<br>*Berwick Traffic* | 156.550 MHz (Ch. 11) | The waters south of 29°45'N, west of 91°10'W, north of 29°37'N, and east of 91°18'W. |
| **Buzzards Bay**<br>*Buzzards Bay Control*[5] | 156.600 MHz (Ch. 12) | The waters east and north of a line drawn from the southern tangent of Sakonnet Point, Rhode Island, in approximate position latitude 41°27.20′ N., longitude 70°11.70′ W., to the Buzzards Bay Entrance Light in approximate position latitude 41°23.50′ N., longitude 71°02.00′ W., and then to the southwestern tangent of Cuttyhunk Island, Massachusetts, at approximate position latitude 41°24.60′ N., longitude 70°57.00′ W., and including all of the Cape Cod Canal to its eastern entrance, except that the area of New Bedford harbor within the confines (north of) the hurricane barrier, and the passages through the Elizabeth Islands, is not considered to be ''Buzzards Bay''. |
| **Houston-Galveston 003669954** | | The navigable waters north of 29°00.00′ N., west of 94°20.00′ W., south of 29°49.00′ N., and east of 95°20.00′ W. |
| *Houston Traffic* | 156.550 MHz (Ch. 11)<br>156.250 MHz (Ch. 5A)<br>—For sailing plans only | The navigable waters north of a line extending due west from the southern most end of Exxon Dock #1 (20°43.37' N, 95°01.27' W.) |
| *Houston Traffic* | 156.600 MHz (Ch. 12)<br>156.250 MHz (Ch. 5A)<br>—For sailing plans only | The navigable waters south of a line extending due west from the southern most end of Exxon Dock #1 (29°43.37' N, 95°01.27' W.). |
| **Los Angeles/Long Beach 03660465**<br>*San Pedro Traffic* | 156.700 MHz (Ch. 14) | *Vessel Movement Reporting System Area*: The navigable waters within a 25 nautical mile radius of Point Fermin Light (33°42.30' N, 118°17.60' W.). |
| **Louisville 003669732**<br>*Louisville Traffic* | 156.650 MHz (Ch. 13) | The waters of the Ohio River between McAlpine Locks (Mile 606) and Twelve Mile Island (Mile 593), only when the McAlpine upper pool gauge is at approximately 13.0 feet or above. |
| **Lower Mississippi River 0036699952**<br>*New Orleans Traffic* | 156.550 MHz (Ch. 11) | The navigable waters of the Lower Mississippi River below 29°55.30' N, 89°55.60' W (Saxonholm Light) at 86.0 miles Above Head of Passes (AHP), extending down river to Southwest Pass, and, within a 12 nautical mile radius around 28°54.30' N, 89°25.70' W (Southwest Pass Entrance Light) at 20.1 miles Below Head of Passes. |
| *New Orleans Traffic* | 156.600 MHz (Ch. 12) | The navigable waters of the Lower Mississippi River bounded on the north by a line drawn perpendicular on the river at 29°55.50′ N., 90°12.77′ W. (Upper Twelve Mile Point) at 109.0 miles AHP and on the south by a line drawn perpendicularly at 29°55.30′ N., 89°55.60′ W. (Saxonholm Light) at 86.0 miles AHP. |
| *New Orleans Traffic* | 156.250 MHz (Ch. 05A) | The navigable waters of the Lower Mississippi River below 30°38.70′ N., 91°17.50′ W. (Port Hudson Light) at 254.5 miles AHP bounded on the south by a line drawn perpendicular on the river at 29°55.50′ N., 90°12.77′ W. (Upper Twelve Mile Point) at 109.0 miles AHP. |
| **New York 003669951**<br>*New York Traffic* | 156.550 MHz (Ch. 11)<br>—For sailing plans only<br>156.600 MHz (Ch. 12)<br>—For vessels at anchor | The area consists of the navigable waters of the Lower New York Bay bounded on the east by a line drawn from Norton Point to Breezy Point; on the south by a line connecting the entrance buoys at the Ambrose Channel, Swash Channel, and Sandy Hook Channel to Sandy Hook Point; and on the southeast including the waters of Sandy Hook Bay south to a line drawn at latitude 40°25.00′ N.; then west in the Raritan Bay to the Raritan River Railroad Bridge, then north into waters of the Arthur Kill and Newark Bay to the Lehigh Valley Draw Bridge at latitude 40°41.90′ N.; and then east including the waters of the Kill Van Kull and the Upper New York Bay north to a line drawn east-west from the Holland Tunnel ventilator shaft at latitude 40°43.70′ N., longitude 74°01.60′ W., in the Hudson River; and then continuing east including the waters of the East River to the Throgs Neck Bridge, excluding the Harlem River. |
| *New York Traffic* | 156.700 MHz (Ch. 14) | The navigable waters of the Lower New York Bay west of a line drawn from Norton Point to Breezy Point; and north of a line connecting the entrance buoys of Ambrose Channel, Swash Channel, and Sandy Hook Channel, to Sandy Hook Point; on the southeast including the waters of the Sandy Hook Bay south to a line drawn at latitude 40°25.00′ N.; then west into the waters of Raritan Bay East Reach to a line drawn from Great Kills Light south through Raritan Bay East Reach LGB #14 to Comfort PT, NJ; then north including the waters of the Upper New York Bay south of 40°42.40′ N. (Brooklyn Bridge) and 40°43.70′ N. (Holland Tunnel Ventilator Shaft); west through the KVK into the Arthur Kill north of 40°38.25′ N. (Arthur Kill Railroad Bridge); then north into the waters of the Newark Bay, south of 40°41.95′ N. (Lehigh Valley Draw Bridge). |
| *New York Traffic* | 156.600 MHz (Ch. 12) | The navigable waters of the Raritan Bay south to a line drawn at latitude 40°26.00′ N.; then west of a line drawn from Great Kills Light south through the Raritan Bay East Reach LGB #14 to Point Comfort, NJ; then west to the Raritan River Railroad Bridge; and north including the waters of the Arthur Kill to 40°28.25′ N. (Arthur Kill Railroad Bridge); including the waters of the East River north of 40°42.40′ N. (Brooklyn Bridge) to the Throgs Neck Bridge, excluding the Harlem River. |

(2148)

**TABLE 161.12(c)-VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas**

| Center MMSI[1] Call Sign | Designated frequency (Channel designation)—purpose[2] | Monitoring Area [3, 4] |
|---|---|---|
| **Port Arthur 003669955** *Port Arthur Traffic* | 156.050 MHz (Ch. 01A) | The navigable waters of the Sabine-Neches Canal south of 29°52.70′ N.; Port Arthur Canal; Sabine Pass Channel; Sabine Bank Channel; Sabine Outer Bar Channel; the offshore safety fairway; and the ICW from High Island to its intersection with the Sabine-Neches Canal. |
| *Port Arthur Traffic* | 156.275 MHz (Ch. 65A) | The navigable waters of the Neches River; Sabine River; and Sabine-Neches Waterway north of 29°52.70′ N.; and the ICW from its intersection with the Sabine River to MM 260. |
| *Port Arthur Traffic* | 156.675 MHz (Ch. 73)[6] | The navigable waters of the Calcasieu Channel; Calcasieu River Channel; and the ICW from MM 260 to MM 191. |
| **Prince William Sound 003669958** *Valdez Traffic* | 156.650 MHz (Ch. 13) | The navigable waters south of 61°05.00′ N., east of 147°20.00′ W., north of 60°00.00′ N., and west of 146°30.00′ W.; and, all navigable waters in Port Valdez. |
| **Puget Sound[7]** *Seattle Traffic* 003669957 | 156.700 MHz (Ch. 14) | The waters of Puget Sound, Hood Canal and adjacent waters south of a line connecting Nodule Point and Bush Point in Admiralty Inlet and south of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline. |
| *Seattle Traffic* 003669957 | 156.250 MHz (Ch. 5A) | The waters of the Strait of Juan de Fuca east of 124°40.00′ W. excluding the waters in the central portion of the Strait of Juan de Fuca north and east of Race Rocks; the navigable waters of the Strait of Georgia east of 122°52.00′ W.; the San Juan Island Archipelago, Rosario Strait, Bellingham Bay; Admiralty Inlet north of a line connecting Nodule Point and Bush Point and all waters east of Whidbey Island north of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline. |
| *Tofino Traffic* 003160012 | 156.725 MHz (Ch. 74) | The waters west of 124°40.00′ W. within 50 nautical miles of the coast of Vancouver Island including the waters north of 48°00.00′ N., and east of 127°00.00′ W. |
| *Victoria Traffic* 003160010 | 156.550 MHz (Ch. 11) | The waters of the Strait of Georgia west of 122°52.00′ W., the navigable waters of the central Strait of Juan de Fuca north and east of Race Rocks, including the Gulf Island Archipelago, Boundary Pass and Haro Strait. |
| **San Francisco 003669956** *San Francisco Traffic* | 156.700 MHz (Ch. 14) | The navigable waters of the San Francisco Offshore Precautionary Area, the navigable waters shoreward of the San Francisco Offshore Precautionary Area east of 122°42.00′ W. and north of 37°40.00′ N. extending eastward through the Golden Gate, and the navigable waters of San Francisco Bay and as far east as the port of Stockton on the San Joaquin River, as far north as the port of Sacramento on the Sacramento River. |
| *San Francisco Traffic* | 156.600 MHz (Ch. 12) | The navigable waters within a 38 nautical mile radius of Mount Tamalpais (37°55.80′ N., 122°34.60′ W.) west of 122°42.00′ W. and south of 37°40.00′ N. and excluding the San Francisco Offshore Precautionary Area. |
| **St. Marys River 003669953** *Soo Traffic* | 156.600 MHz (Ch. 12) | The waters of the St. Mary's River and lower Whitefish Bay from 45°57.00′ N. (De Tour Reef Light) to the south, to 46°38.70′ N. (Ile Parisienne Light) to the north, except the waters of the St. Mary's Falls Canal and to the east along a line from La Pointe to Sims Point, within Potagannissing Bay and Worsley Bay. |

**Notes:**

[1] Maritime Mobile Service Identifier (MMSI) is a unique nine-digit number assigned that identifies ship stations, ship earth stations, coast stations, coast earth stations, and group calls for use by a digital selective calling (DSC) radio, an INMARSAT ship earth station or AIS. AIS requirements are set forth in §§161.21 and 164.46 of this subchapter. The requirements set forth in §161.21 of this subchapter apply in those areas denoted with an MMSI number, except for Louisville and Los Angeles/Long Beach.

[2] In the event of a communication failure, difficulties or other safety factors, the Center may direct or permit a user to monitor and report on any other designated monitoring frequency or the bridge-to-bridge navigational frequency, 156.650 MHz (Channel 13) or 156.375 MHz (Ch. 67), to the extent that doing so provides a level of safety beyond that provided by other means. The bridge-to-bridge navigational frequency, 156.650 MHz (Ch. 13), is used in certain monitoring areas where the level of reporting does not warrant a designated frequency.

[3] All geographic coordinates (latitude and longitude) are expressed in North American Datum of 1983 (NAD 83).

[4] Some monitoring areas extend beyond navigable waters. Although not required, users are strongly encouraged to maintain a listening watch on the designated monitoring frequency in these areas. Otherwise, they are required to maintain watch as stated in 47 CFR 80.148.

[5] In addition to the vessels denoted in Section 161.16 of this chapter, requirements set forth in subpart B of 33 CFR part 161 also apply to any vessel transiting VMRS Buzzards Bay required to carry a bridge-to-bridge radiotelephone by part 26 of this chapter.

[6] Until otherwise directed, full VTS services will not be available in the Calcasieu Channel, Calcasieu River Channel, and the ICW from MM 260 to MM 191. Vessels may contact Port Arthur Traffic on the designated VTS frequency to request advisories, but are not required to monitor the VTS frequency in this sector.

[7] A Cooperative Vessel Traffic Service was established by the United States and Canada within adjoining waters. The appropriate Center administers the rules issued by both nations; however, enforces only its own set of rules within its jurisdiction. Note, the bridge-to-bridge navigational frequency, 156.650 MHz (Ch. 13), is not so designated in Canadian waters, therefore users are encouraged and permitted to make passing arrangements on the designated monitoring frequencies.

(2183)

**TABLE 161.18(a) – The IMO Standard Ship Reporting System**

| | | | |
|---|---|---|---|
| A | ALPHA | Ship | Name, call sign or ship station identity, and flag. |
| B | BRAVO | Dates and time of events | A 6 digit group giving day of month (first two digits), hours and minutes (last four digits). If other than UTC state time zone used. |
| C | CHARLIE | Position | A 4 digit group giving latitude in degrees and minutes suffixed with N (north) or S (south) and a 5 digit group giving longitude in degrees and minutes suffixed with E (east) or W (west); or |
| D | DELTA | Position | True bearing (first 3 digits) and distance (state distance) in nautical miles from a clearly identified landmark (state landmark). |
| E | ECHO | True course | A 3 digit group. |
| F | FOXTROT | Speed in knots and tenths of knots | A 3 digit group. |
| G | GOLF | Port of Departure | Name of last port of call. |
| H | HOTEL | Date, time and point of entry system | Entry time expressed as in (B) and into the entry position expressed as in (C) or (D). |
| I | INDIA | Destination and expected time of arrival | Name of port and date time group expressed as in (B). |
| J | JULIET | Pilot | State whether a deep sea or local pilot is on board. |
| K | KILO | Date, time and point of exit from system | Exit time expressed as in (B) and exit position expressed as in (C) or (D). |
| L | LIMA | Route information | Intended track. |
| M | MIKE | Radio | State in full names of communications stations/frequencies guarded. |
| N | NOVEM-BER | Time of next report | Date time group expressed as in (B). |
| O | OSCAR | Maximum present static draught in meters | 4 digit group giving meters and centimeters. |
| P | PAPA | Cargo on board | Cargo and brief details of any dangerous cargoes as well as harmful substances and gases that could endanger persons or the environment. |
| Q | QUEBEC | Defects, damage, deficiencies or limitations | Brief detail of defects, damage, deficiencies or other limitations. |
| R | ROMEO | Description of pollution or dangerous goods lost | Brief details of type of pollution (oil, chemicals, etc.) or dangerous goods lost overboard; position expressed as in (C) or (D). |
| S | SIERRA | Weather conditions | Brief details of weather and sea conditions prevailing. |
| T | TANGO | Ship's representative and/or owner | Details of name and particulars of ship's representative and/or owner for provision of information. |
| U | UNIFORM | Ship size and type | Details of length, breadth, tonnage, and type, etc., as required. |
| V | VICTOR | Medical personnel | Doctor, physician's assistant, nurse, no medic. |
| W | WHISKEY | Total number of persons on board | State number. |
| X | XRAY | Miscellaneous | Any other information as appropriate. [i.e., a detailed description of a planned operation, which may include: its duration; effective area; any restrictions to navigation; notification procedures for approaching vessels; in addition, for a towing operation: configuration, length of the tow, available horsepower, etc.; for a dredge or floating plant: configuration of pipeline, mooring configuration, number of assist vessels, etc.]. |

(2158)

### §161.13 VTS Special Area Operating Requirements.

(2159) The following operating requirements apply within a VTS Special Area:

(2160) (a) A VTS User shall, if towing astern, do so with as short a hawser as safety and good seamanship permits.

(2161) (b) A VMRS User shall:

(2162) (1) Not enter or get underway in the area without prior approval of the VTS;

(2163) (2) Not enter a VTS Special Area if a hazardous vessel operating condition or circumstance exists;

(2164) (3) Not meet, cross, or overtake any other VMRS User in the area without prior approval of the VTS; and

(2165) (4) Before meeting, crossing, or overtaking any other VMRS User in the area, communicate on the designated vessel bridge-to-bridge radiotelephone frequency, intended navigation movements, and any other information necessary in order to make safe passing arrangements. This requirement does not relieve a vessel of any duty prescribed by the International Regulations for Prevention of Collisions at Sea, 1972 (72 COLREGS) or the Inland Navigation Rules.

(2166)

## Subpart B–Vessel Movement Reporting System

(2167)

### §161.15 Purpose and Intent.

(2168) (a) A Vessel Movement Reporting System (VMRS) is a system used to monitor and track vessel movements within a VTS or VMRS area. This is accomplished by requiring that vessels provide information under established procedures as set forth in this part, or as directed by the Center.

(2169) (b) To avoid imposing an undue reporting burden or unduly congesting radiotelephone frequencies, reports shall be limited to information which is essential to achieve the objectives of the VMRS. These reports are consolidated into three reports (sailing plan, position, and final).

(2170)

**§161.16 Applicability.**

(2171) Unless otherwise stated, the provisions of this subpart apply to the following vessels and VMRS Users:

(2172) (a) Every power-driven vessel of 40 meters (approximately 131 feet) or more in length, while navigating;

(2173) (b) Every towing vessel of 8 meters (approximately 26 feet) or more in length, while navigating; or

(2174) (c) Every vessel certificated to carry 50 or more passengers for hire, when engaged in trade.

(2175)

**§161.17 Definitions.**

(2176) As used in the subpart:

(2177) *Center* means a Vessel Traffic Center or Vessel Movement Center.

(2178) *Published* means available in a widely-distributed and publicly available medium (e.g., VTS User's Manual, ferry schedule, Notice to Mariners).

(2179)

**§161.18 Reporting requirements.**

(2180) (a) A Center may: (1) Direct a vessel to provide any of the information set forth in Table 161.18(a) (IMO Standard Ship Reporting System);

(2181) (2) Establish other means of reporting for those vessels unable to report on the designated frequency; or

(2182) (3) Require reports from a vessel in sufficient time to allow advance vessel traffic planning.

(2184) (b) All reports required by this part shall be made as soon as is practicable on the frequency designated in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas).

(2185) (c) When not exchanging communications, a VMRS User must maintain a listening watch as described in §26.04(e) of this chapter on the frequency designated in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas). In addition, the VMRS User must respond promptly when hailed and communicate in the English language.

(2186) **Note:** As stated in 47 CFR 80.148(b), a VHF watch on Channel 16 (156.800 MHz) is not required on vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Act and participating in a Vessel Traffic Service (VTS) system when the watch is maintained on both the vessel bridge-to-bridge frequency and a designated VTS frequency.

(2187) (d) A vessel must report:

(2188) (1) Any significant deviation from its Sailing Plan, as defined in §161.19, or from previously reported information; or

(2189) (2) Any intention to deviate from a VTS issued measure or vessel traffic routing system.

(2190) (e) When reports required by this part include time information, such information shall be given using the local time zone in effect and the 24-hour military clock system.

(2191)

**§161.19 Sailing Plan (SP).**

(2192) Unless otherwise stated, at least 15 minutes before navigating a VTS area, a vessel must report the:

(2193) (a) Vessel name and type;

(2194) (b) Position;

(2195) (c) Destination and ETA;

(2196) (d) Intended route;

(2197) (e) Time and point of entry; and

(2198) (f) Dangerous cargo on board or in its tow, as defined in §160.202 of this chapter.

(2199)

**§161.20 Position Report (PR).**

(2200) A vessel must report its name and position:

(2201) (a) Upon point of entry into a VMRS area;

(2202) (b) At designated points as set forth in Subpart C; or

(2203) (c) When directed by the Center.

(2204)

**§161.21 Automated reporting.**

(2205) (a) Unless otherwise directed, vessels equipped with an Automatic Identification System (AIS) are required to make continuous, all stations, AIS broadcasts, in lieu of voice Position Reports, to those Centers denoted in Table 161.12(c) of this part.

(2206) (b) Should an AIS become non-operational, while or prior to navigating a VMRS area, it should be restored to operating condition as soon as possible, and, until restored a vessel must:

(2207) (1) Notify the Center;

(2208) (2) Make voice radio Position Reports at designated reporting points as required by §161.20(b) of this part; and

(2209) (3) Make any other reports as directed by the Center.

(2210)

**§161.22 Final Report (FR).**

(2211) A vessel must report its name and position:

(2212) (a) On arrival at its destination; or

(2213) (b) When leaving a VTS area.

(2214)

**§161.23 Reporting exemptions.**

(2215) (a) Unless otherwise directed, the following vessels are exempted from providing Position and Final Reports due to the nature of their operation:

(2216) (1) Vessels on a published schedule and route;

(2217) (2) Vessels operating within an area of a radius of three nautical miles or less; or

(2218) (3) Vessels escorting another vessel or assisting another vessel in maneuvering procedures.

(2219) (b) A vessel described in paragraph (a) of this section must:

(2220) (1) Provide a Sailing Plan at least 5 minutes but not more than 15 minutes before navigating within the VMRS area; and

(2221) (2) If it departs from its promulgated schedule by more than 15 minutes or changes its limited operating area, make the established VMRS reports, or report as directed.

(2222)

## Subpart C–Vessel Traffic Service and Vessel Movement Reporting System Areas and Reporting Points

(2223) **Note:** All geographic coordinates contained in part 161 (latitude and longitude) are expressed in North American Datum of 1983 (NAD 83).

(2224)

### §161.25 Vessel Traffic Service New York.

(2225) The area consists of the navigable waters of the Lower New York Harbor bounded on the east by a line drawn from Norton Point to Breezy Point; on the south by a line connecting the entrance buoys at the Ambrose Channel, Swash Channel, and Sandy Hook Channel to Sandy Hook Point; and on the southeast including the waters of Sandy Hook Bay south to a line drawn at 40°25'N.; then west into waters of the Raritan Bay to the Raritan River Rail Road Bridge; and then north including the waters of the Arthur Kill and Newark Bay to the Lehigh Valley Draw Bridge at 40°41.9'N.; and then east including the waters of the Kill Van Kull and Upper New York Bay north to a line drawn east-west from the Holland Tunnel Ventilator Shaft at 40°43.7'N., 74°01.6'W. in the Hudson River; and then continuing east including the waters of the East River to the Throgs Neck Bridge, excluding the Harlem River.

(2226) **Note:** Although mandatory participation in VTSNY is limited to the area within the navigable waters of the United States, VTSNY will provide services beyond those waters. Prospective users are encouraged to report beyond the area of required participation in order to facilitate advance vessel traffic management in the VTS area and to receive VTSNY advisories and/or assistance.

(2227)

## Part 162–Inland Waterways Navigation Regulations

(2228)

### §162.1 General.

(2229) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

(2230)

### §162.5 Definitions.

(2231) The following definition applies to this part:

(2232) *Merchant mariner credential* or *MMC* means the credential issued by the Coast Guard under 46 CFR part 10. It combines the individual merchant mariner's document, license, and certificate of registry enumerated in 46 U.S.C. subtitle II part E as well as the STCW endorsement into a single credential that serves as the mariner's qualification document, certificate of identification, and certificate of service.

(2233)

### §162.15 Manhasset Bay, N.Y.; seaplane restricted area.

(2234) (a) *The restricted area*. An area in Manhasset Bay between the shore at Manorhaven on the north and the southerly limit line of the special anchorage area in Manhasset Bay, west area at Manorhaven (described in 33 CFR 110.60), on the south; its axis being a line bearing 166°50' true from latitude 40°50'17.337", longitude 73°43'03.877", which point is on the south side of Orchard Beach Boulevard at Manorhaven; and being 100 feet wide for a distance of 380 feet in a southerly direction from the south side of Orchard Beach Boulevard, and thence flaring to a width of 300 feet at the southerly limit line.

(2235) (b) *The regulations*. (1) Vessels shall not anchor or moor within the restricted area.

(2236) (2) All vessels traversing the area shall pass directly through without unnecessary delay, and shall give seaplanes the right-of-way at all times.

(2237)

### §162.20 Flushing Bay near La Guardia Airport, Flushing, N.Y.; restricted area.

(2238) (a) *The area*. An area in the main channel in Flushing Bay extending for a distance of 300 feet on either side of the extended center line of Runway No. 13–31 at La Guardia Airport.

(2239) (b) *The regulations*. (1) All vessels traversing the area shall pass directly through without unnecessary delay.

(2240) (2) No vessels having a height of more than 35 feet with reference to the plane of mean high water shall enter or pass through the area whenever visibility is less than one mile.

(2241)

## Part 164–Navigation Safety Regulations (in part). For a complete description of this part see 33 CFR 164.

(2242)

### §164.01 Applicability.

(2243) (a) This part (except as specifically limited by this section) applies to each self-propelled vessel of 1600 or more gross tons (except as provided in paragraphs (c) and (d) of this section, or for foreign vessels described in §164.02) when it is operating in the navigable waters of the United States except the St. Lawrence Seaway.

(2244) (b) Sections 164.70 through 164.82 of this part apply to each towing vessel of 12 meters (39.4 feet) or more in length operating in the navigable waters of the United States other than the St. Lawrence Seaway; except

that a towing vessel is exempt from the requirements of §164.72 if it is–

(2245) (1) Used solely within a limited geographic area, such as a fleeting-area for barges or a commercial facility, and used solely for restricted service, such as making up or breaking up larger tows;

(2246) (2) Used solely for assistance towing as defined by 46 CFR 10.103;

(2247) (3) Used solely for pollution response; or

(2248) (4) Any other vessel exempted by the Captain of the Port (COTP). The COTP, upon written request, may, in writing, exempt a vessel from §164.72 for a specified route if he or she decides that exempting it would not allow its unsafe navigation under anticipated conditions.

(2249) (c) Provisions of §§164.11(a)(2) and (c), 164.30, 164.33, and 164.46 do not apply to warships or other vessels owned, leased, or operated by the United States Government and used only in government noncommercial service when these vessels are equipped with electronic navigation systems that have met the applicable agency regulations regarding navigation safety.

(2250) (d) Provisions of §164.46 apply to some self-propelled vessels of less than 1600 gross tonnage.

(2251)

**§164.02 Applicability exception for foreign vessels.**

(2252) (a) Except for §164.46(c), none of the requirements of this part apply to foreign vessels that:

(2253) (1) Are not destined for, or departing from, a port or place subject to the jurisdiction of the United States; and

(2254) (2) Are in:

(2255) (i) Innocent passage through the territorial sea of the United States; or

(2256) (ii) Transit through navigable waters of the United States which form a part of an international strait.

(2257)

**§164.03 Incorporation by reference.**

(2258) (a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of the change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For more information on the availability of this material at NARA, call 202–741–6030, or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html*. Also, it is available for inspection at the Commandant (CG-NAV), U.S. Coast Guard Stop 7418, Attn: Office of Navigation Systems, 2703 Martin Luther King Jr. Ave. SE., Washington, DC 20593-7418, and is available from the sources listed below.

(2259) (b) American Petroleum Institute (API), 1220 L Street NW., Washington, DC 20005-4070, 202–682–8000, *www.api.org*:

(2260) (1) API Specification 9A, Specification for Wire Rope, Section 3, Properties and Tests for Wire and Wire Rope, May 28, 1984, IBR approved for §164.74.

(2261) (2) [Reserved]

(2262) (c) ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, 610–832–9585, *www.astm.org*:

(2263) (1) ASTM D4268-93, Standard Test Method for Testing Fiber Rope, IBR approved for §164.74.

(2264) (2) [Reserved]

(2265) (d) Cordage Institute, 350 Lincoln Street, Hingham, MA 02043.

(2266) (1) CIA-3, Standard Test Methods for Fiber Rope Including Standard Terminations, Revised, June 1980, IBR approved for §164.74.

(2267) (2) [Reserved]

(2268) (e) International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR, United Kingdom, *www.imo.org*:

(2269) (1) IMO Resolution A342(IX), Recommendation on Performance Standards for Automatic Pilots, November 12, 1975, IBR approved for §164.13.

(2270) (2) IMO Resolution A.917(22), Guidelines for the Onboard Operational Use of Shipborne Automatic Identification System (AIS), January 25, 2002, IBR approved for §164.46.

(2271) (3) SN/Circ.227, Guidelines for the Installation of a Shipborne Automatic Identification System (AIS), January 6, 2003, IBR approved for §164.46.

(2272) (4) SN/Circ.244, Guidance on the Use of the UN/LOCODE in the Destination Field in AIS Messages, December 15, 2004, IBR approved for §164.46.

(2273) (5) SN/Circ.245, Amendments to the Guidelines for the Installation of a Shipborne Automatic Identification System (AIS)(SN/Circ.227), December 15, 2004, IBR approved for §164.46.

(2274) (6) SOLAS, International Convention for the Safety of Life at Sea, 1974, and 1988 Protocol relating thereto, 2000 Amendments, effective January and July 2002, (SOLAS 2000 Amendments), IBR approved for §164.46.

(2275) (7) Conference resolution 1, Adoption of amendments to the Annex to the International Convention for the Safety of Life at Sea, 1974, and amendments to Chapter V of SOLAS 1974, adopted on December 12, 2002, IBR approved for §164.46.

(2276) (8) SN.1/Circ.289, Guidance on the Use of AIS Application-Specific Messages, June 2, 2010, IBR approved for §164.46.

(2277) (f) National Marine Electronics Association (NMEA), 7 Riggs Avenue, Severna Park, MD 21146, 800–808–6632, *www.nmea.org*:

(2278) (1) NMEA 0400, Installation Standard for Marine Electronic Equipment used on Moderate-Sized Vessels, Version 3.10, February 2012, IBR approved for §164.46.

(2279) (2) [Reserved]

(2280) (g) Radio Technical Commission for Maritime Services (RTCM), 1611 N. Kent St., Suite 605, Arlington, VA 22209, 703-527-2000, *www.rtcm.org*:

(2281) (1) RTCM Paper 12-78/DO-100, Minimum Performance Standards, Loran C Receiving Equipment, 1977, IBR approved for §164.41.

(2282) (2) RTCM Paper 71-95/SC112-STD, RTCM Recommended Standards for Marine Radar Equipment Installed on Ships of Less Than 300 Tons Gross Tonnage, Version 1.1, October 10, 1995, IBR approved for §164.72.

(2283) (3) RTCM Paper 191-93/SC112-X, RTCM Recommended Standards for Maritime Radar Equipment Installed on Ships of 300 Tons Gross Tonnage and Upwards, Version 1.2, December 20, 1993, IBR approved for §164.72.

(2284)

**§164.11 Navigation under way: General.**

(2285) The owner, master, or person in charge of each vessel underway shall ensure that:

(2286) (a) The wheelhouse is constantly manned by persons who–

(2287) (1) Direct and control the movement of the vessel; and

(2288) (2) Fix the vessel's position;

(2289) (b) Each person performing a duty described in paragraph (a) of this section is competent to perform that duty;

(2290) (c) The position of the vessel at each fix is plotted on a chart of the area and the person directing the movement of the vessel is informed of the vessel's position;

(2291) (d) Electronic and other navigational equipment, external fixed aids to navigation, geographic reference points, and hydrographic contours are used when fixing the vessel's position;

(2292) (e) Buoys alone are not used to fix the vessel's position;

(2293) **Note:** Buoys are aids to navigation placed in approximate positions to alert the mariner to hazards to navigation or to indicate the orientation of a channel. Buoys may not maintain an exact position because strong or varying currents, heavy seas, ice, and collisions with vessels can move or sink them or set them adrift. Although buoys may corroborate a position fixed by other means, buoys cannot be used to fix a position: however, if no other aids are available, buoys alone may be used to establish an estimated position.

(2294) (f) The danger of each closing visual or each closing radar contact is evaluated and the person directing the movement of the vessel knows the evaluation;

(2295) (g) Rudder orders are executed as given;

(2296) (h) Engine speed and direction orders are executed as given;

(2297) (i) Magnetic variation and deviation and gyrocompass errors are known and correctly applied by the person directing the movement of the vessel;

(2298) (j) A person whom he has determined is competent to steer the vessel is in the wheelhouse at all times (See also 46 U.S.C. 8702(d), which requires an able seaman at the wheel on U.S. vessels of 100 gross tons or more in narrow or crowded waters during low visibility.);

(2299) (k) If a pilot other than a member of the vessel's crew is employed, the pilot is informed of the draft, maneuvering characteristics, and peculiarities of the vessel and of any abnormal circumstances on the vessel that may affect its safe navigation.

(2300) (1) Current velocity and direction for the area to be transited are known by the person directing the movement of the vessel;

(2301) (m) Predicted set and drift are known by the person directing movement of the vessel;

(2302) (n) Tidal state for the area to be transited is known by the person directing movement of the vessel;

(2303) (o) The vessel's anchors are ready for letting go;

(2304) (p) The person directing the movement of the vessel sets the vessel's speed with consideration for–

(2305) (1) The prevailing visibility and weather conditions;

(2306) (2) The proximity of the vessel to fixed shore and marine structures;

(2307) (3) The tendency of the vessel underway to squat and suffer impairment of maneuverability when there is small underkeel clearance;

(2308) (4) The comparative proportions of the vessel and the channel;

(2309) (5) The density of marine traffic;

(2310) (6) The damage that might be caused by the vessel's wake;

(2311) (7) The strength and direction of the current; and

(2312) (8) Any local vessel speed limit;

(2313) (q) The tests required by §164.25 are made and recorded in the vessel's log; and

(2314) (r) The equipment required by this part is maintained in operable condition.

(2315) (s) Upon entering U.S. waters, the steering wheel or lever on the navigating bridge is operated to determine if the steering equipment is operating properly under manual control, unless the vessel has been steered under manual control from the navigating bridge within the preceding 2 hours, except when operating on the Great Lakes and their connecting and tributary waters.

(2316) (t) At least two of the steering-gear power units on the vessel are in operation when such units are capable of simultaneous operation, except when the vessel is sailing on the Great Lakes and their connecting and tributary waters, and except as required by paragraph (u) of this section.

(2317) (u) On each passenger vessel meeting the requirements of the International Convention for the Safety of Life at Sea, 1960 (SOLAS 60) and on each cargo vessel meeting the requirements of SOLAS 74 as amended in 1981, the number of steering-gear power units necessary to move the rudder from 35 on either side to 30 on the other in not more than 28 seconds must be in simultaneous operation.

(2318)

**§164.13 Navigation underway: tankers.**

(2319) (a) As used in this section, "tanker" means a self-propelled tank vessel, including integrated tug barge combinations, constructed or adapted primarily to carry

oil or hazardous material in bulk in the cargo spaces and inspected and certificated as a tanker.

(2320) (b) Each tanker must have an engineering watch capable of monitoring the propulsion system, communicating with the bridge, and implementing manual control measures immediately when necessary. The watch must be physically present in the machinery spaces or in the main control space and must consist of at least an engineer with an appropriately endorsed license or merchant mariner credential.

(2321) (c) Each tanker must navigate with at least two deck officers with an appropriately endorsed license or merchant mariner credential on watch on the bridge, one of whom may be a pilot. In waters where a pilot is required, the second officer, must be an individual holding an appropriately endorsed license or merchant mariner credential and assigned to the vessel as master, mate, or officer in charge of a navigational watch, who is separate and distinct from the pilot.

(2322) (d) Except as specified in paragraph (e) of this section, a tanker may operate with an auto pilot engaged only if all of the following conditions exist:

(2323) (1) The operation and performance of the automatic pilot conforms with the standards recommended by the International Maritime Organization in IMO Resolution A.342(IX).

(2324) (2) A qualified helmsman is present at the helm and prepared at all times to assume manual control.

(2325) (3) The tanker is not operating in any of the following areas:

(2326) (i) The areas of the traffic separation schemes specified in subchapter P of the chapter.

(2327) (ii) The portions of a shipping safety fairway specified in part 166 of this chapter.

(2328) (iii) An anchorage ground specified in part 110 of this chapter.

(2329) (iv) An area within one-half nautical mile of any U.S. shore.

(2330) (e) A tanker equipped with an integrated navigation system, and complying with paragraph (d)(2) of this section, may use the system with the auto pilot engaged while in the areas described in paragraphs (d)(3) (i) and (ii) of this section. The master shall provide, upon request, documentation showing that the integrated navigation system–

(2331) (1) Can maintain a predetermined trackline with a cross track error of less than 10 meters 95 percent of the time;

(2332) (2) Provides continuous position data accurate to within 20 meters 95 percent of the time; and

(2333) (3) Has an immediate override control.

(2334)

**§164.15 Navigation bridge visibility.**

(2335) (a) The arrangement of cargo, cargo gear, and trim of all vessels entering or departing from U.S. ports must be such that the field of vision from the navigation bridge conforms as closely as possible to the following requirements:

(2336) (1) From the conning position, the view of the sea surface must not be obscured by more than the lesser of two ship lengths or 500 meters (1,640 feet) from dead ahead to 10 degrees on either side of the vessel. Within this arc of visibility any blind sector caused by cargo, cargo gear, or other permanent obstruction must not exceed 5 degrees.

(2337) (2) From the conning position, the horizontal field of vision must extend over an arc from at least 22.5 degrees abaft the beam on one side of the vessel, through dead ahead, to at least 22.5 degrees abaft the beam on the other side of the vessel. Blind sectors forward of the beam caused by cargo, cargo gear, or other permanent obstruction must not exceed 10 degrees each, nor total more than 20 degrees, including any blind sector within the arc of visibility described in paragraph (a)(1) of this section.

(2338) (3) From each bridge wing, the field of vision must extend over an arc from at least 45 degrees on the opposite bow, through dead ahead, to at least dead astern.

(2339) (4) From the main steering position, the field of vision must extend over an arc from dead ahead to at least 60 degrees on either side of the vessel.

(2340) (b) A clear view must be provided through at least two front windows at all times regardless of weather conditions.

(2341)

**§164.19 Requirements for vessels at anchor.**

(2342) The master or person in charge of each vessel that is anchored shall ensure that–

(2343) (a) A proper anchor watch is maintained;

(2344) (b) Procedures are followed to detect a dragging anchor; and

(2345) (c) Whenever weather, tide, or current conditions are likely to cause the vessel's anchor to drag, action is taken to ensure the safety of the vessel, structures, and other vessels, such as being ready to veer chain, let go a second anchor, or get underway using the vessel's own propulsion or tug assistance.

(2346)

**§164.25 Tests before entering or getting underway.**

(2347) (a) Except as provided in paragraphs (b) and (c) of this section no person may cause a vessel to enter into or get underway on the navigable waters of the United States unless no more than 12 hours before entering or getting underway, the following equipment has been tested:

(2348) (1) Primary and secondary steering gear. The test procedure includes a visual inspection of the steering gear and its connecting linkage, and where applicable, the operation of the following:

(2349) (i) Each remote steering gear control system.

(2350) (ii) Each steering position located on the navigating bridge.

(2351) (iii) The main steering gear from the alternative power supply, if installed.

(2352) (iv) Each rudder angle indicator in relation to the actual position of the rudder.

(2353) (v) Each remote steering gear control system power failure alarm.

(2354) (vi) Each remote steering gear power unit failure alarm.

(2355) (vii) The full movement of the rudder to the required capabilities of the steering gear.

(2356) (2) All internal vessel control communications and vessel control alarms.

(2357) (3) Standby or emergency generator, for as long as necessary to show proper functioning, including steady state temperature and pressure readings.

(2358) (4) Storage batteries for emergency lighting and power systems in vessel control and propulsion machinery spaces.

(2359) (5) Main propulsion machinery, ahead and astern.

(2360) (b) Vessels navigating on the Great Lakes and their connecting and tributary waters, having once completed the test requirements of this sub-part, are considered to remain in compliance until arriving at the next port of call on the Great Lakes.

(2361) (c) Vessels entering the Great Lakes from the St. Lawrence Seaway are considered to be in compliance with this sub-part if the required tests are conducted preparatory to or during the passage of the St. Lawrence Seaway or within one hour of passing Wolfe Island.

(2362) (d) No vessel may enter, or be operated on the navigable waters of the United States unless the emergency steering drill described below has been conducted within 48 hours prior to entry and logged in the vessel logbook, unless the drill is conducted and logged on a regular basis at least once every three months. This drill must include at a minimum the following:

(2363) (1) Operation of the main steering gear from within the steering gear compartment.

(2364) (2) Operation of the means of communications between the navigating bridge and the steering compartment.

(2365) (3) Operation of the alternative power supply for the steering gear if the vessel is so equipped.

(2366)

### §164.30 Charts, publications, and equipment: General.

(2367) No person may operate or cause the operation of a vessel unless the vessel has the marine charts, publications, and equipment as required by §§164.33 through 164.41 of this part.

(2368)

### §164.33 Charts and publications.

(2369) (a) Each vessel must have the following:

(2370) (1) Marine charts of the area to be transited, published by the National Ocean Service, U.S. Army Corps of Engineers, or a river authority that–

(2371) (i) Are of a large enough scale and have enough detail to make safe navigation of the area possible; and

(2372) (ii) Are currently corrected.

(2373) (2) For the area to be transited, a currently corrected copy of, or applicable currently corrected extract from, each of the following publications:

(2374) (i) U.S. Coast Pilot.

(2375) (ii) Coast Guard Light List.

(2376) (3) For the area to be transited, the current edition of, or applicable current extract from:

(2377) (i) Tide tables published by private entities using data provided by the National Ocean Service.

(2378) (ii) Tidal current tables published by private entities using data provided by the National Ocean Service, or river current publication issued by the U.S. Army Corps of Engineers, or a river authority.

(2379) (b) As an alternative to the requirements for paragraph (a) of this section, a marine chart or publication, or applicable extract, published by a foreign government may be substituted for a U.S. chart and publication required by this section. The chart must be of large enough scale and have enough detail to make safe navigation of the area possible, and must be currently corrected. The publication, or applicable extract, must singly or in combination contain similar information to the U.S. Government publication to make safe navigation of the area possible. The publication, or applicable extract must be currently corrected, with the exceptions of tide and tidal current tables, which must be the current editions.

(2380) (c) As used in this section, "currently corrected" means corrected with changes contained in all Notices to Mariners published by the National Geospatial-Intelligence Agency, or an equivalent foreign government publication, reasonably available to the vessel, and that is applicable to the vessel's transit.

(2381)

### §164.35 Equipment: All vessels.

(2382) Each vessel must have the following:

(2383) (a) A marine radar system for surface navigation.

(2384) (b) An illuminated magnetic steering compass, mounted in a binnacle, that can be read at the vessel's main steering stand.

(2385) (c) A current magnetic compass deviation table or graph or compass comparison record for the steering compass, in the wheelhouse.

(2386) (d) A gyrocompass.

(2387) (e) An illuminated repeater for the gyrocompass required by paragraph (d) of this section that is at the main steering stand, unless that gyrocompass is illuminated and is at the main steering stand.

(2388) (f) An illuminated rudder angle indicator in the wheelhouse.

(2389) (g) The following maneuvering information prominently displayed on a fact sheet in the wheelhouse:

(2390) (1) A turning circle diagram to port and starboard that shows the time and distance and advance and transfer required to alter course 90 degrees with maximum rudder angle and constant power settings, for either full and half speeds, or for full and slow speeds. For vessels whose turning circles are essentially the same for both directions,

a diagram showing a turning circle in one direction, with a note on the diagram stating that turns to port and starboard are essentially the same, may be substituted.

(2391) (2) The time and distance to stop the vessel from either full and half speeds, or from full and slow speeds, while maintaining approximately the initial heading with minimum application of rudder.

(2392) (3) For each vessel with a fixed propeller, a table of shaft revolutions per minute for a representative range of speeds.

(2393) (4) For each vessel with a controllable pitch propeller, a table of control settings for a representative range of speeds.

(2394) (5) For each vessel that is fitted with an auxiliary device to assist in maneuvering, such as a bow thruster, a table of vessel speeds at which the auxiliary device is effective in maneuvering the vessel.

(2395) (6) The maneuvering information for the normal load and normal ballast condition for–

(2396) (i) Calm weather-wind 10 knots or less, calm sea;

(2397) (ii) No current;

(2398) (iii) Deep water conditions-water depth twice the vessel's draft or greater; and

(2399) (iv) Clean hull.

(2400) (7) At the bottom of the fact sheet, the following statement:

(2401)

**WARNING**

The response of the (name of the vessel) may be different from that listed above if any of the following conditions, upon which the maneuvering information is based, are varied:
(1) Calm weather—wind 10 knots or less, calm sea;
(2) No current;
(3) Water depth twice the vessel's draft or greater;
(4) Clean hull; and
(5) Intermediate drafts or unusual trim.

(2402) (h) An echo depth sounding device.

(2403) (i) A device that can continuously record the depth readings of the vessel's echo depth sounding device, except when operating on the Great Lakes and their connecting and tributary waters.

(2404) (j) Equipment on the bridge for plotting relative motion.

(2405) (k) Simple operating instructions with a block diagram, showing the changeover procedures for remote steering gear control systems and steering gear power units, permanently displayed on the navigating bridge and in the steering gear compartment.

(2406) (1) An indicator readable from the centerline conning position showing the rate of revolution of each propeller, except when operating on the Great Lakes and their connecting and tributary waters.

(2407) (m) If fitted with controllable pitch propellers, an indicator readable from the centerline conning position showing the pitch and operational mode of such propellers, except when operating on the Great Lakes and their connecting and tributary waters.

(2408) (n) If fitted with lateral thrust propellers, an indicator readable from the centerline conning position showing the direction and amount of thrust of such propellers, except when operating on the Great Lakes and their connecting and tributary waters.

(2409) (o) A telephone or other means of communication for relaying headings to the emergency steering station. Also, each vessel of 500 gross tons and over and constructed on or after June 9, 1995 must be provided with arrangements for supplying visual compass-readings to the emergency steering station.

(2410)

### §164.37 Equipment: Vessels of 10,000 gross tons or more.

(2411) (a) Each vessel of 10,000 gross tons or more must have, in addition to the radar system under §164.35(a), a second marine radar system that operates independently of the first.

(2412) **Note:** Independent operation means two completely separate systems, from separate branch power supply circuits or distribution panels to antennas, so that failure of any component of one system will not render the other system inoperative.

(2413) (b) On each tanker of 10,000 gross tons or more that is subject to 46 U.S.C. 3708, the dual radar system required by this part must have a short range capability and a long range capability and each radar must have true north features consisting of a display that is stabilized in azimuth.

(2414)

### §164.38 Automatic radar plotting aids (ARPA). (See 33 CFR 164.)

(2415)

### §164.39 Steering gear: Foreign tankers.

(2416) (a) This section applies to each foreign tanker of 10,000 gross tons or more, except a public vessel, that–

(2417) (1) Transfers oil at a port or place subject to the jurisdiction of the United States; or

(2418) (2) Otherwise enters or operates in the navigable waters of the United States, except a vessel described by §164.02 of this part.

(2419) (b) *Definitions*. The terms used in this section are as follows:

(2420) *Constructed* means the same as in Chapter II-1, Regulations 1.1.2 and 1.1.3.1, of SOLAS 74.

(2421) *Existing tanker* means a tanker–

(2422) (1) For which the building contract is placed on or after June 1, 1979;

(2423) (2) In the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after January 1, 1980;

(2424) (3) The delivery of which occurs on or after June 1, 1982; or

(2425) (4) That has undergone a major conversion contracted for on or after June 1, 1979; or construction of which was begun on or after January 1, 1980, or completed on or after June 1, 1982.

(2426) *Public vessel, oil, hazardous materials,* and *foreign vessel* mean the same as in 46 U.S.C. 2101.

(2427) *SOLAS 74* means the International Convention for the Safety of Life at Sea, 1974, as amended.

(2428) *Tanker* means a self-propelled vessel defined as a tanker by 46 U.S.C. 2101(38) or as a tank vessel by 46 U.S.C. 2101(39).

(2429) (c) Each tanker constructed on or after September 1, 1984, must meet the applicable requirements of Chapter II-1, Regulations 29 and 30, of SOLAS 74.

(2430) (d) Each tanker constructed before September 1, 1984, must meet the requirements of Chapter II-1, Regulation 29.19, of SOLAS 74.

(2431) (e) Each tanker of 40,000 gross tons or more, constructed before September 1, 1984, that does not meet the single-failure criterion of Chapter II-1, Regulation 29.16, of SOLAS 74, must meet the requirements of Chapter II-1, Regulation 29.20, of SOLAS 74.

(2432) (f) Each tanker constructed before September 1, 1984, must meet the applicable requirements of Chapter II-1, Regulations 29.14 and 29.15, of SOLAS 74.

(2433)

### §164.40 Devices to indicate speed and distance.

(2434) (a) Each vessel required to be fitted with an Automatic Radar Plotting Aid (ARPA) under §164.38 of this part must be fitted with a device to indicate speed and distance of the vessel either through the water, or over the ground.

(2435) (b) The device must meet the following specifications:

(2436) (1) The display must be easily readable on the bridge by day or night.

(2437) (2) Errors in the indicated speed, when the vessel is operating free from shallow water effect, and from the effects of wind, current, and tide, should not exceed 5 percent of the speed of the vessel, or 0.5 knot, whichever is greater.

(2438) (3) Errors in the indicated distance run, when the vessel is operating free from shallow water effect, and from the effects of wind, current, and tide, should not exceed 5 percent of the distance run of the vessel in one hour or 0.5 nautical mile in each hour, whichever is greater.

(2439)

### §164.41 Electronic position fixing devices.

(2440) (a) Each vessel calling at a port in the continental United States, including Alaska south of Cape Prince of Wales, except each vessel owned or bareboat chartered and operated by the United States, or by a state or its political subdivision, or by a foreign nation, and not engaged in commerce, must have a satellite navigation receiver with—

(2441) (1) Automatic acquisition of satellite signals after initial operator settings have been entered; and

(2442) (2) Position updates derived from satellite information during each usable satellite pass.

(2443) (b) A system that is found by the Commandant to meet the intent of the statements of availability, coverage, and accuracy for the U.S. Coastal Confluence Zone (CCZ) contained in the U.S. "Federal Radionavigation Plan" (Report No. DOD–NO 4650.4–P, I or No. DOT–TSC–RSPA–80–16, I). A person desiring a finding by the Commandant under this subparagraph must submit a written application describing the device to the Coast Guard Deputy Commander for Operations (CG–DCO), 2100 2nd St. SW., Stop 7471, Washington, DC 20593–7471. After reviewing the application, the Commandant may request additional information to establish whether or not the device meets the intent of the Federal Radionavigation Plan.

(2444) **Note**: The Federal Radionavigation Plan is available from the National Technical Information Service, Springfield, Va. 22161, with the following Government Accession Numbers:

(2445) Vol 1, ADA 116468

(2446) Vol 2, ADA 116469

(2447) Vol 3, ADA 116470

(2448) Vol 4, ADA 116471

(2449)

### §164.42 Rate of turn indicator.

(2450) Each vessel of 100,000 gross tons or more constructed on or after September 1, 1984, shall be fitted with a rate of turn indicator.

(2451)

### §164.43 [Removed]

(2452)

### §164.46 Automatic Identification System.

(2453) (a) *Definitions*. As used in this section—Automatic Identification Systems or AIS means a maritime navigation safety communications system standardized by the International Telecommunication Union (ITU), adopted by the International Maritime Organization (IMO), that—

(2454) (1) Provides vessel information, including the vessel's identity, type, position, course, speed, navigational status and other safety-related information automatically to appropriately equipped shore stations, other ships, and aircraft;

(2455) (2) Receives automatically such information from similarly fitted ships, monitors and tracks ships; and

(2456) (3) Exchanges data with shore-based facilities.

(2457) *Gross tonnage* means tonnage as defined under the International Convention on Tonnage Measurement of Ships, 1969.

(2458) *International voyage* means a voyage from a country to which the present International Convention for the Safety of Life at Sea applies to a port outside such country, or conversely.

(2459) *Properly installed, operational* means an Automatic Identification System (AIS) that is installed and operated using the guidelines set forth by the International Maritime Organization (IMO) Resolution A.917(22) and Safety of Navigation Circulars (SN/Circ.) 227, 244, 245, and SN.1/Circ.289; or National Marine Electronics Association (NMEA) Installation Standard 0400-3.10 in lieu of SN/Circ.227 and 245 (incorporated by reference, see §164.03).

(2460) (b) *AIS carriage*—(1) *AIS Class A device*. The following vessels must have on board a properly installed, operational Coast Guard type-approved AIS Class A device:

(2461) (i) A self-propelled vessel of 65 feet or more in length, engaged in commercial service.

(2462) (ii) A towing vessel of 26 feet or more in length and more than 600 horsepower, engaged in commercial service.

(2463) (iii) A self-propelled vessel that is certificated to carry more than 150 passengers.

(2464) (iv) A self-propelled vessel engaged in dredging operations in or near a commercial channel or shipping fairway in a manner likely to restrict or affect navigation of other vessels.

(2465) (v) A self-propelled vessel engaged in the movement of—

(2466) (A) Certain dangerous cargo as defined in subpart C of part 160 of this chapter, or

(2467) (B) Flammable or combustible liquid cargo in bulk that is listed in 46 CFR 30.25-1, Table 30.25-1.

(2468) (2) *AIS Class B device*. Use of a Coast Guard type-approved AIS Class B device in lieu of an AIS Class A device is permissible on the following vessels if they are not subject to pilotage by other than the vessel Master or crew:

(2469) (i) Fishing industry vessels;

(2470) (ii) Vessels identified in paragraph (b)(1)(i) of this section that are certificated to carry less than 150 passengers and that—

(2471) (A) Do not operate in a Vessel Traffic Service (VTS) or Vessel Movement Reporting System (VMRS) area defined in Table 161.12(c) of §161.12 of this chapter, and

(2472) (B) Do not operate at speeds in excess of 14 knots; and

(2473) (iii) Vessels identified in paragraph (b)(1)(iv) of this section engaged in dredging operations.

(2474) **Note to paragraph (b):** Under 33 U.S.C. 1223(b)(3) and 33 CFR 160.111, a Coast Guard Captain of the Port (COTP) may restrict the operation of a vessel if he or she determines that by reason of weather, visibility, sea conditions, port congestion, other hazardous circumstances, or the condition of such vessel, the restriction is justified in the interest of safety. In certain circumstances, if a COTP is concerned that the operation of a vessel not subject to §164.46 would be unsafe, the COTP may determine that voluntary installation of AIS by the operator would mitigate that concern.

(2475) (c) *SOLAS provisions*. The following self-propelled vessels must comply with International Convention for Safety of Life at Sea (SOLAS), as amended, Chapter V, regulation 19.2.1.6 (Positioning System), 19.2.4 (AIS Class A), and 19.2.3.5 (Transmitting Heading Device) or 19.2.5.1 (Gyro Compass) as applicable (Incorporated by reference, see §164.03):

(2476) (1) A vessel of 300 gross tonnage or more, on an international voyage.

(2477) (2) A vessel of 150 gross tonnage or more, when carrying more than 12 passengers on an international voyage.

(2478) (d) Operations. The requirements in this paragraph are applicable to any vessel equipped with AIS.

(2479) (1) Use of AIS does not relieve the vessel of the requirements to sound whistle signals or display lights or shapes in accordance with the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), 28 U.S.T. 3459, T.I.A.S. 8587, or Inland Navigation Rules, 33 CFR part 83; nor of the radio requirements of the Vessel Bridge-to-Bridge Radiotelephone Act, 33 U.S.C. 1201-1208, part 26 of this chapter, and 47 CFR part 80.

(2480) (2) AIS must be maintained in effective operating condition, which includes—

(2481) (i) The ability to reinitialize the AIS, which requires access to and knowledge of the AIS power source and password;

(2482) (ii) The ability to access AIS information from the primary conning position of the vessel;

(2483) (iii) The accurate broadcast of a properly assigned Maritime Mobile Service Identity (MMSI) number;

(2484) (iv) The accurate input and upkeep of all AIS data fields and system updates; and

(2485) (v) For those vessels denoted in paragraph (b) of this section, the continual operation of AIS and its associated devices (*e.g.*, positioning system, gyro, converters, displays) at all times while the vessel is underway or at anchor, and, if moored, at least 15 minutes prior to getting underway; except when its operation would compromise the safety or security of the vessel or a security incident is imminent. The AIS should be returned to continuous operation as soon as the compromise has been mitigated or the security incident has passed. The time and reason for the silent period should be recorded in the ship's official log and reported to the nearest Captain of the Port or Vessel Traffic Center (VTC).

(2486) (3) AIS safety-related text messaging must be conducted in English and solely to exchange or communicate pertinent navigation safety information (analogous to a SECURITE broadcast). Although not prohibited, AIS text messaging should not be relied upon as the primary means for broadcasting distress (MAYDAY) or urgent (PAN PAN) communications. (47 CFR 80.1109, Distress, urgency, and safety communications).

(2487) (4) AIS application-specific messaging (ASM) is permissible, but is limited to applications adopted by the International Maritime Organization (such as IMO SN.1/Circ.289) or those denoted in the International Association of Marine Aids to Navigation and Lighthouse Authorities' (IALA) ASM Collection for use in the United States or Canada, and to no more than one ASM per minute.

(2488) **Note to paragraph (d):** The Coast Guard has developed the "U.S. AIS Encoding Guide" to help ensure consistent and accurate data encoding (input) by AIS users. This Guide is available at our "AIS Frequently Asked Questions" (FAQ #2) World Wide Web page at

*www.navcen.uscg.gov*. Although of great benefit, the interfacing or installation of other external devices or displays (*e.g.*, transmitting heading device, gyro, rate of turn indicator, electronic charting systems, and radar), is not currently required except as denoted in §164.46(c). Most application-specific messages require interfacing to an external system that is capable of their portrayal, such as equipment certified to meet Radio Technical Commission for Maritime Services (RTCM) electronic chart system (ECS) standard 10900 series.

(2489) (e) Watchkeeping. AIS is primarily intended for use by the Master or person in charge of the vessel, or by the person designated by the Master or person in charge to pilot or direct the movement of the vessel, who must maintain a periodic watch for AIS information.

(2490) (f) Portable AIS. The use of a portable AIS is permissible only to the extent that electromagnetic interference does not affect the proper function of existing navigation and communication equipment on board and such that only one AIS device may be transmitting on board a vessel at any one time.

(2491) (g) AIS Pilot Plug. The AIS Pilot Plug on any vessel subject to pilotage by other than the vessel Master or crew must be readily available and easily accessible from the primary conning position of the vessel and permanently affixed (not an extension cord) and adjacent (within 3 feet) to a 120-volt 50/60 Hz AC power receptacle (NEMA 5-15).

(2492) (h) Exceptions. The following vessels may seek up to a 5-year deviation from the AIS requirements of this section by requesting a deviation under §164.55.

(2493) (1) Vessels that operate solely within a very confined area ( *e.g.*, less than a 1 nautical-mile radius, shipyard, or barge fleeting facility);

(2494) (2) Vessels that conduct only short voyages (less than 1 nautical mile) on a fixed schedule ( *e.g.*, a bank-to-bank river ferry service or a tender vessel);

(2495) (3) Vessels that are not likely to encounter other AIS-equipped vessels;

(2496) (4) Vessels whose design or construction makes it impracticable to operate an AIS device ( *e.g.*, those that lack electrical power, have an exposed or open cabin, or are submersible); or

(2497) (5) Vessels denoted in paragraph (b)(2) that seek a deviation from requirements in paragraphs (d)(2)(ii) and (e) of this section because their AIS Class B device lacks a display.

(2498) (i) Prohibition. Except for maritime support stations (see 47 CFR 80.5) licensed by the Federal Communications Commission (FCC), broadcasts from AIS Class A or B devices on aircraft, non-self propelled vessels or from land are prohibited.

(2499) (j) Implementation date. Those vessels identified in paragraphs (b) and (c) of this section that were not previously subject to AIS carriage must install AIS no later than March 1, 2016.

(2500)

**§164.51 Deviations from rules: Emergency.**

(2501) Except for the requirements of §164.53(b), in an emergency, any person may deviate from any rule in this part to the extent necessary to avoid endangering persons, property, or the environment.

(2502)

**§164.53 Deviations from rules and reporting: Non-operating equipment.**

(2503) (a) If during a voyage any equipment required by this part stops operating properly, the person directing the movement of the vessel may continue to the next port of call, subject to the directions of the District Commander or the Captain of the Port, as provided by 33 CFR 160.

(2504) (b) If the vessel's automatic identification system (AIS), radar, radio navigation receivers, gyrocompass, echo depth sounding device, or primary steering gear stops operating properly, the person directing the movement of the vessel must report or cause to be reported that it is not operating properly to the nearest Captain of the Port, District Commander, or, if participating in a Vessel Traffic Service, to the Vessel Traffic Center, as soon as possible.

(2505)

**§164.55 Deviations from rules: Continuing operation or period of time.**

(2506) The Captain of the Port, upon written application, may authorize a deviation from any rule in this part if he determines that the deviation does not impair the safe navigation of the vessel under anticipated conditions and will not result in a violation of the rules for preventing collisions at sea. The authorization may be issued for vessels operating in the waters under the jurisdiction of the Captain of the Port for any continuing operation or period of time the Captain of the Port specifies.

(2507)

**§164.61 Marine casualty reporting and record retention.**

(2508) When a vessel is involved in a marine casualty as defined in 46 CFR 4.03-1, the master or person in charge of the vessel shall–

(2509) (a) Ensure compliance with 46 CFR 4.05, "Notice of Marine Casualty and Voyage Records," and

(2510) (b) Ensure that the voyage records required by 46 CFR 4.05-15 are retained for–

(2511) (1) 30 days after the casualty if the vessel remains in the navigable waters of the United States; or

(2512) (2) 30 days after the return of the vessel to a United States port if the vessel departs the navigable waters of the United States within 30 days after the marine casualty.

(2513)

**§164.70 Definitions.**

(2514) For purposes of §§164.72 through 164.82, the term–

(2515) *Current edition* means the most recent published version of a publication, chart, or map required by §164.72.

(2516) *Currently corrected edition* means a current or previous edition of a publication required by §164.72, corrected with changes that come from Notice to Mariners (NTMs) or Notices to Navigation reasonably available and that apply to the vessel's transit. Hand-annotated river maps from U.S. Army Corps of Engineers (ACOE) are currently corrected editions if issued within the previous 5 years.

(2517) *Great Lakes* means the Great Lakes and their connecting and tributary waters including the Calumet River as far as the Thomas J. O'Brien Lock and Controlling Works (between miles 326 and 327), the Chicago River as far as the east side of the Ashland Avenue Bridge (between miles 321 and 322), and the Saint Lawrence River as far east as the lower exit of Saint Lambert Lock.

(2518) *Merchant mariner credential* or *MMC* means the credential issued by the Coast Guard under 46 CFR part 10. It combines the individual merchant mariner's document, license, and certificate of registry enumerated in 46 U.S.C. subtitle II part E as well as the STCW endorsement into a single credential that serves as the mariner's qualification document, certificate of identification, and certificate of service.

(2519) *Swing-meter* means an electronic or electric device that indicates the rate of turn of the vessel on board which it is installed.

(2520) *Towing vessel* means a commercial vessel engaged in or intending to engage in pulling, pushing or hauling alongside, or any combination of pulling, pushing, or hauling alongside.

(2521) *Western Rivers* means the Mississippi River, its tributaries, South Pass, and Southwest Pass, to the navigational-demarcation lines dividing the high seas from harbors, rivers, and other inland waters of the United States, and the Port Allen-Morgan City Alternative Route, and that part of the Atchafalaya River above its junction with the Port Allen-Morgan City Alternative Route including the Old River and the Red River and those waters specified by §§89.25 and 89.27 of this chapter, and such other, similar waters as are designated by the COTP.

(2522)

**§164.72 Navigational-safety equipment, charts or maps, and publications required on towing vessels.**

(2523) (a) Except as provided by §164.01(b), each towing vessel must be equipped with the following navigational-safety equipment:

(2524) (1) *Marine radar*. By August 2, 1997, a marine radar that meets the following applicable requirements:

(2525) (i) For a vessel of less than 300 tons gross tonnage that engages in towing on navigable waters of the U.S., including Western Rivers, the radar must meet–

(2526) (A) The requirements of the Federal Communications Commission (FCC) specified by 47 CFR part 80; and

(2527) (B) RTCM Standard for Marine Radar Equipment Installed on Ships of Less Than 300 Tons Gross Tonnage, RTCM Paper-71-95/SC112-STD, Version 1.1, display Category II and stabilization Category Bravo.

(2528) (ii) For a vessel of less than 300 tons gross tonnage that engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes, the radar must meet–

(2529) (A) The requirements of the FCC specified by 47 CFR part 80; and

(2530) (B) RTCM Standard for Marine Radar Equipment Installed on Ships of Less Than 300 Tons Gross Tonnage, RTCM Paper 71-95/SC112-STD, Version 1.1, display Category I and stabilization Category Alpha.

(2531) (iii) For a vessel of 300 tons gross tonnage or more that engages in towing on navigable waters of the U.S., including Western rivers, the radar must meet–

(2532) (A) The requirements of the Federal Communications Commission (FCC) specified by 47 CFR part 80; and

(2533) (B) RTCM Recommended Standards for Marine Radar Equipment Installed on Ships of 300 Tons Gross Tonnage and Upwards, RTCM Paper 191-93/SC112-X, Version 1.2 except the requirements for azimuth stabilization in paragraph 3.10.

(2534) (iv) For a vessel of 300 tons gross tonnage or more that engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes, the radar must meet–

(2535) (A) The requirements of the FCC specified by 47 CFR part 80; and

(2536) (B) RTCM Recommended Standards for Marine Radar Equipment Installed on Ships of 300 Tons Gross Tonnage and Upwards, RTCM Paper 191-93/SC112-X, Version 1.2.

(2537) (v) A towing vessel with an existing radar must meet the applicable requirements of paragraphs (a)(1)(i) through (iv) of this section by August 2, 1998; except that a towing vessel with an existing radar must meet the display and stabilization requirements of paragraph (a)(1)(ii)(B) of this section by August 2, 2001.

(2538) (2) *Searchlight*. A searchlight, directable from the vessel's main steering station and capable of illuminating objects at a distance of at least two times the length of the tow.

(2539) (3) *VHF-FM Radio*. An installation or multiple installations of VHF-FM radios as prescribed by part 26 of this chapter and 47 CFR part 80, to maintain a continuous listening watch on the designated calling channel, VHF-FM Channel 13 (except on portions of the Lower Mississippi River, where VHF-FM Channel 67 is the designated calling channel), and to separately monitor the International Distress and Calling Channel, VHF-FM Channel 16, except when transmitting or receiving traffic on other VHF-FM channels or when participating in a Vessel Traffic Service (VTS) or monitoring a channel of a VTS. (Each U.S. towing vessel of 26 feet (about 8 meters) or more in length, except a public vessel, must hold a ship-radio-station license for radio transmitters (including radar and EPIRBs), and each operator must hold a restricted operator's license or higher. To get an

(2564)

**TABLE 164.72 – Equipment, Charts or Maps, and Publications of Towing Vessels for 12 Meters or More in Length**

| | Western Rivers | U.S. Navigable Waters (other than Western Rivers) | Waters seaward of Navigable Waters and 3 NM or more from shore on the Great Lakes |
|---|---|---|---|
| Marine Radar: Towing Vessels of less than 300 GT | RTCM Paper 71-95/SC112-STD Version 1.1<br>Display Category II[1]<br>Stabilization Category BRAVO | RTCM Paper 71-95/SC112-STD Version 1.1<br>Display Category II[1]<br>Stabilization Category BRAVO | RTCM Paper 71-95/SC112-STD Version 1.1<br>Display Category I[2]<br>Stabilization Category ALPHA |
| Towing Vessels of 300 GT or more | RTCM Paper 191-93/SC112-X Version 1.2 (except the Azimuth stabilization requirement in paragraph 3.10)[1] | RTCM Paper 191-93/SC112-X Version 1.2 (except the Azimuth stabilization requirement in paragraph 3.10)[1] | RTCM Paper 191-93/SC112-X Version 1.2[1] |
| Searchlight | X | X | X |
| VHF-FM Radio | X | X | X |
| Magnetic Compass | X[3] | X | X |
| Swing Meter | X[3] | | |
| Echo Depth-sounding Device | | X | X |
| Electronic Position Fixing Device | | | X |
| Charts or Maps | (1) Large enough scale<br>(2) Current edition or currently corrected edition | (1) Large enough scale<br>(2) Current edition or currently corrected edition | (1) Large enough scale<br>(2) Currently corrected edition |
| General Publications | (1) U.S. Coast Guard Light List<br>(2) Notices to Navigation or Local Notices to Mariners<br>(3) River-current Tables | (1) U.S. Coast Guard Light List<br>(2) Local Notices to Mariners<br>(3) Tidal-current Tables<br>(4) Tide Tables<br>(5) U.S. Coast Pilot | (1) U.S. Coast Guard Light List<br>(2) Local Notices to Mariners<br>(3) Tidal-current Tables<br>(4) Tide Tables<br>(5) U.S. Coast Pilot |

Notes:
[1] Towing vessels with existing radar must meet this requirement by August 2, 1998.
[2] Towing vessels with existing radar must meet this requirement by August 2, 1998 but do not need to meet the display and stabilization requirements until August 2, 2001.
[3] A towing vessel may carry either a swing-meter or a magnetic compass.

application for either license, call (800) 418-FORM or (202) 418-FORM, or write to the FCC; Wireless Bureau, Licensing Division; 1270 Fairfield Road; Gettysburg, PA 17325-7245.)

(2540) (4) *Magnetic Compass*. Either–

(2541) (i) An illuminated swing-meter or an illuminated card-type magnetic steering compass readable from the vessel's main steering station, if the vessel engages in towing exclusively on Western Rivers; or

(2542) (ii) An illuminated card-type magnetic steering compass readable from the vessel's main steering station.

(2543) (5) *Echo Depth-Sounding Device*. By August 2, 2001, an echo depth-sounding device readable from the vessel's main steering station, unless the vessel engages in towing exclusively on Western Rivers.

(2544) (6) *Electronic Position-Fixing Device*. An electronic position-fixing device, a satellite navigational system such as the Global Positioning System (GPS) as required by §164.41, if the vessel engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes.

(2545) (b) Each towing vessel must carry on board and maintain the following:

(2546) (1) *Charts or maps*. Marine charts or maps of the areas to be transited, published by the National Ocean Service (NOS), the ACOE, or a river authority that satisfy the following requirements.

(2547) (i) The charts or maps must be of a large enough scale and have enough detail to make safe navigation of the areas possible.

(2548) (ii) The charts or maps must be either–

(2549) (A) Current editions or currently corrected editions, if the vessel engages in towing exclusively on navigable waters of the U.S., including Western Rivers; or

(2550) (B) Currently corrected editions, if the vessel engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes.

(2551) (iii) The charts or maps may be, instead of charts or maps required by paragraphs (b)(1) (i) and (ii) of this section, currently corrected marine charts or maps, or applicable extracts, published by a foreign government. These charts or maps, or applicable extracts, must contain information similar to that on the charts or maps required by paragraphs (b)(1) (i) and (ii) of this section, be of large enough scale, and have enough detail to make safe navigation of the areas possible, and must be currently corrected.

(2552) (2) *General publications*. A currently corrected edition of, or an applicable currently corrected extract from, each of the following publications for the area to be transited:

(2553) (i) If the vessel is engaged in towing exclusively on Western Rivers–

(2554) (A) U.S. Coast Guard Light List;

(2555) (B) Applicable Notices to Navigation published by the ACOE, or Local Notices to Mariners (LNMs) published by the Coast Guard, for the area to be transited, when available; and

(2556) (C) River-current tables published by the ACOE or a river authority, if available.

(2557) (ii) If the vessel is engaged other than in towing exclusively on Western Rivers–

(2558) (A) Coast Guard Light List;

(2559) (B) Notices to Mariners published by the National Geospatial-Intelligence Agency, or LNMs published by the Coast Guard;

(2560) (C) Tidal-Current tables published by private entities using data provided by the NOS, or river-current tables published by the ACOE or a river authority:

(2561) (D) Tide tables published by private entities using data provided by the NOS; and

(2562) (E) U.S. Coast Pilot.

(2563) (c) Table 164.72, summarizes the navigational-safety equipment, charts or maps, and publications required for towing vessels of 12 meters or more in length:

(2565)

**§164.74 Towline and terminal gear for towing astern.**

(2566) (a) *Towline*. The owner, master, or operator of each vessel towing astern shall ensure that the strength of each towline is adequate for its intended service, considering at least the following factors:

(2567) (1) The size and material of each towline must be–

(2568) (i) Appropriate for the horsepower or bollard pull of the vessel;

(2569) (ii) Appropriate for the static loads and dynamic loads expected during the intended service;

(2570) (iii) Appropriate for the sea conditions expected during the intended service;

(2571) (iv) Appropriate for exposure to the marine environment and to any chemicals used or carried on board the vessel;

(2572) (v) Appropriate for the temperatures of normal stowage and service on board the vessel;

(2573) (vi) Compatible with associated navigational-safety equipment; and

(2574) (vii) Appropriate for the likelihood of mechanical damage.

(2575) (2) Each towline as rigged must be–

(2576) (i) Free of knots;

(2577) (ii) Spliced with a thimble, or have a poured socket at its end; and

(2578) (iii) Free of wire clips except for temporary repair, for which the towline must have a thimble and either five wire clips or as many wire clips as the manufacturer specifies for the nominal diameter and construction of the towline, whichever is more.

(2579) (3) The condition of each towline must be monitored through the–

(2580) (i) Keeping on board the towing vessel or in company files of a record of the towline's initial minimum breaking strength as determined by the manufacturer, by a classification ("class") society authorized in §157.04 of this chapter, or by a tensile test that meets API Specification 9A, Specification for Wire Rope, Section 3; ASTM D 4268 (incorporated by reference, see §164.03), Standard Test Method for Testing Fiber Ropes; or Cordage Institute CIA 3, Standard Test Methods for Fiber Rope Including Standard Terminations;

(2581) (ii) If the towline is purchased from another owner, master, or operator of a vessel with the intent to use it as a towline or if it is retested for any reason, keeping on board the towing vessel or in company files of a record of each retest of the towline's minimum breaking strength as determined by a class society authorized in §157.04 of this chapter or by a tensile test that meets API Specification 9A, Section 3; ASTM D 4268; (incorporated by reference, see §164.03) or Cordage Institute CIA 3, Standard Test Methods;

(2582) (iii) Conducting visual inspections of the towline in accordance with the manufacturer's recommendations, or at least monthly, and whenever the serviceability of the towline is in doubt (the inspections being conducted by the owner, master, or operator, or by a person on whom the owner, master, or operator confers the responsibility to take corrective measures appropriate for the use of the towline);

(2583) (iv) Evaluating the serviceability of the whole towline or any part of the towline, and removing the whole or part from service either as recommended by the manufacturer or a class society authorized in §157.04 of this chapter or in accordance with a replacement schedule developed by the owner, master, or operator that accounts for at least the–

(2584) (A) Nautical miles on, or time in service of, the towline;

(2585) (B) Operating conditions experienced by the towline;

(2586) (C) History of loading of the towline;

(2587) (D) Surface condition, including corrosion and discoloration, of the towline;

(2588) (E) Amount of visible damage to the towline;

(2589) (F) Amount of material deterioration indicated by measurements of diameter and, if applicable, measurements of lay extension of the towline; and

(2590) (G) Point at which a tensile test proves the minimum breaking strength of the towline inadequate by the standards of paragraph (a)(1) of this section, if necessary; and

(2591) (v) Keeping on board the towing vessel or in company files of a record of the material condition of the towline when inspected under paragraphs (a)(3)(iii) and (iv) of this section. Once this record lapses for three months or more, except when a vessel is laid up or out of service or has not deployed its towline, the owner, master, or operator shall retest the towline or remove it from service.

(2592) (b) *Terminal gear*. The owner, master, or operator of each vessel towing astern shall ensure that the gear used to control, protect, and connect each towline meets the following criteria:

(2593) (1) The material and size of the terminal gear are appropriate for the strength and anticipated loading of the towline and for the environment;

(2594) (2) Each connection is secured by at least one nut with at least one cotter pin or other means of preventing its failure;

(2595) (3) The lead of the towline is appropriate to prevent sharp bends in the towline from fairlead blocks, chocks, or tackle;

(2596) (4) There is provided a method, whether mechanical or non-mechanical, that does not endanger operating personnel but that easily releases the towline;

(2597) (5) The towline is protected from abrasion or chafing by chafing gear, lagging, or other means;

(2598) (6) Except on board a vessel towing in ice on Western Rivers or one using a towline of synthetic or natural fiber, there is fitted a winch that evenly spools and tightly winds the towline; and

(2599) (7) If a winch is fitted, there is attached to the main drum a brake that has holding power appropriate for the horsepower or bollard pull of the vessel and can be operated without power to the winch.

(2600)

**§164.76 Towline and terminal gear for towing alongside and pushing ahead.**

(2601) The owner, master, or operator of each vessel towing alongside or pushing ahead shall ensure the face wires, spring lines, and push gear used–

(2602) (a) Are appropriate for the vessel's horsepower;

(2603) (b) Are appropriate for the arrangement of the tow;

(2604) (c) Are frequently inspected; and

(2605) (d) Remain serviceable.

(2606)

**§164.78 Navigation under way: Towing vessels.**

(2607) (a) The owner, master, or operator of each vessel towing shall ensure that each person directing and controlling the movement of the vessel–

(2608) (1) Understands the arrangement of the tow and the effects of maneuvering on the vessel towing and on the vessel, barge, or object being towed;

(2609) (2) Can fix the position of the vessel using installed navigational equipment, aids to navigation, geographic reference-points, and hydrographic contours;

(2610) (3) Does not fix the position of the vessel using buoys alone (Buoys are aids to navigation placed in approximate positions either to alert mariners to hazards to navigation or to indicate the orientation of a channel. They may not maintain exact charted positions, because strong or varying currents, heavy seas, ice and collisions with vessels can move or sink them or set them adrift. Although they may corroborate a position fixed by other means, they cannot fix a position; however, if no other aids are available, buoys alone may establish an estimated position.);

(2611) (4) Evaluates the danger of each closing visual or radar contact;

(2612) (5) Knows and applies the variation and deviation, where a magnetic compass is fitted and where charts or maps have enough detail to enable this type of correction;

(2613) (6) Knows the speed and direction of the current, and the set, drift, and tidal state for the area to be transited;

(2614) (7) Proceeds at a safe speed taking into account the weather, visibility, density of traffic, draft of tow, possibility of wake damage, speed and direction of the current, and local speed-limits; and

(2615) (8) Monitors the voyage plan required by §164.80.

(2616) (b) The owner, master, or operator of each vessel towing shall ensure that the tests and inspections required by §164.80 are conducted and that the results are entered in the log or other record carried on board.

(2617)

**§164.80 Tests, inspections, and voyage planning.**

(2618) (a) The owner, master, or operator of each towing vessel of less than 1,600 GT shall ensure that the following tests and inspections of gear occur before the vessel embarks on a voyage of more than 24 hours or when each new master or operator assumes command:

(2619) (1) *Steering-systems*. A test of the steering-gear-control system; a test of the main steering gear from the alternative power supply, if installed; a verification of the rudder-angle indicator relative to the actual position of the rudder; and a visual inspection of the steering gear and its linkage.

(2620) (2) *Navigational equipment*. A test of all installed navigational equipment.

(2621) (3) *Communications*. Operation of all internal vessel control communications and vessel-control alarms, if installed.

(2622) (4) *Lights*. Operation of all navigational lights and all searchlights.

(2623) (5) *Terminal gear*. Visual inspection of tackle; of connections of bridle and towing pendant, if applicable; of chafing gear; and the winch brake, if installed.

(2624) (6) *Propulsion systems*. Visual inspection of the spaces for main propulsion machinery, of machinery, and of devices for monitoring machinery.

(2625) (b) The owner, master, or operator of each towing vessel of 1,600 GT or more shall ensure that the following tests of equipment occur at the frequency required by §164.25 and that the following inspections of gear occur before the vessel embarks on a voyage of more than 24 hours or when each new master or operator assumes command:

(2626) (1) *Navigational equipment*. Tests of onboard equipment as required by §164.25.

(2627) (2) *Terminal gear*. Visual inspection of tackle; of connections of bridle and towing pendant, if applicable; of chafing gear; and of the winch brake, if installed.

(2628) (c)(1) The voyage-planning requirements outlined in this section do not apply to you if your towing vessel is–

(2629) (i) Used solely for any of the following services or any combination of these services–

(2630) (A) Within a limited geographic area, such as fleeting-area for barges or a commercial facility, and used for restricted service, such as making up or breaking up larger tows:

(2631) (B) For harbor assist;

(2632) (C) For assistance towing as defined by 46 CFR 10.103;

(2633) (D) For response to emergency or pollution;

(2634) (ii) A public vessel that is both owned, or demise chartered, and operated by the United States Government or by a government of a foreign country; and that is not engaged in commercial service;

(2635) (iii) A foreign vessel engaged in innocent passage; or

(2636) (iv) Exempted by the Captain of the Port (COTP).

(2637) (2) If you think your towing vessel should be exempt from these voyage planning requirements for a specified route, you should submit a written request to the appropriate COTP. The COTP will provide you with a written response granting or denying your request.

(2638) (3) If any part of a towing vessel's intended voyage is seaward of the baseline (*i.e.,* the shoreward boundary) of the territorial sea of the U.S., then the owner, master, or operator of the vessel, employed to tow a barge or barges, must ensure that the voyage with the barge or barges is planned, taking into account all pertinent information before the vessel embarks on the voyage. The master must check the planned route for proximity to hazards before the voyage begins. During a voyage, if a decision is made to deviate substantially from the planned route, then the master or mate must plan the new route before deviating from the planned route. The voyage plan must follow company policy and consider the following (related requirements noted in parentheses):

(2639) (i) Applicable information from nautical charts and publications (also see paragraph (b) of section 164.72), including Coast Pilot, Coast Guard Light List, and Coast Guard Local Notice to Mariners for the port of departure, all ports of call, and the destination;

(2640) (ii) Current and forecast weather, including visibility, wind, and sea state for the port of departure, all ports of call, and the destination (also see paragraphs (a)(7) of section 164.78 and (b) of section 164.82);

(2641) (iii) Data on tides and currents for the port of departure, all ports of call, and the destination, and the river stages and forecast, if appropriate;

(2642) (iv) Forward and after drafts of the barge or barges and under-keel and vertical clearances (air-gaps) for all bridges, ports, and berthing areas;

(2643) (v) Pre-departure checklists;

(2644) (vi) Calculated speed and estimated time of arrival at proposed waypoints;

(2645) (vii) Communication contacts at any Vessel Traffic Services, bridges, and facilities, and any port specific requirements for VHF radio;

(2646) (viii) Any master's or operator's standing orders detailing closest points of approach, special conditions, and critical maneuvers; and

(2647) (ix) Whether the towing vessel has sufficient power to control the tow under all foreseeable circumstances.

(2648)

**§164.82 Maintenance, failure, and reporting.**

(2649) (a) *Maintenance*. The owner, master, or operator of each towing vessel shall maintain operative the navigational-safety equipment required by §164.72.

(2650) (b) *Failure*. If any of the navigational-safety equipment required by §164.72 fails during a voyage, the owner, master, or operator of the towing vessel shall exercise due diligence to repair it at the earliest practicable time. He or she shall enter its failure in the log or other record carried on board. The failure of equipment, in itself, does not constitute a violation of this rule; nor does it constitute unseaworthiness; nor does it obligate an owner, master, or operator to moor or anchor the vessel. However, the owner, master, or operator shall consider the state of the equipment-along with such factors as weather, visibility, traffic, and the dictates of good seamanship-in deciding whether it is safe for the vessel to proceed.

(2651) (c) *Reporting*. The owner, master, or operator of each towing vessel whose equipment is inoperative or otherwise impaired while the vessel is operating within a Vessel Traffic Service (VTS) Area shall report the fact as required by 33 CFR 161.124. (33 CFR 161.124 requires that each user of a VTS report to the Vessel Traffic Center as soon as practicable:

(2652) (1) Any absence or malfunction of vessel-operating equipment for navigational safety, such as propulsion machinery, steering gear, radar, gyrocompass, echo depth-sounding or other sounding device, automatic dependent surveillance equipment, or navigational lighting;

(2653) (2) Any condition on board the vessel likely to impair navigation, such as shortage of personnel or lack of current nautical charts or maps, or publications; and

(2654) (3) Any characteristics of the vessel that affect or restrict the maneuverability of the vessel, such as arrangement of cargo, trim, loaded condition, under-keel clearance, and speed.)

(2655) (d) *Deviation and authorization*. The owner, master, or operator of each towing vessel unable to repair within 96 hours an inoperative marine radar required by §164.72(a) shall so notify the Captain of the Port (COTP) and shall seek from the COTP both a deviation from the requirements of this section and an authorization for continued operation in the area to be transited. Failure of redundant navigational-safety equipment, including but not limited to failure of one of two installed radars, where each satisfies §164.72(a), does not necessitate either a deviation or an authorization.

(2656) (1) The initial notice and request for a deviation and an authorization may be spoken, but the request must also be written. The written request must explain why immediate repair is impracticable, and state when and by whom the repair will be made.

(2657) (2) The COTP, upon receiving even a spoken request, may grant a deviation and an authorization from any of the provisions of §§164.70 through 164.82 for a specified time if he or she decides that they would not impair the safe navigation of the vessel under anticipated conditions.

(2658)

## Part 165–Regulated Navigation Areas and Limited Access Areas

(2659)

## Subpart A–General

(2660)

### §165.1 Purpose of part.

(2661) The purpose of this part is to–

(2662) (a) Prescribe procedures for establishing different types of limited or controlled access areas and regulated navigation areas;

(2663) (b) Prescribe general regulations for different types of limited or controlled access areas and regulated navigation areas;

(2664) (c) Prescribe specific requirements for established areas; and

(2665) (d) List specific areas and their boundaries.

(2666)

### §165.3 Definitions.

(2667) The following definitions apply to this part:

(2668) *Credential* means any or all of the following:

(2669) (1) Merchant mariner's document.

(2670) (2) Merchant mariner's license.

(2671) (3) STCW endorsement.

(2672) (4) Certificate of registry.

(2673) (5) Merchant mariner credential.

(2674) *Merchant mariner credential or MMC* means the credential issued by the Coast Guard under 46 CFR part 10. It combines the individual merchant mariner's document, license, and certificate of registry enumerated in 46 U.S.C. subtitle II part E as well as the STCW endorsement into a single credential that serves the mariner's qualification document, certificate of identification, and certificate of service.

(2675)

### §165.5 Establishment procedures.

(2676) (a) A safety zone, security zone, or regulated navigation area may be established on the initiative of any authorized Coast Guard official.

(2677) (b) Any person may request that a safety zone, security zone, or regulated navigation area be established. Except as provided in paragraph (c) of this section, each request must be submitted in writing to either the Captain of the Port or District Commander having jurisdiction over the location as described in 33 CFR 3, and including the following:

(2678) (1) The name of the person submitting the request;

(2679) (2) The location and boundaries of the safety zone, security zone, or regulated navigation area;

(2680) (3) The date, time, and duration that the safety zone, security zone, or regulated navigation area should be established;

(2681) (4) A description of the activities planned for the safety zone, security zone, or regulated navigation area;

(2682) (5) The nature of the restrictions or conditions desired; and

(2683) (6) The reason why the safety zone, security zone, or regulated navigation area is necessary.

(2684) (Requests for safety zones, security zones, and regulated navigation areas are approved by the Office of Management and Budget under control number 1625-0020.

(2685) (c) Safety Zones and Security Zones. If, for good cause, the request for a safety zone or security zone is made less than 5 working days before the zone is to be established, the request may be made orally, but it must be followed by a written request within 24 hours.

(2686)

### §165.7 Notification.

(2687) (a) The establishment of these limited access areas and regulated navigation areas is considered rulemaking. The procedures used to notify persons of the establishment of these areas vary depending upon the circumstances and emergency conditions. Notification may be made by marine broadcasts, local notice to mariners, local news media, distribution in leaflet form, and on-scene oral notice, as well as publication in the Federal Register.

(2688) (b) Notification normally contains the physical boundaries of the area, the reasons for the rule, its estimated duration, and the method of obtaining authorization to enter the area, if applicable, and special navigational rules, if applicable.

(2689) (c) Notification of the termination of the rule is usually made in the same form as the notification of its establishment.

(2690)

### §165.8 Geographic coordinates.

(2691) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

(2692)

### §165.9 Geographic application of limited and controlled access areas and regulated navigation areas.

(2693) (a) *General*. The geographic application of the limited and controlled access areas and regulated navigation areas in this part are determined based on the statutory authority under which each is created.

(2694) (b) *Safety zones and regulated navigation areas*. These zones and areas are created under the authority of the Ports and Waterways Safety Act, 33 U.S.C. 1221–1232. Safety zones established under 33 U.S.C. 1226 and regulated navigation areas may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(2695) (c) *Security zones*. These zones have two sources of authority–the Ports and Waterways Safety Act, 33 U.S.C. 1221–1232, and the Act of June 15, 1917, as amended by both the Magnuson Act of August 9, 1950 ("Magnuson Act"), 50 U.S.C. 191–195, and sec. 104 the Maritime Transportation Security Act of 2002 (Pub. L. 107-295, 116 Stat. 2064). Security zones established under either 33 U.S.C. 1226 or 50 U.S.C. 191 may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(2696) (d) *Naval vessel protection zones*. These zones are issued under the authority of 14 U.S.C. 91 and 633 and may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(2697)

## Subpart B–Regulated Navigation Areas

(2698)

### §165.10 Regulated navigation areas.

(2699) A regulated navigation area is a water area within a defined boundary for which regulations for vessels navigating within the area have been established under this part.

(2700)

### §165.11 Vessel operating requirements (regulations).

(2701) Each District Commander may control vessel traffic in an area which is determined to have hazardous conditions, by issuing regulations:

(2702) (a) Specifying times of vessel entry, movement, or departure to, from, within, or through ports, harbors, or other waters;

(2703) (b) Establishing vessel size, speed, draft limitations, and operating conditions; and

(2704) (c) Restricting vessel operation, in a hazardous area or under hazardous conditions, to vessels which have particular operating characteristics or capabilities which are considered necessary for safe operation under the circumstances.

(2705)

### §165.13 General regulations.

(2706) (a) The master of a vessel in a regulated navigation area shall operate the vessel in accordance with the regulations contained in Subpart F.

(2707) (b) No person may cause or authorize the operation of a vessel in a regulated navigation area contrary to the regulations in this Part.

(2708)

## Subpart C–Safety Zones

(2709)

### §165.20 Safety zones.

(2710) A Safety Zone is a water area, shore area, or water and shore area to which, for safety or environmental purposes, access is limited to authorized persons, vehicles, or vessels. It may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion.

(2711)

### §165.23 General regulations.

(2712) Unless otherwise provided in this part–

(2713) (a) No person may enter a safety zone unless authorized by the COTP or the District Commander;

(2714) (b) No person may bring or cause to be brought into a safety zone any vehicle, vessel, or object unless authorized by the COTP or the District Commander;

(2715) (c) No person may remain in a safety zone or allow any vehicle, vessel, or object to remain in a safety zone unless authorized by the COTP or the District Commander; and

(2716) (d) Each person in a safety zone who has notice of a lawful order or direction shall obey the order or direction of the COTP or District Commander issued to carry out the purposes of this subpart.

(2717)

## Subpart D–Security Zones

(2718)

### §165.30 Security zones.

(2719) (a) A security zone is an area of land, water, or land and water which is so designated by the Captain of the Port or District Commander for such time as is necessary to prevent damage or injury to any vessel or waterfront facility, to safeguard ports, harbors, territories, or waters of the United States or to secure the observance of the rights and obligations of the United States.

(2720) (b) The purpose of a security zone is to safeguard from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature–

(2721) (1) Vessels,

(2722) (2) Harbors,

(2723) (3) Ports and

(2724) (4) Waterfront facilities–in the United States and all territory and water, continental or insular, that is subject to the jurisdiction of the United States.

(2725)

### §165.33 General regulations.

(2726) Unless otherwise provided in the special regulations in Subpart F of this part–

(2727) (a) No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port;

(2728) (b) Each person and vessel in a security zone shall obey any direction or order of the Captain of the Port;

(2729) (c) The Captain of the Port may take possession and control of any vessel in the security zone;

(2730) (d) The Captain of the Port may remove any person, vessel, article, or thing from a security zone;

(2731) (e) No person may board, or take or place any article or thing on board, any vessel in a security zone without the permission of the Captain of the Port; and

(2732) (f) No person may take or place any article or thing upon any waterfront facility in a security zone without the permission of the Captain of the Port.

(2733)

## Subpart E–Restricted Waterfront Areas

(2734)

### §165.40 Restricted Waterfront Areas.

(2735) The Commandant, may direct the COTP to prevent access to waterfront facilities, and port and harbor areas, including vessels and harbor craft therein. This section may apply to persons who do not possess the credentials outlined in 33 CFR 125.09 when certain shipping activities are conducted that are outlined in 33 CFR 125.15.

(2736)

## Subpart F–Specific Regulated Navigation Areas and Limited Access Areas

(2737)

### §165.100 Regulated Navigation Area: Navigable waters within the First Coast Guard District.

(2738) (a) *Regulated navigation area*. All navigable waters of the United States, as that term is used in 33 CFR 2.36, within the geographic boundaries of the First Coast Guard District, as defined in 33 CFR 3.05-1(b).

(2739) (b) *Definitions*. Terms used in this section have the same meaning as those found in 33 CFR 157.03. Single-hull identifies any tank barge that is not a double-hull tank barge.

(2740) (c) *Applicability*. This section applies to primary towing vessels engaged in towing tank barges carrying petroleum oil in bulk as cargo in the regulated navigation area, or as authorized by the District commander.

(2741) (d) *Regulations*–(1) *Positive control for barges*. (i) Except as provided in paragraph (d)(1)(iii) and paragraph 5 of this section, each single-hull tank barge, unless being towed by a primary towing vessel with twin-screw propulsion and with a separate system for power to each screw, must be accompanied by an escort or assist tug of sufficient capability to promptly push or tow the tank barge away from danger of grounding or collision in the event of–

(2742) (A) A propulsion failure;

(2743) (B) A parted towing line;

(2744) (C) A loss of tow;

(2745) (D) A fire;

(2746) (E) Grounding;

(2747) (F) A loss of steering; or

(2748) (G) Any other time a vessel may be operating in a Hazardous Vessel Operating Condition as defined in §161.2 of this Chapter.

(2749) (ii) Double-hull tank barges are exempt from paragraph (d)(1)(i) of this section.

(2750) (iii) The cognizant Captain of the Port (COTP), upon written application, may authorize an exemption from the requirements of paragraph (d)(1)(i) of this section for–

(2751) (A) Any tank barge with a capacity of less than 25,000 barrels, operating in an area with limited depth or width such as a creek or small river; or

(2752) (B) Any tank barge operating on any water within the COTP Zone, if the operator demonstrates to the satisfaction of the COTP that the barge employs an equivalent level of safety to that provided by the positive control provisions of this section. Each request for an exemption under this paragraph must be submitted in writing to the cognizant COTP no later than 7 days before the intended transit.

(2753) (iv) The operator of a towing vessel engaged in towing any tank barge must immediately call for an escort or assist tug to render assistance in the event of any of the occurrences identified in paragraph (d)(1)(i) of this section.

(2754) (2) *Enhanced communications*. Each vessel engaged in towing a tank barge must communicate by radio on marine band or Very High Frequency (VHF) channel 13 or 16, and issue security calls on marine band or VHF channel 13 or 16, upon approach to the following places:

(2755) (i) Execution Rocks Light (USCG Light List No. [LLNR] 21440).

(2756) (ii) Matinecock Point Shoal Lighted Gong Buoy 21 (LLNR 21420).

(2757) (iii) 32A Buoy (LLNR 21380).

(2758) (iv) Cable and Anchor Reef Lighted Bell Buoy 28C (LLNR 21330).

(2759) (v) Stratford Shoal (Middle Ground) Light (LLNR 21260).

(2760) (vi) Old Field Point Light (LLNR 21275).

(2761) (vii) Approach to Stratford Point from the south (NOAA Chart 12370).

(2762) (viii) Falkner Island Light (LLNR 21170).

(2763) (ix) TE Buoy (LLNR 21160).

(2764) (x) PI Buoy (LLNR 21080).

(2765) (xi) Race Rock Light (LLNR 19815).

(2766) (xii) Valiant Rock Lighted Whistle Buoy 11 (LLNR 19825).

(2767) (xiii) Approach to Point Judith in vicinity of Block Island ferry route.

(2768) (xiv) Buzzards Bay Entrance Light (LLNR 630).

(2769) (xv) Buzzards Bay Midchannel Lighted Buoy BB (LLNR 16055).

(2770) (xvi) Cleveland East Ledge Light (LLNR 16080).

(2771) (xvii) Hog Island Channel Lighted Buoys 1 (LLNR 16130) and 2 (LLNR 16135).

(2772) (xviii) Approach to the Bourne Bridge.

(2773) (xix) Approach to the Sagamore Bridge.

(2774) (xx) Approach to the eastern entrance of Cape Cod Canal.

(2775) (3) *Voyage planning*. (i) Each owner or operator of a towing vessel employed to tow a tank barge shall prepare a written voyage plan for each transit of the tank barge.

(2776) (ii) The watch officer is authorized to make modifications to the plan and validate it as necessary.

(2777) (iii) Except as provided in paragraph (d)(3)(iv) of this section, each voyage plan must contain:

(2778) (A) A description of the type, volume, and grade of cargo.

(2779) (B) Applicable information from nautical charts and publications, including Coast Pilot, Coast Guard Light List, and Coast Guard Local Notice to Mariners, for the destination(s).

(2780) (C) Current and forecasted weather, including visibility, wind, and sea state for the destination(s).

(2781) (D) Data on tides and tidal currents for the destination(s).

(2782) (E) Forward and after drafts of the tank barge, and under-keel and vertical clearances for each port and berthing area.

(2783) (F) Pre-departure checklists.

(2784) (G) Calculated speed and estimated times of arrival at proposed waypoints.

(2785) (H) Communication contacts at Vessel Traffic Service (VTS) (if applicable), bridges, and facilities, and port-specific requirements for VHF radio.

(2786) (I) The master's standing orders detailing closest points of approach, special conditions, and critical maneuvers.

(2787) (iv) Each owner or operator of a tank barge on an intra-port transit of not more than four hours may prepare a voyage plan that contains:

(2788) (A) The information described in paragraphs (d)(3)(iii)(D) and (E) of this section.

(2789) (B) Current weather conditions including visibility, wind, and sea state. This information may be entered in either the voyage plan or towing vessel's log book.

(2790) (C) The channels of VHF radio to monitor.

(2791) (D) Other considerations such as availability of pilot, assist tug, berth, and line-handlers, depth of berth at mean low water, danger areas, and security calls.

(2792) (4) *Navigation restriction areas*. Unless authorized by the cognizant COTP, no tank barge may operate in–

(2793) (i) The waters of Cape Cod Bay south of 42°05'N., and east of 70°25'W.; or

(2794) (ii) The waters of Fishers Island Sound east of 72°02'W., and west of 71°55'W.

(2795) (5) *Special Buzzards Bay regulations*.(i) For the purposes of this section, "Buzzards Bay" is the body of water east and north of a line drawn from the southern tangent of Sakonnet Point, Rhode Island, in approximate position 41°27.2'N., 70°11.7'W., to the Buzzards Bay Entrance Light in approximate position 41°23.5'N., 71°02.0'W., and then to the southwestern tangent of Cuttyhunk Island, Massachusetts, at approximate position 41°24.6'N., 70°57.0'W., and including all of the Cape Cod Canal to its eastern entrance, except that the area of New Bedford harbor within the confines (north) of the hurricane barrier, and the passage through the Elizabeth Islands, is not considered to be "Buzzards Bay".

(2796) (ii) *Additional positive control for barges*. Except as provided in paragraph (d)(1)(iii) of this section, each single hull tank barge transiting buzzards Bay and carrying 5,000 or more barrels of oil or other hazardous material must, in addition to its primary tug, be accompanied by an escort tug of sufficient capability to promptly push or tow the tank barge away from danger of grounding or collision in the event of-

(2797) (A) A propulsion failure;

(2798) (B) A parted tow line;

(2799) (C) A loss of tow;

(2800) (D) A fire;

(2801) (E) Grounding;

(2802) (F) A loss of steering; or

(2803) (G) Any other time a vessel may be operating in a Hazardous Vessel Operating Condition as defined in §161.2 of this subchapter.

(2804) (iii) *Federal pilotage*. Each single hull tank barge transiting Buzzards Bay and carrying 5,000 or more barrels of oil or other hazardous material must be under the direction and control of a pilot, who is not a member of the crew, operating under a valid, appropriately endorsed, Federal first class pilot's license issued by the Coast Guard ("federally licensed pilot"). Pilots are required to embark, direct, and control from the primary tug during transits of Buzzards Bay.

(2805) (iv) In addition to the vessels denoted in §161.16 of this chapter, requirement set forth in subpart B of 33 CFR part 161 also apply to any vessel transiting VMRS Buzzards Bay required to carry a bridge-to-bridge radiotelephone by Part 26 of this chapter.

(2806) (A) A WMRS Buzzards Bay user must:

(2807) (1) Not enter or get underway in the area without first notifying the VMRS Center;

(2808) (2) Not enter VMRS Buzzards Bay if a Hazardous Vessel Operating Condition or circumstance per §161.2 of this subchapter exists;

(2809) (3) If towing astern, do so with as short a hawser as safety and good seamanship permits;

(2810) (4) Not meet, cross or overtake any other VMRS user in the area without first notifying the VMRS center;

(2811) (5) Before meeting, crossing, or overtaking any other VMRS user in the area, communicate on the designated vessel bridge-to-bridge radiotelephone frequency, intended navigation movements, and any other information necessary in order to make safe passing arrangements. This requirement does not relieve a vessel of any duty prescribed by the Navigation Rules (COLREGS and their associated Annexes and Inland Navigation Rules (33 CFR subchapter E)).

(2812) (B) [Reserved]

(2813) (e) In addition to the authority for this part 165, this section is also authorized under authority of section 311, Pub. L. 105-383.

(2814)

**§165.115 Safety and Security Zones; Pilgrim Nuclear Power Plant, Plymouth, Massachusetts.**

(2815) (a) *Location*. All waters of Cape Cod Bay and land adjacent to those waters enclosed by a line beginning at position

(2816) 41°56'59.3"N., 70°34'58.5"W.; thence to

(2817) 41°57'12.2"N., 70°34'41.9"W.; thence to

(2818) 41°56'42.3"N., 70°34'00.1"W.; thence to

(2819) 41°56'29.5"N., 70°34'14.5"W.

(2820) (b) *Regulations*. (1) In accordance with the general regulations in §§165.23 and 165.33 of this part, entry into or movement within these zones is prohibited unless authorized by the Captain of the Port Boston.

(2821) (2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

(2822) (3) No person may enter the waters or land area within the boundaries of the safety and security zones unless previously authorized by the Captain of the Port, Boston or his authorized patrol representative.

(2823)

**§165.121 Safety and Security Zones: High Interest Vessels, Narragansett Bay, Rhode Island.**

(2824) (a) *Location*. (1) All waters of Rhode Island Sound within a ½ mile radius of any high interest vessel while the vessel is anchored within ½ mile of the point 41°25'N., 71°23'W. in the Narragansett Bay Precautionary Area.

(2825) (2) All waters of Rhode Island Sound, Narragansett Bay, the Providence and Taunton Rivers 2 miles ahead and 1 mile astern, and extending 1000 yards on either side of any high interest vessel transiting Narragansett Bay, or the Providence and Taunton Rivers.

(2826) (3) All waters and land within a 1000-yard radius of any high interest vessel moored at a waterfront facility in the Providence Captain of the Port zone.

(2827) (b) *High interest vessels defined*. For purposes of this section, high interest vessels operating in the Providence Captain of the Port zone include the following: barges or ships carrying liquefied petroleum gas (LPG), liquefied natural gas (LNG), chlorine, anhydrous ammonia, or any other cargo deemed to be high interest by the Captain of the Port, Providence.

(2828) (c) *Regulations*. (1) Entry into or movement within these zones, including below the surface of the water, during times in which high interest vessels are present and the zones are enforced is prohibited unless authorized by the COTP Providence or authorized representative.

(2829) (2) The general regulations covering safety and security zones in §§165.23 and 165.33, respectively, of this part apply.

(2830) (3) All persons and vessels shall comply with the instructions of the COTP, and the designated on-scene U.S. Coast Guard personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

(2831)

**§165.122 Regulated Navigation Area: Navigable waters within Narragansett Bay and the Providence River, Rhode Island.**

(2832) (a) *Description of the regulated navigation area (RNA)*. The Regulated Navigation Area (RNA) encompasses all of the navigable waters of Narragansett Bay north of the COLREGS demarcation line and west of the Mt. Hope Bridge, and all of the navigable waters of the Providence River from Conimicut Point to the Providence hurricane barrier.

(2833) (b) *Regulations*. (1) All commercial vessels must:

(2834) (i) Maintain a minimum 10% of the vessel's draft as an under-keel clearance when not assisted by tugs, or when not moored at an assigned berth. Under-keel clearance is the minimum clearance available between the deepest point on the vessel and the bottom of the waterway, in calm water.

(2835) (ii) Have at least one mile of visibility to transit the Providence River between 41°43'01.4"N.; 71°20'41.7"W. (Conimicut Light (LLNR 18305)) and 41°47'38.8"N.; 71°22'46.7"W. (Channel Light 42 (LLNR 18580)).

(2836) (2) Vessels over 65 feet in length inbound for berths in the Providence River are required to make Safety Signal (SECURITE) calls on both VHF channels 13 and 16 at the following geographic locations:

(2837) (i) Pilot Boarding Area;

(2838) (ii) Abeam of Castle Hill;

(2839) (iii) Abeam of Sandy Point;

(2840) (iv) Abeam of 41°43'01.4"N.; 71°20'41.7"W. (Conimicut Light (LLNR 18305));

(2841) (v) Abeam of Sabin Point; and

(2842) (vi) Upon mooring.

(2843) (3) Vessels over 65 feet in length inbound for berths in Mount Hope Bay or in the Taunton River are required to make SECURITE calls on both VHF channels 13 and 16 at the following geographic locations:

(2844) (i) Pilot Boarding Area;

(2845) (ii) Abeam of Castle Hill;

(2846) (iii) Abeam of Sandy Point; and

(2847) (iv) At position 41°39'32.4"N.; 71°14'02.6"W. (Mount Hope Bay Junction Lighted Gong Buoy "MH" (LLNR 18790)).

(2848) (4) Vessels over 65 feet in length outbound for sea down the Providence River Channel shall make SECURITE calls on VHF channels 13 and 16 at the following geographic locations:

(2849) (i) One-half hour prior to departure from the berth;

(2850) (ii) At departure from the berth;

(2851) (iii) Abeam of Sabin Point;

(2852) (iv) Abeam of Gaspee Point; and

(2853) (v) Abeam of position 41°43'01.4"N.; 71°20'41.7"W. (Conimicut Light (LLNR 18305)).

(2854) (5) Vessels over 65 feet in length outbound for sea down from Mount Hope Bay through Narragansett Bay are required to make SECURITE calls on VHF channels 13 and 16 at the following geographic locations:

(2855) (i) One-half hour prior to departure from the berth;

(2856) (ii) At departure from the berth; and

(2857) (iii) At position 41°39'32.4"N.; 71°14'02.6"W. (Mount Hope Bay Junction Lighted Gong Buoy "MH" (LLNR 18790)).

(2858) (6) Vessels 65 feet and under in length, and all recreational vessels, when meeting deep draft commercial vessel traffic in all locations within this RNA shall keep out of the way of the oncoming deep draft commercial vessel. Nothing in this regulation, however, relieves a vessel of any duty prescribed in the Inland Navigation Rules (33 CFR subchapter E).

(2859) (7) The Captain of the Port (COTP) Southeastern New England may authorize a deviation from these regulations. Parties wishing to request a deviation must do so in advance by contacting the COTP Southeastern New England, at 508-457-3211, or via VHF channel 13 (156.7 MHz), or VHF channel 16 (156.8 MHz). Any person or vessel receiving permission from the COTP to deviate from these regulations must comply with any specific instructions provided by the COTP.

(2860) (c) *Enforcement*. Violations of this RNA should be reported to the COTP Southeastern New England at 508-457-3211. Persons found in violation of these regulations may be subject to civil or criminal penalties as provided for in 33 U.S.C. 1232.

(2861)

### §165.123 Cruise Ships, Sector Southeastern New England Captain of the Port (COTP) Zone.

(2862) (a) *Location*. The following areas are security zones: All navigable waters within the Southeastern New England Captain of the Port (COTP) Zone, extending from the surface to the sea floor:

(2863) (1) Within a 200-yard radius of any cruise ship that is underway and is under escort of U.S. Coast Guard law enforcement personnel or designated representative, or

(2864) (2) Within a 100-yard radius of any cruise ship that is anchored, at any berth or moored.

(2865) (b) *Definitions*. For the purposes of this section—

(2866) *Cruise ship* means a passenger vessel as defined in 46 U.S.C. 2101(22), that is authorized to carry more than 400 passengers and is 200 or more feet in length. A cruise ship under this section will also include ferries as defined in 46 CFR 2.10–25 that are authorized to carry more than 400 passengers and are 200 feet or more in length.

(2867) *Designated representative* means any Coast Guard commissioned, warrant, or petty officer who has been designated by the COTP to act on the COTP's behalf. The designated representative may be on a Coast Guard vessel, or onboard Federal, state, or a local agency vessel that is authorized to act in support of the Coast Guard.

(2868) *Southeastern New England COTP Zone* is as defined in 33 CFR 3.05–20.

(2869) (c) *Enforcement*. The security zones described in this section will be activated and enforced upon entry of any cruise ship into the navigable waters of the United States (see 33 CFR 2.36(a) to include the 12 NM territorial sea) in the Southeastern New England COTP zone. This zone will remain activated at all times while a cruise ship is within the navigable waters of the United States in the Sector Southeastern New England COTP Zone. In addition, the Coast Guard may broadcast the area designated as a security zone for the duration of the enforcement period via Broadcast Notice to Mariners.

(2870) (d) *Regulations*. (1) In accordance with the general regulations in 33 CFR part 165, subpart D, no person or vessel may enter or move within the security zones created by this section unless granted permission to do so by the COTP Southeastern New England or the designated representative.

(2871) (2) All persons and vessels granted permission to enter a security zone must comply with the instructions of the COTP or the designated representative. Emergency response vessels are authorized to move within the zone, but must abide by the restrictions imposed by the COTP or the designated representative.

(2872) (3) No person may swim upon or below the surface of the water within the boundaries of these security zones unless previously authorized by the COTP or his designated representative.

(2873) (4) Upon being hailed by a U.S. Coast Guard vessel or the designated representative, by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed.

(2874) (5) Vessel operators desiring to enter or operate within the security zone shall contact the COTP or the designated representative via VHF channel 16 or 508–457–3211 (Sector Southeastern New England command center) to obtain permission to do so.

(2875)

### §165.125 Regulated Navigation Area; EPA Superfund Site, New Bedford Harbor, Massachusetts.

(2876) (a) *Location*. The regulated navigation area encompasses all waters bounded by a line beginning at

(2877) 41°37′22.5″N., 70°54′34.1″W.; thence to

(2878) 41°37′14.4″N., 70°54′19.6″W.; thence to

(2879) 41°36′58.5″N., 70°54′08.1″W.; thence to

(2880) 41°36′45.0″N., 70°54′26.9″W.; thence along the shoreline and south side of the hurricane barrier to the beginning point.

(2881) (b) *Regulations*. (1) All vessels and persons are prohibited from activities that would disturb the seabed within the regulated navigation area, including but not limited to anchoring, dragging, trawling, and spudding.

Vessels may otherwise transit or navigate within this area without reservation.

(2882) (2) The prohibition described in paragraph (b)(1) of this section shall not apply to vessels or persons engaged in activities associated with remediation efforts in the New Bedford Harbor Superfund Site, provided that the Coast Guard Captain of the Port (COTP) Southeastern New England, is given advance notice of those activities by the U.S. Environmental Protection Agency (EPA).

(2883) (c) *Waivers*. The Captain of the Port (COTP) Southeastern New England may, in consultation with the U.S. EPA, authorize a waiver from this section if he or she determines that the proposed activity can be performed without undue risk to environmental remediation efforts. Requests for waivers should be submitted in writing to Commander, U.S. Coast Guard Sector Southeastern New England, 1 Little Harbor Road, Woods Hole, MA, 02543, with a copy to the U.S. Environmental Protection Agency, Region 1, New Bedford Harbor Remedial Project Manager, 5 Post Office Square, Suite 100 (OSRR07), Boston, MA 02109, to facilitate review by the EPA and U.S. Coast Guard.

(2884)

### §165.130 Sandy Hook Bay, New Jersey-security zone.

(2885) (a) *Naval Ammunition Depot Piers*. The navigable waters within the following boundaries are a security zone: A line beginning on the shore at

(2886) 40°25'55.6"N., 074°04'31.4"W.; thence to

(2887) 40°26'54.0"N., 074°03'53.0"W.; thence to

(2888) 40°26'58.0"N., 074°04'03.0"W.; thence to

(2889) 40°27'56.0"N., 074°03'24.0"W.; thence to

(2890) 40°27'28.5"N., 074°02'10.4"W.; thence to

(2891) 40°26'29.5"N., 074°02'51.2"W.; thence to

(2892) 40°26'31.4"N., 074°02'55.4"W.; thence to

(2893) 40°25'27.1"N., 074°03'39.7"W.; thence northwest along the shoreline to the beginning point.

(2894) (b) *Terminal Channel*. The waters within the following boundaries are a security zone-A line beginning at

(2895) 40°27'41.2"N., 74°02'46"W.; then to

(2896) 40°28'27.0"N., 74°02'17.2"W.; then to

(2897) 40°28'21.1"N., 74°02'00"W.; then to

(2898) 40°28'07.8"N., 74°02'22"W.; then to

(2899) 40°27'39.8"N., 74°02'41.4"W.; then to the beginning.

(2900) (c) The following rules apply to the security zone established in paragraph (b) of this section (Terminal Channel) instead of the rule in §165.33(a):

(2901) (1) No vessel shall anchor, stop, remain or drift without power at any time in the security zone.

(2902) (2) No vessel shall enter, cross, or otherwise navigate in the security zone when a public vessel, or any other vessel, that cannot safely navigate outside the Terminal Channel, is approaching or leaving the Naval Ammunition Depot Piers at Leonardo, New Jersey.

(2903) (3) Vessels may enter or cross the security zone, except as provided in paragraph (c)(2) of this section.

(2904) (4) No person may swim in the security zone.

(2905)

### §165.150 New Haven Harbor, Quinnipiac River, Mill River.

(2906) (a) *Boundaries*. The following is a regulated navigation area: The waters surrounding the Tomlinson Bridge and Pearl Harbor Memorial Bridge (I–95 Bridge) located within a line extending from a point A at 41°17′50.35″N, 072°54′34.37″W (the southeast corner of the Magellan Pink Tanks Terminal dock) thence along a line 126°T to point B at 41°17′42.35″N, 072°54′19.37″W (the southwest corner of the Gulf facility) thence north along the shoreline to point C at 41°17′57.35″N, 072°54′04.37″W (the northwest corner of the R & H Terminal dock) thence along a line 303°T to point D at 41°18′05.35″N, 072°54′21.37″W (the west bank of the mouth of the Mill River) thence south along the shoreline to point of origin. All coordinates are North American Datum 1983.

(2907) (b) *Regulations*. (1) No person may operate a vessel or tow a barge in this Regulated Navigation Area in violation of these regulations.

(2908) (2) Applicability. The regulations apply to barges with a freeboard greater than ten feet and to any vessel towing or pushing these barges on outbound transits of the Tomlinson Bridge.

(2909) (3) Regulated barges may not transit the bridge–

(2910) (i) During the period from one hour to five hours after high water slack,

(2911) (ii) When the wind speed at the bridge is greater than twenty knots, and

(2912) (iii) With the barge being towed on a hawser, stern first.

(2913) (4) Regulated barges with a beam greater than fifty feet must be pushed ahead through the bridge.

(2914) (5) If the tug operator does not have a clear view over the barge when pushing ahead, the operator shall post a lookout on the barge with a means of communication with the operator.

(2915) (6) Regulated barges departing the Mill River may transit the bridge only between sunrise and sunset. Barges must be pushed ahead of the tug, bow first, with a second tug standing by to assist at the bow.

(2916) (7) Nothing in this section is intended to relieve any person from complying with–

(2917) (i) Applicable Navigation and Pilot Rules for Inland Waters;

(2918) (ii) Any other laws or regulations;

(2919) (iii) Any order or direction of the Captain of the Port.

(2920) (8) The Captain of the Port Sector Long Island Sound (COTP) may issue an authorization to deviate from any regulation in paragraph (b) of this section if the COTP determines that an alternate operation can be done safely.

(2921) (9) The COTP may temporarily close the RNA for any situation the COTP determines would create an imminent hazard to waterway users in the RNA. Entry into the RNA during temporary closure is prohibited unless authorized

by the COTP or the COTP's designated representative. The COTP or designated representative may order the removal of any vessel or equipment within the RNA. To assure wide advance notice of each closure among affected mariners, the COTP may use means including, but not limited to, Broadcast Notice to Mariners and Local Notice to Mariners. The COTP will announce the dates and times of the closure and whether exceptions will be authorized for emergency or other specific vessel traffic.

(2922)

**§165.153 Regulated Navigation Area: Long Island Sound Marine Inspection and Captain of the Port Zone.**

(2923) (a) *Regulated Navigation Area location*. All waters of the Long Island Sound Marine Inspection and Captain of the Port (COTP) Zone, as delineated in 33 CFR 3.05-35, extending seaward 12 nautical miles from the territorial sea baseline, are established as a regulated navigation area (RNA).

(2924) (b) *Applicability*. This section applies to all vessels operating within the RNA excluding public vessels.

(2925) (c) *Definitions*. The following definitions apply to this section:

(2926) *Commercial service* means any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel.

(2927) *Ferry* means a vessel that:

(2928) (1) Operates in other than ocean or coastwise service;

(2929) (2) Has provisions only for deck passengers or vehicles, or both;

(2930) (3) Operates on a short run on a frequent schedule between two points over the most direct water route; and

(2931) (4) Offers a public service of a type normally attributed to a bridge or tunnel.

(2932) *Public vessels* means vessels owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commercial service.

(2933) *Territorial sea baseline* means the line defining the shoreward extent of the territorial sea of the United States drawn according to the principles, as recognized by the United States, of the Convention on the Territorial Sea and the Contiguous Zone, 15 U.S.T. 1606, and the 1982 United Nations Convention on the Law of the Sea (UNCLOS), 21 I.L.M. 1261. Normally, the territorial sea baseline is the mean low water line along the coast of the United States.

(2934) (d) *Regulations*. (1) Speed restrictions in the vicinity of Naval Submarine Base New London and Lower Thames River. Unless authorized by the Captain of the Port (COTP), vessels of 300 gross tons or more may not proceed at a speed in excess of eight knots in the Thames River from New London Harbor channel buoys 7 and 8 (Light List numbers 21875 and 21880 respectively) north through the upper limit of the Naval Submarine Base New London Restricted Area, as that area is specified in 33 CFR 334.75(a). The U.S. Navy and other Federal, State and municipal agencies may assist the U.S. Coast Guard in the enforcement of this rule.

(2935) (2) *Enhanced communications*. Vessels of 300 gross tons or more and all vessels engaged in towing barges must issue securité calls on marine band or Very High Frequency (VHF) radio channel 16 upon approach to the following locations:

(2936) (i) Inbound approach to Cerberus Shoal; and

(2937) (ii) Outbound approach to Race Rock Light (USCG Light List No. 19815).

(2938) (3) All vessels operating within the RNA that are bound for a port or place located in the United States or that must transit the internal waters of the United States, must be inspected to the satisfaction of the U.S. Coast Guard, before entering waters within three nautical miles from the territorial sea baseline. Vessels awaiting inspection will be required to anchor in the manner directed by the COTP. This section does not apply to vessels operating exclusively within the Long Island Sound Marine Inspection and COTP Zone, vessels on single voyage which depart from and return to the same port or place within the RNA, all towing vessels engaged in coastwise trade, vessels in innocent passage not bound for a port or place subject to the jurisdiction of the United States, and all vessels not engaged in commercial service whose last port of call was in the United States. Vessels requiring inspection by the COTP may contact the COTP via marine band or Very High Frequency (VHF) channel 16, telephone at (203) 468-4401, facsimile at (203) 468-4418, or letter, addressed to Captain of the Port, Long Island Sound, 120 Woodward Ave., New Haven, CT 06512.

(2939) (4) All vessels operating within the RNA that are bound for a port or place located in the United States or that must transit the internal waters of the United States, must obtain authorization from the Captain of the Port (COTP) before entering waters within three nautical miles from the territorial sea baseline. Vessels awaiting COTP authorization to enter waters within three nautical miles from the territorial sea baseline will be required to anchor in the manner directed by the COTP. This section does not apply to vessels operating exclusively within the Long Island Sound Marine Inspection and COTP Zone, vessels on a single voyage which depart from and return to the same port or place within the RNA, all towing vessels engaged in coastwise trade, vessels in innocent passage not bound for a port or place subject to the jurisdiction of the United States, and all vessels not engaged in commercial service whose last port of call was in the United States. Vessels may request authorization from the COTP by contacting the COTP via marine band or Very High Frequency (VHF) channel 16, telephone at 203-468-4401, facsimile at (203) 468-4418, or letter addressed to Captain of the Port, Long Island Sound, 120 Woodward Ave., New Haven, CT 06512.

(2940) (5) Vessels over 1,600 gross tons operating in the RNA within three nautical miles from the territorial sea baseline that are bound for a port or place located in the United States or that must transit the internal waters of the United States must receive authorization from the COTP prior to transiting or any intentional vessel movements, including, but not limited to, shifting berths, departing anchorage, or getting underway from a mooring. This section does not apply to vessels in innocent passage not bound for a port or place subject to the jurisdiction of the United States.

(2941) (6) *Ferry vessels*. Vessels of 300 gross tons or more are prohibited from entering all waters within a 1200-yard radius of any ferry vessel transiting in any portion of the Long Island Sound Marine Inspection and COTP Zone without first obtaining the express prior authorization of the ferry vessel operator, master, COTP, or the designated COTP on-scene patrol.

(2942) (7) *Vessels engaged in commercial service*. No vessel may enter within a 100-yard radius of any vessel engaged in commercial service while that vessel is transiting, moored, or berthed in any portion of the Long Island Sound Marine Inspection and COTP zone without the express prior authorization of the vessel's operator, master, COTP, or the designated COTP on-scene representative.

(2943) (8) *Bridge foundations*. Any vessel operating beneath a bridge must make a direct, immediate and expeditious passage beneath the bridge while remaining within the navigable channel. No vessel may stop, moor, anchor or loiter beneath a bridge at any time. No vessel may approach within a 25-yard radius of any bridge foundation, support, stanchion, pier or abutment except as required for the direct, immediate and expeditious transit beneath a bridge.

(2944) (9) This section does not relieve any vessel from compliance with applicable Navigation Rules (COLREGS and their associated Annexes and Inland Navigation Rules (33 CFR subchapter E)).

(2945)

**§165.154 Safety and Security Zones; Captain of the Port Long Island Sound Zone Safety and Security Zones.**

(2946) The following areas are designated safety and security zones:

(2947) (a) *Security zones.*

(2948) (1) Dominion Millstone Nuclear Power Plant, Waterford, CT.

(2949) (i) All navigable waters of Long Island Sound, from surface to bottom, North and Northeast of a line running from Bay Point, at approximate position 41°18'34.20"N, 072°10'24.60" W, to Millstone Point at approximate position 41°18'15.00"N, 072°9'57.60" W (NAD 83).

(2950) (ii) All navigable waters of Long Island Sound, from surface to bottom, West of a line starting at 41°18'42"N, 072°09'39"W, running south to the Eastern most point of Fox Island at approximate position 41°18'24.11"N, 072°09'39.73"W (NAD 83).

(2951) (2) Electric Boat Shipyard, Groton, CT.

(2952) (i) *Location*. All navigable waters of the Thames River, from surface to bottom, West of the Electric Boat Corporation Shipyard enclosed by a line beginning at a point on the shoreline at

(2953) 41°20'16"N, 72°04'47"W; then running West to

(2954) 41°20'16"N, 72°04'57"W; then running North to

(2955) 41°20'26"N, 72°04'57"W; then Northwest to

(2956) 41°20'28.7"N, 72°05'01.7"W; then North-Northwest to

(2957) 41°20'53.3"N, 72°05'04.8"W; then North-Northeast to

(2958) 41°21'02.9"N, 72°05'04.9"W; then East to a point on shore at

(2959) 41°21'02.9"N, 72°04'58.2"W (NAD 83).

(2960) (ii) *Application*. Sections 165.33(a), (e), (f) shall not apply to public vessels or to vessels owned by, under hire to, or performing work for the Electric Boat Division when operating in the security zone.

(2961) (3) Naval Submarine Base, Groton, CT. All navigable waters of the Thames River, from surface to bottom, West of the Groton Naval Submarine Base New London, enclosed by a line beginning at a point on the shoreline at

(2962) 41°23'15.8"N, 72°05'17.9"W; then to

(2963) 41°23'15.8"N, 72°05'22.0"W; then to

(2964) 41°23'25.9"N, 72°05'29.9"W; then to

(2965) 41°23'33.8"N, 72°05'34.7"W; then to

(2966) 41°23'37.0"N, 72°05'38.0"W; then to

(2967) 41°23'41.0"N, 72°05'40.3"W; then to

(2968) 41°23'47.2"N, 72°05'42.3"W; then to

(2969) 41°23'53.8"N, 72°05'43.7"W; then to

(2970) 41°23'59.8"N, 72°05'43.0"W; then to

(2971) 41°24'12.4"N, 72°05'43.2"W; then to a point on the shoreline at

(2972) 41°24'14.4"N, 72°05'38"W; then along the shoreline to the point of beginning (NAD 83).

(2973) (4) U.S. Coast Guard Academy, New London, CT.

(2974) (i) *Location*. All navigable waters of the Thames River, from surface to bottom, in a 500-yard radius from Jacobs Rock, approximate position 41°22'22"N, 072°05'40"W (NAD 83).

(2975) (ii) *Enforcement period*. This rule will be enforced during visits by highranking officials and times of heighted security.

(2976) (iii) *Notification*. The Captain of the Port will notify the maritime community of periods during which this security zone will be enforced by all appropriate means such as Local Notice to Mariners, Marine Safety Information Radio Broadcasts or on scene notice.

(2977) (5) U.S. Coast Guard Vessels, Long Island Sound COTP Zone. All navigable waters within a 100-yard radius of any anchored U.S. Coast Guard vessel. For the purposes of this section, U.S. Coast Guard vessels includes any commissioned vessel or small boat in the

service of the regular U.S. Coast Guard and does not include Coast Guard Auxiliary vessels.

(2978) (b) *Safety zones*. (1) Coast Guard Station Fire Island, Long Island, NY. All waters of Fire Island Inlet from the shore out to a line beginning at a point on shore at

(2979) 40°37'31.4"N, 073°15'41.1"W; then North to

(2980) 40°37'35.6"N, 073°15'43.1"W; then East to

(2981) 40°37'36.7"N, 073°15'39.8"W; then East to

(2982) 40°37'37.8"N, 073°15'36.6"W; then East to

(2983) 40°37'41.1"N, 073°15'33.5"W; then Southeast to

(2984) 40°37'39.7"N, 073°15'27.0"W; then Southeast to

(2985) 40°37'37.5"N, 073°15'22.1"W; then Southeast to

(2986) 40°37'37.6"N, 073°15'19.1"W; then Southeast to point on shore at

(2987) 40°37'33.9"N, 073°15'20.8"W (NAD 83).

(2988) (2) [Reserved]

(2989) (c) *Regulations*. (1) The general regulations contained in §165.23 and §165.33 of this part apply. Entering into, remaining within or cause an article or thing to enter into or remain within these safety and security zones is prohibited unless authorized by the Captain of the Port or a designated representative.

(2990) (2) These safety and security zones are closed to all vessel traffic, except as may be permitted by the Captain of the Port (COTP) or a designated representative. Vessel operators given permission to enter or operate in the security zones must comply with all directions given to them by the COTP or the designated representative.

(2991) (3) The ''designated representative'' is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port to act on his/her behalf. The on-scene representative may be on a Coast Guard vessel, a state or local law enforcement vessel, or other designated craft, or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2992) (4) Vessel operators desiring to enter or operate within the security zones shall request permission to do so by contacting the Captain of the Port Sector Long Island Sound at 203–468–4401, or via VHF Channel 16.

(2993)

**§165.156 Regulated Navigation Area, East Rockaway Inlet to Atlantic Beach Bridge, Nassau County, Long Island, New York.**

(2994) (a) *Location*. The following area is a Regulated Navigation Area; All waters of East Rockaway Inlet in an area bounded by lines drawn from position 40°34'56"N., 073°45'19"W., (approximate position of East Rockaway Inlet Breakwater Light, LLNR 31500) running north to a point of land on the northwest side of the inlet at position 40°35'28"N., 073°46'12"W., thence easterly along the shore to the east side of the Atlantic Beach Bridge, State Route 878, over East Rockaway Inlet, thence across the bridge to the south side of East Rockaway Inlet, thence westerly along the shore and across the water to the beginning.

(2995) (b) *Regulations*. (1) The general regulations contained in 33 CFR 165.10, 165.11 and 165.13 apply.

(2996) (2) In accordance with the general regulations, the following regulations apply to vessels carrying petroleum products in excess of 250 barrels:

(2997) (i) The vessel must have plans in place to maintain a minimum of two feet under keel clearance at all times.

(2998) (ii) A vessel requiring a nighttime transit through East Rockaway Inlet may only do so only after receiving approval from the Captain of the Port Long Island Sound.

(2999) (iii) Vessels are prohibited from transiting East Rockaway Inlet if a small craft advisory or greater has been issued for the area unless specific approval is received from the Captain of the Port Long Island Sound.

(3000) (iv) In an emergency, any vessel may deviate from the regulations in this section to the extent necessary to avoid endangering the safety of persons, the environment, and or property. If deviation from the regulations is necessary, the master or their designee shall inform the Coast Guard as soon as it is practicable to do so.

(3001) (c) *Waivers*. (1) The Captain of the Port Long Island Sound may, upon request, waive any regulation in this section.

(3002) (2) An application for a waiver must state the need for the waiver and describe the proposed vessel operations through the Regulated Navigation Area.

(3003)

**§165.161 Safety Zone; Shore (Belt) Parkway Bridge Construction, Mill Basin, Brooklyn, NY.**

(3004) (a) *Location*. The following area is a safety zone: All waters from surface to bottom of Mill Basin within 200 yards of the Shore (Belt) Parkway Mill Basin bridge, east of a line drawn from 40°36'24.29"N., 073°54'02.59"W. to 40°36'11.36"N., 073°54'04.69"W., and west of a line drawn from 40°36'21.13"N., 073°53'47.38"W. to 40°36'11.59"N., 073°53'48.88"W.

(3005) (b) *Definitions*. The following definitions apply to this section:

(3006) (1) *Designated representative*. A ''designated representative'' is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the Captain of the Port (COTP) New York, to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF-FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(3007) (2) *Official patrol vessels*. Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP.

(3008) (c) *Enforcement periods*. (1) This safety zone is in effect permanently starting January 7, 2016, but will only be enforced when deemed necessary by the COTP.

(3009) (2) The COTP will rely on the methods described in §165.7 to notify the public of the enforcement of this safety zone. Such notifications will include the date and times of enforcement, along with any predetermined conditions of entry.

(3010) (d) *Regulations*. (1) The general regulations contained in §165.23, as well as the regulations in paragraphs (d)(2) and (3) of this section, apply.

(3011) (2) During periods of enforcement, all persons and vessels must comply with all orders and directions from the COTP or a COTP's designated representative.

(3012) (3) During periods of enforcement, upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of the vessel must proceed as directed.

(3013)

**§165.164 Security Zones; Dignitary Arrival/Departure and United Nations Meetings, New York, NY.**

(3014) (a) *Location*. The following areas are security zones:

(3015) (1) *Wall Street Heliport*. All waters of the East River within the following boundaries: East of a line drawn between approximate position 40°42′01″N, 074°00′39″W (east of The Battery) to 40°41′36″N, 074°00′52″W (point north of Governors Island) and north of a line drawn from the point north of Governors Island to the southwest corner of Pier 7 North, Brooklyn; and south of a line drawn between 40°42′14.8″N, 074°00′20.3″W (Wall Street, Manhattan), and the northwest corner of Pier 2 North, Brooklyn (NAD 1983).

(3016) (2) *Randalls and Wards Islands*: All waters of the East River between the Hell Gate Rail Road Bridge (mile 8.2), and a line drawn from a point at approximate position 40°47′27.12″N, 073°54′35.14″W (Lawrence Point, Queens) to a point at approximate position 40°47′52.55″N, 073°54′35.25″W (Port Morris Stacks), and all waters of the Bronx Kill southeast of the Bronx Kill Rail Road Bridge (mile 0.6) (NAD 1983).

(3017) (3) *Marine Air Terminal, LaGuardia Airport Security Zone:* All waters of Bowery Bay, Queens, New York, south of a line drawn from the western end of LaGuardia Airport at approximate position 40°46′47″N, 073°53′05″W to the Rikers Island Bridge at approximate position 40°46′51″N, 073°53′21″W and east of a line drawn between the point at the Rikers Island Bridge to a point on the shore in Queens, New York, at approximate position 40°46′36″N, 073°53′31″W (NAD 1983).

(3018) (4) *United Nations Manhattan Shoreline*. All waters of the East River bound by the following points: 40°44′37″N, 073°58′16.5″ W (the base of East 35th Street, Manhattan), then east to 40°44′34.5″N, 073°58′10.5″W (about 180 yards offshore of Manhattan), then northeasterly to 40°45′29″N, 073°57′26.5″W (about 125 yards offshore of Manhattan at the Queensboro Bridge), then northwesterly to 40°45′31″N, 073°57′30.5″W (Manhattan shoreline at the Queensboro Bridge), then southerly along the shoreline to the starting point at 40°44′37″N, 073°58′16.5″W (NAD 1983).

(3019) (5) *United Nations West Channel Closure*. All waters of the East River north of a line drawn from approximate position 40°44′37″N, 073°58′16.5″W (the base of East 35th Street, Manhattan), to approximate position 40°44′31.04″N, 073°58′03.10″W (approximately 400 yards east of the Manhattan shoreline), all waters west of a line drawn from approximate position 40°44′31.04″N, 073°58′03.10″W (approximately 400 yards east of the Manhattan shoreline), to the southern tip of Roosevelt Island at approximate position 40°44′57.96″N, 073°57′41.57″W, then along the western shoreline of Roosevelt Island to the Queensboro Bridge, and all waters south of the Queensboro Bridge (NAD 1983).

(3020) (6) *United Nations Full River Closure*. All waters of the East River north of a line drawn from approximate position 40°44′37″N, 073°58′16.5″W (the base of East 35th Street, Manhattan), to approximate position 40°44′23″N, 073°57′44.5″W (Hunters Point, Long Island City), and south of the Queensboro Bridge (NAD 1983).

(3021) (b) *Definitions*.

(3022) As used in this section—

(3023) *Designated representative* means any Coast Guard commissioned, warrant, or petty officer who has been designated by the COTP to act on the COTP's behalf. A designated representative may be on a Coast Guard vessel, or onboard a federal, state, or local agency vessel that is authorized to act in support of the Coast Guard.

(3024) *Dignitary* means the President or Vice President of the United States, or visiting heads of foreign states or governments.

(3025) (c) *Regulations*. In accordance with the general regulations in 33 CFR 165.33, no person or vessel may enter or move within a security zone created by this section while that security zone is being enforced unless granted permission to do so by the Coast Guard's First District Commander, the COTP, or a designated representative. Vessel operators and persons given permission to enter or operate in a security zone must comply with all directions given to them by the COTP, or a designated representative. Upon being hailed by a U.S. Coast Guard or other duly authorized law enforcement vessel ( e.g. New York City police) by siren, radio, flashing lights, or other means, the operator of a vessel must proceed as directed, and follow any instructions to anchor or moor up to a waterfront facility.

(3026) (d) *Enforcement periods*. The security zone described in paragraph (a)(4) of this section is subject to enforcement at all times. All other security zones established by this section will only be enforced when necessary to protect dignitaries as determined by the COTP.

(3027) (e) *Notification*. Because the security zone described in paragraph (a)(4) of this section is subject to enforcement at all times, the Coast Guard will not necessarily take any action to further notify the public about the enforcement of that zone. As for the enforcement periods for the other security zones contained herein, the Coast Guard will rely on the methods described in 33 CFR 165.7 to notify the public of the time and duration of any enforcement

period. The COTP may also notify the public about enforcement of these security zones via *http://homeport.uscg.mil/newyork*.

(3028) (f) *Contact information*. Vessel operators desiring to enter or operate within a security zone shall telephone the COTP at 718–354–4356 or a designated representative via VHF channel 16 to obtain permission to do so.

(3029)

**§165.165 Regulated Navigation Area; Hudson River South of the Troy Locks, NY.**

(3030) (a) *Regulated navigation area*. All navigable waters of the Hudson River south of the Troy Locks.

(3031) (b) *Definitions*. The following definitions apply to this section:

(3032) (1) *Designated representative* means any Coast Guard commissioned, warrant, or petty officer, or a Federal, State, or local law enforcement officer designated by or assisting the Captain of the Port (COTP) New York.

(3033) (2) *Horsepower (HP)* means the total maximum continuous shaft horsepower of all the vessel's main propulsion machinery.

(3034) (c) *Applicability*. This section applies to tugs with less than 3,000 horsepower when engaged in towing operations.

(3035) (d) *Regulations*. (1) Except as provided in paragraph (c)(3) of this section, vessels less than 3,000 horsepower while engaged in towing operations are not authorized to transit that portion of the Hudson River south of the Troy Locks when ice thickness on average is eight inches or greater.

(3036) (2) All Coast Guard assets enforcing this Regulated Navigation Area can be contacted on VHF marine band radio, channel 13 or 16. The COTP can be contacted at (718) 354-4356, and the public may contact the COTP to suggest changes or improvements in the terms of this Regulated Navigation Area.

(3037) (3) All persons desiring to transit through a portion of the regulated area that has operating restrictions in effect must contact the COTP at telephone number (718) 354-4356 or on VHF channel 13 or 16 to seek permission prior to transiting the affected regulated area.

(3038) (4) The COTP will notify the public of any changes in the status of this Regulated Navigation Area by Marine Safety Information Broadcast on VHF-FM marine band radio, channel 22A (157.1 MHZ).

(3039)

**§165.169 Safety and Security Zones: New York Marine Inspection Zone and Captain of the Port Zone.**

(3040) (a) *Safety and security zones*. The following waters within the New York Marine Inspection Zone and Captain of the Port Zone are safety and security zones:

(3041) (1) *Indian Point Nuclear Power Station (IPNPS)*. All waters of the Hudson River within 300-yard radius of the IPNPS pier in approximate position 41°16'12.4"N., 073°57'16.2"W. (NAD 83).

(3042) (2) *U.S. Coast Guard Cutters and Shore Facilities*. All waters within 100 yards of: Each moored, or anchored, Coast Guard Cutter; Coast Guard Station New York; Staten Island, NY; Coast Guard Station Sandy Hook, NJ; Coast Guard Station Kings Point, NY; and Coast Guard Aids to Navigation Team New York, Bayonne, NJ.

(3043) (3) *Part 105 Facilities*. (i) *Definition*. For the purposes of this section, *Part 105 Facility* means any facility subject to the regulations contained in 33 CFR part 105, including those designated as "Public Access Facilities" as defined in 33 CFR 101.105. For public identification purposes, all of these facilities are required to have signs posted along the shoreline, facing the water, indicating that there is a 25 yard waterfront security zone surrounding the facilities.

(3044) (ii) *Location*. All waters within 25 yards of each Part 105 Facility. When a barge, ferry, or other commercial vessel is conducting transfer operations at a Part 105 Facility, the 25-yard zone is measured from the outboard side of the commercial vessel.

(3045) (iii) *Regulations*. (A) Vessels not actively engaged in passenger, cargo, provision, facility maintenance, or inspection, bunker transfer operations, or docking or undocking operations, authorized in advance by the Facility Security Plan, Facility Security Officer or designated representative, must not enter within any part of a zone described in paragraph (a)(3) of this section without the express permission of the Cost Guard Captain of the Port, a designated representative or designated on-scene patrol personnel.

(3046) (B) Persons seeking Captain of the Port permission to enter within a particular zone for official business other than authorized passenger, cargo, provision, facility maintenance or inspection, bunker transfer operations or authorized docking or undocking operations may request such authorization by contacting: Commander Coast Guard Sector New York, via the Sector Command Center (SCC), at: 212 Coast Guard Drive, Staten Island, NY 10305 or via fax to (718) 354-4125 or by contacting the Sector Command Center Duty Officer by phone at: (718) 354-4353.

(3047) (C) Vessels may transit through any portion of the zone that extends into the navigable channel for the sole purpose of direct and expeditious transit so long as they as they remain within the navigable channel, maintain the maximum safe distance from the Part 105 Facility, and do not stop or loiter within the zone.

(3048) (4) *Liberty and Ellis Islands*. All waters within 150 yards of Liberty Island, Ellis Island, and the bridge between Liberty State Park and Ellis Island.

(3049) (5) *Bridge Piers and Abutments, Overhead Power Cable Towers, Piers and Tunnel Ventilators*. All waters within 25 yards of any bridge pier or abutment, overhead power cable tower, pier or tunnel ventilators south of the Troy, NY Locks. Vessels may transit through any portion of the zone that extends into the navigable channel for the sole purpose of direct and expeditious transit through the zone so long as they remain within the navigable channel, maintain the maximum safe distance from the waterfront facility and do not stop or loiter within the zone.

(3050) (6) *New York City Passenger Ship Terminal, Hudson River, NY*. (i) *Location*. All navigable waters of the Hudson River bound by the following points: From the point 40°46'09"N., 073°59'48.7"W. on the seawall midway between Pier 92 and 94, thence northwest to approximate position 40°46'14"N., 074°00'00.9"W., approximately 125 yards northwest of Pier 92, thence southwest to approximate position 40°45'56.7"N., 074°00'15.3"W., approximately 150 yards west of Pier 86, thence east to the seawall between Pier 84 and Pier 86 at the approximate position 40°45'49.6"N., 073°59'58.1"W. (NAD 1983), thence northeast along the shoreline to the point of origin.

(3051) (ii) *Regulations*. Vessels not actively engaged in passenger, cargo, provision, facility maintenance or inspection, bunker transfer operations, or docking or undocking operations, authorized in advance by the Facility Security Plan, Facility Security Officer or designated representative, must not enter within any part of a zone described in paragraph (a)(6) of this section without express permission of the Coast Guard Captain of the Port, a designated representative or designated on-scene patrol personnel. Persons seeking Captain of the Port permission to enter within the zone described in paragraph (a)(6) of this section for official business other than authorized passenger, cargo, provision, facility maintenance or inspection, bunker transfer operations or authorized docking or undocking operations may request such authorization by contacting: Commander Coast Guard Sector New York, via the Sector Command Center (SCC), at: 212 Coast Guard Drive, Staten Island, NY 10305, or via fax to (718) 354-4125 or by contacting the Sector Command Center Duty Officer by phone at (718) 354-4353.

(3052) (7) *La Guardia Airport, Bowery and Flushing Bays, Queens, NY*. (i) *Location: 200-Yard Zone*. All waters of Bowery and Flushing Bays within approximately 200 yards of La Guardia Airport bound by the following points: Onshore at Steinway, Queens in approximate position

(3053) 40°46'32.1"N., 073°53'22.4"W., thence to
(3054) 40°46'52.8"N., 073°53'09.3"W., thence to
(3055) 40°46'54.8"N., 073°52'54.2"W., thence to
(3056) 40°46'59.3"N., 073°52'51.3"W., thence to
(3057) 40°47'11.8"N., 073°53'17.3"W., thence to
(3058) 40°47'13.0"N., 073°53'16.1"W. on Rikers Island, thence easterly along the Rikers Island shoreline to approximate position
(3059) 40°47'12.9"N., 073°52'17.9"W., thence to
(3060) 40°47'16.7"N., 073°52'09.2"W., thence to
(3061) 40°47'36.1"N., 073°51'52.5"W., thence to
(3062) 40°47'35.1"N., 073°51'50.5"W., thence to
(3063) 40°47'15.9"N., 073°52'06.4"W., thence to
(3064) 40°47'14.5"N., 073°52'03.1"W., thence to
(3065) 40°47'10.6"N., 073°52'06.7"W., thence to
(3066) 40°47'01.9"N., 073°52'02.4"W., thence to
(3067) 40°46'50.4"N., 073°52'08.1"W., thence to
(3068) 40°46'26.8"N., 073°51'18.5"W., thence to
(3069) 40°45'57.2"N., 073°51'01.8"W., thence to
(3070) 40°45'51.2"N., 073°50'59.6"W., thence to
(3071) 40°45'49.5"N., 073°51'07.2"W., thence to
(3072) 40°45'58.8"N., 073°51'13.2"W., thence to
(3073) 40°46'02.3"N., 073°51'20.1"W., thence to
(3074) 40°45'48.4"N., 073°51'37.0"W., (NAD 1983) thence along the shoreline to the point of origin.

(3075) (ii) *Location: 100-Yard Zone*. All waters of Bowery and Flushing Bays within approximately 100 yards of La Guardia Airport bound by the following points: Onshore at Steinway, Queens in approximate position

(3076) 40°46'32.1"N., 073°53'22.4"W., thence to
(3077) 40°46'50.6"N., 073°53'07.3"W., thence to
(3078) 40°46'53.0"N., 073°52'50.9"W., thence to
(3079) 40°46'57.6"N., 073°52'47.9"W., thence to
(3080) 40°47'11.8"N., 073°53'17.3"W., thence to
(3081) 40°47'13.0"N., 073°53'16.1"W., on Rikers Island, thence easterly along the Rikers Island shoreline to approximate position
(3082) 40°47'12.9"N., 073°52'17.9"W., thence to
(3083) 40°47'16.7"N., 073°52'09.2"W., thence to
(3084) 40°47'36.1"N., 073°51'52.5"W., thence to
(3085) 40°47'35.1"N., 073°51'50.5"W., thence to
(3086) 40°47'15.9"N., 073°52'06.4"W., thence to
(3087) 40°47'14.5"N., 073°52'03.1"W., thence to
(3088) 40°47'07.9"N., 073°52'09.2"W., thence to
(3089) 40°47'01.4"N., 073°52'06.1"W., thence to
(3090) 40°46'50.0"N., 073°52'14.6"W., thence to
(3091) 40°46'22.2"N., 073°51'16.0"W., thence to
(3092) 40°45'57.2"N., 073°51'01.8"W., thence to
(3093) 40°45'52.4"N., 073°51'00.2"W., thence to
(3094) 40°45'50.6"N., 073°51'07.9"W., thence to
(3095) 40°45'58.8"N., 073°51'13.2"W., thence to
(3096) 40°46'04.0"N., 073°51'23.3"W., thence to
(3097) 40°45'51.2"N., 073°51'38.8"W., (NAD 1983) thence along the shoreline to the point of origin.

(3098) (iii) *Enforcement period*. The zones described in paragraph (a)(7) of this section will be effective at all times. When port security conditions permit, the Captain of the Port will allow vessels to operate within that portion of the waters described in paragraph (a)(7)(i) that lies outside of the waters described in paragraph (a)(7)(ii). Authorization to enter the waters that lie between the outer boundaries of the zones described in paragraphs (a)(7)(i) and (a)(7)(ii) will be communicated by the Captain of the Port to the public by marine broadcast, or local notice to mariners, or notice posted at *http://www.homeport.uscg.mil/newyork*.

(3099) (8) *John F. Kennedy Airport, Jamaica Bay, Queens, NY*. (i) *Location: Bergen Basin*. All waters of Bergen Basin north of 40°39'26.4"N.

(3100) (ii) *Location: Thurston Basin*. All waters of Thurston Basin north of 40°38'21.2"N.

(3101) (iii) *Location: 200-Yard Zone*. All waters of Jamaica Bay within approximately 200 yards of John F. Kennedy Airport bound by the following points: Onshore east of Bergen Basin, Queens in approximate position

(3102) 40°38'49.0"N., 073°49'09.1"W., thence to

(3103) 40°38'42.5"N., 073°49'13.2"W., thence to
(3104) 40°38'00.6"N., 073°47'35.1"W., thence to
(3105) 40°37'52.3"N., 073°47'55.0"W., thence to
(3106) 40°37'50.3"N., 073°47'53.5"W., thence to
(3107) 40°37'59.4"N., 073°47'32.6"W., thence to
(3108) 40°37'46.1"N., 073°47'07.2"W., thence to
(3109) 40°37'19.5"N., 073°47'30.4"W., thence to
(3110) 40°37'05.5"N., 073°47'03.0"W., thence to
(3111) 40°37'34.7"N., 073°46'40.6"W., thence to
(3112) 40°37'20.5"N., 073°46'23.5"W., thence to
(3113) 40°37'05.7"N., 073°46'34.9"W., thence to
(3114) 40°36'54.8"N., 073°46'26.7"W., thence to
(3115) 40°37'14.1"N., 073°46'10.8"W., thence to
(3116) 40°37'36.9"N., 073°45'52.8"W., thence to
(3117) 40°38'00.8"N., 073°44'54.9"W., thence to
(3118) 40°38'05.1"N., 073°45'00.3"W., (NAD 1983) thence along the shoreline to the point of origin.

(3119) (iv) *Location: 100-Yard Zone*. All waters of Jamaica Bay within approximately 100 yards of John F. Kennedy Airport bound by the following points: Onshore east of Bergen Basin, Queens in approximate position
(3120) 40°38'49.0"N., 073°49'09.1"W., thence to
(3121) 40°38'45.1"N., 073°49'11.6"W., thence to
(3122) 40°38'02.0"N., 073°47'31.8"W., thence to
(3123) 40°37'52.3"N., 073°47'55.0"W., thence to
(3124) 40°37'50.3"N., 073°47'53.5"W., thence to
(3125) 40°38'00.8"N., 073°47'29.4"W., thence to
(3126) 40°37'47.4"N., 073°47'02.4"W., thence to
(3127) 40°37'19.9"N., 073°47'25.0"W., thence to
(3128) 40°37'10.0"N., 073°47'03.7"W., thence to
(3129) 40°37'37.7"N., 073°46'41.2"W., thence to
(3130) 40°37'22.6"N., 073°46'21.9"W., thence to
(3131) 40°37'05.7"N., 073°46'34.9"W., thence to
(3132) 40°36'54.8"N., 073°46'26.7"W., thence to
(3133) 40°37'14.1"N., 073°46'10.8"W., thence to
(3134) 40°37'40.0"N., 073°45'55.6"W., thence to
(3135) 40°38'02.8"N., 073°44'57.5"W., thence to
(3136) 40°38'05.1"N., 073°45'00.3"W., (NAD 1983) thence along the shoreline to the point of origin.

(3137) (v) *Enforcement period*. The zones described in paragraphs (a)(8) of this section will be effective at all times. When port security conditions permit, the Captain of the Port will allow vessels to operate within that portion of the waters described in paragraph (a)(8)(iii) of this section that lies outside of the waters described in paragraph (a)(8)(iv) of this section. Authorization to enter the waters that lie between the outer boundaries of the zones described in paragraphs (a)(8)(iii) and (a)(8)(iv) of this section will be communicated by the Captain of the Port to the public by marine broadcast, local notice to mariners, or notice posted at *http://www.homeport.uscg.mil/newyork*.

(3138) (9) *NYPD Ammunition Depot, Rodman Neck, Eastchester Bay, NY*. (i) *Location: 150-Yard Zone*. All waters of Eastchester Bay within approximately 150 yards of Rodman Neck bound by the following points: Onshore in approximate position
(3139) 40°51'30.4"N., 073°48'14.9"W., thence to
(3140) 40°51'29.9"N., 073°48'20.7"W., thence to
(3141) 40°51'16.9"N., 073°48'22.5"W., thence to
(3142) 40°51'07.5"N., 073°48'18.7"W., thence to
(3143) 40°50'54.2"N., 073°48'11.1"W., thence to
(3144) 40°50'48.5"N., 073°48'04.6"W., thence to
(3145) 40°50'49.2"N., 073°47'56.5"W., thence to
(3146) 40°51'03.6"N., 073°47'47.3"W., thence to
(3147) 40°51'15.7"N., 073°47'46.8"W., thence to
(3148) 40°51'23.5"N., 073°47'41.9"W., (NAD 1983) thence southwesterly along the shoreline to the point of origin.

(3149) (ii) *Location: 100-Yard Zone*. All waters of Eastchester Bay within approximately 100 yards of Rodman Neck bound by the following points: Onshore in approximate position
(3150) 40°51'30.4"N., 073°48'14.9"W., thence to
(3151) 40°51'30.1"N., 073°48'19.0"W., thence to
(3152) 40°51'16.8"N., 073°48'20.5"W., thence to
(3153) 40°51'07.9"N., 073°48'16.8"W., thence to
(3154) 40°50'54.9"N., 073°48'09.0"W., thence to
(3155) 40°50'49.7"N., 073°48'03.6"W., thence to
(3156) 40°50'50.1"N., 073°47'57.9"W., thence to
(3157) 40°51'04.6"N., 073°47'48.9"W., thence to
(3158) 40°51'15.9"N., 073°47'48.4"W., thence to
(3159) 40°51'23.5"N., 073°47'41.9"W., (NAD 1983) thence southwesterly along the shoreline to the point of origin.

(3160) (iii) *Enforcement period*. The zones described in paragraph (a)(9) of this section will be effective at all times. When port security conditions permit, the Captain of the Port will allow vessels to operate within that portion of the waters described in paragraph (a)(9)(i) of this section that lies outside of the waters described in paragraph (a)(9)(ii) of this section. Authorization to enter the waters that lie between the outer boundaries of the zones described in paragraphs (a)(9)(i) and (a)(9)(ii) of this section will be communicated by the Captain of the Port to the public by marine broadcast, local notice to mariners, or notice posted at *http://www.homeport.uscg.mil/newyork*.

(3161) (10) *Port Newark/Port Elizabeth, Newark Bay, NJ*. All waters of Newark Bay bound by the following points:
(3162) 40°41'49.9"N., 074°07'32.2"W., thence to
(3163) 40°41'46.5"N., 074°07'20.4"W., thence to
(3164) 40°41'10.7"N., 074°07'45.9"W., thence to
(3165) 40°40'54.3"N., 074°07'55.7"W., thence to
(3166) 40°40'36.2"N., 074°08'03.8"W., thence to
(3167) 40°40'29.1"N., 074°08'06.3"W., thence to
(3168) 40°40'21.9"N., 074°08'10.0"W., thence to
(3169) 40°39'27.9"N., 074°08'43.6"W., thence to
(3170) 40°39'21.5"N., 074°08'50.1"W., thence to
(3171) 40°39'21.5"N., 074°09'54.3"W., (NAD 1983) thence northerly along the shoreline to the point of origin.

(3172) (11) *Global Marine Terminal, Upper New York Bay*. All waters of Upper New York Bay between the Global Marine and Military Ocean Terminals, west of the New Jersey Pierhead Channel.

(3173) (12) *Approaches to New York, Atlantic Ocean*. (i) *Location*: All waters of the Atlantic Ocean between Ambrose and Hudson Canyon Traffic Lane and the

Barnegat to Ambrose Traffic lane bound by the following points:

(3174) 40°21'29.9"N., 073°44'41.0"W., thence to

(3175) 40°21'04.5"N., 073°45'31.4"W., thence to

(3176) 40°15'28.3"N., 073°44'13.8"W., thence to

(3177) 40°15'35.4"N., 073°43'29.8"W., thence to

(3178) 40°19'21.2"N., 073°42'53.0"W., (NAD 1983) thence to point of origin.

(3179) (ii) *Enforcement period*. Enforcement periods for the zone in paragraph (a)(12) of this section will be announced through marine information broadcast or other appropriate method of communication and the zone is activated whenever a vessel is anchored in the area described in paragraph (a)(12)(i) or a Coast Guard patrol vessel is on-scene.

(3180) (iii) *Regulations*. (A) The area described in paragraph (a)(12) of this section is not a Federal Anchorage Ground. Only vessels directed by the Captain of the Port or his or her designated representative to enter this zone are authorized to anchor here.

(3181) (B) Vessels do not need permission from the Captain of the Port to transit the area described in paragraph (a)(12) of this section during periods when that security zone is not being enforced.

(3182) (13) *Liquefied Hazardous Gas (LHG) Vessels*. (i) *Definitions*. For the purposes of this section, *LHG Vessel* means any vessel constructed to carry, in bulk, any of the flammable or toxic products listed in 33 CFR 127.005, Table 127.005.

(3183) (ii) *Location*. All waters within a 200-yard radius of any LHG Vessel that is underway and all waters within a 100-yard radius of any LHG vessel that is moored or at anchor.

(3184) (iii) *Enforcement period*. The zone described in paragraph (a)(13) of this section will be activated upon entry of a LHG Vessel into the navigable waters of the United States (see 33 CFR 2.36(a) to include the 12 NM territorial sea) in the New York Captain of the Port Zone (33 CFR 3.05-30). The LHG Vessel will be identifiable by the requirement to fly the Bravo flag (red international signal flag under Pub. 102, International Code of Signals) from the outermost halyard (above the pilot house) where it can most easily be seen. In addition to visual identification of the LHG Vessel, the Captain of the Port will notify the maritime community of periods during which this zone will be enforced by methods in accordance with 33 CFR 165.7.

(3185) (14) *Cruise ships*. (i) *Definition*. For the purposes of this section, *cruise ship* means a passenger vessel as defined in 46 U.S.C. 2101 (22) that is authorized to carry more than 400 passengers and is 200 or more feet in length. A cruise ship under this section will also include ferries as defined in 46 CFR 2.10-25 that are authorized to carry more than 400 passengers and are 200 feet or more in length.

(3186) (ii) *Location*. All waters within a 100-yard radius of any cruise ship whether underway, anchored, or at berth.

(3187) (iii) *Enforcement period*. The zone described in paragraph (a)(14) of this section will be activated upon entry of any cruise ship into the navigable waters of the United States (See 33 CFR 2.36(a) to include the 12 NM territorial sea) in the New York Captain of the Port Zone (33 CFR 3.05-30). This zone will remain activated at all times while the cruise ship is within the navigable waters of the United States in the New York Captain of the Port Zone.

(3188) (15) *Designated Vessels*. (i) *Definition*. For the purposes of this section, *Designated Vessels* are vessels carrying government officials, dignitaries, or other passengers requiring protection by the U.S. Secret Service, or other Federal, State or local law enforcement agency; barges or ships carrying petroleum products, chemicals, or other hazardous cargo; and passenger vessels (as defined in 46 U.S.C. 2101(22), that are authorized to carry more than 400 passengers and are less than 200 feet in length.

(3189) (ii) *Location*. All waters within a 100-yard radius of any Designated Vessel.

(3190) (iii) *Enforcement period*. The zone described in paragraph (a)(15) of this section will be activated upon entry of any Designated Vessel into the navigable waters of the United States (see 33 CFR 2.36(a) to include the 12 NM territorial sea) in the New York Captain of the Port Zone. (33 CFR 3.05-30). This zone will remain activated at all times while the Designated Vessel is within the navigable waters of the United States in the New York Captain of the Port Zone. The Designated Vessels, including ships and barges carrying petroleum products, chemicals, and other hazardous cargo will be recognized by the requirement to fly the Bravo flag (red international signal flag under Pub 102, International Code of Signals) from the outermost halyard (above the pilot house) where it can be most easily seen. Vessels that are constrained by draft from leaving the channel may transit through the zone for the sole purpose of direct and expeditious transit so long as they remain within the navigable channel, maintain the maximum possible safe distance from the Designated Vessel, and do not stop or loiter within the zone. Designated Vessels carrying government officials, dignitaries, or other passengers requiring protection, and passenger vessels authorized to carry more than 400 passengers and are less than 200 feet in length will be recognizable by their being escorted by a federal, state or local law enforcement or security vessel. The law enforcement or security vessel will be identifiable by flashing light, siren, flags, markings and/or through other means that clearly identify the vessel as engaged in law enforcement or security operations.

(3191) (16) *134th Street Pipeline Metering and Regulating Station*. (i) *Location*. All waters of the Hudson River within 25 yards of the 134th Street Pipeline Metering and Regulating Station.

(3192) (ii) *Regulations*. (A) Vessels not actively engaged in facility maintenance or inspection operations authorized in advance by the Pipeline Security Officer or designated

representative, or authorized docking or undocking operations, must not enter within any part of a zone described in paragraph (a)(16) of this section without the express permission of the Coast Guard Captain of the Port, a designated representative or designated on-scene patrol personnel.

(3193) (B) Persons seeking Captain of the Port permission to enter within a particular zone for official business other than authorized passenger, cargo, provision, facility maintenance or inspection, bunker transfer operations or authorized docking or undocking operations may request such authorization by contacting: Commander Coast Guard Sector New York, via the Sector Command Center (SCC), at: 212 Coast Guard Drive, Staten Island, NY 10305, or via fax to (718) 354-4125 or by contacting the Sector Command Center Duty Officer by phone at: (718) 354-4353.

(3194) (17) *Waterfront heliports*. (i) *Location*. All waters on the East River within 25 yards of the East 34th Street and Wall Street Heliports, and all waters of the Hudson River within 25 yards of the West 30th Street Heliport and the Jersey City/Newport Helistop, areas of land or water under and in immediate proximity to them; buildings on such structures or contiguous to them; and equipment and materials on such structures and in such buildings. When a barge, ferry, or other commercial vessel is conducting transfer operations at a waterfront heliport, the 25-yard zone is measured from the outboard side of the commercial vessel.

(3195) (ii) *Regulations*. (A) Vessels not actively engaged in passenger, cargo, provision, facility maintenance or inspection, bunker transfer operations, or docking and undocking operations, authorized in advance by the Facility Security Plan, Facility Security Officer or designated representative, must not enter within any part of a zone described in paragraph (a)(17) of this section without the express permission of the Coast Guard Captain of the Port, a designated representative, or designated on-scene patrol personnel.

(3196) (B) Persons seeking Captain of the Port permission to enter within a particular zone for official business other than authorized passenger, cargo, provision, facility maintenance or inspection, bunker transfer operations or authorized docking and undocking operations may request such authorization by contacting: Commander Coast Guard Sector New York, via the Sector Command Center (SCC), at: 212 Coast Guard Drive, Staten Island, NY 10305, or via fax to (718) 354-4125 or by contacting the Sector Command Center Duty Officer by phone at: (718) 354-4353.

(3197) (C) Vessels entering or departing the marina north of the Newport Helistop are authorized to transit through the safety/security zone around the Newport Helistop during their transit, provided that helicopters are not taking off or landing. No loitering or unnecessary delay is authorized during these transits.

(3198) (b) *Regulations*. (1) Entry into or remaining in a safety or security zone in prohibited unless authorized by the Coast Guard Captain of the Port, New York.

(3199) (2) Persons desiring to transit the area of a safety or security zone may contact the Captain of the Port at 718-354-4088 or on VHF channel 14 (156.7 MHz) or VHF channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(3200)

### §165.170 [Removed]

(3201)

### §165.172 Safety Zone; Underwater Hazard, Gravesend Bay, Brooklyn, NY.

(3202) (a) *Location*. The following area is a safety zone: All navigable waters of Gravesend Bay within a 110-yard radius of a point in position 40°36'30"N., 74°02'14"W. (NAD 83), approximately 70-yards southeast of the Verrazano Bridge Brooklyn tower.

(3203) (b) *Regulations*. (1) The general regulations contained in 33 CFR 165.23 apply.

(3204) (2) Entering into, transiting through, diving, dredging, dumping, fishing, trawling, conducting salvage operations, remaining within or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port (COTP) New York or the designated on-scene representative.

(3205) (3) The "designated on-scene representative" is any Coast Guard commissioned, warrent, or petty officer who has been designated by the COTP New York.

(3206) (4) Vessel operators desiring to enter or operate within the safety zone may contact the COTP New York or the designated representative at the Coast Guard Sector New York Command Center via VHF Channel 16 or by phone at (718) 354-4353 to request permission.

(3207) (5) Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP New York or the on-scene representative.

(3208)

### §165.T01–0174 Regulated Navigation Areas and Safety Zone Tappan Zee Bridge Construction Project, Hudson River; South Nyack and Tarrytown, NY.

(3209) (a) *Regulated Navigation Area Boundaries*. The following are regulated navigation areas:

(3210) (1) Western RNA: all waters bound by the following approximate positions:

(3211) 41°04′39.16″N, 073°55′00.68″W on the western shoreline; thence to

(3212) 41°04′28.34″N, 073°54′47.18″W; thence to

(3213) 41°04′11.28″N, 073°54′48.00″W; thence to

(3214) 41°03′57.26″N, 073°54′40.73″W; thence to

(3215) 41°03′57.36″N, 073°54′47.38″W; thence to

(3216) 41°03′58.66″N, 073°54′56.14″W; thence to

(3217) 41°04′03.00″N, 073°55′07.60″W; thence to a point on the western shoreline at

(3218) 41°04′06.69″N, 073°55′14.10″W; thence northerly along the shoreline to the point of origin (NAD 83).

(3219) (2) Eastern RNA: all waters bound by the following approximate positions:

(3220) 41°04′21.96″N, 073°52′03.25″W on the eastern shoreline; thence to

(3221) 41°04′26.27″N, 073°52′19.82″W; thence to

(3222) 41°04′26.53″N, 073°53′20.07″W; thence to

(3223) 41°03′56.92″N, 073°53′18.84″W; thence to

(3224) 41°03′56.69″ N, 073°52′24.75″W; thence to a point on the eastern shoreline at

(3225) 41°03′46.91″ N, 073°52′05.89″ W; thence northerly along the shoreline to the point of origin (NAD 83).

(3226) (b) *Safety Zone Boundaries*. The following is a Safety Zone: all waters bound by the following approximate positions:

(3227) 41°04′59.70″N, 073°54′45.54″W; thence to

(3228) 41°05′00.18″N, 073°53′21.48″W; thence to

(3229) 41°03′09.24″N, 073°53′16.86″W; thence to

(3230) 41°03′07.08″N, 073°54′14.70″W; thence to

(3231) 41°04′11.28″N, 073°54′48.00″W; thence to the point of origin (NAD 83).

(3232) (c) *Regulations*. (1) The general regulations contained in 33 CFR 165.10, 165.11, and 165.13, 165.20 and 165.23 apply.

(3233) (2) Any vessel transiting through the Western RNA must make a direct and expeditious passage. No vessel may stop, moor, anchor or loiter within the RNA at any time unless they are working on the bridge construction operations.

(3234) (3) Any vessel transiting through the Eastern RNA must make a direct and expeditious passage. No vessel may stop, moor, anchor or loiter within the RNA at any time unless they are working on the bridge construction operations or they are transiting to, or from, the special anchorage area codified in 33 CFR 110.60(c)(8) located on the eastern shoreline at Tarrytown, NY and within the boundaries of the RNA.

(3235) (4) Entry and movement within the Eastern RNA or Western RNA is subject to a "Slow-No Wake" speed limit. All vessels may not produce a wake and may not attain speeds greater than five knots unless a higher minimum speed is necessary to maintain steerageway. All vessels must proceed through the Eastern RNA and Western RNA with caution and operate in such a manner as to produce no wake.

(3236) (5) Entry into, anchoring, loitering, or movement within the Safety Zone is prohibited unless the vessel is working on the bridge construction operations or authorized by the Captain of the Port New York (COTP) or his designated representative.

(3237) (6) All persons and vessels must comply with all orders and directions from the COTP or the COTP's designated representative. The "designated representative" of the COTP is any Coast Guard commissioned, warrant or petty officer who has been designated by the COTP to act on the COTP's behalf. The designated representative may be on a Coast Guard vessel or New York State Police, Westchester County Police, Rockland County Police, or other designated craft; or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(3238) (7) Upon being hailed by a Coast Guard vessel by siren, radio, flashing light or other means, the operator of the vessel must proceed as directed.

(3239) (8) For the purpose of this regulation, the Federal navigation channel, located in the Eastern RNA is marked by the red and green navigation lights on the existing Tappan Zee Bridge, and the New NY Bridge. As the project progresses, the Federal navigation channel will be intermittently closed, or partially restricted, to all vessel transits. While the Federal navigation channel is closed, vessels that can safely navigate outside the Federal navigation channel would still be able to transit through the Eastern RNA. These closures or partial restrictions are tentatively scheduled to take place between March 2015 and October 2016. The COTP will cause a notice of the channel closure or restrictions by appropriate means to the affected segments of the public. Such means of notification may include, but are not limited to, Broadcast Notice to Mariners and Local Notice to Mariners.

(3240) (9) Notwithstanding anything contained in this section, the Inland Navigation Rules (33 CFR subchapter E) are still in effect and must be strictly adhered to at all times.

(3241) (d) *Enforcement periods*. This regulation will be enforced 24 hours a day from 5:00 a.m. on July 3, 2014 until 11:59 p.m. on December 31, 2018.

(3242) (1) Notice of suspension of enforcement: If enforcement is suspended, the COTP will cause a notice of the suspension of enforcement by appropriate means to the affected segments of the public. Such means of notification may include, but are not limited to, Broadcast Notice to Mariners and Local Notice to Mariners. Such notification will include the date and time that enforcement will be suspended as well as the date and time that enforcement will resume.

(3243) (2) Violations of this regulation may be reported to the COTP at 718–354–4353 or on VHF-Channel 16.

(3244)

### §165.T01–0462 Safety Zone; Tappan Zee Bridge Construction Project, Hudson River, South Nyack and Tarrytown, NY.

(3245) (a) *Location*. The following area is a safety zone: All navigable waters within 200 yards of the crane barge LEFT COAST LIFTER while conducting heavy lift operations on the Hudson River.

(3246) (b) *Definitions*. As used in this section, designated representative means is any Coast Guard commissioned, warrant or petty officer who has been designated by the COTP to act on the COTP's behalf. The designated representative may be on a Coast Guard vessel or New York State Police, Westchester County Police, Rockland County Police, or other designated craft; or may be on

shore and will communicate with vessels via VHF-FM radio or loudhailer. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(3247) (c) *Regulations*. (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or a COTP designated representative.

(3248) (2) To seek permission to enter, contact the COTP or the COTP's representative by VHF-FM channel 16 or by phone at (718) 354–4353 (Sector New York Command Center). Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or a COTP designated representative.

(3249) (d) *Enforcement period*. This section will be enforced from June 22, 2016 through December 31, 2018.

(3250)

**§165.T01–0471 Safety Zone; Belt Parkway Bridge Construction, Gerritsen Inlet, Brooklyn, NY.**

(3251) (a) *Location*. The following area is a safety zone: All navigable waters of Gerritsen Inlet: Southeast of a line from

(3252) 40°35′09.46″N, 073°54′53.92″W to

(3253) 40°35′15.60″N, 073°54′42.07″W and Northwest of a line from

(3254) 40°35′04.88″N, 073°54′45.43″W to

(3255) 40°35′10.34″N, 073°54′35.71″W (NAD 83).

(3256) (b) *Definitions*. The following definitions apply to this section:

(3257) (1) *Designated Representative*. A ''designated representative'' is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the Captain of the Port New York (COTP), to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(3258) (2) *Official Patrol Vessels*. Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP.

(3259) (c) *Enforcement Periods*. (1) This regulation is enforceable 24 hours a day from April 30, 2014 through September 30, 2017.

(3260) (2) Prior to commencing or suspending enforcement of this regulation, the COTP and designated on scene patrol personnel will notify the public whenever the regulation is being enforced and whenever enforcement is lifted, to include dates and times. The means of notification will include, but are not limited to, Broadcast Notice to Mariners and Local Notice to Mariners, Marine Safety Information Bulletins, or other appropriate means.

(3261) (d) *Regulations*. (1) The general regulations contained in 33 CFR 165.23, as well as the following regulations, apply.

(3262) (2) During periods of enforcement, all persons and vessels must comply with all orders and directions from the COTP or a COTP's designated representative.

(3263) (3) During periods of enforcement, upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of the vessel must proceed as directed.

(3264)

**§165.T01–1063 Regulated Navigation Area; Arthur Kill, NY and NJ.**

(3265) (a) *Location*. The following area is a Regulated Navigation Area (RNA): All navigable waters from Port Ivory to Grasselli High Wires north of Pralls Island in the Arthur Kill; bounded in the northeast by a line drawn from position 40°38′43.260″N, 074°10′47.208″W; to a point in position 40°38′52.152″N, 074°10′47.748″W; and bounded in the southwest by a line drawn from position 40°37′8.940″N, 074°12′19.116″W; to a point in position 40°37′03.252″N, 074°12′02.052″W. All geographic coordinates are North American Datum of 1983 (NAD 83).

(3266) (b) *Regulations*. (1) The general regulations contained in 33 CFR 165.10, 165.11, and 165.13 apply within the RNA.

(3267) (2) Any vessel transiting through the RNA must make a direct passage. No vessel may stop, moor, anchor or loiter within the RNA at any time unless they are working on the bridge construction. Movement within the RNA is subject to a "Slow-No Wake" speed limit. All vessels may not produce a wake and may not attain speeds greater than five (5) knots unless a higher minimum speed is necessary to maintain bare steerage.

(3268) (3) There may be times that the First District Commander or the Captain of the Port (COTP) finds it necessary to close the RNA to vessel traffic. During times of limited closure, persons and vessels may request permission to enter the RNA by contacting the COTP or the COTP's on-scene representative on VHF–16 or via phone at 718–354–4353.

(3269) (4) Any vessels transiting in the RNA must comply with all directions given to them by the COTP or the COTP's on-scene representative. The "on-scene representative" of the COTP is any Coast Guard commissioned, warrant or petty officer who has been designated by the COTP to act on the COTP's behalf. The on-scene representative may be on a Coast Guard vessel; or other designated craft; or on shore and communicating with a VTSNY Watchstander or vessels via VHF–FM radio or loudhailer. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(3270) (5) All other relevant regulations, including but not limited to the Inland Navigation Rules (33 CFR subchapter E), remain in effect within the RNA and must be strictly followed at all times.

(3271) (6) Vessel Movement Reporting System (VMRS) users are prohibited from meeting or overtaking other vessels when transiting alongside an active work area where dredging and drilling equipment are being operated.

(3272) (c) *Effective and enforcement period*. This regulation is effective and enforceable 24 hours a day from 12:01 a.m. on December 2, 2014 until 11:59 p.m. on October 31, 2018.

(3273) (d) *Notification*. The Coast Guard will rely on the methods described in 33 CFR 165.7 to notify the public of the time and duration of any closure of the RNA. Violations of this RNA may be reported to the COTP at 718–354–4353 or on VHF-Channel 16.

(3274)

## Subpart G-Protection of Naval Vessels

(3275)

### §165.2010 Purpose.

(3276) This subpart establishes the geographic parameters of naval vessel protection zones surrounding U.S. naval vessels in the navigable waters of the United States. This subpart also establishes when the U.S. Navy will take enforcement action in accordance with the statutory guideline of 14 U.S.C. 91. Nothing in the rules and regulations contained in this subpart shall relieve any vessel, including U.S. naval vessels, from the observance of the Navigation Rules. The rules and regulations contained in this subpart supplement, but do not replace or supercede, any other regulation pertaining to the safety or security of U.S. naval vessels.

(3277)

### §165.2015 Definitions.

(3278) The following definitions apply to this subpart:

(3279) *Atlantic Area* means that area described in 33 CFR 3.04–1 Atlantic Area.

(3280) *Large U.S. naval vessel* means any U.S. naval vessel greater than 100 feet in length overall.

(3281) *Naval defensive sea area* means those areas described in 32 CFR part 761.

(3282) *Naval vessel protection zone* is a 500-yard regulated area of water surrounding large U.S. naval vessels that is necessary to provide for the safety or security of these U.S. naval vessels.

(3283) *Navigable waters of the United States* means those waters defined as such in 33 CFR part 2.

(3284) *Navigation rules* means the Navigation Rules, International-Inland.

(3285) *Official patrol* means those personnel designated and supervised by a senior naval officer present in command and tasked to monitor a naval vessel protection zone, permit entry into the zone, give legally enforceable orders to persons or vessels within the zone, and take other actions authorized by the U.S. Navy.

(3286) *Pacific Area* means that area described in 33 CFR 3.04–3 Pacific Area.

(3287) *Restricted area* means those areas established by the Army Corps of Engineers and set out in 33 CFR part 334.

(3288) *Senior naval officer present in command* is, unless otherwise designated by competent authority, the senior line officer of the U.S. Navy on active duty, eligible for command at sea, who is present and in command of any part of the Department of Navy in the area.

(3289) *U.S. naval vessel* means any vessel owned, operated, chartered, or leased by the U.S. Navy; any pre-commissioned vessel under construction for the U.S. Navy, once launched into the water; and any vessel under the operational control of the U.S. Navy or a Combatant Command.

(3290) *Vessel* means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, except U.S. Coast Guard or U.S. naval vessels.

(3291)

### §165.2020 Enforcement authority.

(3292) (a) *Coast Guard*. Any Coast Guard commissioned, warrant or petty officer may enforce the rules and regulations contained in this subpart.

(3293) (b) *Senior naval officer present in command*. In the navigable waters of the United States, when immediate action is required and representatives of the Coast Guard are not present or not present in sufficient force to exercise effective control in the vicinity of large U.S. naval vessels, the senior naval officer present in command is responsible for the enforcement of the rules and regulations contained in this subpart to ensure the safety and security of all large naval vessels present. In meeting this responsibility, the senior naval officer present in command may directly assist any Coast Guard enforcement personnel who are present.

(3294)

### §165.2025 Atlantic Area.

(3295) (a) This section applies to any vessel or person in the navigable waters of the United States within the boundaries of the U.S. Coast Guard Atlantic Area, which includes the First, Fifth, Seventh, Eighth and Ninth U.S. Coast Guard Districts.

(3296) **Note to §165.2025 paragraph** (a): The boundaries of the U.S. Coast Guard Atlantic Area and the First, Fifth, Seventh, Eighth and Ninth U.S. Coast Guard Districts are set out in 33 CFR part 3.

(3297) (b) A naval vessel protection zone exists around U.S. naval vessels greater than 100 feet in length overall at all times in the navigable waters of the United States, whether the large U.S. naval vessel is underway, anchored, moored, or within a floating dry dock, except when the large naval vessel is moored or anchored within a restricted area or within a naval defensive sea area.

(3298) (c) The Navigation Rules shall apply at all times within a naval vessel protection zone.

(3299) (d) When within a naval vessel protection zone, all vessels shall operate at the minimum speed necessary to maintain a safe course, unless required to maintain speed by the Navigation Rules, and shall proceed as directed by the Coast Guard, the senior naval officer present in

command, or the official patrol. When within a naval vessel protection zone, no vessel or person is allowed within 100 yards of a large U.S. naval vessel unless authorized by the Coast Guard, the senior naval officer present in command, or official patrol.

(3300) (e) To request authorization to operate within 100 yards of a large U.S. naval vessel, contact the Coast Guard, the senior naval officer present in command, or the official patrol on VHF-FM channel 16.

(3301) (f) When conditions permit, the Coast Guard, senior naval officer present in command, or the official patrol should:

(3302) (1) Give advance notice on VHF-FM channel 16 of all large U.S. naval vessel movements;

(3303) (2) Permit vessels constrained by their navigational draft or restricted in their ability to maneuver to pass within 100 yards of a large U.S. naval vessel in order to ensure a safe passage in accordance with the Navigation Rules; and

(3304) (3) Permit commercial vessels anchored in a designated anchorage area to remain at anchor when within 100 yards of passing large U.S. naval vessels; and

(3305) (4) Permit vessels that must transit via a navigable channel or waterway to pass within 100 yards of a moored or anchored large U.S. naval vessel with minimal delay consistent with security.

(3306) **Note to §165.2025 paragraph** (f): The listed actions are discretionary and do not create any additional right to appeal or otherwise dispute a decision of the Coast Guard, the senior naval officer present in command, or the official patrol.

(3307)

## Part 166–Shipping Safety Fairways

(3308)

## Subpart A–General

(3309)

### §166.100 Purpose.

(3310) The purpose of these regulations is to establish and designate shipping safety fairways and fairway anchorages to provide unobstructed approaches for vessels using U.S. ports.

(3311)

### §166.103 Geographic Coordinates.

(3312) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

(3313)

### §166.105 Definitions.

(3314) (a) *Shipping safety fairway* or *fairway* means a lane or corridor in which no artificial island or fixed structure, whether temporary or permanent, will be permitted. Temporary underwater obstacles may be permitted under certain conditions described for specific areas in Subpart B. Aids to navigation approved by the U.S. Coast Guard may be established in a fairway.

(3315) (b) *Fairway anchorage* means an anchorage area contiguous to and associated with a fairway, in which fixed structures may be permitted within certain spacing limitations, as described for specific areas in Subpart B.

(3316)

### §166.110 Modification of areas.

(3317) Fairways and fairway anchorages are subject to modification in accordance with 33 U.S.C. 1223(c); 92 Stat. 1473.

(3318)

### §166.500 Areas along the Atlantic Coast.

(3319) (a) *Purpose*. Fairways, as described in this section are established to control the erection of structures therein to provide safe vessel routes along the Atlantic Coast.

(3320) (b) *Designated areas*.–(1) *Off New York Shipping Safety Fairway*. (i) Ambrose to Nantucket Safety Fairway. The area enclosed by rhumb lines, [North American Datum of 1927 (NAD-27)], joining points at:

(3321) 40°32'20"N., 73°04'57"W.

(3322) 40°30'58"N., 72°58'25"W.

(3323) 40°34'07"N., 70°19'23"W.

(3324) 40°35'37"N., 70°14'09"W.

(3325) 40°30'37"N., 70°14'00"W.

(3326) 40°32'07"N., 70°19'19"W.

(3327) 40°28'58"N., 72°58'25"W.

(3328) 40°27'20"N., 73°04'57"W.

(3329) (ii) *Nantucket to Ambrose Safety Fairway*. The area enclosed by rhumb lines, NAD-27, joining points at:

(3330) 40°24'20"N., 73°04'58"W.

(3331) 40°22'58'N., 72°58'26"W.

(3332) 40°26'07"N., 70°19'09"W.

(3333) 40°27'37"N., 70°13'46"W.

(3334) 40°22'37"N., 70°13'36"W.

(3335) 40°24'07"N., 70°19'05"W.

(3336) 40°20'58"N., 72°58'26"W.

(3337) 40°19'20"N., 73°04'58"W.

(3338)

## Part 167–Offshore Traffic Separation Schemes

(3339)

## Subpart A-General

(3340)

### §167.1 Purpose.

(3341) The purpose of the regulations in this part is to establish and designate traffic separation schemes and

precautionary areas to provide access routes for vessels proceeding to and from U.S. ports.

(3342)

**§167.3 Geographic coordinates.**

(3343) Geographic coordinates are defined using North American 1927 Datum (NAD 27) unless indicated otherwise.

(3344)

**§167.5 Definitions.**

(3345) (a) *Area to be avoided* means a routing measure comprising an area within defined limits in which either navigation is particularly hazardous or it is exceptionally important to avoid casualties and which should be avoided by all ships or certain classes of ships.

(3346) (b) *Traffic separation scheme (TSS)* means a designated routing measure which is aimed at the separation of opposing streams of traffic by appropriate means and by the establishment of traffic lanes.

(3347) (c) *Traffic lane* means an area within defined limits in which one-way traffic is established. Natural obstacles, including those forming separation zones, may constitute a boundary.

(3348) (d) *Separation zone or line* means a zone or line separating the traffic lanes in which ships are proceeding in opposite or nearly opposite directions; or separating a traffic lane from the adjacent sea area; or separating traffic lanes designated for particular classes of ships proceeding in the same direction.

(3349) (e) *Precautionary area* means a routing measure comprising an area within defined limits where ships must navigate with particular caution and within which the direction of traffic flow may be recommended.

(3350) (f) *Deep-water route* means an internationally recognized routing measure primarily intended for use by ships that, because of their draft in relation to the available depth of water in the area concerned, require the use of such a route.

(3351) (g) *Two-way route* means a route within defined limits inside which two-way traffic is established, aimed at providing safe passage of ships through waters where navigation is difficult or dangerous.

(3352)

**§167.10 Operating rules.**

(3353) The operator of a vessel in a TSS shall comply with Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972, as amended.

(3354)

**§167.15 Modification of schemes.**

(3355) (a) A traffic separation scheme or precautionary area described in this Part may be permanently amended in accordance with 33 U.S.C. 1223 (92 Stat. 1473), and with international agreements.

(3356) (b) A traffic separation scheme or precautionary area in this Part may be temporarily adjusted by the Commandant of the Coast Guard in an emergency, or to accommodate operations which would create an undue hazard for vessels using the scheme or which would contravene Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972. Adjustment may be in the form of a temporary traffic lane shift, a temporary suspension of a section of the scheme, a temporary precautionary area overlaying a lane, or other appropriate measure. Adjustments will only be made where, in the judgment of the Coast Guard, there is no reasonable alternative means of conducting an operation and navigation safety will not be jeopardized by the adjustment. Notice of adjustments will be made in the appropriate Notice to Mariners and in the Federal Register. Requests by members of the public for temporary adjustments to traffic separation schemes must be submitted 150 days prior to the time the adjustment is desired. Such Requests, describing the interference that would otherwise occur to a TSS, should be submitted to the District Commander of the Coast Guard District in which the TSS is located.

(3357)

## Subpart B–Description of Traffic Separation Schemes and Precautionary Areas

(3358)

**§167.100 In the approaches to Narragansett Bay, RI, and Buzzards Bay, MA: General.**

(3359) The traffic separation scheme in the approaches to Narragansett Bay, RI, and Buzzards Bay, MA, consists of four parts: Two precautionary areas and two approaches—a Narragansett approach and a Buzzards Bay approach. The specific areas in the approaches to Narragansett Bay, RI, and Buzzards Bay, MA, are described in §§167.101 through 167.103. The geographic coordinates in §§167.101 through 167.103 are defined using North American Datum 1983 (NAD 83), which is equivalent to WGS 1984 datum.

(3360)

**§167.101 In the approaches to Narragansett Bay, RI, and Buzzards Bay, MA: Precautionary areas.**

(3361) (a) A precautionary area is established with a radius of 5.4 miles and is centered upon geographical position 41°06.00′N., 71°23.30′W.

(3362) (b) A precautionary area is established with a radius of 3.55 miles and is centered upon geographical position 41°25.60′N., 71°23.30′W.

(3363)

**§167.102 In the approaches to Narragansett Bay, RI, and Buzzards Bay, MA: Narragansett Bay approach.**

(3364) (a) A separation zone 2 miles wide is established and is centered upon the following geographical positions:

(3365) 41°22.70′N., 71°23.30′W.

(3366) 41°11.10′N., 71°23.30′W.

(3367) (b) A traffic lane 1 mile wide is established on each side of the separation zone.

(3368)

**§167.103 In the approaches to Narragansett Bay, RI, and Buzzards Bay, MA: Buzzards Bay approach.**

(3369) (a) A separation zone 1 mile wide is established and is centered upon the following geographical positions:

(3370) 41°10.20′N., 71°19.10′W.

(3371) 41°21.80′N., 71°07.10′W.

(3372) (b) A traffic lane 1 mile wide is established on each side of the separation zone.

(3373) **Note to §167.103:** A restricted area, 2 miles wide, extending from the southern limit of the Narragansett Bay approach traffic separation zone to latitude 41°24.70’N., has been established. The restricted area will only be closed to ship traffic by the Naval Underwater System Center during periods of daylight and optimum weather conditions for torpedo range usage. The closing of the restricted area will be indicated by the activation of a white strobe light mounted on Brenton Reef Light and controlled by a naval ship supporting the torpedo range activities. There would be no ship restrictions expected during inclement weather or when the torpedo range is not in use.

(3374)

**§167.150 Off New York Traffic Separation Scheme: General.**

(3375) The specific areas in the Off New York Traffic Separation Scheme and Precautionary Areas are described in §§167.151, 167.152, 167.153, 167.154, and 167.155 of this chapter.

(3376)

**§167.151 Off New York: Precautionary areas.**

(3377) (a) A circular precautionary area with a radius of 7 miles is established centered upon 40°27.30'N., 73°49.54'W.

(3378) (b) A precautionary area is established between the traffic separation scheme “Eastern Approach, off Nantucket” and the traffic separation schemes “In the Approach to Boston, Massachusetts.” (1) The precautionary area is bounded to the east by a circle of radius 15.5 miles, centered upon geographic position:

(3379) 40°35.00'N., 69°00.00'W., and is intersected by the traffic separation schemes “In the Approach to Boston, Massachusetts” and “Off New York” at the following geographic positions:

(3380) 40°50.33'N., 68°57.00'W.

(3381) 40°23.75'N., 69°14.63'W.

(3382) (2) The precautionary area is bounded to the west by a line connecting the two traffic separation schemes between the following geographic positions:

(3383) 40°36.75'N., 69°15.16'W.

(3384) 40°48.00'N., 69°03.33'W.

(3385)

**§167.152 Off New York: Eastern approach, off Nantucket.**

(3386) (a) A separation zone is established bounded by a line connecting the following geographic positions:

(3387) 40°28.75'N., 69°14.83'W.

(3388) 40°27.62'N., 70°13.77'W.

(3389) 40°30.62'N., 70°14.00'W.

(3390) 40°31.75'N., 69°14.97'W.

(3391) (b) A traffic lane for westbound traffic is established between the separation zone and a line connecting the following geographic positions:

(3392) 40°36.75'N., 69°15.17'W.

(3393) 40°35.62'N., 70°14.15'W.

(3394) (c) A traffic lane for eastbound traffic is established between the separation zone and a line connecting the following geographic positions:

(3395) 40°22.62'N., 70°13.60'W.

(3396) 40°23.75'N., 73°14.63'W.

(3397)

**§167.153 Off New York: Eastern approach.**

(3398) (a) A separation zone is established bounded by a line connecting the following geographic positions:

(3399) 40°24.33'N., 73°04.97'W.

(3400) 40°24.20'N., 73°11.50'W.

(3401) 40°26.00'N., 73°40.93'W.

(3402) 40°27.00'N., 73°40.75'W.

(3403) 40°27.20'N., 73°11.50'W.

(3404) 40°27.33'N., 73°04.95'W.

(3405) (b) A traffic lane for westbound traffic is established between the separation zone and a line connecting the following geographic positions:

(3406) 40°32.33'N., 73°04.95'W.

(3407) 40°32.20'N., 73°11.50'W.

(3408) 40°28.00'N., 73°40.73'W.

(3409) (c) A traffic lane for eastbound traffic is established between the separation zone and a line connecting the following geographic positions:

(3410) 40°25.05'N., 73°41.32'W.

(3411) 40°19.20'N., 73°11.50'W.

(3412) 40°19.33'N., 73°04.97'W.

(3413)

**§167.154 Off New York: Southeastern approach.**

(3414) (a) A separation zone is established bounded by a line connecting the following geographic positions:

(3415) 40°03.10'N., 73°17.93'W.

(3416) 40°06.50'N., 73°22.73'W.

(3417) 40°22.45'N., 73°43.55'W.

(3418) 40°23.20'N., 73°42.70'W.

(3419) 40°08.72'N., 73°20.10'W.

(3420) 40°05.32'N., 73°15.28'W.

(3421) (b) A traffic lane for northwest-bound traffic is established between the separation zone and a line connecting the following geographic positions:

(3422) 40°08.98'N., 73°10.87'W.

(3423) 40°12.42'N., 73°15.67'W.

(3424) 40°24.02'N., 73°41.97'W.

(3425) (c) A traffic lane for southeast-bound traffic is established between the separation zone and a line connecting the following geographic positions:

(3426) 40°21.82'N., 73°44.55'W.

(3427) 40°02.80'N., 73°27.15'W.

(3428) 39°59.43'N., 73°22.35'W.

(3429)

### §167.155 Off New York: Southern approach.

(3430) (a) A separation zone is established bounded by a line connecting the following geographic positions:

(3431) 39°45.70'N., 73°48.00'W.

(3432) 40°20.63'N., 73°48.33'W.

(3433) 40°20.87'N., 73°47.07'W.

(3434) 39°45.70'N., 73°44.00'W.

(3435) (b) A traffic lane for northbound traffic is established between the separation zone and a line connecting the following geographic positions:

(3436) 39°45.70'N., 73°37.70'W.

(3437) 40°21.25'N., 73°45.85'W.

(3438) (c) A traffic lane for southbound traffic is established between the separation zone and a line connecting the following geographic positions:

(3439) 40°20.53'N., 73°49.65'W.

(3440) 39°45.70'N., 73°54.40'W.

(3441)

## Part 169–Ship Reporting Systems

(3442)

## Subpart A–General

(3443)

### §169.1 What is the purpose of this part?

(3444) This subpart prescribes the requirements for mandatory ship reporting systems. Ship reporting systems are used to provide, gather, or exchange information through radio reports. The information is used to provide data for many purposes including, but not limited to: navigation safety, maritime security and domain awareness, environmental protection, vessel traffic services, search and rescue, weather forecasting and prevention of marine pollution.

(3445)

### §169.5 How are terms used in this part defined?

(3446) As used in this part-

(3447) *Administration* means the Government of the State whose flag the ship is entitled to fly.

(3448) *Cargo ship* means any ship which is not a passenger ship.

(3449) *Flag Administration* means the Government of a State whose flag the ship is entitled to fly.

(3450) *Gross tonnage* means tonnage as defined under the International Convention on Tonnage Measurement of Ships, 1969 (Incorporated by reference, see §169.15).

(3451) *Gross tons* means vessel tonnage measured in accordance with the method utilized by the flag state administration of that vessel.

(3452) *High speed craft* means a craft that is operable on or above the water and is capable of a maximum speed equal to or exceeding V=3.7xdispl.1667, where "V" is the maximum speed and "displ" is the vessel displacement corresponding to the design waterline in cubic meters.

(3453) *High speed passenger craft* means a high speed craft carrying more than 12 passengers.

(3454) *International voyage* means a voyage from a country to which the present International Convention for the Safety of Life at Sea (SOLAS), 1974 applies to a port outside such country, or conversely. For U.S. ships, such voyages will be considered to originate at a port in the United States, regardless of when the voyage actually began. Such voyages for U.S. ships will continue until the ship returns to the United States from its last foreign port.

(3455) *Long range identification and tracking (LRIT) information* or *position report* means report containing the following information:

(3456) (1) The identity of the ship;

(3457) (2) The position of the ship (latitude and longitude); and

(3458) (3) The date and time of the position provided.

(3459) *LRIT Data Center* means a center established by a SOLAS Contracting Government or a group of Contracting Governments, or in the case of International Data Center, by IMO, to request, receive, process, and archive LRIT information. An LRIT Data Center may be National, Regional, Co-operative or International.

(3460) *Mandatory ship reporting system* means a ship reporting system that requires the participation of specified vessels or classes of vessels, and that is established by a government or governments after adoption of a proposed system by the International Maritime Organization (IMO) as complying with all requirements of regulation V/8-1 of the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), except paragraph (e) thereof.

(3461) *Mobile offshore drilling unit* means a self-propelled vessel capable of engaging in drilling operations for the exploration or exploitation of subsea resources.

(3462) *Passenger ship* means a ship that carries more than 12 passengers.

(3463) *Self-propelled ships* means ships propelled by mechanical means.

(3464) *Shore-based authority* means the government appointed office or offices that will receive the reports made by ships entering each of the mandatary ship reporting systems. The office or offices will be responsible for the management and coordination of the system, interaction with participating ships, and the safe and effective operation of the system. Such an authority may or may not be an authority in charge of a vessel traffic service.

(3465) *United States* means the States of the United States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(3466)

### §169.10 What geographic coordinates are used?

(3467) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting

on maps or charts where the referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

(3468)

### §169.15 Incorporation by reference: Where can I get a copy of the publications mentioned in this part?

(3469) (a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*. Also, it is available for inspection at the Coast Guard, Office of Navigation Systems (CG–5532), 2100 2nd St. SW., Stop 7580, Washington, DC 20593–7580, and is available from the sources indicated in this section.

(3470) (b) *International Electrotechnical Commission (IEC) Bureau Central de la Commission Electrotechnique Internationale,* 3 rue de Varembé, P.O. Box 131, 1211 Geneva 20, Switzerland.

(3471) (1) IEC 60945, Fourth edition 2002-08, Maritime navigation and radiocommunication equipment and systems-General requirements-Methods of testing and required test results, incorporation by reference approved for §169.215.

(3472) (2) [Reserved]

(3473) (c) *International Maritime Organization (IMO),* 4 Albert Embankment, London SE1 7SR, U.K.

(3474) (1) IMO Resolution MSC.202(81), adopted on May 19, 2006, Adoption of Amendments to the International Convention for the Safety of Life at Sea, 1974, as Amended, incorporation by reference approved for §160.240.

(3475) (2) IMO Resolution MSC. 210(81), adopted on May 19, 2006, Performance Standards and Functional Requirements for the Long-Range Identification and Tracking of Ships, incorporation by reference approved for §§169.215 and 169.240.

(3476) (3) IMO Resolution MSC.254(83), adopted on October 12, 2007, Adoption of Amendments to the Performance Standards and Functional Requirements for the Long-Range Identification and Tracking of Ships, incorporation by reference approved for §§169.215 and 169.240.

(3477) (4) IMO Resolution A.694(17), adopted on November 6, 1991, General Requirements for Shipborne Radio Equipment Forming Part of the Global Maritime Distress and Safety System (GMDSS) and for Electronic Navigational Aids, incorporation by reference approved for §165.215.

(3478) (5) International Convention on Tonnage Measurement of Ships, 1969, incorporation by reference approved for §169.5.

(3479)

## Subpart B–Establishment of Two Mandatory Ship Reporting Systems for the Protection of North Atlantic Right Whales

(3480)

### §169.100 What mandatory ship reporting systems are established by this subpart?

(3481) This subpart prescribes requirements for the establishment and maintenance of two mandatory ship reporting systems for the protection of the endangered northern right whale (also known as the North Atlantic right whale). These two systems are designated for certain areas of the East Coast of the United States. One system is located in the northeast and is identified as WHALESNORTH. The other system is located in the southeast and is identified as WHALESSOUTH.

(3482) **Note:** 50 CFR 224.103(c) contains requirements and procedures concerning North Atlantic right whale approach limitations and avoidance procedures.

(3483)

### §169.102 Who is the shore-based authority?

(3484) The U.S. Coast Guard is the shore-based authority for these mandatory ship reporting systems.

(3485)

### §169.105 Where is the northeastern reporting system located?

(3486) Geographical boundaries of the northeastern area include the waters of Cape Cod Bay, Massachusetts Bay, and the Great South Channel east and southeast of Massachusetts. The coordinates (NAD 83) of the area are as follows: from a point on Cape Ann, Massachusetts at 42°39'N, 70°37'W; then northeast to 42°45'N, 70°13'W; then southeast to 42°10'N, 68°31'W; then south to 41°00'N, 68°31'W; then west to 41°00'N, 69°17'W; then northwest to 42°05'N, 70°02'W; then west to 42°04'N, 70°10'W; and then along the Massachusetts shoreline of Cape Cod Bay and Massachusetts Bay back to the point on Cape Ann at 42°39'N, 70°37'W.

(3487)

### §169.110 When is the northeastern reporting system in effect?

(3488) The mandatory ship reporting system in the northeastern United States operates year-round.

(3489)

### §169.115 Where is the southeastern reporting system located?

(3490) Geographical boundaries of the southeastern area include coastal waters within about 25 nautical miles (45 kilometers) along a 90-nautical mile (170-kilometer)

stretch of the Atlantic seaboard in Florida and Georgia. The area coordinates (NAD 83) extends from the shoreline east to longitude 80°51.6'W with the southern and northern boundaries at latitude 30°00'N and 31°27'N., respectively.

(3491)

### §169.120 When is the southeastern reporting system in effect?

(3492) The mandatory ship reporting system in the southeastern United States operates during the period beginning on November 15 each year through April 16 of the following year.

(3493)

### §169.125 What classes of ships are required to make reports?

(3494) Each self-propelled ship of 300 gross tons or greater must participate in the reporting systems, except government ships exempted from reporting by regulation V/8–1(c) of SOLAS. However, exempt ships are encouraged to participate in the reporting systems.

(3495)

### §169.130 When are ships required to make reports?

(3496) Participating ships must report to the shore-based authority upon entering the area covered by a reporting system. Additional reports are not necessary for movements made within a system or for ships exiting a system.

(3497)

### §169.135 How must the reports be made?

(3498) (a) A ship equipped with INMARSAT C must report in IM0 standard format as provided in §169.140 in table 169.140.

(3499) (b) A ship not equipped with INMARSAT C must report to the Coast Guard using other means, listed below in order of precedence–

(3500) (1) Narrow band direct printing (SITOR),

(3501) (2) HF voice communication, or

(3502) (3) MF or VHF voice communications.

(3503) (c) SITOR or HF reports made directly to the Coast Guard's Communications Area Master Station Atlantic (CAMSLANT) in Chesapeake, VA, or MF or VHF reports made to Coast Guard activities or groups, should only be made by ships not equipped with INMARSAT C. Ships in this category must provide all the required information to the Coast Guard watchstander.

(3504)

### §169.140 What information must be included in the report?

(3505) Each ship report made to the shore-based authority must follow the standard reporting and format requirements listed in this section in table 169.140. Current email addresses and telex numbers are published annually in the U.S. Coast Pilot.

(3506)

**TABLE 169.140 – Requirements for Ship Reports**

| Telegraphy | Function | Information required |
|---|---|---|
| Name of system | System identifier | Ship reporting system WHALESNORTH or WHALESSOUTH |
| M | INMARSAT Number | Vessel INMARSAT number |
| A | Ship | The name, call sign or ship station identity, IMO number, and flag of the vessel. |
| B | Date and time of event | A 6-digit group giving day of month (first two digits), hours and minutes (last four digits) |
| E | True course | A 3-digit group indicating true course. |
| F | Speed in knots and tenths of knots | A 3-digit group. |
| H | Date, time and point of entry into system | Entry time expressed as in (B) and entry position expressed as-(1) a 4-digit group giving latitude in degrees and minutes suffixed with N (north) or S (south) and a 5-digit group giving longitude in degrees and minutes suffixed with E (east) or W (west); or (2) True bearing (first 3 digits) and distance (state distance) in nautical miles from a clearly identified landmark (state landmark) |
| I | Destination and expected time of arrival | Name of port and date time group expressed as in (B) |
| L | Route information | Intended track. |

(3507)

## Subpart C–Transmission of Long Range Identification and Tracking Information

(3508)

### §169.200 What is the purpose of this subpart?

(3509) This subpart implements Regulation 19-1 of SOLAS Chapter V (SOLAS V/19-1) and requires certain ships engaged on an international voyage to transmit vessel identification and position information electronically. This requirement enables the Coast Guard to obtain long range identification and tracking (LRIT) information and thus heightens our overall maritime domain awareness, enhances our search and rescue operations, and increases our ability to detect anomalies and deter transportation security incidents.

(3510)

### §169.205 What types of ships are required to transmit LRIT information (position reports)?

(3511) The following ships, while engaged on an international voyage, are required to transmit position reports:

(3512) (a) A passenger ship, including high speed passenger craft.

(3513) (b) A cargo ship, including high speed craft, of 300 gross tonnage or more.

(3514) (c) A mobile offshore drilling unit while underway and not engaged in drilling operations.

(3515)

**§169.210 Where during its international voyage must a ship transmit position reports?**

(3516) The requirements for the transmission of position reports, imposed by the United States, vary depending on the relationship of the United States to a ship identified in §169.205.

(3517) (a) *Flag State relationship*. A U.S. flag ship engaged on an international voyage must transmit position reports wherever they are located.

(3518) (b) *Port State relationship*. A foreign flag ship engaged on an international voyage must transmit position reports after the ship has announced its intention to enter a U.S. port or place under requirements in 33 CFR part 160, subpart C.

(3519) (c) *Coastal State relationship*. A foreign flag ship engaged on an international voyage must transmit position reports when the ship is within 1,000 nautical miles of the baseline of the United States, unless their Flag Administration, under authority of SOLAS V/19-1.9.1, has directed them not to do so.

(3520)

**§169.215 How must a ship transmit position reports?**

(3521) A ship must transmit position reports using Long Range Identification and Tracking (LRIT) equipment that has been type-approved by their Administration. To be type-approved by the Coast Guard, LRIT equipment must meet the requirements of IMO Resolutions A.694(17), MSC.210(81), and MSC.254(83), and IEC standard IEC 60945 (Incorporated by reference, see §169.15).

(3522)

**§169.220 When must a ship be fitted with LRIT equipment?**

(3523) A ship identified in §169.205 must be equipped with LRIT equipment-

(3524) (a) Before getting underway, if the ship is constructed on or after December 31, 2008.

(3525) (b) By the first survey of the radio installation after December 31, 2008, if the ship is-

(3526) (1) Constructed before December 31, 2008, and

(3527) (2) Operates within-

(3528) (i) One hundred (100) nautical miles of the United States baseline, or

(3529) (ii) Range of an Inmarsat geostationary satellite, or other Application Service Provider recognized by the Administration, with continuous alerting is available.

(3530) (c) By the first survey of the radio installation after July 1, 2009, if the ship is-

(3531) (1) Constructed before December 31, 2008, and

(3532) (2) Operates within the area or range specified in paragraph (b)(2) of this section as well as outside the range of an Inmarsat geostationary satellite with which continuous alerting is available. While operating in the area or range specified in paragraph (b)(2) of this section, however, a ship must install LRIT equipment by the first survey of the radio installation after December 31, 2008.

(3533)

**§169.225 Which Application Service Providers may a ship use?**

(3534) A ship may use an application Service Provider (ASP) recognized by its administration. Some Communication Service Providers may also serve as an ASP.

(3535)

**§169.230 How often must a ship transmit position reports?**

(3536) A ship's LRIT equipment must transmit position reports at 6-hour intervals unless a more frequent interval is requested remotely by an LRIT Data Center.

(3537)

**§169.235 What exemptions are there from reporting?**

(3538) A ship is exempt from this subpart if it is-

(3539) (a) Fitted with an operating automatic identification system (AIS), under 33 CFR 164.46, and operates only within 20 nautical miles of the United States baseline,

(3540) (b) A warship, naval auxiliaries or other ship owned or operated by a SOLAS Contracting Government and used only on Government non-commercial service, or

(3541) (c) A ship solely navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the St. Lambert Lock at Montreal in the Province of Quebec, Canada.

(3542)

**§169.240 When may LRIT equipment be switched off?**

(3543) A ship engaged on an international voyage may switch off its LRIT equipment only when it is permitted by its Flag Administration, in circumstances detailed in SOLAS V/19-1.7, or in paragraph 4.4.1, of resolution MSC.210(81), as amended by resolution MSC.254(83) (Incorporated by reference, see §169.15).

(3544)

**§169.245 What must a ship master do if LRIT equipment is switched off or fails to operate?**

(3545) (a) If a ship's LRIT equipment is switched off or fails to operate, the ship's master must inform his or her Flag Administration without undue delay.

(3546) (b) The master must also make an entry in the ship's logbook that states-

(3547) (1) His or her reason for switching the LRIT equipment off, or an entry that the equipment has failed to operate, and

(3548) (2) The period during which the LRIT equipment was switched off or non-operational.

(3549) Note to §169.245: for U.S. vessels, the U.S. Coast Guard serves as the Flag Administration for purposes of this section. All LRIT notifications for the U.S. Flag administration, in addition to requests or questions about

LRIT, should be communicated to the U.S. Coast Guard by e-mail addressed to LRIT@uscg.mil.

(3550)

## Part 207–Navigation Regulations

(3551)

### §207.20 Cape Cod Canal, Mass.; use, administration, and navigation.

(3552) (a) *Limit of canal*. The canal, including approaches, extends from the Canal Station Minus 100 in Cape Cod Bay, approximately one and six-tenths (1.6) statute miles seaward of the Canal Breakwater Light, through dredged channels and land cuts to Cleveland Ledge Light in Buzzards Bay approximately four (4) statute miles southwest of Wings Neck.

(3553) (b) *Supervision*. (1) The movement of ships, boats and craft of every description through the canal and the operation and maintenance of the waterway and all property of the United States pertaining thereto shall be under the supervision of the Division Engineer, U.S. Army Engineer Division, New England, Corps of Engineers, Waltham, Massachusetts, or the authorized representative of the division engineer, the Engineer-In-Charge of the Cape Cod Canal. The division engineer or the Engineer-In-Charge from time to time will prescribe rules governing the dimensions of vessels which may transit the waterway, and other special conditions and requirements which will govern the movement of vessels using the waterway.

(3554) (2) The Engineer-In-Charge, through the marine traffic controller on duty, will enforce these regulations and monitor traffic through the canal. The marine traffic controller on duty is the individual responsible for interpretation of these regulations with respect to vessels transiting the canal. Vessels transiting the canal must obey the orders of the marine traffic controller.

(3555) (3) The government has tugs stationed at the West Boat Basin for emergency use on an on-call basis. A patrol vessel is manned and operational 24-hours a day.

(3556) (c) *Communications*. There is a marine traffic controller on duty 24 hours a day, seven days a week, in the traffic control center located at the Canal Administrative Office. The primary method of communications between the canal and vessels transiting will be by VHF-FM Marine radio. The traffic controller can also be contacted by telephone.

(3557) (1) For radio communications, call the traffic controller on channel 16 to establish contact. The transmissions will then be switched to channel 12 or 14 as the working channel to pass information. Channel 13 is also available at the canal office; however, the use of channel 13 should be limited to emergency situations or whenever vessels do not have one of the other channels. All four channels are monitored continuously by the traffic controller. Radio discipline will be adhered to in accordance with FCC rules and regulations.

(3558) (2) For telephone communications with the traffic controller, call (508) 759-4431.

(3559) (3) Vessels shall maintain a radio guard on Marine VHF-FM channel 13 during the entire passage through the canal.

(3560) (4) All radio communications in the vicinity of the canal are tape recorded for future reference.

(3561) (d) *Vessels allowed passage*. The canal is open for passage to all adequately powered vessels properly equipped and seaworthy, of sizes consistent with safe navigation as governed by the controlling depths and widths of the channel and the vertical and horizontal clearances of the bridges over the waterway. The granting of permission for any vessel to proceed through the waterway shall not relieve the owners, agents and operators of full responsibility for its safe passage. No vessel having a greater draft forward than aft will be allowed to transit the canal. Craft of low power and wind driven are required to have and use auxiliary power during passage throughout the canal as defined in paragraph (a) of this section. Low powered vessels will be required to await slack water or favorable current for canal transit.

(3562) (e) *Tows*. (1) Tows shall be made-up outside the canal entrances. All vessels engaged in towing other vessels not equipped with a rudder shall use two lines or a bridle and one tow line. If the vessel in tow is equipped with a rudder or a ship shaped bow, one tow line may be used. All tow lines of hawsers must be hauled as short as practicable for safe handling of the tows. No towboat will be allowed to enter the waterway with more than two barges in tow unless prior approval is granted by the Engineer-In-Charge; requests must be submitted 12 hours in advance of the passage.

(3563) (2) The maximum length of pontoon rafts using the canal will be limited to 600 feet, and the maximum width to 100 feet. Pontoon rafts exceeding 200 feet in length will be required to have an additional tug on the stern to insure that the tow is kept in line. The tugs used must have sufficient power to handle the raft safely.

(3564) (3) Dead ships are required to transit the canal during daylight hours and must be provided with the number of tugs sufficient to afford safe passage through the canal. (A dead ship will not be allowed to enter the canal unless prior approval is granted by the Engineer-In-Charge; requests must be submitted 12 hours in advance of the passage).

(3565) (f) *Dangerous cargoes*. The master or pilot of any vessel or tow carrying dangerous cargoes must notify the Marine Traffic Controller prior to entering the canal. Dangerous cargoes are defined as those items listed in 33 CFR 126.10 when carried in bulk (i.e., quantities exceeding 110 U.S. gallons in one tank) plus Class A explosives (commercial or military) as listed in 49 CFR 173.53 (commercial) and 46 CFR 146.29–100 (military), liquified natural gas and liquified petroleum gas. Transportation of dangerous cargoes through the canal shall be in strict accordance with existing regulations

prescribed by law. In addition, vessels carrying dangerous cargoes shall comply with the following requirements.

(3566) (1) They must have sufficient horsepower to overcome tidal currents or they will be required to wait for favorable current conditions.

(3567) (2) Transits will be during daylight hours.

(3568) (3) No transit will be permitted when visibility conditions are unstable or less than 2 miles at the approaches and throughout the entire length of the canal.

(3569) (4) Transits must await a clear canal for passage.

(3570) (g) *Obtaining clearance*. (1) Vessels under 65 feet in length may enter the canal without obtaining clearance. All craft are required to make a complete passage through the canal except excursion craft which may operate and change direction within the canal in accordance with procedures coordinated with the marine traffic controller on duty. When the railroad bridge span is in the closed (down) position, all vessels are directed not to proceed beyond the points designated by the stop signs posted east and west of the railroad bridge. Vessels proceeding with a fair tide (with the current) should turn and stem the current at the designated stop points until the railroad bridge is in the raised (open) position.

(3571) (2) Vessels 65 feet in length and over shall not enter the canal until clearance has been obtained from the marine traffic controller by radio. See paragraph (c) "Communications" for procedures. If a vessel, granted prior clearance, is delayed or stops at the mooring basins, state pier, or the Sandwich bulkhead, a second clearance must be obtained prior to continuing passage through the canal.

(3572) (3) Vessels will be given clearance in the order of arrival, except when conditions warrant one-way traffic, or for any reason an order of priority is necessary, clearance will be granted in the following order.

(3573) (i) First-To vessels owned or operated by the United States, including contractors' equipment employed on canal maintenance or improvement work.

(3574) (ii) Second-To passenger vessels.

(3575) (iii) Third-To tankers and barges docking and undocking at the Canal Electric Terminal.

(3576) (iv) Fourth-To merchant vessels, towboats, commercial fishing vessels, pleasure boats and miscellaneous craft.

(3577) (4) Procedures in adverse weather-Vessels carrying flammable or combustible cargoes as defined in 46 CFR 30.25 will be restricted from passage through the canal when visibility is less than ½ mile. Other vessels may transit the canal in thick weather by use of radar with the understanding that the United States Government will assume no responsibility: And provided, That clearance has been obtained from the marine traffic controller.

(3578) (h) *Traffic lights*. There are three sets of traffic lights showing red, green, and yellow that are operated on a continuous basis at the canal. The traffic lights apply to all vessels 65 feet in length and over. The traffic lights are a secondary system that is operated in support of the radio communications system. The traffic lights are located at the easterly canal entrance, Sandwich, and at the westerly entrance to Hog Island Channel at Wings Neck. A third traffic light is located at the Canal Electric Terminal basin on the south side of the canal in Sandwich, and applies only to vessels arriving and departing that terminal.

(3579) (1) *Westbound traffic*-When the green light is on at the eastern (Cape Cod Bay) entrance, vessels may proceed westward through the canal. When the red light is on, any type of vessel 65 feet in length and over must stop clear of the Cape Cod Bay entrance channel. When the yellow light is on, vessels 65 feet in length and over and drawing less than 25 feet may proceed as far as the East Mooring Basin where they must stop. Prior to continuing passage through the canal, clearance must be obtained from the marine traffic controller.

(3580) (2) *Eastbound traffic*-When the green light is on at Wings Neck, vessels may proceed eastward through the canal. When the red light is on, vessels 65 feet and over in length and drawing less than 25 feet must keep southerly of Hog Island Channel Entrance Buoys Nos. 1 and 2 and utilize the general anchorage areas adjacent to the improved channel. Vessel traffic drawing 25 feet and over are directed not to enter the canal channel at the Cleveland Ledge Light entrance and shall lay to or anchor in the vicinity of Buzzards Bay Buoy No. 11 (FLW & Bell) until clearance is granted by the canal marine traffic controller or a green traffic light at Wings Neck is displayed. When the yellow light is on, vessels may proceed through Hog Island Channel as far as the West Mooring Basin where they must stop. Prior to continuing passage through the canal, clearance must be obtained from the marine traffic controller.

(3581) (i) *Railroad Bridge Signals*. The following signals at the Buzzards Bay Railroad Bridge will be given strict attention.

(3582) (1) The vertical lift span on the railroad bridge is normally kept in the raised (open) position except when it is lowered for the passage of trains, or for maintenance purposes. Immediately preceding the lowering of the span, the operator will sound two long blasts of an air horn. Immediately preceding the raising of the span, the operator will sound one long blast of an air horn. When a vessel or craft of any type is approaching the bridge with the span in the down (closed) position and the span cannot be raised immediately, the operator of the bridge will so indicate by sounding danger signals of four short blasts in quick succession.

(3583) (2) When the lift span is in the down (closed) position in foggy weather or when visibility is obscured by vapor, there will be four short blasts sounded from the bridge every two minutes.

(3584) (j) *Speed*. All vessels are directed to pass mooring and boat basin facilities, the state pier, and all floating plant engaged in maintenance operations of the waterway at a minimum speed consistent with safe navigation. In order to coordinate scheduled rail traffic with the passage of vessels, to minimize erosion of the canal banks and dikes from excessive wave wash and suction, and for

the safety of vessels using the canal, the following speed regulations must be observed by vessels of all types, including pleasure craft. The minimum running time for the land cut between the East Mooring Basin (Station 35) and the Administration Office in Buzzards Bay (Station 388) is prescribed as follows:

(3585) Head Tide–60 Minutes

(3586) Fair Tide–30 Minutes

(3587) Slack Tide–45 Minutes

(3588) The minimum running time between the Administration Office (Station 388) and Hog Island Channel westerly entrance Buoy No. 1 (Station 661) is prescribed as follows:

(3589) Head Tide–46 Minutes

(3590) Fair Tide–23 Minutes

(3591) Slack Tide–35 Minutes

(3592) The running time at slack water will apply to any vessel which enters that portion of the canal between stations 35 and 661, within the period of one-half hour before or after the predicted time of slack water as given in the National Ocean Service publication "Current Tables, Atlantic Coast, North America." The minimum running time during a head tide or a fair tide shall apply to any vessel which enters that portion of the canal between Station 35 and 661 at any time other than designated above for time requirements at slack tide. Vessels of any kind unable to make a through transit of the land cut portion of the canal against a head current of 6.0 knots within a maximum time limit of 2 hours 30 minutes shall be required to obtain the assistance of a helper tug at the vessel owner's expense or await favorable tide conditions prior to receiving clearance from the marine traffic controller. In the event vessels within the confines of the canal fail to perform and are unable to make sufficient headway against the currents, the marine traffic controller may activate a helper tug in accordance with paragraph (k) of this section.

(3593) (k) *Management of vessels*. (1) Vessels within the limits of the canal shall comply with applicable navigation rules.

(3594) (2) Vessels within the limits of the canal shall comply with the applicable requirements for the use of pilots established by the Coast Guard, including but not limited to those contained in 46 CFR 157.20–40. Vessels will not be granted clearance to enter the canal until the marine traffic controller has been notified of the name of the pilot who will be handling the vessel.

(3595) (3) The master of a vessel will be responsible for notifying the marine traffic controller as soon as an emergency situation appears to be developing. When in the opinion of the marine traffic controller an emergency exists, he/she can require the master to accept the assistance of a helper vessel. Whether or not assistance is provided by a government vessel or by a private firm under contract to the government, the government reserves the right to seek compensation from the vessel owners for all costs incurred.

(3596) (4) Right of Way-All vessels proceeding with the current shall have the right of way over those proceeding against the current. All craft up to 65 feet in length shall be operated so as not to interfere with the navigation of vessels of greater length.

(3597) (5) Passing of vessels-The passing of one vessel by another when proceeding in the same direction is prohibited except when a leading low powered ship is unable to make sufficient headway. However, extreme caution must be observed to avoid collision, and consideration must be given to the size of the ship to be overtaken, velocity of current and wind, and atmospheric conditions. Masters of vessels involved shall inform the marine traffic controller on duty of developing situations to facilitate coordination of vessel movement. Meeting or passing of vessels at the easterly end of the canal between Station Minus 40 and Station 60 will not be permitted, except in cases of extreme emergency, in order to allow vessels to utilize the center line range to minimize the effects of hazardous eddies and currents. Due to bank suction and tidal set, meeting and passing of vessels at the following location will be avoided:

(3598) (i) Sagamore Bridge.

(3599) (ii) Bourne Bridge.

(3600) (iii) Railroad Bridge.

(3601) (iv) Mass. Maritime Academy.

(3602) (6) Unnecessary delay in canal-Vessels and other type crafts must not obstruct navigation by unnecessarily idling at low speed when entering or passing through the canal.

(3603) (7) Stopping in the waterway-Anchoring in the Cape Cod Canal Channel is prohibited except in emergencies. For the safety of canal operations it is mandatory that the masters of all vessels anchoring in or adjacent to the canal channel (Cape Cod Bay to Cleveland Ledge Light) for any reason, immediately notify the marine traffic controller.

(3604) (8) Utilization of mooring and boat basins and the Sandwich Bulkhead-Vessels mooring or anchoring in the mooring or boat basins at the Sandwich bulkhead must do so in a manner not to obstruct or impede vessel movements to and from facilities. These facilities are of limited capacity and permission to occupy them for periods exceeding 24 hours must be obtained in advance from the marine traffic controller. Mooring in the West Boat Basin at Buzzards Bay, near the railroad bridge, is not permitted except in an emergency. Fishing boats, yachts, cabin cruisers and other craft utilizing the East Boat Basin on the south side of the canal at Sandwich, Massachusetts are not permitted to tie up at the Corps of Engineers landing float or anchor in a manner to prevent canal floating plant from having ready access to the float. All vessels or barges left unattended must be securely tied with adequate lines or cables. The United States assumes no liability for damages which may be sustained by any craft using the bulkhead at Sandwich or the canal mooring or boat basin facilities. Vessels shall not be left unattended along the face of the government bulkhead.

A responsible person with authority to authorize and/or accomplish vessel movement must remain onboard at all times.

(3605) (l) *Grounded, wrecked or damaged vessels*. In the event a vessel is grounded, or so damaged by accident as to render it likely to become an obstruction and/or hazard to navigation in the waterway, the division engineer or the division engineer's authorized representative shall supervise and direct all operations that may be necessary to remove the vessel to a safe locality.

(3606) (m) [Reserved]

(3607) (n) *Deposit of refuse*. No oil or other allied liquids, ashes, or materials of any kind shall be thrown, pumped or swept into the canal or its approaches from any vessel or craft using the waterway, nor shall any refuse be deposited on canal grounds, marine structures, or facilities.

(3608) (o) *Trespass to property*. Subject to the provisions of paragraph (q) of this section trespass upon the canal property is prohibited.

(3609) (p) *Bridges over the canal*. The government owns, operates and maintains all bridges across the canal which include one railroad bridge and two highway bridges. The division engineer or his/her authorized representative may establish rules and regulations governing the use of these bridges.

(3610) (q) *Recreational use of canal*–(1) *Policy*. (i) It is the policy of the Secretary of the Army acting through the Chief of Engineers to provide the public with safe and healthful recreational opportunities within all water resource development projects administered by the Chief of Engineers, including the canal and government lands part thereof. Any recreational use of the canal and those lands shall be at the users own risk.

(3611) (ii) All water resource development projects open for recreational use shall be available to the public without regard to sex, race, creed, color or national origin. No lessee, licensee, or concessionaire providing a service to the public shall discriminate against any person or persons because of sex, race, creed, color or national origin in the conduct of operations under the lease, license or concession contract.

(3612) (2) *Motor vehicles*. Operation of motor vehicles, motorcycles, minibikes, mopeds, motorbikes, snowmobiles, and all types of off-road vehicles is prohibited on government lands and service roads except in areas specifically designated for such operation.

(3613) (3) *Swimming*. Swimming, skin diving, snorkeling, and scuba diving in the canal between the east entrance in Cape Cod Bay and the west entrance at Cleveland Ledge Light are prohibited. Diving operations may be authorized by the Engineer-In-Charge in conjunction with operation and maintenance of the canal.

(3614) (4) *Camping*. Overnight tenting or camping on government land is prohibited except in areas designated by the division engineer. Bourne Scenic Park and Scusset Beach State Reservation are designated camping areas. Persons asleep during hours of darkness in or out of vehicles shall be considered as campers.

(3615) (5) *Fishing*. Persons may fish with rod and line from the banks of the canal on Federally owned property except areas designated by the division engineer. Fishing and lobstering by boat in the Cape Cod Canal between the east entrance in Cape Cod Bay and the west entrance at Cleveland Ledge Light are prohibited. Fishing by boat is permitted in the area west of the State Pier in Buzzards Bay, provided that all craft stay out of the channel defined by United States Coast Guard buoys and beacons. Fish and game laws of the United States and the Commonwealth of Massachusetts will be enforced.

(3616) (6) *Hunting*. Hunting is permitted in accordance with game laws of the United States and the Commonwealth of Massachusetts.

(3617) (7) *Fires*. No open fires will be allowed at any time except by special permission and then shall be continuously overseen and in compliance with state or town laws.

(3618) (8) *Control of animals and pets*. (i) No person shall bring or have horses in camping, picnic, swimming beaches or developed recreation areas.

(3619) (ii) No person shall bring dogs (except seeing eye dogs), cats, or other pets into developed recreation areas unless penned, caged, or on a leash no longer than six feet or otherwise under physical restrictive controls at all times.

(3620) (9) *Restrictions*. (i) The division engineer may establish a reasonable schedule of visiting hours for all or portions of the project area and close or restrict the public use of all or any portion of the project by the posting of appropriate signs indicating the extent and scope of closure. All persons shall observe such posted restrictions.

(3621) (ii) The operation or use of any audio or other noise producing device including, but not limited to, communications media and vehicles in such a manner as to unreasonably annoy, endanger persons or affect vessel traffic through the canal is prohibited.

(3622) (10) *Explosives, firearms, other weapons and fireworks*. (i) The possession of loaded firearms, ammunition, projectile firing devices, bows and arrows, crossbows, and explosives of any kind is prohibited unless in the possession of a law enforcement officer or Government employee on official duty or used for hunting during the hunting season as permitted under paragraph (q)(6) of this section, or unless written permission has been received from the division engineer.

(3623) (ii) The possession or use of fireworks is prohibited unless written permission has been received from the division engineer.

(3624) (11) *Public property*. Destruction, injury, defacement or removal of public property including natural formations, historical and archeological features and vegetative growth is prohibited without written permission of the division engineer.

(3625) (12) *Abandonment of personal property*. (i) Abandonment of personal property is prohibited. Personal property shall not be left unattended upon the

lands or waters of the project except in accordance with this regulation. After a period of 24 hours, abandoned or unattended personal property shall be impounded and stored at a storage point designated by the division engineer. The division engineer shall assess a reasonable impoundment fee, which shall be paid before the impounded property is returned to its owners.

(3626) (ii) The division engineer shall, by public or private sales or otherwise, dispose of all lost, abandoned, or unclaimed personal property that comes into his/her custody or control. However, efforts should be made to find the owner, the owner's heirs or next of kin, or legal representatives. If the owner, heirs or next of kin, or legal representative is determined but not found, the property may not be disposed of until the expiration of 120 days after the date when notice, giving the time and place of the intended sale or other disposition, has been sent by certified or registered mail to that person at last known address. When diligent effort to determine the owner, owner's heirs or next of kin, or legal representative is unsuccessful, the property may be disposed of without delay, except that if it has a fair market value of $25 or more the property generally may not be disposed of until three months after the date it is received at the Cape Cod Canal Administrative Office. The net proceeds from the sale of property shall be placed into the Treasury of the United States as miscellaneous receipts.

(3627) (13) *Lost and found articles*. All abandoned/lost articles shall be deposited by the finder at the Canal Administration office or with Canal ranger. The finder shall leave his/her name, address, and phone number. All lost articles shall be disposed of in accordance with procedures set forth in paragraph (q)(12) of this section.

(3628) (14) *Advertisement*. Advertising by the use of billboards, signs, markers, audio devices or any other means whatever is prohibited unless written permission has been received from the division engineer.

(3629) (15) *Commercial activities*. The engaging in or solicitation of business without the written permission of the division engineer is prohibited.

(3630) (16) *Unauthorized structures*. The construction or placing of any structure of any kind under, upon or over the project lands or waters is prohibited unless a permit has been issued by the division engineer. Structures not under permit are subject to summary removal by the division engineer.

(3631) (17) *Special events*. Prior approval must be obtained from the Engineer-In-Charge for special events, recreational programs and group activities. The public shall not be charged any fee by the sponsor of such event unless the division engineer has approved in writing the proposed schedule of fees.

(3632) (18) *Interference with government employees*. Interference with any government employee in the conduct of official duties pertaining to the administration of these regulations is prohibited.

(3633)

**§207.50 Hudson River Lock at Troy, N.Y.; navigation.**

(3634) (a) *Authority of lockmaster*. The lockmaster shall be charged with the immediate control and management of the lock, and of the area set aside as the lock area, including the lock approach channels. He shall see that all laws, rules and regulations for the use of the lock and lock area are duly complied with, to which end he is authorized to give all necessary orders and directions in accordance therewith, both to employees of the Government and to any and every person within the limits of the lock or lock area, whether navigating the lock or not. No one shall cause any movement of any vessel, boat, or other floating thing in the lock or approaches except by or under the direction of the lockmaster or his assistants.

(3635) (b) *Signals*. Steamboats or tows desiring lockage in either direction shall give notice to the lock tenders, when not more than three-fourths mile from the lock, by one long blast of (10 seconds' duration), followed by one short blast (of three seconds' duration), on a whistle or horn. When the lock is ready for entrance a green light will be shown from the river wall. An amber light will indicate that the lock is being made ready for entrance. A red light will indicate that the approaching vessel must wait. Whenever local conditions make it advisable the visual signals will be supplemented by sound signals as follows:

(3636) (1) One long blast of a horn to indicate that the vessel must wait.

(3637) (2) One short blast of a horn to indicate that the lock is being made ready for entrance.

(3638) (3) Two short blasts of a horn to indicate permission to enter the lock.

(3639) (4) Four short and rapid blasts to attract attention, indicate caution, and signal danger.

(3640) (c) *Draft of boats*. Deep-draft boats must clear the miter sills by at least 3 inches. Boats drawing too much water will not be allowed to lighter cargo in the entrances.

(3641) (d) *Precedence at the lock*. The vessel arriving first at the lock shall be first to lock through; but precedence shall be given to vessels belonging to the United States and to commercial vessels in the order named. Arrival posts or markers may be established ashore above or below the lock. Vessels arriving at or opposite such posts or markers will be considered as having arrived at the lock within the meaning of this paragraph. If the traffic is crowded in both directions; up and down lockages will usually be made alternately, but the lock tender may permit two or more lockages to be made at one time in the same direction when this will not cause unreasonable delay. In case two or more boats or tows are to enter for the same lockage, they shall enter as directed by the lock tender. No boat shall run ahead of another while in the lock. The boat that enters first shall leave first.

(3642) (e) *Lockage of pleasure boats*. The lockage of pleasure boats, house boats or like craft shall be expedited by locking them through with commercial craft (other than barges carrying gasoline or highly hazardous

materials) in order to utilize the capacity of the lock to its maximum. Lockage of pleasure craft may be made with commercial craft carrying petroleum products other than gasoline provided a clear distance of at least 100 feet between such vessels can be maintained in the lock. If, after the arrival of such craft, no separate or combined lockage can be accomplished within a reasonable time, not to exceed the time required for three other lockages, then separate lockage shall be made.

(3643) (f) *Stations while waiting*. Boats waiting their turn to enter the lock must lie at a sufficient distance from the lock and in such a position as to leave sufficient room for the passage of boats leaving the lock.

(3644) (g) *Unnecessary delay*. (1) Boats must not cause delay in entering or leaving the lock. Masters and pilots will be held to a strict accountability in this matter, and those with tows must provide enough men to move barges promptly. Boats failing to enter the lock with reasonable promptness after being signaled will lose their turn.

(3645) (2) Tugboats arriving with their tows in a condition which will delay locking shall lose their turn if so ordered by the lock tender. Leaking boats may be excluded until put in shape to be passed through safely.

(3646) (h) *Mooring*. Boats in the lock or waiting in the entrance shall be moored where directed by the lock tender, by bow, stern, and spring lines, to the snubbing posts or line hooks. Tying boats to the lock ladders is strictly prohibited.

(3647) (i) *Protection of lock gates*. Boats will not be permitted to enter or leave the lock until the lock gates are at rest in the gate recesses and the lock tender has directed the boat to start.

(3648) (j) *Damage to walls, etc*. All craft passing through the lock must be free from projections or sharp corners which might scar the walls or injure other parts. Steamboats must be provided with suitable fenders, etc. One man shall be kept at the head of every tow till it has cleared the lock and guide walls, and shall use the fender to prevent scarring the walls.

(3649) (k) *Handling machinery*. None but employees of the United States will be allowed to move any valve, gate, or other machinery belonging to the lock.

(3650) (l) *Refuse in lock*. Throwing ashes, refuse, or other obstruction in the entrances or in the lock, or on the walls thereof, and passing coal from flats or barges to a steamboat while in the lock is prohibited.

(3651) (m) [Reserved]

(3652) (n) *Trespass on United States property*. Trespass on United States property, or willful injury to the banks, masonry, fences, trees, houses, machinery, or other property of the United States at or near the lock is strictly prohibited.

(3653) (o) *Penalties*. In addition to the penalties prescribed by law, boats which fail to comply with the regulations in this section will thereafter be refused lockage until assurances have been received, satisfactory to the District Engineer, Corps of Engineers, New York, New York, that the regulations will be complied with.

(3654)

### §207.60 Federal Dam, Hudson River, Troy, N.Y.; pool level.

(3655) (a) Whenever the elevation of the pool created by the Federal dam at Troy, N.Y., shall fall to a point level with the crest of the main spillway, the elevation of which is 14.33 feet mean sea level, the operation of the power plant shall cease and further operation thereof shall be suspended until such time as the water level rises to or above 14.43 feet mean sea level.

(3656) (b) Flashboards may be maintained on the section of the spillway of the dam having an elevation of 14.33 feet mean sea level in order to increase the elevation of this section to an elevation equal to that of the auxiliary spillway, or 16.33 feet mean sea level: *Provided,* That the flashboards are so erected as to drop automatically when the pool level rises to an elevation of 18.5 feet mean sea level, and conform in other respects to the plans attached thereto.

(3657) (c) The tide staff to be used in determining the elevation of the pool shall be the ceramic tide staff now located on the westerly face of the east lock wall north of the northerly gates, the zero of which is set 2 feet below mean sea level.

(3658) (d) The regulations of the pool level and the maintenance of flashboards shall be subject to the supervision and approval of the District Engineer, New York City.

(3659)

### §207.800 Collection of navigation statistics.

(3660) (a) *Definitions*. For the purpose of this regulation the following terms are defined:

(3661) (1) *Navigable waters of the United States* means those waters of the United States that are subject to the ebb and flow of the tide shoreward to the mean high water mark, and/or are presently used, or have been used in the past, or may be susceptible to use to transport interstate or foreign commerce. (See 33 CFR part 329 for a more complete definition of this term.)

(3662) (2) *Offenses and Violations* mean:

(3663) (i) Failure to submit a required report.

(3664) (ii) Failure to provide a timely, accurate, and complete report.

(3665) (iii) Failure to submit monthly listings of idle vessels or vessels in transit.

(3666) (iv) Failure to submit a report required by the lockmaster or canal operator.

(3667) (3) *Leased* or *chartered vessel* means a vessel that is leased or chartered when the owner relinquishes control of the vessel through a contractual agreement with a second party for a specified period of time and/or for a specified remuneration from the lessee. Commercial movements on an affreightment basis are not considered a lease or charter of a particular vessel.

(3668) (4) *Person* or *entity* means an individual, corporation, partnership, or company.

(3669) (5) *Timely* means vessel and commodity movement data must be received by the Waterborne Commerce Statistics Center within 30 days after the close of the month in which the vessel movement or nonmovement takes place.

(3670) (6) *Commercial vessel* means a vessel used in transporting by water, either merchandise or passengers for compensation or hire, or in the course of business of the owner, lessee, or operator of the vessel.

(3671) (7) *Reporting situation* means a vessel movement by an operator that is required to be reported. Typical examples are listed in the instructions on the various ENG Forms. Five typical movements that are required to be reported by vessel operating companies include the following examples: Company A is the barge owner, and the barge transports corn from Minneapolis, MN to New Orleans, LA, with fleeting at Cairo, IL.

(3672) (i) *Lease/Charter:* If Company A leases or charters the barge to Company B, then Company B is responsible for reporting the movements of the barge until the lease/charter expires.

(3673) (ii) *Interline movement:* A barge is towed from Minneapolis to Cairo by Company A, and from Cairo to New Orleans by Company B. Since Company A is the barge owner, and the barge is not leased. Company A reports the entire movement of the barge with an origin of Minneapolis and a destination of New Orleans.

(3674) (iii) *Vessel swap/trade:* Company A swaps barge with Company B to allow Company B to meet a delivery commitment to New Orleans. Since Company A has not leased/chartered the barge, Company A is responsible for filing the report. Company B is responsible for filing the report on the barge which is traded to Company A. The swap or trade will not affect the primary responsibility for reporting the individual vessel movements.

(3675) (iv) *Re-Consignment:* Barge is reconsigned to Mobile, AL. Company A reports the movements as originating in Minneapolis and terminating in Mobile. The point from which barge is reconsigned is not reported, only points of loading and unloading.

(3676) (v) *Fleeting:* Barge is deposited at a New Orleans fleeting area by Company A and towed by Company B from fleeting area to New Orleans area dock for unloading. Company A, as barge owner, reports entire movements from Minneapolis to the dock in New Orleans. Company B does not report any barge movement.

(3677) (b) Implementation of the waterborne commerce statistics provisions of the River and Harbor Act of 1922, as amended by the Water Resources Development Act of 1986 (Pub. L. 99-662), mandates the following.

(3678) (1) *Filing requirements*. Except as provided in paragraph (b)(2) of this section, the person or entity receiving remuneration for the movement of vessels or for the transportation of goods or passengers on the navigable waters is responsible for assuring that the activity report of commercial vessels is timely filed.

(3679) (i) For vessels under lease/charter agreements, the lessee or charterer of any commercial vessel engaged in commercial transportation will be responsible for the filing of said reports until the lease/charter expires.

(3680) (ii) The vessel owner, or his designated agent, is always the responsible party for ensuring that all commercial activity of the vessel is timely reported.

(3681) (2) The following Vessel Information Reports are to be filed with the Army Corps of Engineers, at the address specified on the ENG Form, and are to include:

(3682) (i) *Monthly reports*. These reports shall be made on ENG Forms furnished upon written request of the vessel operating companies to the Army Corps of Engineers. The forms are available at the following address: U.S. Army Corps of Engineers, Waterborne Commerce Statistics Center, Post Office Box 61280, New Orleans, LA 70161-1280.

(3683) (A) All movements of domestic waterborne commercial vessels shall be reported, including but not limited to: Dry cargo ship and tanker moves, loaded and empty barge moves, towboat moves, with or without barges in tow, fishing vessels, movements of crew boats and supply boats to offshore locations, tugboat moves and movements of newly constructed vessels from the shipyard to the point of delivery.

(3684) (B) Vessels idle during the month must also be reported.

(3685) (C) Notwithstanding the above requirements, the following waterborne vessel movements need not be reported:

(3686) *(1)* Movements of recreational vessels.

(3687) *(2)* Movements of fire, police, and patrol vessels.

(3688) *(3)* Movements of vessels exclusively engaged in construction (e.g., piledrivers and crane barges). **Note:** however, that movements of supplies, materials, and crews to or from the construction site must be timely reported.

(3689) *(4)* Movements of dredges to or from the dredging site. However, vessel movements of dredged material from the dredging site to the disposal site must be reported.

(3690) *(5)* Specific movements granted exemption in writing by the Waterborne Commerce Statistics Center.

(3691) (D) ENG Forms 3925 and 3925b shall be completed and filed by vessel operating companies each month for all voyages or vessel movements completed during the month. Vessels that did not complete a move during the month shall be reported as idle or in transit.

(3692) (E) The vessel operating company may request a waiver from the Army Corps of Engineers, and upon written approval by the Waterborne Commerce Center, the company may be allowed to provide the requisite information of the above paragraph (D), on computer printouts, magnetic tape, diskettes, or alternate medium approved by the Center.

(3693) (F) Harbor Maintenance Tax information is required on ENG Form 3925 for cargo movements into or out of ports that are subject to the provisions of section 1402 of the Water Resources Development Act of 1986 (Pub. L. 99-662).

(3694) *(1)* The name of the shipper of the commodity, and the shipper's Internal Revenue Service number or Social Security number, must be reported on the form.

(3695) *(2)* If a specific exemption applies to the shipper, the shipper should list the appropriate exemption code. The specific exemption codes are listed in the directions for ENG Form 3925.

(3696) *(3)* Refer to 19 CFR part 24 for detailed information on exemptions and ports subject to the Harbor Maintenance Tax.

(3697) (ii) *Annual reports*. Annually an inventory of vessels available for commercial carriage of domestic commerce and vessel characteristics must be filed on ENG Forms 3931 and 3932.

(3698) (iii) *Transaction reports*. The sale, charter, or lease of vessels to other companies must also be reported to assure that proper decisions are made regarding each company's duty for reporting vessel movements during the year. In the absence of notification of the transaction, the former company of record remains responsible until proper notice is received by the Corps.

(3699) (iv) *Reports to lockmasters and canal operators*. Masters of self-propelled non-recreational vessels which pass through locks and canals operated by the Army Corps of Engineers will provide the data specified on ENG Forms 3102b, 3102c, and/or 3102d to the lockmaster, canal operator, or his designated representative in the manner and detail dictated.

(3700) (c) *Penalties for noncompliance*. The following penalties for noncompliance can be assessed for offenses and violations.

(3701) (1) *Criminal penalties*. Every person or persons violating the provisions of this regulation shall, for each and every offense, be liable to a fine of not more than $5,000, or imprisonment not exceeding two months, to be enforced in any district court in the United States within whose territorial jurisdiction such offense may have been committed.

(3702) (2) *Civil penalties*. In addition, any person or entity that fails to provide timely, accurate, and complete statements or reports required to be submitted by this regulation may also be assessed a civil penalty of up to $2,500 per violation under 33 U.S.C. 555, as amended.

(3703) (3) *Denial of passage*. In addition to these fines, penalties, and imprisonments, the lockmaster or canal operator can refuse to allow vessel passage.

(3704) (d) *Enforcement policy*. Every means at the disposal of the Army Corps of Engineers will be utilized to monitor and enforce these regulations.

(3705) (1) To identify vessel operating companies that should be reporting waterborne commerce data, The Corps will make use of, but is not limited to, the following sources.

(3706) (i) Data on purchase and sale of vessels.

(3707) (ii) U.S. Coast Guard vessel documentation and reports.

(3708) (iii) Data collected at Locks, Canals, and other facilities operated by the Corps.

(3709) (iv) Data provided by terminals on ENG Form 3926.

(3710) (v) Data provided by the other Federal agencies including the Internal Revenue Service, Customs Service, Maritime Administration, Department of Transportation, and Department of Commerce.

(3711) (vi) Data provided by ports, local facilities, and State or local governments.

(3712) (vii) Data from trade journals and publications.

(3713) (viii) Site visits and inspections.

(3714) (2) *Notice of violation*. Once a reporting violation is determined to have occurred, the Chief of the Waterborne Commerce Statistics Center will notify the responsible party and allow 30 days for the reports to be filed after the fact. If the reports are not filed within this 30-day notice period, then appropriate civil or criminal actions will be undertaken by the Army Corps of Engineers, including the proposal of civil or criminal penalties for noncompliance. Typical cases for criminal or civil action include, but are not limited to, those violations which are willful, repeated, or have a substantial impact in the opinion of the Chief of the Waterborne Commerce Statistics Center.

(3715) (3) *Administrative assessment of civil penalties*. Civil penalties may be assessed in the following manner.

(3716) (i) *Authorization*. If the Chief of the Waterborne Commerce Statistics Center finds that a person or entity has failed to comply with any of the provisions specified herein, he is authorized to assess a civil penalty in accordance with the Class I penalty provisions of 33 CFR part 326. Provided, however, that the procedures in 33 CFR part 326 specifically implementing the Clean Water Act (33 U.S.C. 1319(g)(4)), public notice, comment period, and state coordination, shall not apply.

(3717) (ii) *Initiation*. The Chief of the Waterborne Commerce Statistics Center will prepare and process a proposed civil penalty order which shall state the amount of the penalty to be assessed, describe by reasonable specificity the nature of the violation, and indicate the applicable provisions of 33 CFR part 326.

(3718) (iii) *Hearing requests*. Recipients of a proposed civil penalty order may file a written request for a hearing or other proceeding. This request shall be as specified in 33 CFR part 326 and shall be addressed to the Director of the Water Resources Support Center, Casey Building, Fort Belvoir, VA 22060-5586, who will provide the requesting person or entity with a reasonable opportunity to present evidence regarding the issuance, modification, or revocation of the proposed order. Thereafter, the Director of the Water Resources Center shall issue a final order.

(3719) (4) *Additional remedies*. Appropriate cases may also be referred to the local U.S. Attorney for prosecution, penalty collection, injunctive, and other relief by the Chief of the Waterborne Commerce Statistics Center.

(3720)

## Part 334–Danger Zones and Restricted Area Regulations

(3721)

### §334.1 Purpose.

(3722) The purpose of this part is to:

(3723) (a) Prescribe procedures for establishing, amending and disestablishing danger zones and restricted areas;

(3724) (b) List the specific danger zones and restricted areas and their boundaries; and

(3725) (c) Prescribe specific requirements, access limitations and controlled activities within the danger zones and restricted areas.

(3726)

### §334.2 Definitions.

(3727) (a) *Danger zone*. A defined water area (or areas) used for target practice, bombing, rocket firing or other especially hazardous operations, normally for the armed forces. The danger zones may be closed to the public on a full-time or intermittent basis, as stated in the regulations.

(3728) (b) *Restricted area*. A defined water area for the purpose of prohibiting or limiting public access to the area. Restricted areas generally provide security for Government property and/or protection to the public from the risks of damage or injury arising from the Government's use of that area.

(3729)

### §334.3 Special policies.

(3730) (a) *General*. The general regulatory policies stated in 33 CFR part 320 will be followed as appropriate. In addition, danger zone and restricted area regulations shall provide for public access to the area to the maximum extent practicable.

(3731) (b) *Food fishing industry*. The authority to prescribe danger zone and restricted area regulations must be exercised so as not to unreasonably interfere with or restrict the food fishing industry. Whenever the proposed establishment of a danger zone or restricted area may affect fishing operations, the District Engineer will consult with the Regional Director, U.S. Fish and Wildlife Service, Department of the Interior and the Regional Director, National Marine Fisheries Service, National Oceanic & Atmospheric Administration (NOAA).

(3732) (c) *Temporary, occasional or intermittent use*. If the use of the water area is desired for a short period of time, not to exceed thirty days in duration, and that planned operations can be conducted safely without imposing unreasonable restrictions on navigation, and without promulgating restricted area regulations in accordance with the regulations in this section, applicants may be informed that formal regulations are not required. Activities of this type shall not reoccur more often than biennially (every other year), unless danger zone/restricted area rules are promulgated under this Part. Proper notices for mariners requesting that vessels avoid the area will be issued by the Agency requesting such use of the water area, or if appropriate, by the District Engineer, to all known interested persons. Copies will also be sent to appropriate State agencies, the Commandant, U.S. Coast Guard, Washington, DC 20590, and Director, National Geospatial-Intelligence Agency, Hydrographic Center, Washington, DC 20390, ATTN: Code NS 12. Notification to all parties and Agencies shall be made at least two weeks prior to the planned event, or earlier, if required for distribution of Local Notice to Mariners by the Coast Guard.

(3733)

### §334.4 Establishment and amendment procedures.

(3734) (a) *Application*. Any request for the establishment, amendment or revocation of a danger zone or restricted area must contain sufficient information for the District Engineer to issue a public notice, and as a minimum must contain the following:

(3735) (1) Name, address and telephone number of requestor including the identity of the command and DoD facility and the identity of a point of contact with phone number.

(3736) (2) Name of waterway and if a small tributary, the name of a larger connecting waterbody.

(3737) (3) Name of closest city or town, county/parish and state.

(3738) (4) Location of proposed or existing danger zone or restricted area with a map showing the location, if possible.

(3739) (5) A brief statement of the need for the area, its intended use and detailed description of the times, dates and extent of restriction.

(3740) (b) *Public notice*. (1) The Corps will normally publish public notices and **Federal Register** documents concurrently. Upon receipt of a request for the establishment, amendment or revocation of a danger zone or restricted area, the District Engineer should forward a copy of the request with his/her recommendation, a copy of the draft public notice and a draft **Federal Register** document to the Office of the Chief of Engineers, ATTN: CECW-OR. The Chief of Engineers will publish the proposal in the **Federal Register** concurrent with the public notice issued by the District Engineer.

(3741) (2) *Content*. The public notice and **Federal Register** documents must include sufficient information to give a clear understanding of the proposed action and should include the following items of information:

(3742) (i) Applicable statutory authority or authorities; (40 Stat. 266; 33 U.S.C. 1) and (40 Stat. 892; 33 U.S.C. 3).

(3743) (ii) A reasonable comment period. The public notice should fix a limiting date within which comments will be received, normally a period not less than 30 days after publication of the notice.

(3744) (iii) The address of the District Engineer as the recipient of any comments received.

(3745) (iv) The identity of the applicant/proponent;

(3746) (v) The name or title, address and telephone number of the Corps employee from whom additional information concerning the proposal may be obtained;

(3747) (vi) The location of the proposed activity accompanied by a map of sufficient detail to show the boundaries of the area(s) and its relationship to the surrounding area.

(3748) (3) *Distribution*. Public notice will be distributed in accordance with 33 CFR 325.3(d)(1). In addition to this general distribution, public notices will be sent to the following Agencies:

(3749) (i) The Federal Aviation Administration (FAA) where the use of airspace is involved.

(3750) (ii) The Commander, Service Force, U.S. Atlantic Fleet, if a proposed action involves a danger zone off the U.S. Atlantic coast.

(3751) (iii) Proposed danger zones on the U.S. Pacific coast must be coordinated with the applicable commands as follows:

(3752) Alaska, Oregon and Washington:

(3753) Commander, Naval Base, Seattle

(3754) California:

(3755) Commander, Naval Base, San Diego

(3756) Hawaii and Trust Territories:

(3757) Commander, Naval Base, Pearl Harbor

(3758) (c) *Public hearing*. The District Engineer may conduct a public hearing in accordance with 33 CFR part 327.

(3759) (d) *Environmental documentation*. The District Engineer shall prepare environmental documentation in accordance with appendix B to 33 CFR part 325.

(3760) (e) *District Engineer's recommendation*. After closure of the comment period, and upon completion of the District Engineer's review he/she shall forward the case through channels to the Office of the Chief of Engineers, ATTN: CECW-OR with a recommendation of whether or not the danger zone or restricted area regulation should be promulgated. The District Engineer shall include a copy of environmental documentation prepared in accordance with appendix B to 33 CFR part 325, the record of any public hearings, if held, a summary of any comments received and a response thereto, and a draft of the regulation as it is to appear in the **Federal Register.**

(3761) (f) *Final decision*. The Chief of Engineers will notify the District Engineer of the final decision to either approve or disapprove the regulations. The District Engineer will notify the applicant/proponent and publish a public notice of the final decision. Concurrent with issuance of the public notice the Office of the Chief of Engineers will publish the final decision in the **Federal Register** and either withdraw the proposed regulation or issue the final regulation as appropriate. The final rule shall become effective no sooner than 30 days after publication in the **Federal Register** unless the Chief of Engineers finds that sufficient cause exists and publishes that rationale with the regulations.

(3762)

### §334.5 Disestablishment of a danger zone.

(3763) (a) Upon receipt of a request from any agency for the disestablishment of a danger zone, the District Engineer shall notify that agency of its responsibility for returning the area to a condition suitable for use by the public. The agency must either certify that it has not used the area for a purpose that requires cleanup or that it has removed all hazardous materials and munitions, before the Corps will disestablish the area. The agency will remain responsible for the enforcement of the danger zone regulations to prevent unauthorized entry into the area until the area is deemed safe for use by the public and the area is disestablished by the Corps.

(3764) (b) Upon receipt of the certification required in paragraph (a) of this section, the District shall forward the request for disestablishment of the danger zone through channels to CECW-OR, with its recommendations. Notice of proposed rulemaking and public procedures as outlined in §334.4 are not normally required before publication of the final rule revoking a restricted area or danger zone regulation. The disestablishment/revocation of the danger zone or restricted area regulation removes a restriction on a waterway.

(3765)

### §334.6 Datum.

(3766) (a) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose reference horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

(3767) (b) For further information on NAD 83 and National Service nautical charts please contact; Director, Coast Survey (N/CG2), National Ocean Service, NOAA, 1315 East-West Highway, Station 6147, Silver Spring, MD 20910-3282.

(3768)

### §334.60 Cape Cod Bay south of Wellfleet Harbor, Mass.; naval aircraft bombing target area.

(3769) (a) *The danger zone*. A circular area with a radius of 1,000 yards having its center on the aircraft bombing target hulk James Longstreet in Cape Cod Bay at latitude 41°49'46", longitude 70°02'54".

(3770) (b) *The regulations*. (1) No vessel shall enter or remain in the danger zone at any time, except as authorized by the enforcing agency.

(3771) (2) This section shall be enforced by the Commandant, First Naval District, and such agencies as he may designate.

(3772)

**§334.70 Buzzards Bay, and adjacent waters, Mass.; danger zones for naval operations.**

(3773) (a) *Atlantic Ocean in vicinity of No Mans Land*–(1) *The area*. The waters surrounding No Mans Land within an area bounded as follows: Beginning at

(3774) 41°12'30", 70°50'30"; thence northwesterly to

(3775) 41°15'30", 70°51'30"; thence northeasterly to

(3776) 41°17'30", 70°50'30"; thence southeasterly to

(3777) 41°16'00", 70°47'30"; thence south to

(3778) 41°12'30", 70°47'30"; thence westerly to the point of beginning.

(3779) (2) *The regulations*. No vessel or person shall at any time enter or remain within a rectangular portion of the area bounded on the north by latitude 41°16'00", on the east by longitude 70°47'30", on the south by latitude 41°12'30", and on the west by longitude 70°50'30", or within the remainder of the area between November 1, and April 30, inclusive, except by permission of the enforcing agency.

(3780) (3) The regulations in this paragraph shall be enforced by the Commandant, First Naval District, and such agencies as he may designate.

(3781)

**§334.75 Thames River, Naval Submarine Base New London, Restricted Area.**

(3782) (a) *The area*: The open waters of the Thames River approximately 5 nautical miles upriver from its mouth along the boundary between Groton and Waterford, Connecticut, within an area bounded as follows:

(3783) From a point on the eastern shore at

(3784) 41°24'14.4"N., 72°05'38.0"W., then northerly along the coast to

(3785) 41°24'20.0"N., 72°05'37.9"W., then westerly across the river to a point on the western shore at

(3786) 41°24'20.0"N., 72°05'55.5"W., then southerly along the coast to a point on the western shore at

(3787) 41°24'05.0"N., 72°05'55.7"W., then easterly to the western edge of the dredged channel to a point located at

(3788) 41°24'04.1"N., 72°05'51.2"W., then southerly along the western edge of the dredged channel to a point at

(3789) 41°24'00"N., 72°05'52.6"W., then southerly along the western edge of the dredged channel to a point located at

(3790) 41°23'57.1"N., 72°05'52.5"W., then southerly to buoy "11" located at a point at

(3791) 41°23'45.6"N., 72°05'53.7"W., then southerly to buoy "B" on the northeastern shore of Mamacoke Hill to a point at

(3792) 41°23'33.8"N., 72°05'53.7"W., then southerly along the shore to buoy "A" at

(3793) 41°23'25.0"N., 72°05'45.4"W., then southeasterly to buoy "9" at a point located at

(3794) 41°23'15.0"N., 72°05'35.0"W., then easterly to a point on the eastern shore at

(3795) 41°23'15.0"N., 72°05'17.9"W., then northerly along the shore to a point on the eastern shore at

(3796) 41°23'15.8"N., 72°05'17.9"W., then along the following points:

(3797) 41°23'15.8"N., 72°05'22.0"W.

(3798) 41°23'25.9"N., 72°05'29.9"W.

(3799) 41°23'33.8"N., 72°05'34.7"W.

(3800) 41°23'37.0"N., 72°05'38.0"W.

(3801) 41°23'41.0"N., 72°05'40.3"W.

(3802) 41°23'47.2"N., 72°05'42.3"W.

(3803) 41°23'53.8"N., 72°05'43.7"W.

(3804) 41°23'59.8"N., 72°05'43.0"W.

(3805) 41°24'12.4"N., 72°05'43.2"W. Then to the point of beginning on the eastern shore.

(3806) (b) *The regulations*.

(3807) (1) Vessels and other watercraft within the designated navigation channel may proceed through the restricted area at normal operating speeds without stopping. Vessels and watercraft may also utilize the water area within the restricted area located between the western edge of the designated channel and the western shore for fishing, anchoring and other recreational uses. However, all persons, vessels and watercraft, except U.S. military personnel and vessels must leave the restricted area when notified by personnel of the New London Submarine Base that such use will interfere with submarine maneuvering, operations or security.

(3808) (2) Commercial fishermen and shell fishermen may fish within the restricted area provided their vessels display registration numbers issued by the Naval Submarine Base, New London, Connecticut. The registration numbers may be obtained by contacting the Commanding Officer, Naval Submarine Base New London. All commercial fishermen and shell fishermen must also leave the restricted area when notified by personnel of the New London Submarine Base that such use will interfere with submarine maneuvering, operations or security.

(3809) (3) Vessels which are owned, operated or sponsored by local, state municipalities or academic institutions preparing for or participating in a water sport or water related recreational event sponsored by those local or state municipalities or academic institutions, or private or commercial vessels engaged in observing the conduct of the above event shall be exempt from the restrictions above, providing:

(3810) (i) The Commanding Officer, Naval Submarine Base New London, and the Coast Guard Captain of the Port are advised in writing at least 48 hours in advance of the event, or

(3811) (ii) The event was publicized in such a manner that the local public in general had a reasonable opportunity to learn of the event 48 hours in advance.

(3812) (4) The regulations in this section shall be enforced by the Commander, U.S. Naval Submarine Base New London, Connecticut, and such agencies as he/she may designate.

(3813)

**§334.80 Narragansett Bay, R.I.; restricted area.**

(3814) (a) Beginning at a point on the east shore of Conanicut Island at

(3815) 41°33'15"; thence southeasterly to

(3816) 41°32'44", 71°21'17"; thence southerly to

(3817) 41°32'09", 71°21'17"; thence southeasterly to

(3818) 41°31'50", 71°21'10"; thence southeasterly to

(3819) 41°31'26", 71°20'33"; thence easterly to

(3820) 41°31'27", 71°20'06"; thence northerly to a point on the southwesterly shore of Prudence Island at

(3821) 41°35'00"; thence northerly along the southwesterly shore of Prudence Island to a point at

(3822) 41°35'43", 71°20'15.5"; thence northwesterly to

(3823) 41°37'21", 71°20'48"; thence west to

(3824) 41°37'21", 71°21'48"; and thence south to

(3825) 41°33'54", 71°21'48".

(3826) (b) *The regulations.* (1) No person or vessel shall at any time, under any circumstances, anchor or fish or tow a drag of any kind in the prohibited area because of the extensive cable system located therein.

(3827) (2) Orders and instructions issued by patrol craft or other authorized representatives of the enforcing agency shall be carried out promptly by persons or vessels in or in the vicinity of the prohibited area.

(3828) (3) The regulations in this section shall be enforced by the Commander U.S. Naval Base, Newport, R.I., and such agencies as he may designate.

(3829)

**§334.81 Narragansett Bay, East Passage, Coddington Cove, Naval Station Newport, Naval Restricted Area, Newport, Rhode Island.**

(3830) (a) *The area*. All of the navigable waters of Coddington Cove east of a line that connects Coddington Point at 41°31'24.0"N., 71°19'24.0"W.; with the outer end of the Coddington Cove breakwater on the north side of the cove at 41°31'55.7"N., 71°19'28.2"W.

(3831) (b) *The regulation*. All persons, swimmers, vessels and other craft, except those vessels under the supervision or contract to local military or Naval authority, vessels of the United States Coast Guard, and local or state law enforcement vessels, are prohibited from entering the restricted area without specific permission from the Commanding Officer, Naval Station Newport, USN, Newport, Rhode Island or his/her authorized representative.

(3832) (c) *Enforcement*. The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the United States Navy, Commanding Officer Naval Station Newport, and/or such agencies or persons as he/she may designate.

(3833)

**§334.82 Narragansett Bay, East Passage, Coasters Harbor Island, Naval Station Newport, Newport, Rhode Island, Restricted Area.**

(3834) (a) *The area*. The waters within a "C-shaped" area adjacent to and surrounding Coasters Harbor Island beginning at Coddington Point at

(3835) 41°31'24.0"N., 71°19'24.0"W.; thence to

(3836) 41°31'21.5"N., 71°19'45.0"W.; thence to

(3837) 41°31'04.2"N., 71°19'52.8"W.; thence to

(3838) 41°30'27.3"N., 71°19'52.8"W.; thence to

(3839) 41°30'13.8"N., 71°19'42.0"W.; thence to

(3840) 41°30'10.2"N., 71°19'32.6"W.; thence to

(3841) 41°30'10.2"N., 71°19'20.0"W.; thence northerly along the mainland shoreline to the point of origin.

(3842) (b) *The regulation*. All persons, swimmers, vessels and other craft, except those vessels under the supervision or contract to local military or Naval authority, vessels of the United States Coast Guard, and Federal, local or State law enforcement vessels, are prohibited from entering the restricted areas without permission from the Commanding Officer Naval Station Newport, USN, Newport, Rhode Island or his/her authorized representative.

(3843) (c) *Enforcement*. (1) The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the United States Navy, Commanding Officer Naval Station Newport, Newport, Rhode Island and/or other persons or agencies as he/she may designate.

(3844)

**§334.85 New York Harbor, adjacent to the Stapleton Naval Station, Staten Island, New York; restricted area.**

(3845) (a) *The area*. The waters of New York Harbor beginning at a point on shore at

(3846) 40°38'02"N., 074°04'24"W.; thence easterly to

(3847) 40°38'02.5"N., 074°04'09"W.; thence southerly to

(3848) 40°37'53"N., 074°04'07"W.; thence east-southeasterly to

(3849) 40°37'50"N., 074°03'50.2"W.; thence south-southeasterly to

(3850) 40°37'37.5"N., 074°03'46"W.; thence southwesterly to the shore line at

(3851) 40°37'24.5"N., 074°04'18"W.; thence northerly along the shore line to the point of origin.

(3852) (b) *The regulations*. (1) The portion of the restricted area extending from the shore out to a line 600 feet east of the U.S. Pierhead Line is closed to all persons and vessels except those vessels owned by, under hire to or performing work for Naval Station New York, Staten Island, New York.

(3853) (2) The portion of the restricted area beginning 600 feet seaward of the U.S. Pierhead Line is open to transiting vessels only. Vessels shall proceed across the area by the most direct route and without unnecessary delay. For vessels under sail, necessary tacking shall constitute a direct route.

(3854) (3) Commercial vessels at anchor will be permitted to swing into the seaward portion of the restricted area while at anchor and during the tide changes.

(3855) (c) *Enforcement*. The regulations in this section shall be enforced by the Commanding Officer, Naval Station New York, and such agencies as he/she shall designate.

(3856)

### §334.102 Sandy Hook Bay, Naval Weapons Station EARLE, Piers and Terminal Channel, Restricted Area, Middletown, New Jersey.

(3857) (a) *The area*. All of the navigable waters within the area bounded by these coordinates:

(3858) 40°25'55.6"N., 074°04'31.4"W.; thence to

(3859) 40°26'54.0"N., 074°03'53.0"W.; thence to

(3860) 40°26'58.0"N., 074°04'03.0"W.; thence to

(3861) 40°27'56.0"N., 074°03'24.0"W.; thence to

(3862) 40°27'41.7"N., 074°02'45.0"W.; thence to

(3863) 40°28'23.5"N., 074°02'16.6"W.; thence to

(3864) 40°28'21.2"N., 074°01'56.0"W.; thence to

(3865) 40°28'07.9"N., 074°02'18.6"W.; thence to

(3866) 40°27'39.3"N., 074°02'38.3"W.; thence to

(3867) 40°27'28.5"N., 074°02'10.4"W.; thence to

(3868) 40°26'29.5"N., 074°02'51.2"W.; thence to

(3869) 40°26'31.4"N., 074°02'55.4"W.; thence to

(3870) 40°25'27.1"N., 074°03'39.7"W.; and thence along the shoreline to the point of origin (NAD 83).

(3871) The Department of the Navy plans to install buoys along these coordinates to outline the Restricted Area.

(3872) (b) *The regulation*. (1) Except as set forth in subparagraph (b)(2), no persons, unauthorized vessels or other unauthorized craft may enter the restricted area at any time;

(3873) (2) Vessels are authorized to cross the Terminal Channel provided that there are no naval vessels then transiting the channel bounded by:

(3874) 40°27'41.7"N., 074°02'45.0"W.; thence to

(3875) 40°28'23.5"N., 074°02'16.6"W.; thence to

(3876) 40°28'21.2"N., 074°01'56.0"W.; thence to

(3877) 40°28'07.9"N., 074°02'18.6"W.; thence to

(3878) 40°27'39.3"N., 074°02'38.3"W.; and

(3879) (3) No person may swim in the Restricted Area.

(3880) (c) *Enforcement*. The regulation in this section, promulgated by the U.S. Army Corps of Engineers, shall be enforced by the Commanding Officer, Naval Weapons Station Earle, and/or other persons or agencies as he/she may designate.

(3881)

## TITLE 40–PROTECTION OF ENVIRONMENT

(3882)

## Part 140–Marine Sanitation Device Standard

(3883)

### §140.1 Definitions.

(3884) For the purpose of these standards the following definitions shall apply:

(3885) (a) *Sewage* means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(3886) (b) *Discharge* includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

(3887) (c) *Marine sanitation device* includes any equipment for installation onboard a vessel and which is designed to receive, retain, treat, or discharge sewage and any process to treat such sewage;

(3888) (d) *Vessel* includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on waters of the United States;

(3889) (e) *New vessel* refers to any vessel on which construction was initiated on or after January 30, 1975;

(3890) (f) *Existing vessel* refers to any vessel on which construction was initiated before January 30, 1975;

(3891) (g) *Fecal coliform bacteria* are those organisms associated with the intestines of warm-blooded animals that are commonly used to indicate the presence of fecal material and the potential presence of organisms capable of causing human disease.

(3892)

### §140.2 Scope of standard.

(3893) The standard adopted herein applies only to vessels on which a marine sanitation device has been installed. The standard does not require the installation of a marine sanitation device on any vessel that is not so equipped. The standard applies to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security.

(3894)

### §140.3 Standard.

(3895) (a) (1) In freshwater lakes, freshwater reservoirs or other freshwater impoundments whose inlets or outlets are such as to prevent the ingress or egress by vessel traffic subject to this regulation, or in rivers not capable of navigation by interstate vessel traffic subject to this regulation, marine sanitation devices certified by the U.S. Coast Guard (see 33 CFR part 159, published in 40 FR 4622, January 30, 1975), installed on all vessels shall be designed and operated to prevent the overboard discharge of sewage, treated or untreated, or of any waste derived from sewage. This shall not be construed to prohibit the carriage of Coast Guard-certified flow-through treatment devices which have been secured so as to prevent such discharges.

(3896) (2) In all other waters, Coast Guard-certified marine sanitation devices installed on all vessels shall be designed and operated to either retain, dispose of, or discharge sewage. If the device has a discharge, subject to paragraph (d) of this section, the effluent shall not have a fecal coliform bacterial count of greater than 1,000 per 100 milliliters nor visible floating solids. Waters where a Coast Guard-certified marine sanitation device permitting

discharge is allowed include coastal waters and estuaries, the Great Lakes and inter-connected waterways, fresh-water lakes and impoundments accessible through locks, and other flowing waters that are navigable interstate by vessels subject to this regulation.

(3897) (b) This standard shall become effective on January 30, 1977 for new vessels and on January 30, 1980 for existing vessels (or, in the case of vessels owned and operated by the Department of Defense, two years and five years, for new and existing vessels, respectively, after promulgation of implementing regulations by the Secretary of Defense under section 312(d) of the Act).

(3898) (c) Any vessel which is equipped as of the date of promulgation of this regulation with a Coast Guard-certified flow-through marine sanitation device meeting the requirements of paragraph (a)(2) of this section, shall not be required to comply with the provisions designed to prevent the overboard discharge of sewage, treated or untreated, in paragraph (a)(1) of this section, for the operable life of that device.

(3899) (d) After January 30, 1980, subject to paragraphs (e) and (f) of this section, marine sanitation devices on all vessels on waters that are not subject to a prohibition of the overboard discharge of sewage, treated or untreated, as specified in paragraph (a)(1) of this section, shall be designed and operated to either retain, dispose of, or discharge sewage, and shall be certified by the U.S. Coast Guard. If the device has a discharge, the effluent shall not have a fecal coliform bacterial count of greater than 200 per 100 milliliters, nor suspended solids greater than 150 mg/1.

(3900) (e) Any existing vessel on waters not subject to a prohibition of the overboard discharge of sewage in paragraph (a)(1) of this section, and which is equipped with a certified device on or before January 30, 1978, shall not be required to comply with paragraph (d) of this section, for the operable life of that device.

(3901) (f) Any new vessel on waters not subject to the prohibition of the overboard discharge of sewage in paragraph (a)(1) of this section, and on which construction is initiated before January 31, 1980, which is equipped with a marine sanitation device before January 31, 1980, certified under paragraph (a)(2) of this section, shall not be required to comply with paragraph (d) of this section, for the operable life of that device.

(3902) (g) The degrees of treatment described in paragraphs (a) and (d) of this section are "appropriate standards" for purposes of Coast Guard and Department of Defense certification pursuant to section 312(g)(2) of the Act.

(3903)

**§140.4 Complete prohibition.**

(3904) (a) Prohibition pursuant to CWA section 312(f)(3): a State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into some or all of the waters within such State by making a written application to the Administrator, Environmental Protection Agency, and by receiving the Administrator's affirmative determination pursuant to section 312(f)(3) of the Act. [...]

(3905) (b) Prohibition pursuant to CWA section 312(f)(4)(A): a State may make a written application to the Administrator, Environmental Protection Agency, under section 312(f)(4)(A) of the Act, for the issuance of a regulation completely prohibiting discharge from a vessel of any sewage, whether treated or not, into particular waters of the United States or specified portions thereof, which waters are located within the boundaries of such State. Such application shall specify with particularly the waters, or portions thereof, for which a complete prohibition is desired. The application shall include identification of water recreational areas, drinking water intakes, aquatic sanctuaries, identifiable fish-spawning and nursery areas, and areas of intensive boating activities. If, on the basis of the State's application and any other information available to him, the Administrator is unable to make a finding that the waters listed in the application require a complete prohibition of any discharge in the waters or portions thereof covered by the application, he shall state the reasons why he cannot make such a finding, and shall deny the application. If the Administrator makes a finding that the waters listed in the application require a complete prohibition of any discharge in all or any part of the waters or portions thereof covered by the State's application, he shall publish notice of such findings together with a notice of proposed rule making, and then shall proceed in accordance with 5 U.S.C. 553. If the Administrator's finding is that applicable water quality standards require a complete prohibition covering a more restricted or more expanded area than that applied for by the State, he shall state the reasons why his finding differs in scope from that requested in the State's application. [...]

(3906) (c)(1) Prohibition pursuant to CWA section 312(f)(4)(B): A State may make written application to the Administrator of the Environmental Protection Agency under section 312(f)(4)(B) of the Act for the issuance of a regulation establishing a drinking water intake no discharge zone which completely prohibits discharge from a vessel of any sewage, whether treated or untreated, into that zone in particular waters, or portions thereof, within such State. Such application shall:

(3907) (i) Identify and describe exactly and in detail the location of the drinking water supply intake(s) and the community served by the intake(s), including average and maximum expected amounts of inflow;

(3908) (ii) Specify and describe exactly and in detail, the waters, or portions thereof, for which a complete prohibition is desired, and where appropriate, average, maximum and low flows in million gallons per day (MGD) or the metric equivalent;

(3909) (iii) Include a map, either a USGS topographic quadrant map or a NOAA nautical chart, as applicable, clearly marking by latitude and longitude the waters or portions thereof to be designated a drinking water intake zone; and

(3910) (iv) Include a statement of basis justifying the size of the requested drinking water intake zone, for example, identifying areas of intensive boating activities.

(3911) (2) If the Administrator finds that a complete prohibition is appropriate under this paragraph, he or she shall publish notice of such finding together with a notice of proposed rulemaking, and then shall proceed in accordance with 5 U.S.C. 553. If the Administrator's finding is that a complete prohibition covering a more restricted or more expanded area than that applied for by the State is appropriate, he or she shall also include a statement of the reasons why the finding differs in scope from that requested in the State's application.

(3912) (3) If the Administrator finds that a complete prohibition is inappropriate under this paragraph, he or she shall deny the application and state the reasons for such denial.

(3913) (4) For the following waters the discharge from a vessel of any sewage, whether treated or not, is completely prohibited pursuant to CWA section 312(f)(4)(B):

(3914) (i) Two portions of the Hudson River in New York State, the first is bounded by an east-west line through the most northern confluence of the Mohawk River which will be designated by the Troy-Waterford Bridge (126th Street Bridge) on the south and Lock 2 on the north, and the second of which is bounded on the north by the southern end of Houghtaling Island and on the south by a line between the Village of Roseton on the western shore and Low Point on the eastern shore in the vicinity of Chelsea, as described in Items 2 and 3 of 6 NYCRR Part 858.4.

(3915) (ii) [Reserved]

(3916)

### §140.5 Analytical procedures.

(3917) In determining the composition and quality of effluent discharge from marine sanitation devices, the procedures contained in 40 CFR part 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants," or subsequent revisions or amendments thereto, shall be employed.

(3918)

## TITLE 46–SHIPPING

(3919)

## Part 15–Manning Requirements (in part)

(3920)

## Subpart I–Vessels in Foreign Trade

(3921)

### §15.1001 General.

(3922) Self-propelled vessels engaged in foreign commerce are required to use a pilot holding a valid MMC or license with appropriate endorsement as a first-class pilot when operating in the navigable waters of the United States specified in this subpart.

(3923)

### §15.1030 New York and New Jersey.

(3924) The following U.S. navigable waters located within the States of New York and New Jersey when the vessel is making an intra-port transit, to include, but not limited to, a movement from a dock to a dock, from a dock to an anchorage, from an anchorage to a dock, or from an anchorage to an anchorage, within the following listed operating areas:

(3925) (a) East River from Execution Rocks to New York Harbor, Upper Bay;

(3926) (b) Hudson River from Yonkers, New York to New York Harbor, Upper Bay;

(3927) (c) Raritan River from Grossman Dock/Arsenal to New York Harbor, Lower Bay;

(3928) (d) Arthur Kill Channel;

(3929) (e) Kill Van Kull Channel;

(3930) (f) Newark Bay;

(3931) (g) Passaic River from Point No Point to Newark Bay;

(3932) (h) Hackensack River from the turning basin to Newark Bay; and

(3933) (i) New York Harbor, Upper and Lower Bay.

(3934) **Note to §15.1030:**

(3935) "Intra-port transit" as used in this section includes the movement of a foreign-trade vessel inbound from sea from the point where a State-licensed pilot ceases providing pilotage to another point within the identified areas (*i.e.,* a dock or anchorage). Likewise, intra-port transit also includes the movement of a foreign-trade vessel outbound to sea from a point within the identified areas (*i.e.,* a dock or anchorage) to the point where a State licensed pilot begins providing pilotage.

(3936)

### §15.1040 Massachusetts.

(3937) The following U.S. navigable waters located within the State of Massachusetts when the vessel is in transit, but not bound to or departing from a port within the following listed operating areas:

(3938) (a) Cape Cod Bay south of 41°48'54"N.;

(3939) (b) The Cape Cod Canal; and

(3940) (c) Buzzards Bay east of a line extending from the southernmost point of Wilbur Point (41°34'55"N., 70°51'15"W.) to the easternmost point of Pasque Island (41°26'55"N., 70°50'30"W.).

(3941)

# TITLE 50–WILDLIFE AND FISHERIES

(3942)

## Part 222–General Endangered and Threatened Marine Species

(3943)

### Subpart A–Introduction and General Provisions

(3944)

**§222.101 Purpose and scope of regulations.**

(3945) (a) The regulations of parts 222, 223, and 224 of this chapter implement the Endangered Species Act (Act), and govern the taking, possession, transportation, sale, purchase, barter, exportation, importation of, and other requirements pertaining to wildlife and plants under the jurisdiction of the Secretary of Commerce and determined to be threatened or endangered pursuant to section 4(a) of the Act. These regulations are implemented by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, This part pertains to general provisions and definitions. Specifically, parts 223 and 224 pertain to provisions to threatened species and endangered species, respectively. Part 226 enumerates designated critical habitat for endangered and threatened species. Certain of the endangered and threatened marine species enumerated in §§ 224.102 and 223.102 are included in Appendix I or II to the Convention on International Trade of Endangered Species of Wild Fauna and Flora. The importation, exportation, and re-exportation of such species are subject to additional regulations set forth at 50 CFR part 23, chapter I.

(3946) (b) For rules and procedures relating to species determined to be threatened or endangered under the jurisdiction of the Secretary of the Interior, see 50 CFR parts 10 through 17. For rules and procedures relating to the general implementation of the Act jointly by the Departments of the Interior and Commerce and for certain species under the joint jurisdiction of both the Secretaries of the Interior and Commerce, see 50 CFR Chapter IV. Marine mammals listed as endangered or threatened and subject to these regulations may also be subject to additional requirements pursuant to the Marine Mammal Protection Act (for regulations implementing that act, see 50 CFR part 216).

(3947) (c) No statute or regulation of any state shall be construed to relieve a person from the restrictions, conditions, and requirements contained in parts 222, 223, and 224 of this chapter. In addition, nothing in parts 222, 223, and 224 of this chapter, including any permit issued pursuant thereto, shall be construed to relieve a person from any other requirements imposed by a statute or regulation of any state or of the United States, including any applicable health, quarantine, agricultural, or customs laws or regulations, or any other National Marine Fisheries Service enforced statutes or regulations.

(3948)

## Part 224–Endangered Marine and Anadromous Species

(3949)

**§224.103 Special prohibitions for endangered marine mammals.**

(3950) (c) *Approaching right whales*. (1) *Prohibitions*. Except as provided under paragraph (c)(3) of this section, it is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit, to solicit another to commit, or cause to be committed any of the following acts:

(3951) (i) Approach (including by interception) within 500 yards (460 m) of a right whale by vessel, aircraft, or any other means;

(3952) (ii) Fail to undertake required right whale avoidance measures specified under paragraph (c)(2) of this section.

(3953) (2) *Right whale avoidance measures*. Except as provided under paragraph (c)(3) of this section, the following avoidance measures must be taken if within 500 yards (460 m) of a right whale:

(3954) (i) If underway, a vessel must steer a course away from the right whale and immediately leave the area at slow safe speed.

(3955) (ii) An aircraft must take a course away from the right whale and immediately leave the area at a constant airspeed.

(3956) (3) *Exceptions*. The following exceptions apply to this section, but any person who claims the applicability of an exception has the burden of proving that the exception applies:

(3957) (i) Paragraphs (c)(1) and (c)(2) of this section do not apply if a right whale approach is authorized by the National Marine Fisheries Service through a permit issued under part 222, subpart C, of this chapter (General Permit Procedures) or through a similar authorization.

(3958) (ii) Paragraphs (c)(1) and (c)(2) of this section do not apply where compliance would create an imminent and serious threat to a person, vessel, or aircraft.

(3959) (iii) Paragraphs (c)(1) and (c)(2)of this section do not apply when approaching to investigate a right whale entanglement or injury, or to assist in the disentanglement or rescue of a right whale, provided that permission is received from the National Marine Fisheries Service or designee prior to the approach.

(3960) (iv) Paragraphs (c)(1) and (c)(2) of this section do not apply to an aircraft unless the aircraft is conducting whale watch activities.

(3961) (v) Paragraph (c)(2) of this section does not apply to the extent that a vessel is restricted in her ability to maneuver and, because of the restriction, cannot comply with paragraph (c)(2) of this section.

(3962)

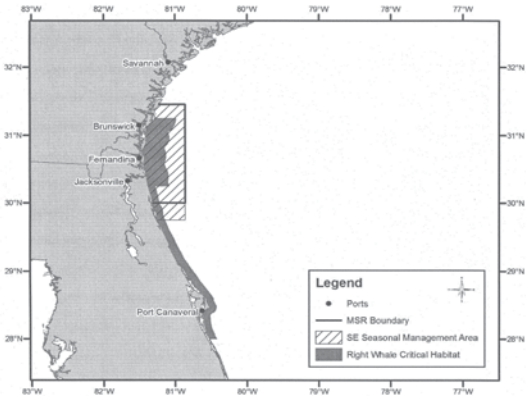
**§224.105 Speed restrictions to protect North Atlantic Right Whales.**

(3963) (a) The following restrictions apply to: All vessels greater than or equal to 65 ft (19.8 m) in overall length and subject to the jurisdiction of the United States, and all other vessels greater than or equal to 65 ft (19.8 m) in overall length entering or departing a port or place subject to the jurisdiction of the United States. These restrictions shall not apply to U.S. vessels owned or operated by, or under contract to, the Federal Government. This exemption extends to foreign sovereign vessels when they are engaging in joint exercises with the U.S. Department of the Navy. In addition, these restrictions do not apply to law enforcement vessels of a State, or political subdivision thereof, when engaged in law enforcement or search and rescue duties.

(3964) (1) *Southeast U.S.* (south of St. Augustine, FL to north of Brunswick, GA): Vessels shall travel at a speed of 10 knots or less over ground during the period of November 15 to April 15 each year in the area bounded by the following: Beginning at 31°27'00.0"N., 80°51'36.0"W.; thence west to charted mean high water line then south along charted mean high water line and inshore limits of COLREGS limit to a latitude of 29°45'00.0"N., thence east to 29°45'00.0"N., 80°51'36.0"W.; thence back to starting point. (Fig. 1).

(3965)

Figure 1. Southeast United States.




(3966) (2) *Mid-Atlantic U.S.* (from north of Brunswick, Georgia to Rhode Island): Vessels shall travel 10 knots or less over ground in the period November 1 to April 30 each year:

(3967) (i) In the area bounded by the following: 33°56'42.0"N., 77°31'30.0"W.; thence along a NW bearing of **313.26°** True to charted mean high water line then south along mean high water line and inshore limits of COLREGS limit to a latitude of 31°27'00.0"N.; thence east to

(3968) 31°27'00.0"N., 80°51'36.0"W.; thence to

(3969) 31°50'00.0"N., 80°33'12.0"W.; thence to

(3970) 32°59'06.0"N., 78°50'18.0"W.; thence to

(3971) 33°28'24.0"N., 78°32'30.0"W.; thence to

(3972) 33°36'30.0"N., 77°47'06.0"W.; thence back to starting point.;

(3973) (ii) Within a 20-nm (37 km) radius (as measured seaward from COLREGS delineated coast lines and the center point of the port entrance) (Fig. 2) at the

(3974) (A) Ports of New York/New Jersey:

(3975) 40°29'42.2"N., 73°55'57.6"W.;

(3976) (B) Delaware Bay (Ports of Philadelphia and Wilmington):

(3977) 38°52'27.4"N., 75°01'32.1"W.;

(3978) (C) Entrance to the Chesapeake Bay (Ports of Hampton Roads and Baltimore):

(3979) 37°00'36.9"N., 75°57'50.5"W.; and

(3980) (D) Ports of Morehead City and Beaufort, NC: 34°41'32.0"N., 76°40'08.3"W.; and

(3981) (iii) In Block Island Sound, in the area bounded by the following coordinates: Beginning at

(3982) 40°51'53.7"N., 70°36'44.9"W.; thence to

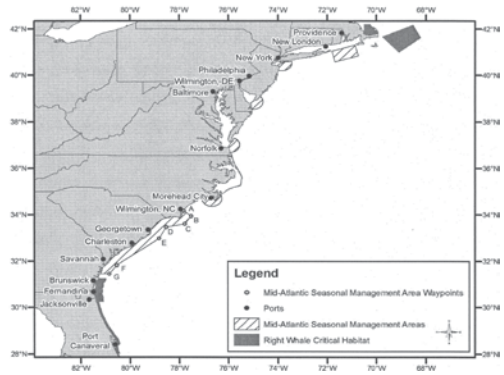
(3983) 41°20'14.1"N., 70°49'44.1"W.; thence to

(3984) 41°04'16.7"N., 71°51'21.0"W.; thence to

(3985) 40°35'56.5"N., 71°38'25.1"W.; thence back to starting point. (Fig. 2).

(3986)

Figure 2. Mid-Atlantic United States.




(3987) (3) *Northeast U.S. (north of Rhode Island):*

(3988) (i) *In Cape Cod Bay, MA:* Vessels shall travel at a speed of 10 knots or less over ground during the period of January 1 to May 15 in Cape Cod Bay, in an area beginning at 42°04'56.5"N., 70°12'00.0"W.; thence north to 42°12'00.0"N., 70°12'00.0"W.; thence due west to charted mean high water line; thence along charted mean high water within Cape Cod Bay back to beginning point. (Fig. 3).

(3989) (ii) *Off Race Point:* Vessels shall travel at a speed of 10 knots or less over ground during the period of March 1 to April 30 each year in waters bounded by straight lines connecting the following points in the order stated (Fig. 3):

(3990) 42°30'00.0"N., 69°45'00.0"W.; thence to

(3991) 42°30'00.0"N., 70°30'00.0"W.; thence to

(3992) 42°12'00.0"N., 70°30'00.0"W.; thence to

(3993) 42°12'00.0"N., 70°12'00.0"W.; thence to

(3994) 42°04'56.5"N., 70°12'00.0"W.; thence along charted mean high water line and inshore limits of COLREGS

limit to a latitude of 41°40'00.0"N., thence due east to 41°41'00.0"N., 69°45'00.0"W.; thence back to starting point.

(3995) (iii) *Great South Channel:* Vessels shall travel at a speed of 10 knots or less over ground during the period of April 1 to July 31 each year in all waters bounded by straight lines connecting the following points in the order stated (Fig. 3):

(3996) 42°30'00.0"N., 69°45'00.0"W.

(3997) 41°40'00.0"N., 69°45'00.0"W.

(3998) 41°00'00.0"N., 69°05'00.0"W.

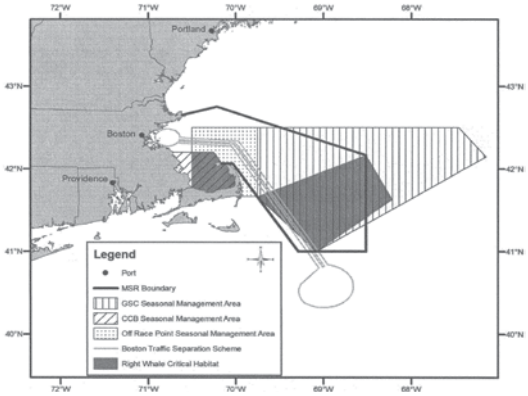
(3999) 42°09'00.0"N., 67°08'24.0"W.

(4000) 42°30'00.0"N., 67°27'00.0"W.

(4001) 42°30'00.0"N., 69°45'00.0"W.

(4002)

Figure 3. Northeast United States.




(4003) (b) Except as noted in paragraph (c) of this section, it is unlawful under this section:

(4004) (1) For any vessel subject to the jurisdiction of the United States to violate any speed restriction established in paragraph (a) of this section; or

(4005) (2) For any vessel entering or departing a port or place under the jurisdiction of the United States to violate any speed restriction established in paragraph (a) of this section.

(4006) (c) A vessel may operate at a speed necessary to maintain safe maneuvering speed instead of the required ten knots only if justified because the vessel is in an area where oceanographic, hydrographic and/or meteorological conditions severely restrict the maneuverability of the vessel and the need to operate at such speed is confirmed by the pilot on board or, when a vessel is not carrying a pilot, the master of the vessel. If a deviation from the ten-knot speed limit is necessary, the reasons for the deviation, the speed at which the vessel is operated, the latitude and longitude of the area, and the time and duration of such deviation shall be entered into the logbook of the vessel. The master of the vessel shall attest to the accuracy of the logbook entry by signing and dating it.

(4007) (d) No later than January 1, 2019, the National Marine Fisheries Service will publish and seek comment on a report evaluating the conservation value and economic and navigational safety impacts of this section, including any recommendations to minimize burden of such impacts.

(4008)

## Part 226–Designated Critical Habitat

(4009)

### §226.101 Purpose and scope.

(4010) The regulations contained in this part identify those habitats designated by the Secretary of Commerce as critical, under section 4 of the Act, for endangered and threatened species under the jurisdiction of the Secretary of Commerce. Those species are enumerated at §223.102 of this chapter if threatened and at §224.101 of this chapter if endangered. For regulations pertaining to the designation of critical habitat, see part 424 of this title; for regulations pertaining to prohibitions against the adverse modification or destruction of critical habitat, see part 402 of this title. Additional information regarding designated critical habitats that is not provided in this section may be obtained upon request to the Office of Protected Resources (*see* §222.102, definition of "Office of Protected Resources").

(4011)

### § 226.203 Critical habitat for North Atlantic right whales (*Eubalaena glacialis*).

(4012) (a) Physical and biological features essential to the conservation of endangered North Atlantic right whales.

(4013) (1) *Unit 1*. The physical and biological features essential to the conservation of the North Atlantic right whale, which provide foraging area functions in Unit 1 are: The physical oceanographic conditions and structures of the Gulf of Maine and Georges Bank region that combine to distribute and aggregate *C.finmarchicus* for right whale foraging, namely prevailing currents and circulation patterns, bathymetric features (basins, banks, and channels), oceanic fronts, density gradients, and temperature regimes; low flow velocities in Jordan, Wilkinson, and Georges Basins that allow diapausing *C.finmarchicus* to aggregate passively below the convective layer so that the copepods are retained in the basins; late stage *C.finmarchicus* in dense aggregations in the Gulf of Maine and Georges Bank region; and diapausing *C.finmarchicus* in aggregations in the Gulf of Maine and Georges Bank region.

(4014) (2) *Unit 2*. The physical features essential to the conservation of the North Atlantic right whale, which provide calving area functions in Unit 2, are:

(4015) (i) Sea surface conditions associated with Force 4 or less on the Beaufort Scale,

(4016) (ii) Sea surface temperatures of 7°C to 17°C, and

(4017) (iii) Water depths of 6 to 28 meters, where these features simultaneously co-occur over contiguous areas of at least 231 nmi2 of ocean waters during the months of November through April. When these features are available, they are selected by right whale cows and calves in dynamic combinations that are suitable for calving, nursing, and rearing, and which vary, within the

ranges specified, depending on factors such as weather and age of the calves.

(4018) (b) *Critical habitat boundaries*. Critical habitat includes two areas (Units) located in the Gulf of Maine and Georges Bank Region (Unit 1) and off the coast of North Carolina, South Carolina, Georgia and Florida (Unit 2).

(4019) (1) *Unit 1*. The specific area on which are found the physical and biological features essential to the conservation of the North Atlantic right whale include all waters, seaward of the boundary delineated by the line connecting the geographic coordinates and landmarks identified herein:

(4020) (i) The southern tip of Nauset Beach (Cape Cod) (41°38.39′N., 69°57.32′W.).

(4021) (ii) From this point, southwesterly to 41°37.19′N., 69°59.11′W.

(4022) (iii) From this point, southward along the eastern shore of South Monomoy Island to 41°32.76′N., 69°59.73′W.

(4023) (iv) From this point, southeasterly to 40°50′N., 69°12′W.

(4024) (v) From this point, east to 40°50′N., 68°50′W.

(4025) (vi) From this point, northeasterly to 42°00′N., 67°55′W.

(4026) (vii) From this point, east to 42°00′N., 67°30′W.

(4027) (viii) From this point, northeast to the intersection of the U.S.-Canada maritime boundary and 42°10′N.

(4028) (ix) From this point, following the U.S.-Canada maritime boundary north to the intersection of 44°49.727′N., 66°57.952′W.; From this point, moving southwest along the coast of Maine, the specific area is located seaward of the line connecting the following points:

(4029)

| Latitude | Longitude |
|---|---|
| 44°49.727'N. | 66°57.952'W. |
| 44°49.67'N. | 66°57.77'W. |
| 44°48.64'N. | 66°56.43'W. |
| 44°47.36'N. | 66°59.25'W. |
| 44°45.51'N. | 67°02.87'W. |
| 44°37.07'N. | 67°09.75'W. |
| 44°27.77'N. | 67°32.86'W. |
| 44°25.74'N. | 67°38.39'W. |
| 44°21.66'N. | 67°51.78'W. |
| 44°19.08'N. | 68°02.05'W. |
| 44°13.55'N. | 68°10.71'W. |
| 44°08.36'N. | 68°14.75'W. |
| 43°59.36'N. | 68°37.95'W. |
| 43°59.83'N. | 68°50.06'W. |
| 43°56.72'N. | 69°04.89'W. |
| 43°50.28'N. | 69°18.86'W. |
| 43°48.96'N. | 69°31.15'W. |
| 43°43.64'N. | 69°37.58'W. |
| 43°41.44'N. | 69°45.27'W. |
| 43°36.04'N. | 70°03.98'W. |
| 43°31.94'N. | 70°08.68'W. |
| 43°27.63'N. | 70°17.48'W. |
| 43°20.23'N. | 70°23.64'W. |
| 43°04.06'N. | 70°36.70'W. |
| 43°02.93'N. | 70°41.47'W. |
| 43°02.55'N. | 70°43.33'W. |

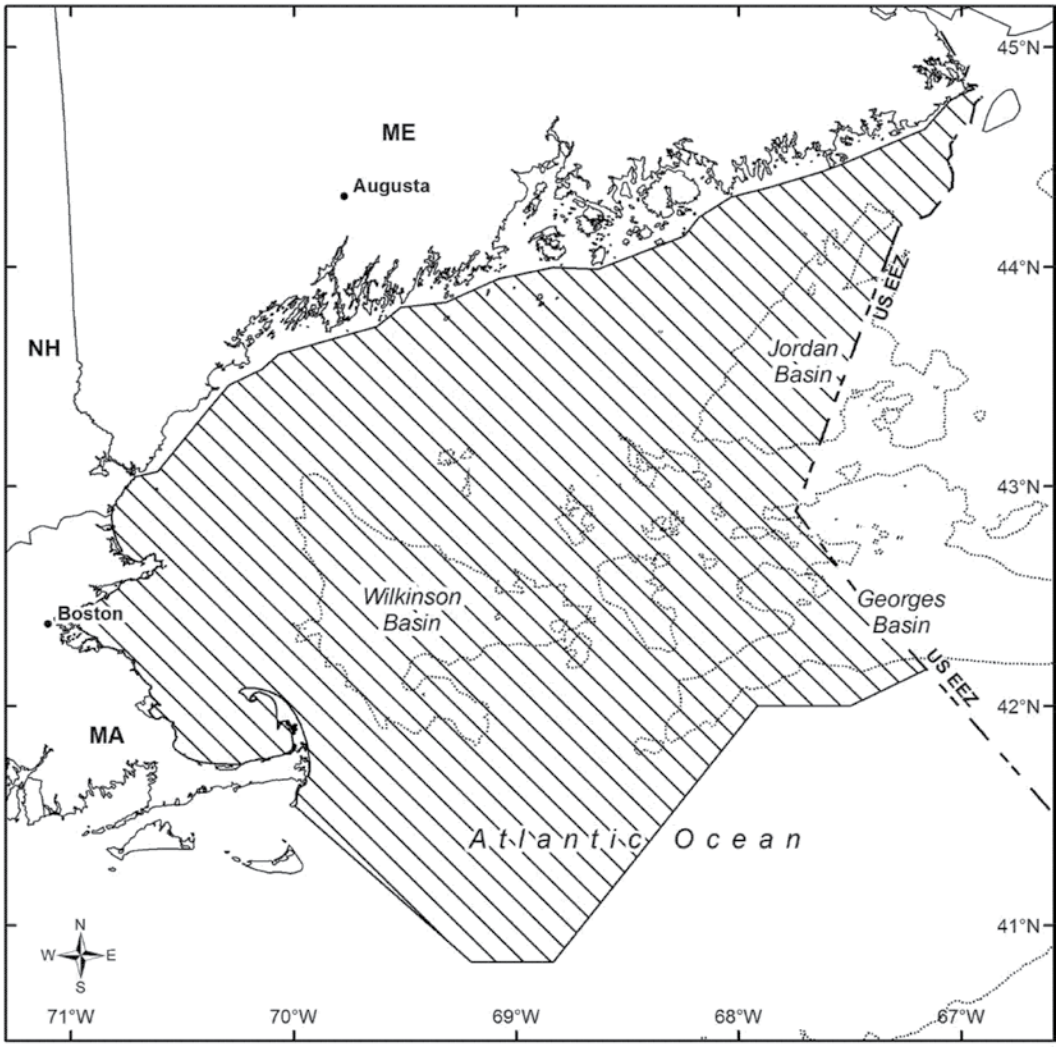
(4030) (x) From this point (43°2.55′N., 70°43.33′W.) on the coast of New Hampshire south of Portsmouth, the boundary of the specific area follows the coastline southward along the coasts of New Hampshire and Massachusetts along Cape Cod to Provincetown southward along the eastern edge of Cape Cod to the southern tip of Nauset Beach (Cape Cod) (41°38.39′N., 69°57.32′W.) with the exception of the area landward of the lines drawn by connecting the following points:

(4031)

| | | | |
|---|---|---|---|
| 42°59.986'N. | 70°44.654'W. | to | Rye Harbor |
| 42°59.956'N. | 70°44.737'W. | | Rye Harbor |
| 42°53.691'N. | 70°48.516'W. | to | Hampton Harbor |
| 42°53.519'N. | 70°48.748'W. | | Hampton Harbor |
| 42°49.136'N. | 70°48.242'W. | to | Newburyport Harbor |
| 42°48.964'N. | 70°48.282'W. | | Newburyport Harbor |
| 42°42.145'N. | 70°46.995'W. | to | Plum Island Sound |
| 42°41.523'N. | 70°47.356'W. | | Plum Island Sound |
| 42°40.266'N. | 70°43.838'W. | to | Essex Bay |
| 42°39.778'N. | 70°43.142'W. | | Essex Bay |
| 42°39.645'N. | 70°36.715'W. | to | Rockport Harbor |
| 42°39.613'N. | 70°36.60'W. | | Rockport Harbor |
| 42°20.665'N. | 70°57.205'W. | to | Boston Harbor |
| 42°20.009'N. | 70°55.803'W. | | Boston Harbor |
| 42°19.548'N. | 70°55.436'W. | to | Boston Harbor |
| 42°18.599'N. | 70°52.961'W. | | Boston Harbor |
| 42°15.203'N. | 70°46.324'W. | to | Cohasset Harbor |
| 42°15.214'N. | 70°47.352'W. | | Cohasset Harbor |
| 42°12.09'N. | 70°42.98'W. | to | Scituate Harbor |
| 42°12.211'N. | 70°43.002'W. | | Scituate Harbor |
| 42°09.724'N. | 70°42.378'W. | to | New Inlet |
| 42°10.085'N. | 70°42.875'W. | | New Inlet |
| 42°04.64'N. | 70°38.587'W. | to | Green Harbor |
| 42°04.583'N. | 70°38.631'W. | | Green Harbor |
| 41°59.686'N. | 70°37.948'W. | to | Duxbury Bay/ Plymouth Harbor |

(4045)

## North Atlantic Right Whale Critical Habitat
## Northeastern U.S. Foraging Area — Unit 1

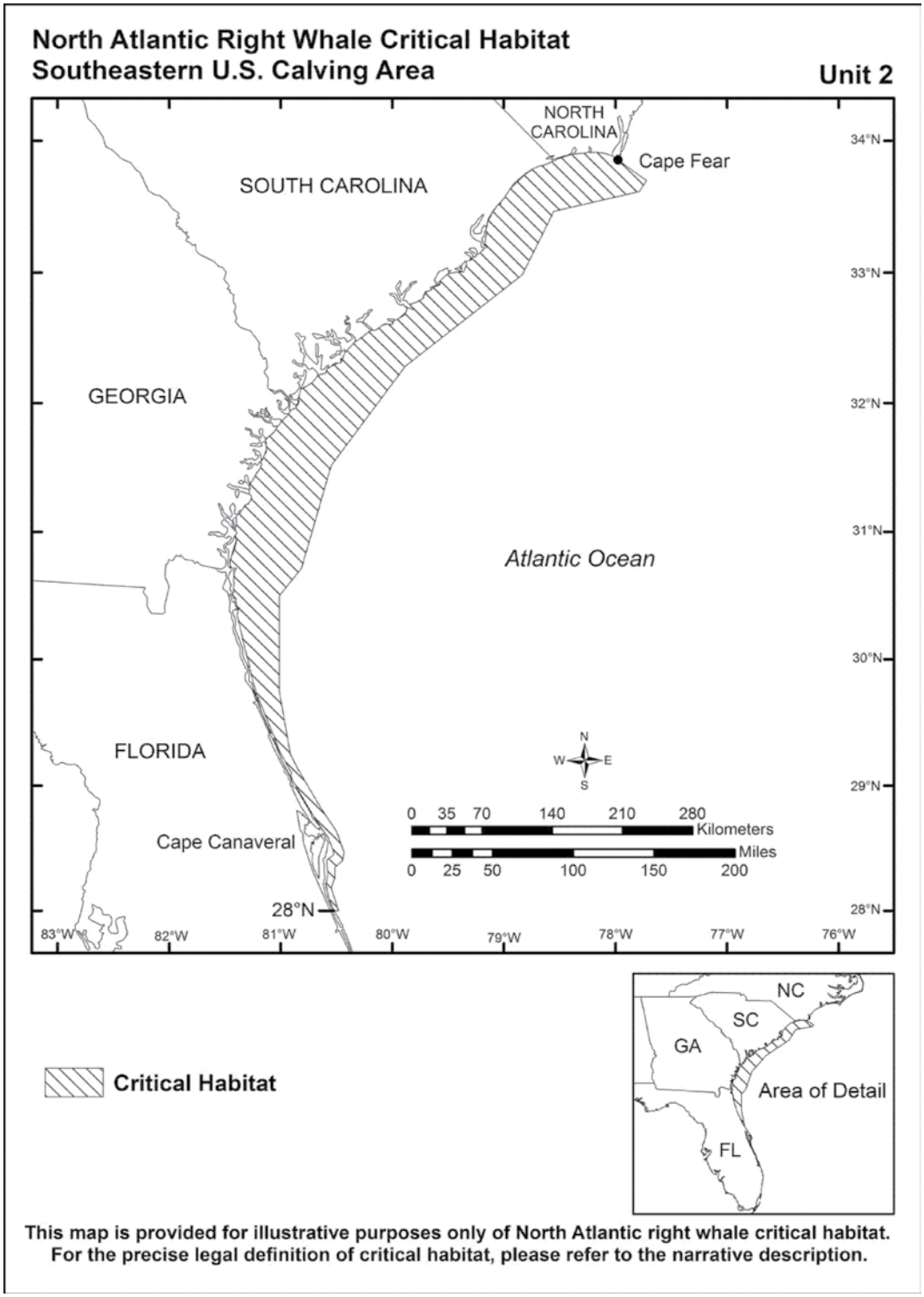



Critical Habitat

200m Depth Contour

This map is provided for illustrative purposes only of North Atlantic right whale critical habitat. For the precise legal definition of critical habitat, please refer to the narrative description.

(4046)


North Atlantic Right Whale Critical Habitat
Southeastern U.S. Calving Area
Unit 2
NORTH CAROLINA
Cape Fear
SOUTH CAROLINA
GEORGIA
Atlantic Ocean
FLORIDA
Cape Canaveral
28°N
34°N
33°N
32°N
31°N
30°N
29°N
28°N
83°W
82°W
81°W
80°W
79°W
78°W
77°W
76°W
N
W
E
S
0 35 70 140 210 280
Kilometers
0 25 50 100 150 200
Miles
Critical Habitat
NC
SC
GA
FL
Area of Detail
This map is provided for illustrative purposes only of North Atlantic right whale critical habitat.
For the precise legal definition of critical habitat, please refer to the narrative description.

| | | | |
|---|---|---|---|
| 41°58.75'N. | 70°39.052'W. | | Duxbury Bay/ Plymouth Harbor |
| 41°50.395'N. | 70°31.943'W. | to | Ellisville Harbor |
| 41°50.369'N. | 70°32.145'W. | | Ellisville Harbor |
| 41°45.87'N. | 70°28.62'W. | to | Sandwich Harbor |
| 41°45.75'N. | 70°28.40'W. | | Sandwich Harbor |
| 41°44.93'N. | 70°25.74'W. | to | Scorton Harbor |
| 41°44.90'N. | 70°25.60'W. | | Scorton Harbor |
| 41°44.00'N. | 70°17.50'W. | to | Barnstable Harbor |
| 41°44.00'N. | 70°13.90'W. | | Barnstable Harbor |
| 41°45.53'N. | 70°09.387'W. | to | Sesuit Harbor |
| 41°45.523'N. | 70°09.307'W. | | Sesuit Harbor |
| 41°45.546'N. | 70°07.39'W. | to | Quivett Creek |
| 41°45.551'N. | 70°07.32'W. | | Quivett Creek |
| 41°47.269'N. | 70°01.411'W. | to | Namskaket Creek |
| 41°47.418'N. | 70°01.306'W. | | Namskaket Creek |
| 41°47.961'N. | 70°0.561'W. | to | Rock Harbor Creek |
| 41°48.07'N. | 70°0.514'W. | | Rock Harbor Creek |
| 41°48.432'N. | 70°0.286'W. | to | Boat Meadow River |
| 41°48.483'N. | 70°0.216'W. | | Boat Meadow River |
| 41°48.777'N. | 70°0.317'W. | to | Herring River |
| 41°48.983'N. | 70°0.196'W. | | Herring River |
| 41°55.501'N. | 70°03.51'W. | to | Herring River, inside Wellfleet Harbor |
| 41°55.322'N. | 70°03.191'W. | | Herring River, inside Wellfleet Harbor |
| 41°53.922'N. | 70°01.333'W. | to | Blackfish Creek/Loagy Bay |
| 41°54.497'N. | 70°01.182'W. | | Blackfish Creek/Loagy Bay |
| 41°55.503'N. | 70°02.07'W. | to | Duck Creek |
| 41°55.753'N. | 70°02.281'W. | | Duck Creek |
| 41°59.481'N. | 70°04.779'W. | to | Pamet River |
| 41°59.563'N. | 70°04.718'W. | | Pamet River |
| 41°03.601'N. | 70°14.269'W. | to | Hatches Harbor |
| 41°03.601'N. | 70°14.416'W. | | Hatches Harbor |
| 41°48.708'N. | 69°56.319'W. | to | Nauset Harbor |
| 41°48.554'N. | 69°56.238'W. | | Nauset Harbor |
| 41°40.685'N. | 69°56.781'W. | to | Chatham Harbor |
| 41°40.884'N. | 69°56.28'W. | | Chatham Harbor |

(4032) (xi) In addition, the specific area does not include waters landward of the 72 COLREGS lines (33 CFR part 80) described below.

(4033) (A) *Portland Head, ME to Cape Ann, MA*.

(4034) (1) A line drawn from the northernmost extremity of Farm Point to Annisquam Harbor Light.

(4035) (2) [Reserved]

(4036) (B) *Cape Ann MA to Marblehead Neck, MA*.

(4037) (1) A line drawn from Gloucester Harbor Breakwater Light to the twin towers charted at latitude 42°35′06.177"N., longitude 70°41′32.330"W.

(4038) (2) A line drawn from the westernmost extremity of Gales Point to the easternmost extremity of House Island; thence to Bakers Island Light; thence to Marblehead Light.

(4039) (C) *Hull, MA to Race Point, MA*.

(4040) (1) A line drawn from Canal Breakwater Light 4 south to the shoreline.

(4041) (2) [Reserved]

(4042) (2) *Unit 2*. Unit 2 includes marine waters from Cape Fear, North Carolina, southward to 28°N latitude (approximately 31 miles south of Cape Canaveral, Florida) within the area bounded on the west by the shoreline and the 72 COLREGS lines, and on the east by rhumb lines connecting the following points in the order stated from north to south.

(4043)

| Latitude | Longitude |
|---|---|
| 33°51'N. | at shoreline |
| 33°42'N. | 77°43'W. |
| 33°37'N. | 77°47'W. |
| 33°28'N. | 78°33'W. |
| 32°59'N. | 78°50'W. |
| 32°17'N. | 79°53'W. |
| 31°31'N. | 80°33'W. |
| 30°43'N. | 80°49'W. |
| 30°30'N. | 81°01'W. |
| 29°45'N. | 81°01'W. |
| 29°15'N. | 80°55'W. |
| 29°08'N. | 80°51'W. |
| 28°50'N. | 80°39'W. |
| 28°38'N. | 80°30'W. |
| 28°28'N. | 80°26'W. |
| 28°24'N. | 80°27'W. |
| 28°21'N. | 80°31'W. |
| 28°16'N. | 80°31'W. |
| 28°11'N. | 80°33'W. |
| 28°00'N. | 80°29'W. |

| Latitude | Longitude |
|---|---|
| 28°00'N. | at shoreline |

(4044) (c) Overview maps of the designated critical habitat for the North Atlantic right whale follow.