# 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.

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

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| Part 26 | Vessel Bridge-to-Bridge Radiotelephone Regulations |
| Part 80 | COLREGS Demarcation Lines |
| Part 110 | Anchorage Regulations |
| Part 117 | Drawbridge Operation Regulations |
| Part 157 | Rules for the Protection of the Marine Environment relating to Tank Vessels Carrying Oil in Bulk |
| Part 160 | Ports and Waterways Safety-General |
| Part 162 | Inland Waterways Navigation Regulations |
| Part 164 | Navigation Safety Regulations (in part) |
| Part 165 | Regulated Navigation Areas and Limited Access Areas |
| Part 166 | Shipping Safety Fairways |
| Part 167 | Offshore Traffic Separation Schemes |
| Part 169 | Ship Reporting Systems |
| Part 207 | Navigation Regulations |
| Part 334 | Danger Zones and Restricted Area Regulations |

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

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| Part 140 | Marine Sanitation Device Standard |

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

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| Part 15 | Manning Regulations |

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

| | |
|---|---|
| Part 222 | General Endangered and Threatened Marine Species |
| Part 224 | Endangered Marine and Anadromous Species |
| Part 226 | Designated Critical Habitat |

### Note

(3) 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:

(4) **U.S. Coast Guard:** (33 CFR 26, 80, 110, 117, 160, 164, 165, and 169);

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

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

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

### §26.01 Purpose.

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

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

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

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

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

### §26.02 Definitions.

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

(13) "Secretary" means the Secretary of the Department in which the Coast Guard is operating;

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

(15) "Length" is measured from end to end over the deck excluding sheer;

(16) "Power-driven vessel" means any vessel propelled by machinery; and

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

(18) "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.

(19) "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.

(20) **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.

### §26.03 Radiotelephone required.

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

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

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

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

(25) (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.

(26) (b) very 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.

(27) (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.

(28) (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).

(29) (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):

(30) 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;

(31) (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 channels junction with the Inner Harbor Navigation Canal; and

(32) (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.

(33) (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).

(34) **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.

### §26.04 Use of the designated frequency.

(35) (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.

(36) (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.

(37) (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.

(38) (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.

(39) (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.

### §26.05 Use of radiotelephone.

(40) 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.

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

(41) Section 6 of the Act states–

(42) (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.

### §26.07 Communications.

(43) 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.

### §26.08 Exemption procedures.

(44) (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.

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

(46) (c) Each petition must be submitted in writing to U.S. Coast Guard, Marine Safety, Security and Environmental Protection, 2100 Second Street SW., Washington, DC 20593-0001, and must state:

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

(48) (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.

### §26.09 List of exemptions.

(49) (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.

(50) (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."

## Part 80–COLREGS Demarcation Lines

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

(51) (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.

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

(53) (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.

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

(54) (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.

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

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

(56) (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.

(57) (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 latitude 41°29.1'N., longitude 71°02.3'W.

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

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

### §80.150 Block Island, R.I.

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

### §80.155 Watch Hill, R.I. to Montauk Point, N.Y.

(61) (a) A line drawn from Watch Hill Light to East Point on Fishers Island.

(62) (b) A line drawn from Race Point to Race Rock Light; thence to Little Gull Island Light thence to East Point on Plum Island.

(63) (c) A line drawn from Plum Island Harbor East Dolphin Light to Plum Island Harbor West Dolphin Light.

(64) (d) A line drawn from Plum Island Light to Orient Point Light; thence to Orient Point.

(65) (e) A line drawn from the lighthouse ruins at the southwestern end of Long Beach Point to Cornelius Point.

(66) (f) A line drawn from Coecles Harbor Entrance Light to Sungic Point.

(67) (g) A line drawn from Nichols Point to Cedar Island Light.

(68) (h) A line drawn from Threemile Harbor West Breakwater Light to Threemile Harbor East Breakwater Light.

(69) (i) A line drawn from Montauk West Jetty Light 1 to Montauk East Jetty Light 2.

### §80.160 Montauk Point, N.Y. to Atlantic Beach, N.Y.

(70) (a) A line drawn from Shinnecock Inlet East Breakwater Light to Shinnecock Inlet West Breakwater Light 1.

(71) (b) A line drawn from Moriches Inlet East Breakwater Light to Moriches Inlet West Breakwater Light.

(72) (c) A line drawn from Fire Island Inlet Breakwater Light 348° true to the southernmost extremity of the spit of land at the western end of Oak Beach.

(73) (d) A line drawn from Jones Inlet Light 322° true across the southwest tangent of the island on the north side of Jones Inlet to the shoreline.

### §80.165 New York Harbor.

(74) A line drawn from East Rockaway Inlet Breakwater Light to Sandy Hook Light.

## Part 110–Anchorage Regulations

### §110.1 General.

(75) (a) The areas described in subpart A of this part are designated as special anchorage areas for purposes of 33 U.S.C. §§2030 (g) and 2035(j). 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 (33 U.S.C. 2035). Vessels of less than 20 meters are not required to exhibit anchor lights or shapes required by rule 30 of the Inland Navigation Rules (33 U.S.C. 2030).

(76) (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).

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

(78) (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.

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

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

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

(81) (2) [Reserved]

(82) (b) [Reserved]

Subpart A–Special Anchorage Areas

### §110.38 Edgartown Harbor, Mass.

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

(84) 41°23'19"N., 70°30'32"W.; thence along the shore to

(85) 41°22'52"N., 70°30'12"W.; thence

(86) 287°30', 1,600 feet; thence

(87) 327°30', 700 feet; thence

(88) 359°, 800 feet; thence

(89) 024°15', approximately 900 feet to the point of beginning.

(90) **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.

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

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

### §110.45 Onset Bay, Mass.

(92) 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 shore line; and westerly of the shore line and of a line bearing due north from the northernmost point of Onset Island.

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

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

(94) 41°39'23"N., 70°48'50"W.; thence 138.5°T. to

(95) 41°38'45"N., 70°48'02"W.; thence 031°T. to

(96) 41°39'02"N., 70°47'48"W.; thence along the shore to the point of beginning.

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

(98) 41°39'24"N., 70°49'02"W.; thence 142.5°T to

(99) 41°38'10"N., 70°47'45"W.; thence 219°T. to

(100) 41°37'54"N., 70°48'02"W.; thence along the shore to the point of beginning.

(101) **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.

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

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

(103) 41°28'50"N., 71°18'58"W.; to

(104) 41°28'45"N., longitude 71°20'08"W.; thence along the shoreline to the point of beginning.

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

(106) 007°, 505 yards; thence

(107) 054°, 90 yards; thence

(108) 086°, 330 yards; thence

(109) 122°, 90 yards; thence

(110) 179°, 290 yards; thence

(111) 228°, 380 yards; thence

(112) 270°, 250 yards to the point of beginning.

(113) (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.

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

(114) 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.

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

(115) 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.

### §110.50 Stonington Harbor, Conn.

(116) (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

(117) 71°54'50.5"W.; thence to

(118) 41°20'25.3"N., 71°54'50.5"W.; thence to a point on the shoreline at

(119) 41°20'32"N., 71°54'54.8"W.; thence along the shoreline to the point of beginning.

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

(121) 41°19'55.8"N., 71°54'28.9"W.; thence to

(122) 41°19'55.8"N., 71°54'37.1"W.; thence to

(123) 41°20'01.6"N., 71°54'38.8"W.; thence to

(124) 41°20'02.0"N., 71°54'34.3"W.; thence along the shoreline to the point of beginning.

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

(126) 41°20'29.5"N., 71°54'43.0"W.; thence to

(127) 41°20'25.6"N., 71°54'48.5"W.; thence to

(128) 41°20'10.7"N., 71°54'48.5"W.; thence to the shoreline at

(129) 41°20'10.7"N.; thence along the shoreline to the point of beginning.

(130) **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.

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

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

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

(133) 41°20'06"N.; thence due east about 600 feet to

(134) 41°20'06"N., 71°57'37"W.; thence due south about 2,400 feet to

(135) 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

(136) 41°19'42"N.; thence along the shore line to the point of beginning.

(137) **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.

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

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

(139) 41°19'44"N., 71°58'42"W.; thence to

(140) 41°19'30"N., 71°58'43"W.; thence to

(141) 41°19'36"N., 71°58'58"W.; thence to

(142) 41°19'45"N., 71°58'56"W.; thence to the point of beginning.

(143) (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

(144) 41°19'27"N., 71°58'44"W.; thence to

(145) 41°19'19"N., 71°58'45"W.; thence to

(146) 41°19'25"N., 71°58'59"W.; thence to

(147) 41°19'33"N., 71°58'58"W.; thence to the point of beginning.

(148) **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.

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

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

(150) 41°19'36"N., 72°01'06"W.; to

(151) 41°19'30"N., 72°01'04"W.; thence to the shore at

(152) 41°19'31"N., 72°01'00"W.; and thence along the shoreline to the point of beginning.

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

(154) 41°19'15.0"N., 72°00'54.0"W.; thence to

(155) 41°19'14.5"N., 72°00'59.0"W.; thence to

(156) 41°19'11.0"N., 72°00'58.0"W.; thence to

(157) 41°19'10.0"N., 72°00'54.0"W.; thence to

(158) 41°19'12.5"N., 72°00'52.0"W.; thence to

(159) 41°19'14.0"N., 72°00'55.0"W.; and thence to the point of beginning.

(160) **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.

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

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

(162) 41°19'15.0"N., 71°59'13.5"W.; thence to

(163) 41°19'15.0"N., 71°59'00.0"W.; thence to

(164) 41°19'02.5"N., 71°59'00.0"W.; thence to

(165) 41°19'06.0"N., 71°59'13.5"W.; and thence to the point of beginning.

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

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

(168) (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.

(169) (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.

### §110.51 Groton, Conn.

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

(171) 41°19'01.4"N., 72°03'42.8"W.; thence to a point in the cove at

(172) 41°19'02.5"N., 72°03'36.2"W.; thence southeasterly to a point at

(173) 41°18'56.2"N., 72°03'34.2"W.; thence northeasterly to

(174) 41°19'02.5"N., 72°03'19.2"W.; thence terminating at the tip of Jupiter Point at

(175) 41°19'04.4"N., 72°03'19.7"W. DATUM: NAD 83

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

(177) 41°18'47.1"N., 72°03'36.8"W.; thence northerly to

(178) 41°18'54.1"N., 72°03'35.4"W.; thence northeasterly to a point at

(179) 41°19'01.2"N., 72°03'19.3"W.; thence terminating at a point at

(180) 41°18'54.0"N., 72°03'17.5"W. DATUM NAD 83

(181) **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.

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

(182) (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.

(183) (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.

(184) (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.

(185) **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.

(186) (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

(187) 41°21'56"N., 72°05'32"W.; thence easterly to

(188) 41°21'56"N., 72°05'27"W.; thence northerly to

(189) 41°22'12"N., 72°05'27"W.; thence westerly to

(190) 41°22'12"N., 72°05'47"W.; thence southeasterly to

(191) 41°22'02"N., 72°05'40"W.; thence downriver along the charted foul grounds to the point of beginning.

### §110.53 Niantic, Conn.

(192) Beginning on the shoreline at

(193) 41°18'25.3"N., 72°12'16.3"W.; thence to

(194) 41°18'23.3"N., 72°12'11.6"W.; thence to

(195) 41°18'50.7"N., 72°11'51.5"W.; thence to the shore at

(196) 41°18'56.5"N., 72°12'05.6"W.; thence along the shoreline to the point of beginning.

(197) **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.

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

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

(199) 114°, 75 feet, from the outer end of the breakwater at the south end of Giants Neck; thence

(200) 90°, 1,050 feet; thence

(201) 22°17'30", 2,140 feet; thence

(202) 283°27'15.5", 240 feet; thence

(203) 220°36'39", 1,252.6 feet; thence

(204) 295°23'16.5", 326.5 feet; thence

(205) 269°02'42.6", 240 feet; thence

(206) 261°46'50.9", 181.9 feet; thence

(207) 226°28'07.7", 275.9 feet; thence

(208) 147°43'27.7", 449.4 feet; thence

(209) 238°01'35.8", 379.6 feet; and thence approximately

(210) 156°31'05.8", 462.11 feet, to the point of beginning.

### §110.55 Connecticut River, Conn.

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

(212) 254°09'16", 153 yards, from Calves Island 20 Light; thence

(213) 157°, 1,037 yards; thence

(214) 175°, 150 yards; thence

(215) 265°, 250 yards; thence

(216) 350°, 660 yards; thence

(217) 337°, 460 yards; and thence approximately

(218) 67°, 135 yards, to the point of beginning.

(219) (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

(220) 270°, 160 yards; thence

(221) 000°, 140 yards; thence

(222) 300°, 190 yards; thence

(223) 330°, 400 yards; thence

(224) 090°, 60 yards; thence

(225) 150°, 350 yards; thence

(226) 120°, about 434 yards to a point on the shore; thence along the shore to the point of beginning.

(227) (b) Area No. 2, at Essex. Beginning at

(228) 41°21'22"N., 72°22'53"W.; thence

(229) 205°30', 375 yards; thence

(230) 194°31', 100 yards; thence

(231) 185°00', 440 yards; thence

(232) 153°30', 80 yards; thence

(233) 121°00', 220 yards; thence

(234) 000°00', approximately 1060 yards to the point of beginning.

(235) **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.

(236) (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.

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

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

(239) 41°26'38"N., 72°27'37"W.; to

(240) 41°26'12"N., 72°27'18"W.; to

(241) 41°26'11"N., 72°27'22"W.; to

(242) 41°26'23"N., 72°27'42"W.; to

(243) 41°26'36"N., 72°27'43"W.: thence extending to the point of beginning.

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

(245) 41°26'11"N., 72°27'16"W.; thence to

(246) 41°26'03"N., 72°27'02"W.; thence to

(247) 41°25'59"N., 72°26'51"W.; thence to

(248) 41°25'58"N., 72°26'52"W.; thence to

(249) 41°26'05"N., 72°27'11"W.; thence to

(250) 41°26'10"N., 72°27'20"W.; thence extending to the point of beginning.

(251) **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.

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

(253) 41°24'23"N., 72°25'41"W.; to

(254) 41°24'05"N., 72°25'41"W.; to

(255) 41°24'05"N., 72°25'32"W.; to

(256) 41°24'23"N., 72°25'32"W.; thence due west about 600 feet to the point of beginning.

(257) **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.

(258) (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".

(259) **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.

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

(261) (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

(262) 41°33'55", 72°38'43"; thence 250° to

(263) 41°33'54", 72°38'46"; thence 160° to

(264) 41°33'48", 72°38'43"; thence 145° to

(265) 41°33'44", 72°38'39"; thence 055° to a point on the shore at

(266) 41°33'47", 72°38'32"; thence along the shore to the point of beginning.

(267) **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.

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

(268) 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; 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.

(269) **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.

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

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

(271) 41°02'10"N., 73°28'44"W.; thence northwesterly to

(272) 41°02'17"N., 73°29'11"W.; thence in a north-northwesterly direction to the southeast side of Pratt Island at

(273) 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.

(274) **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.

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

(275) (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

(276) 41°01'23"N., 73°35'40"W.; thence to

(277) 41°01'23"N., 73°35'42"W.; thence to

(278) 41°01'02"N., 73°35'50"W.; thence to

(279) 41°01'02"N., 73°35'48"W.; thence extending along the mean low water line to the point of beginning.

(280) (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

(281) 41°01'42"N., 73°35'47"W.; thence to

(282) 41°01'42"N., 73°35'45"W.; thence to

(283) 41°01'23"N., 73°35'44"W.; thence to

(284) 41°01'04"N., 73°35'52"W.; thence to

(285) 41°01'02"N., 73°35'55"W.; thence to

(286) 41°01'02"N., 73°36'00"W.; thence to

(287) 41°01'05"N., 73°36'00"W.; thence along the mean low water line to the point of beginning.

(288) **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.

### §110.60 Port of New York and vicinity.

(289) (a) Huntington Harbor. Beginning on the shoreline at latitude 40°54'19.5", longitude 73°26'07.9"; thence to latitude 40°54'19.5", longitude 73°26'02.4"; 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.

(290) **(a–1) Centerport Harbor.** Beginning at the shoreline at latitude 40°54'00", longitude 73°22'55.3"; thence to latitude 40°54'03.8", longitude 73°22'52.1"; 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.

(291) **(a–2) Northport Harbor**. Beginning on the shoreline at

(292) 40°54'25.0"N., 73°22'05.0"W.; thence to

(293) 40°54'37.5"N., 73°21'32.9"W.; thence to

(294) 40°53'33.1"N., 72°21'28.2"W.; thence to

(295) 40°53'25.8"N., 73°21'37.7"W.; thence along the shoreline to the point of beginning.

(296) **NOTE:** The areas designated by paragraphs (a), (a–1), and (a–2) 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.

(297) (aa) South of Perth Amboy, New Jersey. The waters bounded by a line connecting the following points:

(298) 40°30'19.0"N., 74°15'46.0"W.

(299) 40°30'17.0"N., 74°15'39.0"W.

(300) 40°30'02.8"N., 74°15'45.0"W.

(301) 40°29'36.0"N., 74°16'09.2"W.

(302) 40°29'30.8"N., 74°16'22.0"W.

(303) 40°29'47.2"N., 74°16'52.0"W.

(304) 40°30'02.0"N., 74°16'43.0"W. and thence along the shoreline to the point of beginning.

(305) **(b) New Rochelle Harbor, west and south of Glen Island**. That portion of Long Island Sound Anchorage No. 1 (described in §110.155) between Hog Island, Travers Island, Neptune Island and Glen Island and the mainland, to the westward of a line extending from the cupola at the southeast extremity of Glen Island to the easternmost extremity of Hog Island, and to the northeastward of a line extending from the southwest extremity of Hog Island to the southeast corner of Travers Island; excluding therefrom all waters within 25 feet of the 50-foot channel west and south of Glen Island.

(306) **(b–1) New Rochelle, Echo Bay**. That portion of Long Island Sound Anchorage Grounds No. 1–A and No. 1–B (described in §110.155(a) (2) and (3)) northwest of a line ranging 030°30' from the northeastern tip of Davenport Neck to the southeastern tip of Premium Point.

(307) **NOTE:** An ordinance of the Town of New Rochelle N.Y., 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.

(308) **(c) New Rochelle Harbor, east of Glen Island**. That portion of Long Island Sound Anchorage No. 1 (as described in §110.155(a)) between Glen Island and Goose Islands breakwater, northward of a line extending from the northwest end of Goose Islands breakwater to the cupola at the north end of the bathing beach on Glen Island.

(309) **(c–1) City Island Harbor, east of City Island**. That portion of Long Island Sound Anchorage No. 1 (described in §110.155) between City Island and Hart Island eastward of a line ranging 339° between the steeple on City Island and the westernmost corner of the Administration Building at Orchard Beach; southward of a line ranging 50° between the northerly abutment on the westerly end of the City Island drawbridge and tangent to Chimney Sweeps; westward of a line tangent to Chimney Sweeps and ranging 163° toward the west gable on Rat Island and westward of a line tangent to the easterly side of High Island and ranging 152°30' from the west gable on Rat Island; and northward of a line ranging 56° between the Buryea Pier at Belden Point, City Island to Hart Island Light, except for the cable and pipe line area extending between City Island and Hart Island.

(310) **(d) Eastchester Bay, west of City Island.** That portion of Long Island Sound Anchorage No. 1 (as described in §110.155(a)) west of City Island and within the following limits: Northward of a line ranging 244° from the Duryea Pier at the foot of City Island Avenue to Big Tom Nun Buoy No. 2 (latitude 40°50'01", longitude 73°47'25"); thence northeastward of a line ranging 329° from Big Tom Nun Buoy No. 2 through the

Nun Buoy (latitude 40°50'46", longitude 73°48'01") off the southern end of Rodman Neck; southeastward of a line ranging 205° from the east abutment of the City Island Bridge through the south tower of the Bronx-Whitestone Bridge; and southward of a line ranging 90° from the Pelham War Memorial in Pelham Bay Park and the steeple of the church at the southeast corner of Elizabeth Street and City Island Avenue.

(311) **(e) Eastchester Bay, along west shore**. That portion of Long Island Sound Anchorage No. 1 (as described in §110.155 (a) along the west shore of Eastchester Bay north of and including Weir Creek, shoreward of a line ranging 349° from the end of the timber pier at the foot of Pope Place, Edgewater, and through the transmission tower at the northeast side of the draw of the New York, New Haven and Hartford Railroad Bridge over Eastchester Creek, and having as its northerly limit the line ranging 79° through the row of telephone poles along the north side of Watt Avenue.

(312) **(f) Eastchester Bay, Locust Point Harbor**. That portion of Long Island Sound Anchorage No. 2 (as described in §110.155(a)) included within the limits of Locust Point Harbor between Wright Island and Throgs Neck and to the westward of a north and south line (longitude 73°47'58") through the southerly corner of the concrete culvert at the southerly end of the stone wall at Locust Point on Wright Island.

(313) **(g) Manhasset Bay, west area at Manorhaven**. That portion of Long Island Sound Anchorage No. 4 (described in §110.155) westward of a line (longitude 73°42'53") ranging 180° from the end of the Town of North Hempstead pier at Manorhaven; northwestward of a line ranging 233° from the intersection of the shore and the northerly line of Corchang Avenue (extended) on Tom Point toward Plum Point Shoal Buoy 3 (latitude 40°49'48.5", longitude 73°43'25"); and northeastward of a line ranging 119° from the cupola on Plum Point toward the inshore end of the northerly side of the Purdy Boat Company pier at Port Washington; excluding therefrom the seaplane restricted area described in §207.35.

(314) **(h) Manhasset Bay, east area at Manorhaven**. That portion of Long Island Sound Anchorage No. 4 (described in §110.155) bounded as follows: Beginning at the shoreline at

(315) 40°50'18.0"N., 73°42'51.0"W.; thence 180° to

(316) 40°50'05.0"N., 73°42'51.0"W.; thence 132° to

(317) 40°49'58.0"N., 73°42'41.0"W.; thence 234° to

(318) 40°49'48.5"N., 73°42'58.0"W.; thence 090° to

(319) 40°49'48.5"N., 73°42'22.5"W.; thence 020° to

(320) 40°50'01.5"N., 73°42'16.0"W.; thence due north to the point of land at Manorhaven northeasterly of Tom Point; thence southwesterly along the shore to and around Tom Point and north-northwesterly along the shore to the point of beginning.

(321) **(i) Manhasset Bay, at Port Washington.** That portion of Long Island Sound Anchorage No. 4 (described in §110.155) southward of latitude 40°49'44"; eastward of a line ranging 161° from the offshore end of the Yacht Service, Inc., pier on the Copp Estate at Manorhaven toward the flagpole on the end of the Whitney Dock at Plandome; and northward of latitude 40°49'06".

(322) **(i–1) Manhasset Bay, at Kings Point**. That portion of Long Island Sound Anchorage No. 4 (described in §110.155 (a) (6)) bounded as follows: Beginning at a point on the shoreline at

(323) 40°49'24.4"N., 73°43'41.5"W.; thence to

(324) 40°49'32.5"N., 73°43'30.1"W.; thence to

(325) 40°49'42.9"N., 73°43'55.2"W.; thence to

(326) 40°49'39.0"N., 73°43'59.0"W.; thence along the shoreline to the point of beginning.

(327) **(j) Manhasset Bay, at Plandome**. That portion of Long Island Sound Anchorage No. 4 (described in §110.155) southward of the line of the Whitney Dock at Plandome extended; eastward of a line ranging 186° from the Manhasset-Lakeville Water District tank at Thomaston toward the tank at Tom Point; and northward of Thompson's pier at Plandome extended.

(328) **(j–1) Kings Point.** That portion of Long Island Sound Anchorage No. 4 (described in §110.155) beginning on the shoreline at

(329) 40°49'00.3"N., 73°45'43.5"W.; thence to

(330) 40°49'03.9"N., 73°45'47.1"W.; thence to

(331) 40°49'12.9"N., 73°45'41.2"W.; thence to

(332) 40°49'18.7"N., 73°45'30.3"W.; thence to

(333) 40°49'08.2"N., 73°45'19.0"W.; thence along the shoreline to the point of beginning.

(334) **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.

(335) This special anchorage area is within the limits of Long Island Sound Anchorage No. 4 as described in §110.155(a) (6).

(336) **(k) Little Neck Bay**. That portion of Long Island Sound Anchorage No. 5 (as described in §110.155(a) (7)), southeastward of a line ranging approximately 20°30' from the flagpole at Fort Totten, Willets Point to the outermost dolphin of the U.S. Merchant Marine Academy's pier at Kings Point, Long Island.

(337) **(l) Flushing Bay, north area**. That portion of East River Anchorage No. 10 (described in §110.155), in the vicinity of College Point, southeastward of a line tangent to the west side of College Point ranging from

College Point Reef Light to the offshore end of the most northerly rack of the former College Point Ferry slip.

(338) **(l–1) Flushing Bay, north central area**. That portion of East River Anchorage No. 10 (described in §110.155) on the east side of Flushing Bay, southward of a line projecting due west from the tank located on the north side of the foot of 15th Avenue, College Point, eastward of a line parallel to, and 50 feet east of the east channel line in Flushing Bay, and northward of a line ranging 42° from Flushing Bay Light 8 on the north end of the dike.

(339) **(l–2) Flushing Bay, south central area.** That portion of East River Anchorage No. 10 (described in §110.155) on the east side of Flushing Bay, southward of a line ranging 52° from a point at latitude 40°46'29", longitude 73°51'16"; eastward of a line parallel to, and 50 feet east of the east channel line in Flushing Bay, and northward of a line ranging 67° from a point at latitude 40°46'12", longitude 73°51'06" to the shore.

(340) **(m) Flushing Bay, southeast area**. That portion of East River Anchorage No. 10 (described in §110.155) south of a line ranging 60° from the northeasterly corner of the municipal pier at the Flushing Bay Boat Basin toward the stack (latitude 40°45'54", longitude 73°50'29") of the New York City Asphalt Plant.

(341) **(m–1) Flushing Bay, southwest area**. That portion of East River Anchorage No. 10 (described in §110.155) southwest of the breakwater, projecting offshore and southeast of La Guardia Airport; southerly of a line extending from the offshore end of the breakwater at latitude 40°45'53", longitude 73°51'06" to Flushing Bay Light 12 on the southerly end of the dike; westerly of a line extending from Flushing Bay Light 12 to a point at latitude 40°45'48", longitude 73°51'00"; northwesterly of a line ranging 229° from the point at latitude 40°45'48", longitude 73°51'00" to the shore.

(342) **(m–2) Flushing Bay, west area**. That portion of East River Anchorage No. 10 (described in §110.155) adjacent to the northeasterly side of La Guardia Airport, easterly of a line ranging 39° from the control tower at La Guardia Airport to College Point Reef Light, southward of a line extending due west from the tank on the north side of the foot of 15th Avenue, College Point, westward of a line parallel to, and 100 feet west of the west channel line in Flushing Bay and northerly of a line extending due west from Flushing Bay Light 8 on the north end of the dike.

(343) **NOTE:** The anchoring of vessels and placing of temporary moorings in anchorage areas described in paragraphs (m) and (m–1) of this section will be under the jurisdiction, and at the discretion of the local Harbor Master appointed by the City of New York.

(344) **(n) Bowery Bay**. All of that portion of East River Anchorage No. 10 (described in §110.155) on the west side of Bowery Bay.

(345) **(o) Hudson River, at Yonkers**. Northward of a line on range with the footbridge across the New York Central Railroad Company tracks at the southerly end of Greystone Station; eastward of a line on range with the square, red brick chimney west of the New York Central Railroad Company tracks at Hastings-on-Hudson and the easterly yellow brick chimney of the Glenwood powerhouse of the Yonkers Electric Light and Power Company; and southward of a line on range with the first New York Central Railroad Company signal bridge north of the Yonkers Yacht Club.

(346) **(o–1) Hudson River, at Glenwood, Yonkers, New York**. That portion of the waters of the easterly side of Hudson River and adjacent to the northerly limits of the City of Yonkers, New York, northward of the northerly face of an outfall sewer pipe which is 2,200 feet north of the Glenwood powerhouse; east of a line on range with the northwest corner of the powerhouse bulkhead and the westerly end of the outfall sewer pipe; and southward of a line ranging 110° true to the first New York Central Railroad Company's signal bridge, north of the Yonkers Corinthian Yacht Club house.

(347) **(o–2) Hudson River, at Nyack**. That portion of the waters north of a line ranging 270° from latitude 41°05'35.1", longitude 73°54'27", to the shoreline; west of a line connecting latitude 41°05'35.1", longitude 73°54'27", and latitude 41°06'06.3", longitude 73°54'27"; and south of a line ranging 270° from latitude 41°06'06.3", longitude 73°54'27" to the shoreline.

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

(349) **(o–3) Hudson River, North Manhattan**. That area enclosed by coordinates starting at

(350) 40°51'08.0"N., 073°56'36.1"W., to

(351) 40°51'09.5"N., 073°56'40.9"W., to

(352) 40°52'08.1"N., 073°55'57.0"W., thence along the shoreline to the point of the beginning.

(353) **(p) Hudson River, at Hastings-on-Hudson**. That portion of the waters northerly of a line extending from a point at latitude 40°59'56.0", longitude 73°53'11.3" to the shore at latitude 40°59'55.7"; easterly of lines extending from the aforementioned point at latitude 40°59'56.0", longitude 73°53'11.3" through a point at latitude 41°00'04.6", longitude 73°53'10.9" to a point at latitude 41°00'14.6", longitude 73°53'08.2"; and southerly of a line extending from the last mentioned point to the shore at latitude 41°00'14.2".

(354) **(p-1) Hudson River, at Tarrytown, NY**. Beginning at a point on the shoreline at

(355) 41°04'20"N., 73°52'04"W.; thence to

(356) 41°04'20"N., 73°52'12"W.; thence to

(357) 41°04'13"N., 73°52'12"W.; thence to

(358) 41°04'13"N., 73°52'00"W.; thence along the shoreline to the point of beginning.

(359) **(p-2) Hudson River, at West Point.** That portion of the waters of the westerly side of the Hudson River, adjacent to the United States Military Academy, shoreward of a line connecting the extreme northwest corner of the south dock with a projection of land located approximately 1,575 feet north thereof.

(360) **(q) Newark Bay, southeast area**. That portion of the waters on the southeasterly side of Newark Bay, north of a line ranging from the offshore end of the breakwater north of the former Elco Boat Works through Newark Bay Channel Buoy 6; east of a line ranging from a point 200 yards east of the east pier of the lift span of the Central Railroad Company of New Jersey bridge to a point 200 yards east of the east end of the lift span of the Pennsylvania-Lehigh Valley Railroad bridge; and south of a line ranging from the southwest corner of the bulkhead at Bayonne City Park through Newark Bay Channel Buoy 11.

(361) **NOTE:** This special anchorage is within the limits of General Anchorage No. 37, described in §110.155(h)(4).

(362) **(r) Newark Bay, southwest area.** That portion of waters on the southwesterly side of Newark Bay, north of a line ranging from Kill Van Kull Light 16 through Kill Van Kull Light 18 and Kill Van Kull Channel Buoy 20, northeast of a line through Kill Van Kull Channel Buoy 20 perpendicular to the Singer Manufacturing Company's bulkhead, and southeast of a line 150 feet east of and parallel to the Singer Manufacturing Company's bulkhead, and south of a line 250 feet south of and parallel to the Central Railroad Company of New Jersey bridge and west of a line perpendicular to the dike at Kill Van Kull Light 16, excluding therefrom the "Pipe Line Area."

(363) **NOTE:** The greater portion of this special anchorage is within the limits of general anchorage No. 34, described in §110.155(h) (1).

(364) **(r–1) Great Kills Harbor.** Beginning at a point on the shoreline at

(365) 40°32'05.6"N., 74°08'24.2"W.; thence to

(366) 40°32'06.7"N., 74°08'27.6"W.; thence to

(367) 40°32'19.0"N., 74°08'23.1"W.; thence to

(368) 40°32'27.8"N., 74°08'25.9"W.; thence to

(369) 40°32'40.2"N., 74°08'10.5"W.; thence to

(370) 40°32'44.2"N., 74°08'12.9"W.; thence along the northern and eastern shoreline to the point of beginning.

(371) **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.

(372) This special anchorage area is within the limits of General Anchorage No. 28 described in §110.155(f)(3).

(373) **(s) Jamaica Bay.** That portion of the waters on the westerly side of Jamaica Bay, westerly of a line ranging from Island Channel Buoy 21 through Island Channel Buoy 23, northward of a line ranging from Island Channel Buoy 21 to the north abutment of the Shore Parkway Bridge across Paerdegat Basin, and southward of a line ranging 310° from Island Channel Buoy 23.

(374) **(s–1) Jamaica Bay, south area.** That portion of Broad Channel westerly of a line bearing 190°30' from the northerly terminus of the New York City Transit Authority trestle across Broad Channel to latitude 40°35'50", longitude 73°49'06", and thence northerly of a line bearing 254° to the shore.

(375) **NOTE:** The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. The Captain of the Port of New York 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. No vessel shall anchor in the anchorage in such a manner as to interfere with the use of a duly authorized mooring buoy. The Captain of the Port, New York regulations in §110.155(1)(7) apply.

(376) **(t) 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.

(377) **(u) 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.

(378) **(u–1) Hempstead Harbor, New York**. That portion of the waters of Hempstead Harbor southerly of the Glen Cove Breakwater, northerly of a line ranging from "Dome" at Sea Cliff through Hempstead Harbor Buoy 9, and easterly of a line ranging from Glen Cove Breakwater Light through Hempstead Harbor Anchorage Buoys "A" and "B" and Hempstead Harbor Buoy 9, except for the entrance to Glen Cove Creek as defined by Hempstead Harbor Anchorage Buoy "A" and Glen Cove

Entrance Buoy 1 on the north side of the entrance, and Hempstead Harbor Anchorage Buoy "B" the Glen Cove Entrance Buoy 2 on the south side of the entrance.

(379) **(u–2) 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

(380) 40°52'35.5"N., 73°32'17.0"W.; thence to

(381) 40°52'59.5"N., 73°32'18.0"W.; thence to

(382) 40°53'00.0"N., 73°30'53.0"W.; thence to

(383) 40°52'39.0"N., 73°30'54.0"W.; thence to

(384) 40°52'25.0"N., 73°31'18.0"W.; thence following the shoreline to the point of beginning.

(385) **(u–3) 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

(386) 40°53'11"N., 73°31'14"W.; thence to

(387) 40°53'02"N., 73°31'22"W.; thence to

(388) 40°53'02"N., 73°32'00"W.; thence to

(389) 40°53'06"N., 73°32'00"W.; thence following the shoreline to the point of beginning.

(390) **Note**.–The anchoring of vessels and placement of temporary moorings in anchorage areas described in paragraphs (u), (u–2), and (u–3) 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.

(391) **(v) Hudson River, at Coeymans, New York.** That portion of the waters of the westerly side of Hudson River, west of Coeymans Middle Dike, north of a line bearing due west from a point 700 feet south of Upper Hudson River Light No. 43, and south of a line bearing due west from Upper Hudson River Light No. 45, except for an area 125 feet wide, adjacent to and east of the bulkhead fronting the Village of Coeymans and Barren Island Dike.

(392) **(w) Hudson River, at Cedar Hill, New York**. That portion of the westerly side of the Hudson River, adjacent to Cedar Hill Dike, 250 feet in width, bounded on the south by the northerly side of the cut in the dike at the junction of the Vloman Kill and the Hudson River, and extending northerly therefrom 1,600 feet.

(393) **(x) Sheepshead Bay–(1) Western Area**. South of a line 25 feet south of and parallel to the bulkhead wall along the south side of Emmons Avenue; east of a line 200 feet east of and parallel to the prolonged west line of East 15th Street; north of a line 75 feet north of and parallel to the bulkhead wall along the north side of Shore Boulevard between Amherst Street and Dover Street and as prolonged to a point 315 feet south of the bulkhead wall along the south side of Emmons Avenue and 25 feet west of the prolonged west side of Ocean Avenue; and west of a line parallel to and 25 feet west of the prolonged west line of Ocean Avenue.

(394) **(2) Northern Area**. South of the established U.S. pierhead line on the north side of the bay; west of the prolonged west line of Coyle Street; north of a line ranging from a point 90 feet south of said pierhead line in said prolonged west side of Coyle Street to the intersection of the south line of Shore Boulevard and the west line of Kensington Street; north of a line parallel to and 325 feet north of the bulkhead wall along the north side of Shore Boulevard; northeast of a line ranging from the point of intersection of the last-mentioned line with the prolonged east line of East 28th Street, toward a point on the prolonged east line of East 27th Street and 245 feet south of the established U.S. pierhead line on the north side of the bay; and east of the prolonged east side of East 27th Street.

(395) **(3) Southern Area**. South of a line extending from a point 175 feet northerly of the bulkhead wall along the north side of Shore Boulevard (perpendicular distance) and in the prolonged west side of Hastings Street to a point on the prolonged east side of Mackenzie Street 125 feet north of the bulkhead wall on the north side of Shore Boulevard; thence south of a line parallel to and 125 feet northerly of the bulkhead wall along the north side of Shore Boulevard from the last-mentioned point to the prolonged west line of Coyle Street; north of a line parallel to and 25 feet north of the bulkhead wall along the north side of Shore Boulevard; and east of the prolonged west side of Hastings Street.

(396) **(4) Captain of the Port Regulations.** In Sheepshead Bay, New York, Western, Northern, and Southern Special Anchorage Areas, the following applies:

(397) (i) Two anchors shall be used. The anchor minimum weight and minimum chain size shall be as shown in table 110.60(x)(4) and the anchor shall be placed as shown in figure 110.60(x)(4).

(398) (ii) The area is principally for vessels used for a recreational purpose.

(399) (iii) The area is principally for vessels used for a recreational purpose.

## Table 110.60(x)(4)

| Vessel Length, in feet | Anchor weight, in pounds per anchor | Chain Size, in inches |
|---|---|---|
| 15 or less . . . . . | 100 | 5/16 |
| Greater than 15 but not greater than 21. | 150 | 3/8 |
| Greater than 21 but not greater than 26. | 200 | 3/8 |

**Table 110.60(x)(4)**

| Vessel Length, in feet | Anchor weight, in pounds per anchor | Chain Size, in inches |
|---|---|---|
| Greater than 26 . . . | 10 per foot of vessel length | ½ for each anchor whose weight is not greater than 400 lbs., 5/8 for each anchor whose weight is greater than 400 lbs. |

(400) **(y) 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 latitude 41°04'09"N., longitude 72°17'54"W., thence eastward along the shoreline to the point of origin.

(401) **(y-1) 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.

(402) **(z) Point Comfort at Keansburg, New Jersey.** This special anchorage is adjacent to the amusement pier at Point Comfort on Raritan Bay and is bounded as follows: Beginning on the Keansburg shore at

(403) 40°27'19"N., 74°08'25"W.; to

(404) 40°27'38"N., 74°08'52"W.; to

(405) 40°27'52"N., 74°08'32"W.; to

(406) 40°27'50"N., 74°07'45"W.; to

(407) 40°27'14"N., 74°07'46"W; and thence returning westward along the shoreline to point of origin.

(408) **(aa) South of Perth Amboy, New Jersey.** The waters bounded by a line connecting the following points:

(409) 40°30'19.0"N., 74°15'46.0"W.; to

(410) 40°30'17.0"N., 74°15'39.0"W.; to

(411) 40°30'02.8"N., 74°15'45.0"W.; to

(412) 40°29'36.0"N., 74°16'09.2"W.; to

(413) 40°29'30.8"N., 74°16'22.0"W.; to

(414) 40°29'47.2"N., 74°16'52.0"W.; to

(415) 40°30'02.0"N., 74°16'43.0"W.; and thence along the shoreline to the point of beginning.

## Subpart B–Anchorage Grounds

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

(416) **(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.

(417) **(2) Anchorage B**. Southeast of a line ranging 222° from the southwest corner of Fort Phoenix to the New Bedford shore; west of a line ranging 154° from Palmer Island Light to Butler Flats Light; and north of a line bearing 267° from Butler Flats Light to the shore.

(418) **(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.

(419) Each vessel must obtain permission to proceed to Anchorage C from the U.S. Army Corps of Engineers Cape Cod Canal Control traffic controller.

(420) **(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.

(421) Each vessel must obtain permission to proceed to Anchorage D from the U.S. Army Corps of Engineers Cape Cod Canal Control traffic controller.

(422) **(3) Anchorage L–**(east side is preferred). The waters bounded by a line connecting the following points:

(423) 41°34'44"N., 70°42'42"W.; to

(424) 41°35'16"N., 70°43'23"W.; to

(425) 41°33'22"N., 70°46'02"W.; to

(426) 41°32'50"N., 70°45'22"W. and thence to the beginning.

(427) **(4) Anchorage M–**(west side). The waters bounded by a line connecting the following points:

(428) 41°35'35"N., 70°44'47"W.; to

(429) 41°36'24"N., 70°45'53"W.; to

(430) 41°35'00"N., 70°47'53"W.; to

(431) 41°34'12"N., 70°46'47"W. and thence to the beginning.

(432) (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.

(433) (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.

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

(435) (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.

(436) (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.

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

(438) **(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.

(439) **(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.

(440) **(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.

(441) **(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.

(442) **(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.

(443) **(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.

(444) **(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.

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

(446) (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.

(447) (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.

(448) (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.

(449) (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.

(450) (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.

(451) (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.

### §110.142 Nantucket Harbor, Mass.

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

(453) 41°17'23.0"N., 70°05'14.5"W.; thence southerly to

(454) 41°17'03.0"N., 70°05'14.5"W.; thence southwesterly to

(455) 41°16'54.0"N., 70°05'23.0"W.; thence northwesterly to

(456) 41°16'55.0"N., 70°05'31.0"W.; thence northeasterly to

(457) 41°1707.5"N., 70°05'27.0"W.; thence to the point of beginning.

(458) **(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.

### §110.145 Narragansett Bay, R.I.

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

(460) 41°29'28.0"N., 71°21'05.5"W.; thence

(461) 356°, 5,350 feet; thence

(462) 024°, 5,700 feet; thence

(463) 012°, 1,100 feet; thence

(464) 311.5°, 2,300 feet; thence

(465) 351°, 5,350 feet; thence

(466) 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.

(467) (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.

(468) (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.

(469) **(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.

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

(471) 41°34'08.9"N., 71°12'25.8"W.; thence

(472) 019°, 1,900 feet; thence

(473) 289°, 1,900 feet; thence

(474) 199°, 1,900 feet; thence

(475) 109°, 1,900 feet to the point of beginning.

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

(477) (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.

(478) **(ii) Anchorage X–1,** Naval explosives and ammunition handling anchorage. The waters of Narragansett Bay northeasterly of Gould Island within a circle having a radius of 500 yards with its center at latitude 41°33'18", longitude 71°20'03".

(479) (a) This area will be used for anchoring naval vessels carrying or transferring ammunition or explosives under standard military restrictions as established by the Safety Manual, Armed Services Explosive Board. Explosives or dangerous materials include inflammable liquid or inflammable solids, oxidizing materials, corrosive liquids, compressed gases and poisonous substances.

(480) (b) No vessel shall anchor within 500 yards of the explosive anchorage area when occupied by vessels carrying explosives.

(481) (c) Not more than 2,000 tons Net High Explosives limit will be handled in the anchorage area.

(482) (d) No vessel shall be so anchored in the anchorage that it will at any time extend beyond the limits of the area.

(483) (e) Naval vessels anchoring in the area will display the proper signals, and will be under the supervision of the Commander, U.S. Naval Base, Newport, Rhode Island.

(484) **(3) Anchorage C.**

(485) (i) (Reserved)

(486) (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.

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

(488) (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.

(489) **(4) Anchorage D**. West of Goat Island, south of a line bearing 247° from Newport Harbor Light; east of a line bearing 176°30' from the northwesterly end of Rose Island; north of a line bearing 117° from the northerly end of the ferry slip at Jamestown to longitude 71°20' and west of a line running north and south along longitude 71°20'.

(490) (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.

(491) (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.

(492) **(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.

(493) (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.

(494) (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.

(495) **(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.

(496) (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.

(497) **(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.

(498) (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.

(499) **(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.

(500) (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.

(501) **(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.

(502) (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.

(503) **(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.

(504) (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.

(505) **(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.

(506) (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.

(507) **(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.

(508) (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.

(509) **(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.

(510) (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.

(511) **(d) The regulations.** (1) Except in cases of great emergency, no vessels 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.

(512) (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.

(513) (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.

(514) (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.

(515) (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.

(516) (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.

### §110.147 New London Harbor, Conn.

(517) **(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 (latitude 41°21'18"N., longitude 72°04'48"W.): 243°, 1,400 yards; 246°, 925 yards; 217°, 1,380 yards; and 235°, 1,450 yards.

(518) **(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 (latitude 41°18'59"N., longitude 72°05'25"W.): 002°, 2,460 yards; 009°, 2,480 yards; 026°, 1,175 yards; and 008°, 1,075 yards.

(519) **(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 (latitude 41°18'21"N., longitude 72°04'41"W.), and a point bearing 270°, 1,450 yards from New London Ledge Light.

(520) **(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.

(521) **(5) Anchorage E**. The waters at the mouth of New London Harbor one mile southeast of New London Ledge Light beginning at latitude 41°17'26"N., longitude 72°04'21"W.;

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

(523) thence southeasterly to 41°16'50"N., 72°03'16"W.;

(524) and thence southwesterly to 41°16'38"N., 72°03'43"W.;

(525) and thence northwesterly to the point of beginning.

(526) **(6) Anchorage F**. The waters off the mouth of New London Harbor two miles southeast of New London Ledge Light beginning at latitude 41°16'00"N., longitude 72°03'13"W.;

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

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

(529) thence easterly to 41°16'35"N., 72°03'13"W.;

(530) and thence southerly to the point of beginning.

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

(532) (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.

(533) (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.

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

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

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

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

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

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

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

(540) point "F" 41°10'05.0"N., 73°00'54.5"W.; to

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

(542) **(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.

### §110.150 Block Island Sound N.Y.

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

(544) 41°06'12"N., 72°00'05"W.

(545) 41°07'40"N., 72°01'54"W.

(546) 41°08'12"N., 72°01'10"W.

(547) 41°06'46"N., 71°59'18"W.

(548) **(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.

### §110.155 Port of New York.

(549) **(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.

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

(551) (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.

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

(553) **(2) Anchorage No. 1–A**. Southwest of a line ranging from Duck Point, Echo Bay, through Bailey Rock Lighted Buoy 3 BR; northwest of a line ranging from Hicks Ledge Buoy 2H to Old Tom Head Rocks Buoy 4; and north of a line ranging from Old Tom Head Rocks Buoy 4 to the southernmost point of Davenport Neck.

(554) **NOTE:** The special anchorage area in this anchorage is described in §110.60(b–1).

(555) **(3) Anchorage No. 1–B**. West of a line ranging from the point on the southwest side of the entrance of Horseshoe Harbor, Larchmont, to Hicks Ledge Buoy 2H; north of a line ranging from Hicks Ledge Buoy 2H to Duck Point; and in Echo Bay north and west of the channel.

(556) **NOTE:** The special anchorage area in this anchorage is described in §110.60(b–1).

(557) **(4) Anchorage No. 2.** West of a line from Locust Point tangent to the northeasterly sea wall at Throgs Neck.

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

(559) **(5) Anchorage No. 3**. Northeast of a line from the south side of Barker Point to Gangway Rock Bell Buoy 27; southeast of a line from Gangway Rock Bell Buoy 27 to Sands Point Reef Lighted Buoy 25; and southwest of a line from Sands Point Reef Lighted Buoy 25 through Sands Point Light to Sands Point.

(560) **(6) Anchorage No. 4**. Manhassett Bay, excluding the seaplane restricted area described in §207.35; and that portion of Long Island Sound northeast of a line ranging from Stepping Stones Light through Elm Point Buoy 2 to Elm Point; southeast of a line ranging from Stepping Stones Light to Gangway Rock Bell Buoy 27; and southwest of Anchorage No. 3.

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

(562) **(7) Anchorage No. 5**. In Little Neck Bay; and east of a line ranging from Fort Totten flagpole to Hart Island Light; and south of Anchorage No. 4.

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

(564) **(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.

(565) **(2) Anchorage No. 7**. South of a line from Whitestone Point to the outer end of Willets Point Wharf.

(566) **(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.

(567) **(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.

(568) **(5) Anchorage No. 10**. An area in Flushing Bay, beginning at

(569) 40°46'49"N., 73°52'21"W.; to

(570) 40°47'20"N., 73°51'55"W.; to

(571) 40°47'38"N., 73°51'15"W.; and an area on the west side of Bowery Bay, beginning at

(572) 40°46'58"N., 73°53'46"W.; to

(573) 40°47'03"N., 73°53'39"W.; to

(574) 40°47'00"N., 73°53'31"W.; to

(575) 40°46'55"N., 73°53'32"W.; to

(576) 40°46'49"N., 73°53'39"W.

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

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

(579) 40°47'55.0"N., 73°53'19.5"W.; to

(580) 40°47'40.0"N., 73°51'58.0"W.; to

(581) 40°47'16.0"N., 73°52'15.0"W.

(582) (7) (Reserved)

(583) **(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.

(584) **(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.

(585) (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.

(586) **(2) Anchorage No. 17**. North of a line bearing 66° from shore to a point at latitude 40°51'34", longitude 73°56'54"; thence west of a line bearing 29° to latitude 40°52'27", longitude 73°56'16"; thence 20° to latitude 40°54'17", longitude 73°55'23"; thence 15° to latitude 40°56'20", longitude 73°54'39"; thence south of a line bearing 284° to shore.

(587) (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.

(588) **(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.

(589) (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.

(590) (4) (Reserved)

(591) **(5) Anchorage No. 19**. An area located east of the Weehawken-Edgewater Channel beginning at a point on the Manhattan shoreline at

(592) 40°46'47.8"N., 73°59'22.3"W.; to

(593) 40°46'59.8"N., 73°59'52.8"W.; to

(594) 40°47'42.5"N., 73°59'18.0"W.; to

(595) 40°48'27.0"N., 73°58'45.5"W.; to

(596) 40°49'28.0"N., 73°58'06.2"W.; to

(597) 40°50'15.5"N., 73°57'18.0"W.; to
(598) 40°51'02.3"N., 73°56'59.0"W.; to
(599) 40°51'00.8"N., 73°56'51.0"W.; thence following the shoreline to the point of beginning.
(600) (i) No vessel may anchor in Anchorage No. 19 without permission from the Captain of the Port.
(601) (ii) Each vessel shall report its position within Anchorage No. 19 to the Captain of the Port immediately after anchoring.
(602) (iii) No vessel may conduct lightering operations in Anchorage No. 19 without permission from the Captain of the Port.
(603) (iv) When the use of Anchorage No. 19 is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.
(604) (v) No vessel over 800 feet, in length overall, or 40 feet in draft may anchor in Anchorage No. 19 unless it notifies the Captain of the Port at least 48 hours before it arrives in New York Harbor.
(605) **(6) Anchorage No. 19-A.** An area located west of Hyde Park enclosed by the coordinates starting at
(606) 41°48'35"N., 73°57'00"W.; to
(607) 41°48'35"N., 73°56'44"W.; to
(608) 41°47'32"N., 73°56'50"W.; to
(609) 41°47'32"N., 73°57'10"W.; thence back to
(610) 41°48'35"N., 73°57'00"W. (NAD 1983).
(611) (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.
(612) (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.
(613) **(d) Upper Bay-(1) Anchorage No. 20-A.** That area enclosed by coordinates starting at
(614) 40°42'02.5"N., 74°02'25.5"W.; to
(615) 40°42'06.5"N., 74°02'19.5"W.; to
(616) 40°42'05.0"N., 74°01'58.4"W.; to
(617) 40°41'54.5"N., 74°01'59.2"W.; thence to
(618) 40°41'53.0"N., 74°02'23.0"W.
(619) (i) See 33 CFR 110.155 (d)(6), (d)(16), and (1).
(620) **(2) Anchorage No. 20-B.** That area enclosed by coordinates starting at
(621) 40°41'47.0"N., 74°02'31.5"W.; to
(622) 40°41'42.0"N., 74°01'02.0"W.; to
(623) 40°41'35.3"N., 74°02'04.2"W.; to
(624) 40°41'29.9"N., 74°02'07.8"W.; to
(625) 40°41'42.6"N., 74°02'32.7"W.; thence back to the beginning.
(626) (i) See 33 CFR 110.155 (d)(6), (d)(16), and (1).
(627) **(3) Anchorage No. 20-C.** That area enclosed by coordinates starting at
(628) 40°41'42.0"N., 74°02'43.0"W.; to
(629) 40°41'25.4"N., 74°02'10.7"W.; to
(630) 40°41'01.7"N., 74°02'26.2"W.; to
(631) 40°41'09.0"N., 74°02'41.5"W.; to
(632) 40°41'20.0"N., 74°02'59.2"W.; thence back to the beginning.
(633) (i) See 33 CFR 110.155 (d)(6), (d)(16), and (1).
(634) **(4) Anchorage No. 20-D.** That area enclosed by coordinates starting at
(635) 40°41'09.5"N., 74°02'49.5"W.; to
(636) 40°40'59.2"N., 74°02'27.9"W.; to
(637) 40°40'44.5"N., 74°02'37.5"W.; to
(638) 40°40'42.7"N., 74°03'07.6"W.; thence back to the beginning.
(639) (i) See 33 CFR 110.155 (d)(6), (d)(16), and (1).
(640) **(5) Anchorage No. 20-E.** That area enclosed by coordinates starting at
(641) 40°40'38.2"N., 74°02'59.6"W.; to
(642) 40°40'39.4"N., 74°02'40.9"W.; to
(643) 40°40'09.2"N., 74°03'00.7"W.; to
(644) 40°40'24.4"N., 74°03'24.6"W.; thence back to the beginning.
(645) (i) See 33 CFR 110.155 (d)(6), (d)(16), and (1).
(646) (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.
(647) **(7) Anchorage No. 20-F.** That area enclosed by coordinates starting at
(648) 40°40'12.1"N., 74°03'41.6"W.; to
(649) 40°39'53.7"N., 74°03'10.8"W.; to
(650) 40°39'34.7"N., 74°03'23.3"W.; to
(651) 40°39'49.9"N., 74°03'57.8"W.; thence back to the beginning.
(652) (i) See 33 CFR 110.155 (d)(9), (d)(16), and (1).
(653) **(8) Anchorage No. 20-G.** That area enclosed by coordinates starting at
(654) 40°39'30.1"N., 74°04'08.0"W.; to
(655) 40°39'32.0"N., 74°03'53.5"W.; to
(656) 40°39'27.5"N., 74°03'42.5"W.; to
(657) 40°39'13.0"N., 74°03'51.0"W.; to
(658) 40°39'09.5"N., 74°04'23.1"W.; thence back to the beginning.
(659) (i) See 33 CFR 110.155 (d)(9), (d)(16), and (l).
(660) (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 relocated at its own expense.
(661) **(10) Anchorage No. 21-A.** That area enclosed by coordinates starting at
(662) 40°40'22.5"N., 74°01'35.2"W.; to
(663) 40°40'20.5"N., 74°01'27.7"W.; to
(664) 40°39'48.9"N., 74°01'22.4"W.; to
(665) 40°38'54.7"N., 74°02'18.9"W.; to

(666) 40°39'03.0"N., 74°02'26.3"W.; thence back to the beginning.

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

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

(669) 40°40'23.8"N., 74°02'10.9"W.; to

(670) 40°40'26.2"N., 74°01'49.5"W.; to

(671) 40°40'22.5"N., 74°01'35.2"W.; to

(672) 40°39'03.0"N., 74°02'26.3"W.; to

(673) 40°38'54.7"N., 74°02'18.9"W.; to

(674) 40°38'43.7"N., 74°02'30.3"W.; to

(675) 40°39'19.3"N., 74°03'03.3"W.; to

(676) 40°39'22.3"N., 74°03'02.4"W.; to

(677) 40°40'18.6"N., 74°02'25.5"W.; thence back to the beginning.

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

(679) (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.

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

(681) 40°39'19.3"N., 74°03'03.3"W.; to

(682) 40°38'43.7"N., 74°02'30.3"W.; to

(683) 40°38'41.6"N., 74°02'32.5"W.; to

(684) 40°38'03.0"N., 74°02'48.7"W.; to

(685) 40°38'03.0"N., 74°03'03.5"W.; to

(686) 40°38'38.4"N., 74°03'15.5"W.; thence back to the beginning.

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

(688) (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.

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

(690) 40°38'36.5"N., 74°04'13.5"W.; to

(691) 40°38'37.0"N., 74°03'49.0"W.; to

(692) 40°38'23.4"N., 74°03'37.2"W.; to

(693) 40°37'49.5"N., 74°03'25.7"W.; to

(694) 40°37'49.8"N., 74°03'50.1"W.; to

(695) 40°37'50.0"N., 74°03'50.2"W.; to

(696) 40°37'53.0"N., 74°04'07.0"W.; thence back to

(697) 40°38'36.5"N., 74°04'13.5"W.

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

(699) (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.

(700) (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.

(701) (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.

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

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

(704) 40°37'49.8"N., 74°03'50.1"W.; to

(705) 40°37'49.5"N., 74°03'25.7"W.; to

(706) 40°37'27.0"N., 74°03'18.1"W.; to

(707) 40°37'23.0"N., 74°03'59.0"W.; to

(708) 40°37'30.0"N., 74°04'04.0"W.; to

(709) 40°37'37.5"N., 74°03'46.0"W.; thence back to

(710) 40°37'49.8"N., 74°03'50.1"W.

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

(712) (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.

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

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

(715) 40°37'23.0"N., 74°03'59.0"W.; to

(716) 40°37'27.0"N., 74°03'18.1"W.; to

(717) 40°36'40.1"N., 74°03'02.2"W.; to

(718) 40°36'25.5"N., 74°02'56.4"W.; to

(719) 40°36'21.0"N., 74°03'11.0"W.; to

(720) 40°36'25.0"N., 74°03'17.5"W.; thence back to the beginning.

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

(722) (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.

(723) (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:

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

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

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

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

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

(729) (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.

(730) (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.

(731) (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.

(732) (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.

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

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

(735) 40°35'58.2"N., 74°02'18.4"W.; to

(736) 40°36'12.0"N., 74°01'29.0"W.; to

(737) 40°36'03.0"N., 74°00'52.5"W.; to

(738) 40°34'57.5"N., 74°00'25.0"W.; to

(739) 40°34'40.0"N., 74°01'03.0"W.; to

(740) 40°34'53.0"N., 74°01'56.1"W.; to

(741) 40°35'23.9"N., 74°02'04.8"W.; thence back to the beginning.

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

(743) (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.

(744) **(f) Lower Bay–(1) Anchorage No. 26**. In Sandy Hook Bay south of a line extending from Point Comfort to Sandy Hook Point Light.

(745) **NOTE:** Anchorages Nos. 49–F and 49–G in this area are reserved for vessels carrying explosives (see paragraph (m) (2) and (3) of this section) and are excluded from use as general anchorages.

(746) (i) Pleasure or commercial craft may not navigate or moor within 750 yards of the Naval Ammunition Depot Pier at Leonardo, New Jersey, nor anchor in the approach channel or the turning basin adjacent thereto.

(747) (ii) When immediate action is required and representatives of the Coast Guard are not present in sufficient force to exercise effective control of shipping, the Commanding Officer of the Naval Ammunition Depot at Earle, New Jersey, may control the anchorage or movement of any vessel, foreign or domestic, to the extent he deems necessary to insure the safety and security of his command.

(748) **(2) Anchorage No. 27–(i) Atlantic Ocean**. Beginning at Sandy Hook Light 15 to

(749) 40°28'52"N., 74°00'03"W.; to

(750) 40°28'41"N., 73°58'54"W.; to

(751) 40°25'58"N., 73°55'00"W.; thence 180° to

(752) 40°23'46"N., thence 270° toward Highland Light and Sandy Hook shore; thence following the easterly shoreline of Sandy Hook to the point of beginning.

(753) **(ii) Romer Shoal,** Beginning at

(754) 40°27'30"N., 73°55'00"W.; thence 000° to

(755) 40°29'05"N.; thence to

(756) 40°31'25"N., 74°00'55"W.; to

(757) 40°32'11"N., 74°01'41"W.; to

(758) 40°32'12"N., 74°02'07"W.; thence 180° to

(759) 40°31'27"N.; thence to

(760) 40°30'13"N., 74°00'07"W.; thence to the point of beginning.

(761) **(iii) Flynns Knoll**. Beginning at Sandy Hook Channel Lighted Bell Buoy 18; thence along the north side of Sandy Hook Channel to Sandy Hook Channel Lighted Buoy; thence along the southwest side of Swash Channel to Junction Buoy; thence along the east side of Chapel Hill Channel to Chapel Hill Channel Buoy 2; and thence to the point of beginning.

(762) **(3) Anchorage No. 28**. West of lines bearing 154°30' from Fort Wadsworth Light to Craven Shoal Lighted Bell Buoy 19A, thence in succession to the buoys marking the east side of West Bank and the buoys on the west side of Chapel Hill Channel to Southwest Spit Junction Lighted Gong Buoy, thence 182° to a line extending from Sandy Hook Point Light to Point Comfort; north of the latter line and the New Jersey shore; and east of a line bearing 353° from the head of the Keansburg Steamboat Pier at Point Comfort, through Great Kills Flat Buoy 4, to the Staten Island shore; excluding from this area, however, (i) the waters west of a line ranging from the stack on Hoffman Island 344° through the northeast corner of the T-shaped pier at South Beach; northwest of a line ranging from Great Kills Light 39° and tangent to the offshore face of the T-shaped pier at Midland Beach; and northeast of a line ranging from the stack on Swinburne Island 301° to the shore end of the north jetty at New Creek; and (ii) the waters west of a line ranging from Conover Light at Leonardo, New Jersey, 340° through Old Orchard Shoal Light; northwest of a line bearing 230° from the stack on Hoffman Island; and northeast of a line ranging from Great Kills Light 332° through Marine Park Light at Crooks Point.

(763) **NOTE:** A special anchorage area in this anchorage is described in §110.60 (r)–1).

(764) (g) (Reserved)

(765) **(h) Newark Bay–(1) Anchorage No. 34.** South of the bridge of the Central Railroad Company of New Jersey; west of lines from a point on the bridge 100 yards west of the west pier of the west lift span to Newark Bay Channel Buoy 5, thence to the east end of the dike north of Shooters Island; north of the dike and a line

ranging from the west end of the dike through Kill Van Kull Light 18 and Kill Van Kull Buoy 20; and east of a line 250 feet east of and parallel to the Singer Manufacturing Company bulkhead.

(766) **NOTE:** A portion of this general anchorage is described as a special anchorage in §110.60(r).

(767) (2) (Reserved)

(768) **(3) Anchorage No. 36**. South of Port Newark Terminal Channel; west of a line ranging from a point 200 yards west of Newark Bay Light 3 to a point 100 yards west of the west pier of the west lift span of the Central Railroad of New Jersey Bridge; and north of said bridge.

(769) (4) Anchorage No. 37. North of the Central Railroad of New Jersey bridge; east of a line ranging from a point 200 yards east of the **east** pier of the east lift span of the bridge to a point 200 yards east of the east end of the lift span of the Pennsylvania-Lehigh Valley Railroad bridge; and south of the latter bridge.

(770) **NOTE:** A portion of this general anchorage is described as a special anchorage in §110.60(q).

(771) **(5) Anchorage No. 38.** North of the Pennsylvania-Lehigh Valley Railroad bridge; east of lines ranging through a point 200 yards east of the east end of the lift span of the said bridge and the red channel buoys marking the dredged channel in Newark Bay and Hackensack River; and south of the Central Railroad Company of New Jersey bridge.

(772) **(6) Anchorage No. 39.** Between the entrance channels of the Hackensack and Passaic Rivers, northwest of lines from the abutment of the Central Railroad of New Jersey bridge on the west side of the Hackensack River to Hackensack River Light 1, and thence to Newark Bay Light 5, and east of a line from said light ranging toward the southeast corner of the Texas Company wharf, and of a line ranging from the southeast corner of Gross Wharf to the abutment and end of fill of the Central Railroad of New Jersey bridge on the east side of the Passaic River.

(773) **(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.

(774) **(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.

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

(776) 40°30'07"N., 74°15'13"W.; to

(777) 40°30'01"N., 74°15'30"W.; to

(778) 40°29'27"N., 74°15'06"W.; to

(779) 40°29'24"N., 74°15'01"W.; to

(780) 40°29'15"N., 74°14'55"W.; to

(781) 40°29'14"N., 74°15'25"W.; to

(782) 40°29'48"N., 74°15'48"W.; thence to the point of beginning.

(783) (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".

(784) (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.

(785) **(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.

(786) (3) (Reserved)

(787) **(4) Anchorage No. 46**. West of the west limit of Anchorage No. 28, as defined by a line bearing 353° from the head of the Keansburg Steamboat Pier at Point Comfort, through Great Kills Flat Buoy 4 to the Staten Island shore; north of Raritan Bay Channel as defined by the buoys and lights marking the north side of the channel, including Princess Bay; northeast of Raritan Bay Channel leading into Arthur Kill; and south of a line bearing 243° from the gable of a house at Ward Point, Staten Island.

(788) **(5) Anchorage No. 47.** South of the Raritan River Channel from opposite the Sun Oil Company pier at South Amboy to Raritan River Buoy 3; thence south of a line in the direction of Boundary Daybeacon to latitude 40°28'48.5", longitude 74°14'31.6"; thence south of lines through Raritan Bay Light 7B, Raritan Bay Light 3A, and the buoys marking the south side of Raritan Bay Channel off Seguine Point to the west limit of Anchorage No. 28 as defined by a line bearing 353° from the head of the Keansburg Steamboat Pier through Great Kills Flat Buoy 4 to the Staten Island shore; and west of the latter line.

(789) (i) Vessels shall 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.

(790) (k) (Reserved)

(791) (1) **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.

(792) (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.

(793) (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.

(794) (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.

(795) (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.

(796) (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.

(797) (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.

(798) (8) The Captain of the Port may grant a revocable permit for the habitual maintenance and use of a given mooring space in an anchorage area. Application information for a mooring permit is available from:

(799) Coast Guard Activities New York, Waterways Oversight Branch, 212 Coast Guard Drive, Staten Island, NY 10305.

(800) (i) A mooring permit is issued to an individual, for his exclusive use, of a specific mooring, of a specific type, at a specific location, for a specific vessel.

(801) (ii) Mooring permits shall expire on April 30 of the year after issuance.

(802) (iii) Mooring permits are not transferable.

(803) (iv) Moorings are shown on the large scale chart which may be seen at the office of the Captain of the Port–New York.

(804) (v) Mooring anchor, chain, and pendant: (Note: Contact Captain of the Port for anchor type and weight, minimum chain size requirement, and placement of anchor.) These requirements may be waived or modified by the Captain of the Port upon written request from the applicant for such waiver or modification.

(805) (vi) The mooring buoy shall be white in color with the Captain of the Port mooring permit number, in black letters, clearly visible at all times. The buoy is to extend not less than 1 foot above the surface of the water at all times, exclusive of flagstaffs, rings, quick pickup devices, etc.

(806) (vii) All required equipment shall be provided by, installed by, and remain the property of the permit holder.

(807) (viii) Mooring equipment should be raised at least every 2 years, inspected for deterioration and replaced if necessary.

(808) (ix) Each person holding a mooring permit shall make what the Captain of the Port–New York considers reasonable use of the mooring. Nonuse of a mooring up to 30 days during the boating season is deemed reasonable.

(809) (x) Moorings for which permits have expired without renewal or have been revoked by the Captain of the Port–New York shall be removed by the owner within 10 days of such expiration or revocation.

(810) (xi) Granting of a Captain of the Port–New York mooring permit does not give a right of access across private property. Arrangements for access shall be made by the permit holder.

(811) (xii) Each person to whom a Captain of the Port–New York mooring permit is issued agrees to hold harmless the United States, its officers, agents, and employees, for any death, personal injury, or damage which may result from the use of the permit or the rights granted under the permit.

(812) (xiii) 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.

(813) (xiv) No vessel shall moor 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 a Captain of the Port–New York permit be moored such that any portion of that vessel comes within 50 feet of a marked or dredged channel.

(814) (xv) No vessel shall be navigated within the limits of an anchorage at speed exceeding 6 knots when in the vicinity of a moored vessel.

(815) (xvi) In an emergency the Captain of the Port may shift the position of any unattended vessel moored in or near any anchorage.

(816) (9) Barge dispensing stations and stake boats may be anchored in such places as the Captain of the Port may designate.

(817) (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.

(818) (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.

(819) (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.

(820) (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.

(821) (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.

(822) **(m) Anchorages for vessels carrying explosives–**

(823) **(1) (Reserved)**

(824) **(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.

(825) (i) This anchorage is to be used for the anchorage of naval vessels during emergencies only.

(826) (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.

(827) **(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.

(828) (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.

(829) **(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.

(830) (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.

(831) (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.

(832) (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.

(833) (5) Vessels carrying explosives shall comply with the general regulations in paragraph (1) of this section when applicable.

(834) (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.

(835) (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.

(836) (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.

(837) **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.

### §110.156 Randall Bay, Freeport, Long Island, N.Y.

(838) **(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.

(839) **(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 New York.

(840) (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.

(841) (3) No vessel shall anchor in the anchorage in such manner as to interfere with the use of a duly authorized mooring buoy.

(842) (4) No vessel shall be navigated within the anchorage at a speed exceeding six knots.

(843) (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.

## Part 117–Drawbridge Operation Regulations

## Subpart A–General Requirements

### §117.1 Purpose.

(844) This subpart prescribes general requirements relating to the use and operation of drawbridges across the navigable waters of the United States.

(845) **Note.–**The primary jurisdiction to regulate drawbridges across the navigable waters of the United States is vested in the Federal Government. Laws, ordinances, regulations, and rules which purport to regulate these bridges and which are not promulgated by the Federal Government have no force and effect.

### §117.3 Applicability.

(846) The provisions of this subpart not in conflict with the provisions of Subpart B apply to each drawbridge.

(847) **Note.–**For all of the requirements applicable to a drawbridge listed in Subpart B, one must review the requirements in Subpart A and §§117.51 through 117.99 of Subpart B, as well as the requirements in Subpart B applicable to the particular drawbridge in question.

### §117.4 Definitions.

(848) Certain terms used in this part are defined in this section.

(849) **Appurtenance**. The term “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.

(850) **Lowerable**. The term “lowerable” means the nonstructural vessel appurtenance can be mechanically

or manually lowered and raised again. The term "lowerable" also applies to a nonstructural vessel appurtenance which can be modified to make the item flexible, hinged, collapsible, or telescopic such that it can be mechanically or manually lowered and raised again. Failure to make the modification is considered equivalent to refusing to lower a lowerable nonstructural appurtenance that is not essential to navigation. Examples of appurtenances which are considered to be lowerable include, but are not limited to, fishing outriggers, radio antennae, television antennae, false stacks, and masts purely for ornamental purposes. Examples of appurtenances which are not considered to be lowerable include, but are not limited to, radar antennae, flying bridges, sailboat masts, piledriver leads, spud frames on hydraulic dredges, drilling derricks' substructures and buildings, cranes on drilling or construction vessels, or other items of permanent and fixed equipment.

(851) **Nonstructural**. The term "nonstructural" means that the item is not rigidly fixed to the vessel and is thus susceptible to relocation or alteration.

(852) **Not essential to navigation**. The term "not essential to navigation" means the nonstructural vessel appurtenance does not adversely affect the vessel's piloting, propulsion, control or collision avoidance capabilities when in the lowered position.

### §117.5 When the draw shall open.

(853) Except as otherwise required by this subpart, drawbridges shall open promptly and fully for the passage of vessels when a request to open is given in accordance with this subpart.

### §117.7 General duties of drawbridge owners and tenders.

(854) (a) Drawbridge owners and tenders shall operate the draw in accordance with the requirement in this part.

(855) (b) Except for drawbridges not required to open for the passage of vessels, owners of drawbridges shall ensure that:

(856) (1) The necessary drawtenders are provided for the safe and prompt opening of the draw;

(857) (2) The operating machinery of the draw is maintained in a serviceable condition; and

(858) (3) The draws are operated at sufficient intervals to assure their satisfactory operation.

### §117.9 Delaying opening of a draw.

(859) No person shall unreasonably delay the opening of a draw after the signals required by §117.15 have been given.

(860) **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.

### §117.11 Unnecessary opening of the draw.

(861) No vessel owner or operator shall–

(862) (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

(863) (b) Signal a drawbridge to open for any purpose other than to pass through the drawbridge opening.

### §117.15 Signals.

(864) (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.

(865) (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.

(866) (3) Any of the means of signaling described in this subpart sufficient to alert the party being signaled may be used.

(867) (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.

(868) (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.

(869) (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.

(870) (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.

(871) (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.

(872) (c) Visual signals. (1) The visual signal to request the opening of a draw is–

(873) (i) A white flag raised and lowered vertically; or

(874) (ii) A white, amber, or green light raised and lowered vertically.

(875) (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–

(876) (i) A white flag raised and lowered vertically;

(877) (ii) A white, amber, or green light raised and lowered vertically, or

(878) (iii) A fixed or flashing white, amber, or green light or lights.

(879) (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–

(880) (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

(881) (ii) A fixed or flashing red light or lights given not more than 30 seconds after the vessel's opening signal.

(882) (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.

(883) (d) Radiotelephone communications. (1) Radiotelephones may be used to communicate the same information provided by sound and visual signals.

(884) **NOTE:** Call signs and radio channels for drawbridges equipped with radiotelephones are included with the bridge descriptions in chapters 4 through 12.

(885) (2) The vessel and the drawtender shall monitor the frequency used until the vessel has cleared the draw.

(886) (3) When radiotelephone contact cannot be initiated or maintained, sound or visual signals under this section shall be used.

### §117.17 Signalling for contiguous drawbridges.

(887) 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.

### §117.19 Signalling when two or more vessels are approaching a drawbridge.

(888) 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.

### §117.21 Signalling for an opened drawbridge.

(889) 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.

### §117.23 Installation of radiotelephones.

(890) (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.

(891) (b) The District Commander gives written notice of the proposed requirement to the bridge owner.

(892) (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.

(893) (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.

### §117.24 Radiotelephone installation identification.

(894) (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.

(895) (b) The sign shall give notice of the radiotelephone and its calling and working channels–

(896) (1) In plain language; or

(897) (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.

### §117.31 Operation of draw for emergency situations.

(898) (a) When a drawtender is informed by a reliable source that an emergency vehicle is due to cross the draw, the drawtender shall take all reasonable measures to have the draw closed at the time the emergency vehicle arrives at the bridge.

(899) (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:

(900) (1) Federal, State, and local government vessels used for public safety;

(901) (2) vessels in distress where a delay would endanger life or property;

(902) (3) commercial vessels engaged in rescue or emergency salvage operations; and

(903) (4) vessels seeking shelter from severe weather.

### §117.33 Closure of draw for natural disasters or civil disorders.

(904) 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.

### §117.35 Operations during repair or maintenance.

(905) (a) When operation of the draw must deviate from the regulations in this part for scheduled repair or maintenance work, the drawbridge owner shall request approval from the District Commander at least 30 days before the date of the intended change. The request shall include a brief description of the nature of the work to be performed and the times and dates of requested changes. The District Commander's decision is forwarded to the applicant within five working days of the receipt of the request. If the request is denied, the reasons for the denial are forwarded with the decision.

(906) (b) When the draw is rendered inoperative because of damage to the structure or when vital, unscheduled repair or maintenance work shall be performed without delay, the drawbridge owner shall immediately notify the District Commander and give the reasons why the draw is or should be rendered inoperative and the expected date of completion of the repair or maintenance work.

(907) (c) All repair or maintenance work under this section shall be performed with all due speed in order to return the draw to operation as soon as possible.

(908) (d) If the operation of the draw will be affected for periods of less than 60 days, the regulations in this part will not be amended. Where practicable, the District Commander publishes notice of temporary deviations from the regulations in this part in the Federal Register and Local Notices to Mariners. If operation of the draw is expected to be affected for more than 60 days, the District Commander publishes temporary regulations covering the repair period.

### §117.37 Opening or closure of draw for public interest concerns.

(909) (a) For reasons of public health or safety or for public functions, such as street parades and marine regattas, the District Commander may authorize the opening or closure of a drawbridge for a specified period of time.

(910) (b) Requests for opening or closure of a draw shall be submitted to the District Commander at least 30 days before the proposed opening or closure and include a brief description of the proposed event or other reason for the request, the reason why the opening or closure is required, and the times and dates of the period the draw is to remain open or closed.

(911) (c) Approval by the District Commander depends on the necessity for the opening or closure, the reasonableness of the times and dates, and the overall effect on navigation and users of the bridge.

### §117.39 Closure of draw due to infrequent use.

(912) Upon written request by the owner or operator of a drawbridge, the District Commander may, after notice in the Federal Register and opportunity for public comment, permit the draw to be closed and untended due to infrequency of use of the draw by vessels. The District Commander may condition approval on the continued maintenance of the operating machinery.

### §117.41 Maintenance of draw in fully open position.

(913) The draw may be maintained in the fully open position to permit the passage of vessels and drawtender service discontinued if the District Commander is notified in advance. The draw shall remain in the fully open position until drawtender service is restored or authorization under §117.39 is given for the draw to remain closed and untended.

### §117.43 Changes in draw operation requirements for regulatory purposes.

(914) In order to evaluate suggested changes to the drawbridge operation requirements, the District Commander may authorize temporary deviations from the regulations in this part for periods not to exceed 90 days. Notice of these deviations is disseminated in the Local Notices to Mariners and published in the Federal Register.

### §117.45 Operation during winter in the Great Lakes area.

(915) (a) The Commander, Ninth Coast Guard District, may determine that drawbridges located in the Ninth Coast Guard District need not open during the winter season when general navigation is curtailed, unless a request to open the draw is given at least 12 hours before the time of the intended passage.

(916) (b) Notice of these determinations is disseminated in Local Notices to Mariners and other appropriate media. Notices indicate–

(917) (1) The name and location of the bridge affected;

(918) (2) The period of time covered; and

(919) (3) The telephone number and address of the party to whom requests for openings are given.

### §117.47 Clearance gauges.

(920) (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.

(921) (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).

(922) **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.

### §117.49 Process of violations.

(923) (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.

(924) (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).

## Subpart B–Specific Requirements

### §117.51 Purpose.

(925) This subpart prescribes specific requirements relating to the operation of certain drawbridges.

(926) **Note.–**The drawbridges under this subpart are listed by the waterway they cross and by the state in which they are located. 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.

### §117.53 Applicability.

(927) (a) The requirements in this subpart apply to the bridges listed and are in addition to, or vary from, the general requirements in Subpart A.

(928) (b) A requirement in this subpart which varies from a general requirement in Subpart A supersedes the general requirement.

(929) (c) All other general requirements in Subpart A not at variance apply to the bridges listed in this subpart.

(930) (d) The draws of a number of the bridges listed in this subpart need not open for the passage of vessels during certain periods, however, this does not preclude the bridge owner from directing the drawtender to open the draw during these periods.

### §117.55 Posting of requirements.

(931) (a) The owner of each drawbridge under this subpart, other than removable span bridges, shall ensure that a sign summarizing the requirements in this subpart applicable to the bridge is posted both upstream and downstream of the bridge. The requirements to be posted need not include those in Subpart A or §§117.51 through 117.99.

(932) (b) The signs shall be of sufficient size and so located as to be easily read at any time from an approaching vessel.

(933) (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.

### §117.57 Advance notice.

(934) Owners and tenders of drawbridges requiring advance notice to open shall use all reasonable means to open the draw at the requested time and give due regard to the possibility that a brief delay may be experienced by the vessel giving the advance notice.

### §117.59 Special requirements due to hazards.

(935) 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.

(936) **CONNECTICUT**

### §117.202 Cold Spring Brook.

(937) The draw of the footbridge, mile 0.1 at old 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.

### §117.205 Connecticut River.

(938) (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.

(939) (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.

(940) (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.

### §117.207 Housatonic River.

(941) (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.

(942) (b) The draw of the Metro-North (Devon) bridge, mile 3.9 at Stratford, shall operate as follows:

(943) (1) The draw shall open on signal; except as follows:

(944) (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.

(945) (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.

(946) (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.

(947) (2) A delay in opening the draw shall not exceed 20 minutes for the passage of approaching trains from the time of the request.

### §117.209 Mianus River.

(948) The draw of the Metro-North bridge, mile 1.0 at Greenwich, shall operate as follows:

(949) (a) From 5 a.m. to 9 p.m.–

(950) (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.

(951) (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.

(952) (b) From 9 p.m. to 5 a.m., the draw need not be opened for the passage of vessels.

### §117.211 Mystic River.

(953) (a) The draw of the Amtrak railroad bridge, mile 2.4 at Mystic, shall operate as follows:

(954) (1) From April 1 to October 31, the draw shall open on signal.

(955) (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.

(956) (3) Public vessels of the United States, state and local vessels used for public safety, vessels in an emergency, and 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.

(957) (4) All other vessels shall be passed as soon as practicable but no later than 20 minutes after the signal to open is given.

(958) (b) The draw of the US 1 bridge, mile 2.8 at Mystic, shall open on signal, with a maximum delay of 20 minutes; except:

(959) (1) From May 1 through October 31 from 7:15 a.m. to 7:15 p.m., the draw need only open hourly at quarter past the hour.

(960) (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.

### §117.213 New Haven Harbor, Quinnipiac and Mill Rivers.

(961) 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 Quinnipiac River, and the Chapel Street bridge, mile 0.4 across Mill River, shall operate as follows:

(962) (a) The draws shall open on signal, except as follows:

(963) (1) From 7:30 to 8:30 a.m., noon to 12:15 p.m., 12:45 to 1 p.m. and 4:45 to 5:45 p.m., the draws need not be opened.

(964) (2) From 9 p.m. to 5 a.m. from October 1 through April 30, the draw of the Ferry Street bridge, Quinnipiac River, shall open on signal, unless the drawtender is at the Grand Avenue or Chapel Street bridges. In this event, a delay of up to one hour may be expected.

(965) (3) From 11 p.m. to 7 a.m., the draw of the Grand Avenue bridge, Quinnipiac River, shall open on signal if at least one hour notice is given to the drawtender at the Ferry Street bridge. In the event that the drawtender is at the Chapel Street bridge, a delay of up to an additional hour may be expected.

(966) (4) From 9 p.m. to 5 a.m., the draw of the Chapel Street bridge, Mill River, shall open on signal if at least one hour notice is given to the drawtender at Ferry Street bridge. In the event that the drawtender is at the Grand Avenue bridge, a delay of up to an additional hour may be expected.

(967) (b) Public vessels of the United States, state or local government vessels used for public safety, commercial vessels, and vessels in distress shall notify the operator of the Tomlinson and the Ferry Street bridges and shall be passed through each of the bridges listed in this section as soon as possible at any time.

(968) (c) The sound signals for requesting the opening of each bridge are as follows:

(969) (1) The Tomlinson bridge, two short blasts of a whistle or horn.

(970) (2) The Ferry Street bridge, one short blast of a whistle or horn.

(971) (3) The Grand Avenue bridge, one prolonged blast of a whistle or horn.

(972) (4) The Chapel Street bridge, three short blasts of a whistle or horn.

(973) (d) The drawtender shall acknowledge sound signals in the following manner:

(974) (1) When the draw can be opened immediately, the same signal as the requesting signal.

(975) (2) When the draw cannot be opened immediately, or is open and must close, with four short blasts of a whistle or horn, to be repeated until acknowledged by the vessel by the same signal.

(976) (3) When the draw can be reopened, the drawtender shall sound the opening signal and open the draw if any vessels are waiting to pass.

(977) (e) The following visual signals may be used in addition to sound signals for requesting the opening of each bridge when sound signals may not be heard. A white flag by day or a white light by night shall be swung in full circles at arm's length in full sight of the bridge and facing the draw.

(978) (f) The drawtender shall acknowledge visual signals in the following manner:

(979) (1) When the draw can be opened immediately, a white flag by day or a green light by night swung up and down vertically a number of times in full sight of the vessel.

(980) (2) When the draw cannot be opened immediately, or is open and must close, a red flag by day or a red light by night, swung back and forth horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel by the same signal.

### §117.215 Niantic River.

(981) (a) The draw of the Amtrak bridge, mile 0.0 at Niantic, shall open on signal; except that, from April 1 through October 31 from 8 p.m. to 4 a.m. and from November 1 through March 31 from 6 p.m. to 6 a.m., the draw shall open on signal if at least one hour notice is given. 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.

(982) (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.

### §117.217 Norwalk River.

(983) (a) The draw of the Washington Street S136 bridge, mile 0.0 at Norwalk, 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. The opening signal is three short blasts. Vessels drawing 14 feet of water or more shall add one prolonged blast after the three short blasts.

(984) (b) The draw of the Metro-North "WALK" bridge, mile 0.1 at Norwalk, shall open on signal as follows:

(985) (1) From 5 a.m. to 9 p.m., except that, from Monday through Friday excluding holidays, the draw need not be opened from 7 a.m. to 8:45 a.m. and 4 p.m. to 6 p.m., unless an emergency exists.

(986) (2) Only once in any 60-minute period from 5:45 a.m. to 7 a.m. and 6 p.m. to 7:45 p.m.

(987) (3) From 9 p.m. to 5 a.m., if at least four hours notice is given.

(988) (4) A delay of up to 20 minutes may be expected if a train is approaching so closely that it may not be safely stopped.

### §117.219 Pequonnock River.

(989) (a) Public vessels of the United States and vessels in distress shall be passed through the draw of each bridge as soon as possible.

(990) (b) The Stratford Avenue Bridge, 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 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.

(991) (c) The draw of the Metro-North "PECK" bridge, mile 0.3 at Bridgeport, shall open on the signal of three blasts as follows:

(992) (1) From 5:45 a.m. to 9 p.m. except:

(993) (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.

(994) (ii) From Monday through Friday, excluding holidays, or emergencies, the draws need not be opened more than once during the periods 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.

(995) (2) From 9 p.m. to 5:45 a.m., the draws shall open on signal if at least eight hours notice is given.

(996) (3) The draw need not open on signal if a train is approaching so closely that it may not be safely stopped, however, the delay in opening the draw shall not exceed 7 minutes from time of the request.

(997) (d) The draw of the Congress Street Bridge, mile 0.4 at Bridgeport, shall open on signal as follows:

(998) (1) From 8 a.m. to 9 p.m.; except that the draw need not open for the passage of other than commercial vessels from 11:45 a.m. to 1:15 p.m. and for all vessels from 4:30 p.m. to 6:10 p.m.

(999) (2) From 9 p.m. to 8 a.m., if at least eight hours notice is given; except that the draw need not open for the passage of vessels from 6:45 a.m. to 7:15 a.m., and from 7:45 a.m. to 8 a.m.

(1000) (3) The opening signal is two prolonged blasts followed by two short blasts.

(1001) (e) The draw of the East Washington Street bridge mile 0.6, shall open on the signal of one prolonged blast followed by two short blasts if at least 24 hours notice is given.

(1002) (f) The draw of the Grand Street bridge, mile 0.9 at Bridgeport, need not be opened for the passage of vessels. However, the draw shall be returned to operable condition within 12 months after notification by the District Commander to do so.

### §117.221 Saugatuck River.

(1003) (a) The draw of each moveable bridge shall open at all times as soon as possible for passage of a public vessel of the United States, vessel in tow or for a vessel in distress.

(1004) (b) The draw of the Metro-North "SAGA" Bridge, mile 1.1 at Saugatuck shall operate as follows:

(1005) (1) Year-round need not open:

(1006) (i) Weekdays from 7 a.m. to 8:10 a.m. and 5:30 p.m. to 7 p.m. except on federal holidays;

(1007) (ii) From 9 p.m. to 5 a.m.

(1008) (2) From October 1-May 31, open on signal:

(1009) (i) Weekdays from 8:10 a.m.-4 p.m.;

(1010) (ii) Weekends and federal holidays 7 a.m.-4 p.m.;

(1011) (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.

(1012) (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.

(1013) (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.

(1014) (c) The draw of the Route 136 Bridge, mile 1.3 at Saugatuck shall operate as follows:

(1015) (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.

(1016) (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.

(1017) (3) From November 1-April 14, open on signal:

(1018) (i) From 8:30 a.m. to 3 p.m. if at least eight hours notice is given:

(1019) (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.

### §117.223 Shaw Cove.

(1020) 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.

### §117.224 Thames River.

(1021) The draw of the Amtrak bridge, mile 3.0 in New London, shall open–

(1022) (a) Immediately on signal for vessels owned or operated by the United States Government, state and local vessels used for public safety, vessels in an emergency, and commercial vessels; except, 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 draw shall not be opened for the passage of any vessel until the train has crossed the bridge; and

(1023) (b) As soon as practicable for all other vessels but no later than 20 minutes after the signal to open is given.

### §117.225 Yellow Mill Channel.

(1024) The draw of the Stratford Avenue bridge, mile 0.3 at Bridgeport, shall open on signal if at least 24 hours notice is given. Public vessels of the United States and vessels in distress shall be passed as soon as possible.

(1025) **MASSACHUSETTS**

### §117.585 Acushnet River.

(1026) (a) The drawspan will be opened promptly, provided proper signal is given, on the following schedule:

(1027) (1) On the hour between 6:00 a.m. and 10:00 a.m. inclusive.

(1028) (2) At a quarter past the hour between 11:15 a.m. and 6:15 p.m. inclusive.

(1029) (3) At all other times on call.

(1030) (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.

(1031) (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.

(1032) (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.

### §117.587 Apponagansett River.

(1033) (a) The draw of the Padanaram Bridge, mile 1.0, shall open on signal 1 May through 31 October from 5 a.m. to 9 p.m. daily as follows:

(1034) (1) The bridge shall open on signal, twice an hour, on the hour and the half hour between 5 a.m. and 9 a.m. and between 8 p.m. and 9 p.m.

(1035) (2) The bridge shall open on signal, once an hour, on the hour between 9 a.m. and 8 p.m.

(1036) (b) At all other times the bridge shall open if at least four (4) hours advance notice is given.

(1037) (c) The owners of this bridge shall provide and maintain mooring facilities for vessels to make fast while waiting for the bridge to open.

(1038) (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.

### §117.589 Cape Cod Canal.

(1039) The draw of the Conrail railroad bridge, mile 0.7 at Bourne, shall operate as follows:

(1040) (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.

(1041) (b) If the draw is not in the fully open position, the opening signal is one prolonged and one short blast.

(1042) (c) Signals to be sounded from the bridge are–

(1043) (1) Immediately preceding the opening of the draw, one prolonged blast;

(1044) (2) Immediately preceding the closing of the draw, two prolonged blasts;

(1045) (3) When a vessel has sounded the opening signal and the draw cannot be opened immediately, five short blasts in a rapid succession; and

(1046) (4) When the draw is closed and visibility is reduced in foggy weather, five short blasts in rapid succession every two minutes.

### §117.598 Eel Pond Channel.

(1047) The following requirements apply to the draw of Eel Pond (Water Street) drawbridge at mile 0.0 at Falmouth, Massachusetts.

(1048) (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.

(1049) (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.

(1050) (c) The draw shall operate as follows:

(1051) (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.

(1052) (2) Need open on signal only on the hour and half hour as follows:

(1053) (i) From May 15 through June 14 and from September 16 through October 14, from 7 a.m. to 7 p.m.

(1054) (ii) From June 15 through September 15, from 6 a.m. to 9 p.m.

(1055) (3) The draw shall open on signal if at least 8 hours advance notice is given:

(1056) (i) At all times on Christmas, New Years, Easter and all Sundays in January and February.

(1057) (ii) At all other times not stipulated in paragraphs (c)(1) and (c)(2) of this section.

### §117.607 Mitchell River.

(1058) The draw of the Chatham highway bridge, mile 0.2 at Chatham, shall open on signal from May 1 through October 31 from 8 a.m. to 4 p.m. if at least one hour notice is given, and from 4 p.m. to 8 a.m. if at least 12 hours notice is given. From November 1 through April 30, the draw shall open on signal if at least 24 hours notice is given. Notice is given to the duty officer at the Chatham Police Department Headquarters.

### §117.619 Taunton River.

(1059) (a) The owners of the Brightman Street and Bristol County bridges shall provide and keep in good legible condition clearance gauges for each draw with figures not less than twelve inches high, designed, installed, and maintained according to the provisions of §118.160 (not in this text).

(1060) (b) The draw of the Brightman Street Bridge between Somerset and Fall River shall open on signal; except that, from November 1 through March 31, between 6 p.m. and 6 a.m. daily, the draw shall open if at least a one-hour notice is given. 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.

(1061) (c) The Bristol County Bridge, mile 10.3, shall open on signal if at least twenty-four hours' notice is given by calling the number posted at the bridge.

### §117.620 Westport River-East Branch.

(1062) The Westport Point Bridge, mile 1.2 at Westport, shall operate as follows:

(1063) (a) Public vessels of the United States and state or local vessels used for public safety shall be passed as soon as possible.

(1064) (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.

(1065) (c) That the draw of the Westport Point Bridge, mile 1.2 at Westport, shall open on signal if at least 24 hours notice is given by commercial and recreational vessels.

### §117.622 West Bay

(1066) The draw of the West Bay Bridge, mile 1.2 at Osterville, shall operate as follows;

(1067) (1) From November 1 through April 30, the draw shall open on signal if at least a twenty-four hour advance notice is given.

(1068) (2) From May 1 through June 15, the draw shall open on signal from 8 a.m. to 6 p.m.

(1069) (3) From June 16 through September 30, the draw shall open on signal from 7 a.m. to 9 p.m.

(1070) (4) From October 1 through October 31, the draw shall open on signal from 8 a.m. to 6 p.m.

(1071) (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.

(1072) **NEW JERSEY**

### §117.709 Cheesequake Creek.

(1073) (a) The draw of the S35 bridge, mile 0.0 at Morgan, South Amboy, shall open on signal; except that, from May 15 through October 15 from 7 a.m. to 7 p.m., the draw need only open on the hour. From December 1 through March 31 from 11 p.m. to 7 a.m., the draw need not be opened for the passage of vessels.

(1074) (b) The draw of the New Jersey Transit Rail Operations railroad bridge, mile 0.2, operates as follows:

(1075) (1) The draw shall open on signal; except that, at least four hours notice is required–

(1076) (i) From January 1 through March 31 from 6 p.m. to 6 a.m.;

(1077) (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

(1078) (iii) From December 1 through December 31 from 10 p.m. to 6 a.m.

(1079) (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.

### §117.719 Elizabeth River.

(1080) (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.

(1081) (b) The draws of the South First Street bridge, mile 0.4 at Elizabeth, shall open on signal if at least three hours notice is given.

(1082) (c) 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.

### §117.723 Hackensack River.

(1083) (a) The following requirements apply to all bridges across the Hackensack River:

(1084) (1) 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 without delay. The opening signal for these vessels is four or more short blasts of a whistle or horn, or a radio request.

(1085) (2) 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 section 118.160 of this chapter.

(1086) (3) Trains and locomotives shall be controlled so that any delay in opening the draw shall not exceed 10 minutes except as provided in paragraph (a)(1) of this section. 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.

(1087) (4) 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 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.

(1088) (5) Except as provided in paragraphs (b) through (h) of this section, the draws shall open on signal.

(1089) (b) Except as provided in paragraph (a)(1) of this section, the draw of the NJTRO Lower Hack Bridge, mile 3.4 at Jersey City shall open on signal if at least one hour advance notice is given to the drawtender at the Upper Hack bridge, mile 6.9 at Secaucus, New Jersey. In the event the HX drawtender is at the Newark/Harrison (Morristown Line) Bridge, mile 5.8 on the Passaic River, up to an additional half hour delay is permitted.

(1090) (c) Except as provided in paragraph (a)(1) of this section, the draw of AMTRAK's Portal bridge, mile 5.0 at Little Snake Hill, need not be opened Monday through Friday, except federal holidays, from 7:20 a.m. to 9:20 a.m. and from 4:30 p.m. to 6:50 p.m. At all other times, an opening may not be delayed for more than 10 minutes, unless the drawtender and the vessel operator communicating by radiotelephone, agree to a longer delay.

(1091) (d) Except as provided in paragraph (a)(1) 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 HX bridge, mile 7.7 at Secaucus, N.J. over the Hackensack River; then up to a half hour delay is permitted.

(1092) (e) Except as provided in paragraph (a)(1) of this section, the draw of the NJTRO HX bridge, mile 7.7 at Secaucus, shall open on signal if at least one half hour notice is given to the drawtender at the Upper Hack Bridge.

(1093) (f) Except as provided in paragraph (a)(1) 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.

(1094) (g) The draw of the Harold J. Dillard Memorial (Court Street) Bridge, mile 16.2, at Hackensack, shall open on signal if at least four hours notice is given.

(1095) (h) 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 with 12 months after notification by the District Commander to do so.

### §117.734 Navesink River (Swimming River).

(1096) 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.

### §117.735 Newark Bay.

(1097) The following requirements apply to all bridges across this waterway:

(1098) (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.

(1099) (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.

(1100) (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.

### §117.736 Oceanport Creek.

(1101) The draw of the New Jersey Transit Rail Operations bridge, mile 8.4 near Oceanport, shall open on signal from May 15 through September 15 between 5 a.m. and 9 p.m.; except that, the bridge need not open 6 a.m. to 7:45 a.m. and 5:30 p.m. to 7:30 p.m. on weekdays except holidays. The draw shall 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 draw 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 except holidays. Public vessels of the United States and vessels in distress shall be passed as soon as possible at any time.

### §117.738 Overpeck Creek.

(1102) (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:

(1103) (1) The draws shall open on signal if at least 24 hours notice is given.

(1104) (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.

(1105) (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.

(1106) (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.

### §117.739 Passaic River.

(1107) (a) The following requirements apply to all bridges this section across the Passaic River:

(1108) (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.

(1109) (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.

(1110) (b) The draw of the Routes 1 & 9 (Lincoln Highway) Bridge, mile 1.8, at Newark, shall open on signal if at least four hours notice is given.

(1111) (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.

(1112) (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.

(1113) (e) The draw of Amtrak's Dock Bridge, mile 5.0, at Harrison, shall open on signal; except that from 7:20 a.m. to 9:20 a.m. and 4:30 p.m. to 6:50 p.m., Monday through Friday except federal holidays, the draw need not be opened. At all other times, an opening may be delayed no more than ten minutes, unless the

drawtender and the vessel operator, communicating by radiotelephone, agree to a longer delay.

(1114) (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.

(1115) (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.

(1116) (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.

(1117) (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.

(1118) (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.

(1119) (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.

(1120) (l) The draw of the Avondale Bridge, mile 10.7, at Lyndhurst, shall open on signal if at least four hours notice is given.

(1121) (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.

(1122) (n) The draw of the Route 3 Bridge, mile 11.8, shall open on signal after at least a 24 hour notice is given by calling the number posted at the bridge.

(1123) (o) The draw of the Douglas O. Mead (Union Avenue) Bridge, mile 13.2, shall open on signal if at least four hours notice is given.

(1124) (p) The draw of the following bridges need not be opened for the passage of vessels:

(1125) (1) Gregory Avenue Bridge, mile 14.0, at Wallington.

(1126) (2) Second Street Bridge, mile 14.7, at Wallington.

(1127) (3) West Eighth Street Bridge, mile 15.3, at Garfield.

**§117.743 Rahway River.**

(1128) The draw of the Conrail Bridge, mile 2.0, across the Railway River, at Linden, New Jersey, shall operate as follows:

(1129) (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.

(1130) (b) The draw shall be remotely operated by a bridge/train dispatcher located at the Conrail Dispatch Office at Mount Laurel, New Jersey.

(1131) (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.

(1132) (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.

(1133) (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.

(1134) (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.

(1135) (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.

(1136) (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.

(1137) (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.

(1138) (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.

(1139) (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.

(1140) (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.

(1141) (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.

### §117.747 Raritan River, Arthur Kill, and their tributaries.

(1142) The draws of all bridges shall open on signal; except that, from 7:30 a.m. to 10 a.m. and 5 p.m. to 7:30 p.m., the draws may be opened for the passage of vessels for periods no longer than 10 minutes or remain closed for the passage of land traffic for no longer than 10 minutes. Public vessels of the United States and state or local vessels used for public safety shall be passed at any time. The owners of each bridge shall maintain a tug at the drawbridge to control and aid in the passage of vessels. The owners 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.

### §117.755 Shrewsbury River.

(1143) (a) The Route 36 Bridge, mile 1.8, at Highlands, New Jersey, shall open on signal; except that, from May 15 through October 15, 7 a.m. to 8 p.m., the draw need open on the hour and half hour only. The owners of the bridge shall provide and keep in good legible condition, two clearance gauges, with figures not less than eight inches high, designed, installed, and maintained according to the provisions of §118.160 of this chapter.

(1144) ((b) The draw of the Monmouth County highway bridge, mile 4.0, at Sea Bright, shall open on signal; except that, from May 15 through September 30, on Saturdays, Sundays, and holidays, from 9 a.m. to 7 p.m., the draw need open only on the hour and half hour. The draw need not be opened at any time for a sailboat, unless it is under auxiliary power or is towed by a powered vessel. 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.

### §117.756 South River.

(1145) 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.

(1146) **NEW YORK**

### §117.771 Bronx River.

(1147) (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 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.

(1148) (b) The draw of the Conrail Bridge, mile 1.6 at the Bronx, New York, need not be opened for the passage of vessels.

(1149) (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.

### §117.775 Coney Island Creek.

(1150) The draws of the Cropsey Avenue bridge, mile 0.4, the Stillwell bridge, mile 0.6, and the New York City Transit Authority bridges near Stillwell Avenue, mile 0.7, all at New York City, need not be opened for the passage of vessels.

### §117.779 Eastchester Bay (Arm of).

(1151) The draw of the highway bridge, mile 2.2 between Rodman Neck and City Island, need not be opened for the passage of vessels.

### §117.781 East River.

(1152) The following requirements apply to the Roosevelt Island bridge, mile 6.4 at New York City, as follows:

(1153) (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.

(1154) (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.

(1155) (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.

### §117.783 Flushing Creek.

(1156) The draws of the Northern Boulevard bridge, mile 0.2, the Roosevelt Avenue bridge, mile 0.8, and the Long Island Railroad bridge, mile 1.0, all at New York City, need not be opened for the passage of vessels.

### §117.787 Gowanus Canal.

(1157) 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.

### §117.789 Harlem River.

(1158) (a) The draws of all the bridges across the Harlem River, except the Spuyten Duyvil railroad bridge, need not be opened from 5 p.m. to 10 a.m. However, at all times, public vessels of the United States, and New York City vessels used for public safety shall be passed through the draw of each bridge listed in this section as soon as possible.

(1159) (b) The draws of the railroad bridges across this waterway need not open on signal from the time an express passenger train scheduled to cross the bridge is within five minutes of the bridge until the train has crossed the bridge.

(1160) (c)(1) The draw of the bridges at 103 Street, mile 0.0, 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 two Broadway Bridges, mile 6.8, shall open on signal from 10 a.m. to 5 p.m. if at least four hours notice is given to the New York City Highway Radio (Hotline) Room.

(1161) (2) The Willis Avenue Bridge, mile 1.5, the Third Avenue Bridge, mile 1.9, and the Madison Avenue Bridge, mile 2.3, need not open for 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 the first Sunday of both May and November.

(1162) (d) The draw of the Triborough (125th Street) bridge, mile 1.3, shall open on signal from 10 a.m. to 5 p.m. if at least four hours notice is given.

(1163) (e) The draw of the Metro North (Park Avenue) Bridge, mile 2.1, shall open on signal, except as provided in paragraph (b) of this section, from 10 a.m. to 5 p.m., if at least a four-hour advance notice is given by calling the number posted at the bridge.

(1164) (f) The draw of the Spuyten Duyvil railroad bridge, mile 7.9, shall open on signal at any time, except as provided in paragraph (b) of this section.

### §117.791 Hudson River.

(1165) (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:

(1166) (1) Downbound vessels during a freshet of a height exceeding an elevation determined by the District Commander.

(1167) (2) Public vessels of the United States.

(1168) (3) State or local vessels used for public safety.

(1169) (4) Vessels of 500 tons or more.

(1170) (5) Tugs with a tow on a hawser.

(1171) (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.

(1172) (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.

(1173) (d) The draw of the state highway bridge, mile 150.2 between Troy and Menands, need not be opened for the passage of vessels.

(1174) (e) The draw of the highway bridge, mile 152.7 between Troy and Green Island, operates as follows:

(1175) (1) From April 1 through December 15, the draw shall open on signal from 9 a.m. to 4 p.m.; except that, the draw need not be opened from 6 p.m. to 7 a.m., unless notice is given before 4:30 p.m. of the time the vessel is expected to pass, and need not open from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.

(1176) (2) From December 16 through March 31, the draw need not be opened.

(1177) (f) The draws of the 112th Street bridge, mile 155.4 between Troy and Cohoes operate as follows:

(1178) (1) The draws shall open on signal from 9 a.m. to 4 p.m.

(1179) (2) The draws shall open on signal from 6 p.m. to 7 a.m., if notice is given, before 4:30 p.m., of the time the vessel is expected to pass.

(1180) (3) The draws need not be opened from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.

(1181) (4) During the period that the Federal Lock at Troy is inoperative, the draws need not be opened for the passage of vessels, provided that emergency openings be made as soon as possible.

### §117.793 Hutchinson River (Eastchester Creek).

(1182) (a) The following requirements apply to all bridges across Hutchinson River (Eastchester Creek);

(1183) (1) The owners of each bridge shall provide and keep in good legible condition clearance gauges for each draw figures not less than 12 inches high designed, installed and maintained according to the provision of §118.160 of this chapter.

(1184) (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.

(1185) (3) Except as provided in paragraphs (b) and (c) of this section each draw shall open on signal.

(1186) (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.

(1187) (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.

(1188) (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.

(1189) (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).

### §117.795 Jamaica Bay and Connecting Waterways.

(1190) (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.

(1191) (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.

(1192) (c) The draws of the New York City Cross Bay Boulevard bridge, mile 10.0, and the New York City Transit Authority bridge, mile 10.6 both across the North Channel at Hamilton Beach, need not be opened for the passage of vessels.

### §117.799 Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal.

(1193) (a) At all times, public vessels of the United States, state or local vessels used for public safety and vessels in distress shall be passed through the draws of each bridge listed in this section as soon as possible.

(1194) (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.

(1195) (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.

(1196) (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 nor more than one hour after a request to open is received.

(1197) (e) The draw of the Atlantic Beach Bridge across Reynolds Channel, mile 0.4, shall open on signal–

(1198) (1) From October 1 through May 14;

(1199) (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

(1200) (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.

(1201) (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.

(1202) (g) The draw of the Long Beach Bridge across Reynolds Channel, mile 4.7, shall open on signal; except that:

(1203) (1) From midnight to 8 a.m. year-round, the draw shall open on signal if at least four hours notice is given; and

(1204) (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 half hour.

(1205) (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:

(1206) (1) Every other hour on the even hour.

(1207) (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.

(1208) (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.

(1209) (i) The draws of the Wantagh State Parkway bridge, mile 16.1 across Goose Creek, and the Captree State Parkway bridge, mile 30.7 across State Boat Channel at Captree Island, shall open on signal if at least one half hour notice is given to the New York State Department of Transportation, as follows:

(1210) (1) Every other hour on the even hour.

(1211) (2) From April 1 through October 31 on Saturdays, Sundays, and Federal holidays, every three hours beginning at 3 a.m. Notice may be given from the telephone located at the moorings on each bridge or by marine radiotelephone.

### §117.801 Newtown Creek, Dutch Kills, English Kills and their tributaries.

(1212) (a) The following requirements apply to all bridges across Newtown Creek, Dutch Kills, English Kills, and their tributaries:

(1213) (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.

(1214) (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.

(1215) (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.

(1216) (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.

(1217) (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.

(1218) (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.

(1219) (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 (NYCDOT) Radio Hotline or the NYCDOT Bridge Operations Office.

(1220) (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.

(1221) (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.

### §117.805 Peekskill (Annsville) Creek.

(1222) The draw of the Conrail bridge, mile 0.0 at Peekskill, need not be opened for the passage of vessels.

### §117.813 Wappinger Creek.

(1223) 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.

### §117.815 Westchester Creek.

(1224) 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.

(1225) **Note**.–Call signs and radio channels for drawbridges equipped with radiotelephones are included with the bridge descriptions in chapters 4 through 12.

## Part 157–Rules for the Protection of the Marine Environment relating to Tank Vessels Carrying Oil in Bulk.

## Subpart A–General

### §157.01 Applicability.

(1226) (a) Unless otherwise indicated, this part applies to each vessel that carries oil in bulk as cargo and that is:

(1227) (1) Documented under the laws of the United States (a U.S. vessel); or

(1228) (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).

(1229) (b) This part does not apply to a vessel exempted under 46 U.S.C. 2109 or 46 U.S.C. 3702.

### §157.02 Incorporation by reference.

(1230) (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 Paragraph (b) of 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 Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC, and at the U.S. Coast Guard, Office of Operating and Environmental Standards (G-MSO), 2100 Second Street SW., Washington, DC 20593-0001, and is available from the sources indicated in Paragraph (b) of this section.

(1231) (b) The material approved for incorporation by reference in this part and the sections affected are as follows:

### §157.03 Definitions.

(1232) Except as otherwise stated in a subpart:

(1233) *Amidships* means the middle of the length.

(1234) *Animal fat* means a non-petroleum oil, fat, or grease derived from animals and not specifically identified elsewhere in this part.

(1235) *Ballast voyage* means the voyage that a tank vessel engages in after it leaves the port of final cargo discharge.

(1236) *Breadth or B* means the maximum molded breadth of a vessel in meters.

(1237) *Cargo tank length* means the length from the forward bulkhead of the forwardmost cargo tanks, to the after bulkhead of the aftermost cargo tanks.

(1238) *Center tank* means any tank inboard of a longitudinal bulkhead.

(1239) *Clean ballast* means ballast which:

(1240) (1) If discharged from a vessel that is stationary into clean, calm water on a clear day, would not—

(1241) (i) Produce visible traces of oil on the surface of the water or on adjoining shore lines; or

(1242) (ii) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines; or

(1243) (2) If verified by an approved cargo monitor and control system, has an oil content that does not exceed 15 p.m.

(1244) *Combination carrier* means a vessel designed to carry oil or solid cargoes in bulk.

(1245) *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.

(1246) *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.

(1247) *Dedicated clean ballast tank* means a cargo tank that is allocated solely for the carriage of clean ballast.

(1248) *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.

(1249) *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.

(1250) *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.

(1251) *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.

(1252) *Existing vessel* means any vessel that is not a new vessel.

(1253) *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.

(1254) *Foreign trade* means any trade that is not domestic trade.

(1255) *From the nearest land* means from the baseline from which the territorial sea of the United States is established in accordance with international law.

(1256) *Fuel oil* means any oil used as fuel for machinery in the vessel in which it is carried.

(1257) *Inland vessel* means a vessel that is not oceangoing and that does not operate on the Great Lakes.

(1258) *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.

(1259) *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.

(1260) Large primary structural member includes any of the following:

(1261) (1) Web frames.

(1262) (2) Girders.

(1263) (3) Webs.

(1264) (4) Main brackets.

(1265) (5) Transverses.

(1266) (6) Stringers.

(1267) (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.

(1268) *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.

(1269) *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.

(1270) *Major conversion* means a conversion of an existing vessel that:

(1271) (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;

(1272) (2) Changes the type of vessel;

(1273) (3) Substantially prolongs the vessel's service life; or

(1274) (4) Otherwise so changes the vessel that it is essentially a new vessel, as determined by the Commandant (G-MOC).

(1275) *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.

(1276) *New vessel* means:

(1277) (1) A U.S. vessel in domestic trade that:

(1278) (i) Is constructed under a contract awarded after December 31, 1974;

(1279) (ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1975;

(1280) (iii) Is delivered after December 31, 1977; or

(1281) (iv) Has undergone a major conversion for which:

(1282) (A) The contract is awarded after December 31, 1974;

(1283) (B) In the absence of a contract, conversion is begun after June 30, 1975; or

(1284) (C) Conversion is completed after December 31, 1977; and

(1285) (2) A foreign vessel or a U.S. vessel in foreign trade that;

(1286) (i) Is constructed under a contract awarded after December 31, 1975;

(1287) (ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1976;

(1288) (iii) Is delivered after December 31, 1979; or

(1289) (iv) Has undergone a major conversion for which:

(1290) (A) The contract is awarded after December 31, 1975;

(1291) (B) In the absence of a contract, conversion is begun after June 30, 1976; or

(1292) (C) Conversion is completed after December 31, 1979.

(1293) *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.

(1294) *Oceangoing* has the same meaning as defined in §151.05 of this chapter.

(1295) *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.

(1296) *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.

(1297) *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."

(1298) *Oily mixture* means a mixture, in any form, with any oil content. "Oily mixture" includes, but is not limited to–

(1299) (1) Slops from bilges;

(1300) (2) Slops from oil cargoes (such as cargo tank washings, oily waste, and oily refuse);

(1301) (3) Oil residue; and

(1302) (4) Oily ballast water from cargo or fuel oil tanks, including any oil cargo residue.

(1303) *Oil residue* means–

(1304) (1) Oil cargo residue; and

(1305) (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.

(1306) *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.

(1307) *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.

(1308) *Other non-petroleum oil* means an oil of any kind that is not petroleum oil, an animal fat, or a vegetable oil.

(1309) *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.

(1310) *Petroleum oil* means petroleum in any form, including but not limited to, crude oil, fuel oil, sludge, oil residue, and refined products.

(1311) *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.

(1312) *Product* means any liquid hydrocarbon mixture in any form, except crude oil, petrochemicals, and liquefied gases.

(1313) *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.

(1314) *Slop tank* means a tank specifically designated for the collection of cargo drainings, washings, and other oily mixtures.

(1315) *Tank* means an enclosed space that is formed by the permanent structure of a vessel, and designed for the carriage of liquid in bulk.

(1316) *Tank barge* means a tank vessel not equipped with a means of self-propulsion.

(1317) *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—

(1318) (1) Is a vessel of the United States;

(1319) (2) Operates on the navigable waters of the United States; or

(1320) (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.

(1321) *Tankship* means a tank vessel propelled by mechanical power or sail.

(1322) *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.

(1323) *Wing tank* means a tank that is located adjacent to the side shell plating.

### §157.04 Authorization of classification societies.

(1324) (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.

(1325) (b) If a CS desires authorization to perform the plan reviews, certifications, and inspections required under this part, it must submit to the Commandant (G-MOC), U.S. Coast Guard, Washington, DC 20593-0001, 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.

(1326) (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.

(1327) (d) Acceptance as an authorized CS terminates unless the following are met:

(1328) (1) The authorized CS must have each Coast Guard regulation that is applicable to foreign vessels on the navigable waters of the United States.

(1329) (2) Each issue concerning equivalents to the regulations in this part must be referred to the Coast Guard for determination.

(1330) (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.

(1331) (4) Each document certified under §§157.116(a)(2), 157.118(b)(1)(ii), and 157.216(b)(1)(11) must be marked with the name or seal of the authorized CS.

(1332) (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 (G-MOC), U.S. Coast Guard, Washington, D.C. 20593-0001.

## Subpart B–Design, Equipment, and Installation

### §157.08 Applicability of Subpart B.

(1333) **NOTE:** An "oil tanker" as defined in §157.03 includes barges as well as self-propelled vessels.

(1334) (a) Sections 157.10d and 157.11(g) apply to each vessel to which this part applies.

(1335) (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.

(1336) (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.

(1337) (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.

(1338) (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.

(1339) (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.

(1340) (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.

(1341) (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.

(1342) (i) Section 157.09(d) does not apply to any:

(1343) (1) U.S. vessel in domestic trade that is constructed under a contract awarded before January 8, 1976;

(1344) (2) U.S. vessel in foreign trade that is constructed under a contract awarded before April 1, 1977; or

(1345) (3) Foreign vessel that is constructed under a contract awarded before April 1, 1977.

(1346) (j) Sections 157.09 and 157.10a do not apply to a new vessel that:

(1347) (1) Is constructed under a building contract awarded after June 1, 1979;

(1348) (2) In the absence of a building contract, has the keel laid or is at a similar stage of construction after January 1, 1980;

(1349) (3) Is delivered after June 1, 1982; or

(1350) (4) Has undergone a major conversion for which:

(1351) (i) The contract is awarded after June 1, 1979;

(1352) (ii) In the absence of a contract, conversion is begun after January 1, 1980; or

(1353) (iii) Conversion is completed after June 1, 1982.

(1354) (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.

(1355) (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.

(1356) (m) Section 157.12 does not apply to a U.S. vessel that:

(1357) (1) Is granted an exemption under Subpart F of this part; or

(1358) (2) Is engaged solely in voyages that are:

(1359) (i) Between ports or places within the United States, its territories or possessions;

(1360) (ii) Of less than 72 hours in length; and

(1361) (iii) At all times within 50 nautical miles of the nearest land.

(1362) (n) Section 157.10d does not apply to:

(1363) (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);

(1364) (2) An oil spill response vessel;

(1365) (3) Before January 1, 2015–

(1366) (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

(1367) (ii) A delivering vessel that is offloading oil in bulk as cargo in lightering activities–

(1368) (A) Within a lightering zone established under 46 U.S.C. 3715(b)(5); and

(1369) (B) More than 60 miles from the territorial sea base line, as defined in 33 CFR 2.05-10.

(1370) (4) A vessel documented under 46 U.S.C., Chapter 121, that was equipped with a double hull before August 12, 1992;

(1371) (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

(1372) (6) A vessel in the National Defense Reserve Fleet pursuant to 50 App. U.S.C. 1744.

### §157.10d Double hulls on tank vessels.

(1373) (a) With the exceptions stated in §157.08(n), this section applies to a tank vessel—

(1374) (1) For which the building contract is awarded after June 30, 1990; or

(1375) (2) That is delivered after December 31, 1993;

(1376) (3) That undergoes a major conversion for which;

(1377) (i) The contract is awarded after June 30, 1990; or

(1378) (ii) Conversion is completed after December 31, 1993; or

(1379) (4) That is otherwise required to have a double hull by 46 U.S.C. 3703a(c).

(1380) **NOTE:** 46 U.S.C. 3703a(c) is shown in appendix G to this part.

(1381) (b) Each vessel to which this section applies must be fitted with:

(1382) (1) A double hull in accordance with this section; and

(1383) (2) If §157.10 applies, segregated ballast tanks and a crude oil washing system in accordance with that section.

(1384) (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:

(1385) (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:

(1386) (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.).

(1387) (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.).

(1388) (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.

(1389) (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:

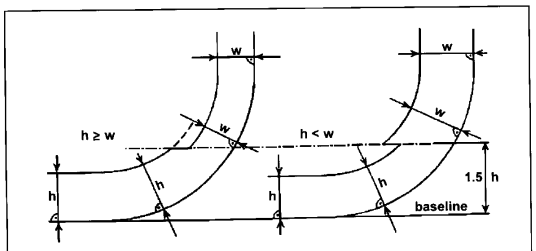



Figure 157.10d(c) Minimum Double Hull Dimensions

(1390) (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.).

(1391) (ii) For a vessel of less than 5,000 DWT: h=B/15, but in no case less than 0.76 meter (30 in.).

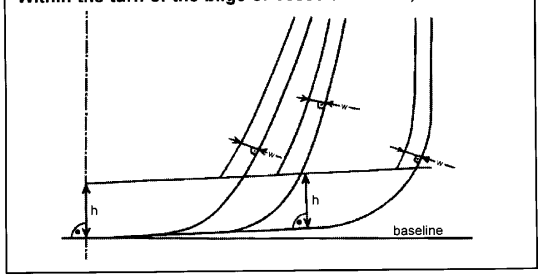
(1392) (iii) For a vessel to which Paragraph (a)(4) of this section applies: h=B/15; or, h=2.0 meters (79 in.), whichever is the lesser, but in no case less than 0.76 meter (30 in.), provided that the double bottom was fitted under a construction or conversion contract awarded prior to June 30, 1990.

(1393) (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—

(1394) (i) For a vessel of 5,000 DWT and above: At levels up to 1.5h 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 1.5h 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.

(1395) (ii) For a vessel of less than 5,000 DWT: Not less 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.

Figure 157.10d(c)(3)(ii) - Minimum Double Hull Dimensions Within the turn of the bilge of Vessels under 5,000 DWT




(1396) (4) For a vessel to which §157.10(b) applies that is built under a contract awarded after September 11, 1992.

(1397) (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.

(1398) (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.

(1399) (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:

(1400) (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

(1401) (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.

(1402) (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.

(1403) (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.

(1404) (e) Except as provided in Paragraph (e)(3) of this section, a vessel must not carry any oil in any tank extending forward of:

(1405) (1) The collision bulkhead; or

(1406) (2) In the absence of a collision bulk-head, the transverse plane perpendicular to the centerline through a point located:

(1407) (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 forwarded perpendicular;

(1408) (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

(1409) (iii) On each vessel which operates exclusively as a box or trail barge, 61 cm. (2 ft.) aft of the headlog.

(1410) (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.

(1411) (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).

## Subpart G–Interim Measures for Certain Tank Vessels Without Double Hulls Carrying Petroleum Oils

### §157.400 Purpose and applicability.

(1412) (a) The purpose of this subpart is to establish mandatory safety and operational requirements to reduce environmental damage resulting from petroleum oil spills.

(1413) (b) This subpart applies to each tank vessels specified in §157.01 of this part that—

(1414) (1) Is 5,000 gross tons or more;

(1415) (2) Carries petroleum oil in bulk as cargo or oil cargo residue; and

(1416) (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).

### §157.445 Maneuvering performance capability.

(1417) (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—

(1418) (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

(1419) (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.

(1420) (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.

(1421) (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.

(1422) (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.

(1423) (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.

# Part 160–Ports and Waterways Safety-General

## Subpart A–General:

### §160.1 Purpose.

(1424) Part 160 contains regulations implementing the Ports and Waterways Safety Act (33 U.S.C. 1221) and related statutes.

### §160.3 Definitions.

(1425) For the purposes of this subchapter:

(1426) "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.

(1427) "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.

(1428) "Commandant" means the Commandant of the United States Coast Guard.

(1429) "Commanding Officer, 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.

(1430) "Deviation" means any departure from any rule in this subchapter.

(1431) "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.

(1432) "ETA" means estimated time of arrival.

(1433) "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.

(1434) "Person" means an individual, firm, corporation, association, partnership, or governmental entity.

(1435) "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.

(1436) "Tanker" means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous materials in bulk in the cargo spaces.

(1437) "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.

(1438) "Vehicle" means every type of conveyance capable of being used as a means of transportation on land.

(1439) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(1440) "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.

(1441) "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.

(1442) **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.

(1443) "VTS Special Area" means a waterway within a VTS area in which special operating requirements apply.

### §160.5 Delegations.

(1444) (a) District Commanders and Captains of the Ports are delegated the authority to establish safety zones.

(1445) (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.

(1446) (c) Under the provisions of 33 CFR §1.05-1, District Commanders have been delegated authority to establish regulated navigation areas.

(1447) (d) Subject to the supervision of the cognizant Captain of the Port and District Commander, Commanding Officers, 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.

### §160.7 Appeals.

(1448) (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.

(1449) (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 (d) 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.

(1450) (c) Any person directly affected by the establishment of a safety zone or by an order or direction issued by a District Commander, or who receives an unfavorable ruling on an appeal taken under paragraph (b) of this section, may appeal through the District Commander to the Assistant Commandant for Office of Marine Safety, Security and Environmental Protection, U.S. Coast Guard, Washington, D.C. 20593. The appeal must be in writing, except as allowed under paragraph (d) of this section. The District 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 (b) of this section was made, and any comments which might be relevant, to the Assistant Commandant for Office of Marine Safety, Security and Environmental Protection. 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 to the Assistant Commandant for Office of Marine Safety, Security and Environmental Protection. The decision of the Assistant Commandant for Office of Marine Safety, Security and Environmental Protection is based upon the materials submitted, without oral argument or presentation. The decision of the Assistant Commandant for Office of Marine Safety, Security and Environmental Protection is issued in writing and constitutes final agency action.

(1451) (d) 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.

## Subpart B–Control of Vessel and Facility Operations

### §160.101 Purpose.

(1452) 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.

### §160.103 Applicability.

(1453) (a) This subpart applies to any–

(1454) (1) Vessel on the navigable waters of the United States, except as provided in paragraphs (b) and (c) of this section;

(1455) (2) Bridge or other structure on or in the navigable waters of the United States; and

(1456) (3) Land structure or shore area immediately adjacent to the navigable waters of the United States.

(1457) (b) This subpart does not apply to any vessel on the Saint Lawrence Seaway.

(1458) (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–

(1459) (1) Innocent passage through the territorial sea of the United States;

(1460) (2) Transit through the navigable waters of the United States which form a part of an international strait.

### §160.105 Compliance with orders.

(1461) Each person who has notice of the terms of an order issued under this subpart must comply with that order.

### §160.107 Denial of entry.

(1462) 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.

### §160.109 Waterfront facility safety.

(1463) (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–

(1464) (1) Direct the handling, loading, unloading, storage, stowage, 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

(1465) (2) Conduct examinations to assure compliance with the safety equipment requirements for structures.

### §160.111 Special orders applying to vessel operations.

(1466) Each District Commander or Captain of the Port may order a vessel to operate or anchor in the manner directed when–

(1467) (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;

(1468) (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

(1469) (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.

### §160.113 Prohibition of vessel operation and cargo transfers.

(1470) (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.

(1471) (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:

(1472) (1) Fails to comply with any applicable regulation;

(1473) (2) Discharges oil or hazardous material in violation of any law or treaty of the United States;

(1474) (3) Does not comply with applicable vessel traffic service requirements;

(1475) (4) While underway, does not have at least one licensed deck officer on the navigation bridge who is capable of communicating in the English language.

(1476) (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.

(1477) (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.

### §160.115 Withholding of clearance.

(1478) (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.

## Subpart C–Notifications of Arrivals, Departures, Hazardous Conditions, and Certain Dangerous Cargos

### §160.201 General.

(1479) This subpart contains requirements and procedures for submitting Notices of Arrival (NOA) and Notice of Hazardous Condition. The sections in this subpart describe:

(1480) (a) Applicability and exemptions from requirements in this subpart;

(1481) (b) Required information in an NOA;

(1482) (c) Required changes to an NOA;

(1483) (d) Methods and times for submission of an NOA and changes to an NOA;

(1484) (e) How to obtain a waiver; and

(1485) (f) Requirements for submission of the Notice of Hazardous Conditions.

### §160.202 Applicability.

(1486) (a) This subpart applies to U.S. and foreign vessels bound for or departing from ports or places in the United States.

(1487) (b) This subpart does not apply to recreational vessels under 46 U.S.C. *4301 et seq.*

(1488) (c) 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.

(1489) (d) 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.

### §160.203 Exemptions.

(1490) (a) Except for reporting notice of hazardous conditions, the following vessels are exempt from requirements in this subpart:

(1491) (1) Passenger and supply vessels when they are employed in the exploration for or in the removal of oil, gas, or mineral resources on the continental shelf.

(1492) (2) Oil Spill Recovery Vessels (OSRVs) when engaged in actual spill response operations or during spill response exercises.

(1493) (3) Vessels operating upon the following waters:

(1494) (i) Mississippi River between its sources and mile 235, Above Head of Passes;

(1495) (ii) Tributaries emptying into the Mississippi River above mile 235;

(1496) (iii) Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway and the Red River; and

(1497) (iv) The Tennessee River from its confluence with the Ohio River to mile zero on the Mobile River and all other tributaries between those two points.

(1498) (b) If not carrying certain dangerous cargo or controlling another vessel carrying certain dangerous cargo, the following vessels are exempt from NOA requirements in this subpart:

(1499) (1) Vessels 300 gross tons or less, except for foreign vessels entering any port or place in the Seventh Coast Guard District as described in 33 CFR 3.35–1(b).

(1500) (2) Vessels operating exclusively within a Captain of the Port Zone.

(1501) (3) Vessels arriving at a port or place under force majeure.

(1502) (4) Towing vessels and barges operating solely between ports or places in the continental United States.

(1503) (5) Public vessels.

(1504) (6) Except for tank vessels, U.S. vessels operating solely between ports or places in the United States on the Great Lakes.

(1505) (c) Vessels less than 500 gross tons need not submit the International Safety Management (ISM) Code Notice (Entry (7) to Table 160.206).

(1506) (d) **[Suspended]**

(1507) (e) **[Suspended]**

### §160.204 Definitions.

(1508) As used in this subpart:

(1509) *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.

(1510) *Barge* means a non-self propelled vessel engaged in commerce.

(1511) *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.

(1512) *Certain dangerous cargo* (CDC) includes any of the following:

(1513) (1) Division 1.1 or 1.2 explosives as defined in 49 CFR 173.50.

(1514) (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.

(1515) (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.

(1516) (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.

(1517) (5) A liquid material that has a primary or subsidiary classification of Division 6.1 "poisonous material" as listed 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.

(1518) (6) Class 7, "highway route controlled quantity" radioactive material or "fissile material, controlled shipment," as defined in 49 CFR 173.403.

(1519) (7) Bulk liquefied chlorine gas and Bulk liquefied gas cargo that is flammable and/or toxic and carried under 46 CFR 154.7.

(1520) (8) The following bulk liquids:

(1521) (i) Acetone cyanohydrin,

(1522) (ii) Allyl alcohol,

(1523) (iii) Chlorosulfonic acid,

(1524) (iv) Crotonaldehyde,

(1525) (v) Ethylene chlorohydrin,

(1526) (vi) Ethylene dibromide,

(1527) (vii) Methacrylonitrile, and

(1528) (viii) Oleum (fuming sulfuric acid).

(1529) *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."

(1530) *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.

(1531) *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.

(1532) *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.

(1533) *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.

(1534) *Nationality* means the state (nation) in which a person is a citizen or to which a person owes permanent allegiance.

(1535) *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.

(1536) *Persons in addition to crewmembers* mean any person onboard the vessel, including passengers, who are not included on the list of crewmembers.

(1537) *Port or place of departure* means any port or place in which a vessel is anchored or moored.

(1538) *Port or place of destination* means any port or place in which a vessel is bound to anchor or moor.

(1539) *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.

(1540) *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.

(1541) *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.

(1542) (9) Ammonium nitrate and ammonium nitrate based fertilizers, in bulk, listed as a Division 5.1 material in 49 CFR 172.101.

(1543) (10) Propylene oxide, alone or mixed with ethylene oxide, in bulk.

### §160.206 Information required in an NOA.

(1544) (a) Each NOA must contain all of the information items specified in Table 160.206.

(1545) (b) Vessels operating solely between ports or places in the continental United States need submit only the name of and date of arrival and departure for the last port or places visited to meet the requirements in entries (2)(i) and (ii) to Table 160.206 of this section.

(1546) (c) You may submit a copy of INS Form I–418 to meet the requirements of entries (4) and (5) in Table 160.206.

(1547) (d) Any vessel planning to enter two or more consecutive ports or places in the United States during a single voyage may submit one consolidated Notification of Arrival at least 96 hours before entering the first port or place of destination. The consolidated notice

**TABLE 160.206.—NOA INFORMATION ITEMS**

| Required information | Vessels not carrying CDC | Vessels Carrying CDC | |
|---|---|---|---|
| | | Vessels | Towing vessels controlling vessels carrying CDC |
| *(1) Vessel Information:* | | | |
| (i) Name; | X | X | X |
| (ii) Name of the registered owner; | X | X | X |
| (iii) Country of registry; | X | X | X |
| (iv) Call sign; | X | 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 | X |
| (vi) Name of the operator; | X | X | X |
| (vii) Name of the charterer; and | X | X | X |
| (viii) Name of classification society | X | X | X |
| *(2) Voyage Information:* | | | |
| (i) Names of last five ports or places visited; | X | X | X |
| (ii) Dates of arrival and departure for last five ports or places visited; | X | X | X |
| (iii) For each port or place in the United States to be visited, list the names of the receiving facility, the port or place, the city, and the state; | X | X | X |
| (iv) For each port or place in the United States to be visited, the estimated date and time of arrival; | X | X | X |
| (v) For each port or place in the United States to be visited, the estimated date and time of departure; | X | 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; and | X | X | X |
| (vii) The name and telephone number of a 24-hour point of contact | X | X | X |
| *(3) Cargo Information:* | | | |
| (i) A general description of cargo, other than CDC, onboard the vessel (e.g.: grain, container, oil, etc); | X | X | X |
| (ii) Name of each certain dangerous cargo carried, including cargo UN number, if applicable; and | ..... | X | X |
| (iii) Amount of each certain dangerous cargo carried | ..... | X | X |
| *(4) Information for each Crewmember Onboard:* | | | |
| (i) Full name; | X | X | X |
| (ii) Date of birth; | X | X | X |
| (iii) Nationality; | X | X | X |
| (iv) Passport or mariners document number (type of identification and number); | X | X | X |
| (v) Position or duties on the vessel; and | X | X | X |
| (vi) Where the crewmember embarked (list port or place and country). | X | X | X |
| *(5) Information for each Person Onboard in Addition to Crew:* | X | X | X |
| (i) Full name; | X | X | X |
| (ii) Date of birth; | X | X | X |
| (iii) Nationality; | X | X | X |
| (iv) Passport number; and | X | X | X |
| (v) Where the person embarked (list port or place and country). | | | |

**TABLE 160.206.—NOA INFORMATION ITEMS**

| Required information | Vessels not carrying CDC | Vessels Carrying CDC | |
|---|---|---|---|
| | | Vessels | Towing vessels controlling vessels carrying CDC |
| *(6) Operational condition of equipment required by §164.35 of this chapter.* . . . . . | X | X | X |
| *(7) International Safety Management (ISM) Code Notice:* | | | |
| (i) The date of issuance for the company's Document of Compliance certificate that covers the vessel; . . . . . | X | X | X |
| (ii) The date of issuance for the vessel's Safety Management Certificate; and . . . . . | X | 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 | X |
| (8) [Suspended] | | | |

must include the name of the port or place and estimated arrival and departure date for each destination of the voyage. Any vessel submitting a consolidated notice under this section must still meet the requirements of §160.208 of this part concerning requirements for charges to an NOA.

### §160.208 Changes to a submitted NOA.

(1548) (a) Unless otherwise specified in this section, when submitted NOA information changes, vessels must submit a notice of change within the times required in §160.212.

(1549) (b) Changes in the following information need not be reported:

(1550) (1) Changes in arrival or departure times that are less than six (6) hours;

(1551) (2) Changes in vessel location or position of the vessel at the time of reporting (entry (2)(vi) to Table 160.206); and

(1552) (3) Changes to crewmembers' position or duties on the vessel (entry (5)(v) to Table 160.206).

(1553) (c) When reporting changes, submit only the name of the vessel, original NOA submission date, the port of arrival, the specific items to be corrected, and the new location or position of the vessel at the time of reporting. Only changes to NOA information need to be submitted.

### §160.210 Methods for submitting an NOA.

(1554) (a) [Suspended]

(1555) (b) *Saint Lawrence Seaway transits*. 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 by fax at 315-764-3235 or at 315-764-3200.

(1556) (c) *Seventh Coast Guard District*. Those foreign vessels 300 or less gross tons operating in the Seventh Coast Guard District must submit an NOA to the cognizant Captain of the Port (COTP).

(1557) (d) [Suspended]

(1558) (e) Submission to the National Vessel Movement Center (NVMC). Except as provided in paragraphs (b) and (c) of this section, vessels must submit NOA information required by §160.206 (entries 1-9 to Table 160.206) to the NVMC, United States Coast Guard, 408 Coast Guard Drive, Kearneysville, WV 25430, By:

(1559) (1) Electronic submission via the electronic NOA (e-NOA) available on the NVMC web site at http://www.nvmc.uscg.gov.

(1560) (2) Electronic submission via web service of formatted XML (eXtensible Markup Language) documents. E-mail sans@nvmc.uscg.gov to ask for the XML schema details;

(1561) (3) E-mail at sans@nvmc.uscg.gov. Workbook available at http://www.nvmc.uscg.gov;

(1562) (4) Fax at 1-800-547-8724 or 304-264-2684. Workbook available at http://www.nvmc.uscg.gov; or,

(1563) (5) Telephone at 1-800-708-9823 or 304-264-2502.

### §160.212 When to submit an NOA.

(1564) (a) *Submission of NOA.* (1) Except as set out in paragraph (a)(2) of this section, all vessels must submit NOAs within the times required in paragraph (a)(3) of this section.

(1565) (2) Towing vessels, when in control of a vessel carrying CDC and operating solely between ports or places in the continental United States, must submit an NOA before departure but at least 12 hours before entering the port or place of destination.

(1566) (3) Times for submitting NOAs areas follows:

| If your voyage time is– | You must submit an NOA– |
|---|---|
| (i) 96 hours or more; or | At least 96 hours before entering the port or place of destination; or |
| (ii) Less than 96 hours | Before departure but at least 24 hours before entering the port or place of destination. |

(1567) (b) *Submission of changes to NOA.* (1) Except as set out in paragraph (b)(2) of this section, vessels must submit changes in NOA information within the times required in paragraph (b)(3) of this section.

(1568) (2) Towing vessels, when in control of a vessel carrying CDC and operating solely between ports or places in the continental United States, must submit changes to an NOA as soon as practicable but at least 6 hours before entering the port or place of destination.

(1569) (3) Times for submitting changes to NOAs are as follows:

| If your remaining voyage time is– | Then you must submit changes to an NOA– |
|---|---|
| (i) 96 hours or more; | As soon as practicable but at least 24 hours before entering 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 entering the port or place of destination; or |
| (iii) Less than 24 hours | As soon as practicable but at least 12 hours before entering the port or place of destination. |

(1570) (c) **[Suspended]**

### §160.214 Waivers.

(1571) 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.

### §160.215 Notice of hazardous conditions.

(1572) Whenever there is a hazardous condition either aboard a vessel or caused by a vessel or its operation, the owner, agent, master, operator, or person in charge shall immediately notify the nearest Coast Guard Marine Safety Office or Group Office. (Compliance with this section does not relieve responsibility for the written report required by 46 CFR 4.05–10.)

## Part 161–Vessel Traffic Management

## Subpart A–Vessel Traffic Services

### General Rules

### §161.1 Purpose and Intent.

(1573) (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.

(1574) (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.

(1575) (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.

(1576) (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.

### §161.2 Definitions.

(1577) For the purposes of this part:

(1578) "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.

(1579) "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:

(1580) (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.

(1581) (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.

(1582) (3) Vessel characteristics that affect or restrict maneuverability, such as cargo arrangement, trim, loaded condition, underkeel clearance, speed, or similar characteristics.

(1583) *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.

(1584) *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.

(1585) *Towing Vessel* means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

(1586) *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).

(1587) *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).

(1588) *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.

(1589) *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.

(1590) *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.

(1591) *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.

(1592) **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.

(1593) "VTS Special Area" means a waterway within a VTS area in which special operating requirements apply.

(1594) "VTS User" means a vessel, or an owner, operator, charterer, master, or person directing the movement of a vessel, that is:

(1595) (a) Subject to the Vessel Bridge-to-Bridge Radiotelephone Act; or

(1596) (b) Required to participate in a VMRS within a VTS area (VMRS User).

(1597) "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.

### §161.3 Applicability.

(1598) 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.

### §161.4 Requirement to carry the rules.

(1599) Each VTS User shall carry on board and maintain for ready reference a copy of these rules.

(1600) **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.

### §161.5 Deviations from the rules.

(1601) (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.

(1602) (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 verbally to the appropriate VTS Commanding Officer. Requests to deviate shall be made as far in advance as practicable. Upon receipt of the request, the VTS Commanding Officer 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.

## Services, VTS Measures, and Operating Requirements

### §161.10 Services.

(1603) 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:

(1604) (a) Hazardous conditions or circumstances;

(1605) (b) Vessel congestion;

(1606) (c) Traffic density;

(1607) (d) Environmental conditions;

(1608) (e) Aids to navigation status;

(1609) (f) Anticipated vessel encounters;

(1610) (g) Another vessel's name, type, position, hazardous vessel operating conditions, if applicable, and intended navigation movements, as reported;

(1611) (h) Temporary measures in effect;

(1612) (i) A description of local harbor operations and conditions, such as ferry routes, dredging, and so forth;

(1613) (j) Anchorage availability; or

(1614) (k) Other information or special circumstances.

### §161.11 VTS measures.

(1615) (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:

(1616) (1) Designating temporary reporting points and procedures;

(1617) (2) Imposing vessel operating requirements; or

(1618) (3) Establishing vessel traffic routing schemes.

(1619) (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.

### §161.12 Vessel operating requirements.

(1620) (a) Subject to the exigencies of safe navigation, a VTS User shall comply with all measures established or directions issued by a VTS.

(1621) (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.

(1622) (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.

(1623) **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.

(1624) (d) As soon as practicable a VTS User shall notify the VTS of any of the following:

(1625) (1) A marine casualty as defined in 46 CFR 4.05-1;

(1626) (2) Involvement in the ramming of a fixed or floating object;

**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. |
| Houston-Galveston— 003669954 | . . . . . | The navigable waters north of 29°N., west of 94°20'W., south of 29°49'N., and east of 95°20'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 (20°43.37'N., 95°01.27'W.) |
| Los Angeles/Long Beach:<br>MMSI/To be determined<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°42.3'N., 118°17.6'W.) |
| Louisville: Not applicable<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[5]—<br>0036699952 | | |
| *New Orleans Traffic* | 156.700 MHz (Ch. 14) | The navigable waters of the Lower Mississippi River below 30°38.7'N., 91°17.5'W. (Port Hudson Light at 255 miles Above Head of Passes (AHP)), the Southwest Pass, and, within a 12 nautical miles radius around 28°54.3'N., 89°25.7'W. (Southwest Pass Entrance Light at 19.9 miles Below Head of Passes) |
| *New Orleans Traffic* | 156.600 MHz (Ch. 12) | .*New Orleans Sector*. The navigable waters of the Lower Mississippi River bounded on the north by a line drawn perpendicular at 29°56.4'N., 90°08.36'W. and on the south by a line drawn perpendicularly at 29°56.24'N., 89°59.86'W. (88 and 106 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'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°41.9'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°43.7'N., longitude 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. |
| *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'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). |

**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] |
|---|---|---|
| *New York Traffic* | 156.600 MHz (Ch. 12) | The navigable waters of the Raritan Bay south to a line drawn at latitude 40°26'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. |
| Port Arthur[5]—003669955 *Sabine Traffic* | To be determined | The navigable waters south of 30°10'N., east of 94°20'W., west of 93°22'W. and, north of 29°10'N. |
| Prince William Sound—003669958 *Valdez Traffic* | 156.650 MHz (Ch. 13) | The navigable waters south of 61°05'N., east of 147°20'W., north of 60°N., and west of 146°30'W.; and, all navigable waters in Port Valdez. |
| Puget Sound[6] *Seattle Traffic*—003669957 | 156.700 MHz (Ch. 14) | The waters of Puget Sound, Hood Canal and adjacent waters south of a line connecting Marrowstone Point and Lagoon 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'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'W.; the San Juan Island Archipelago, Rosario Strait, Bellingham Bay; Admiralty Inlet north of a line connecting Marrowstone Point and Lagoon 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'W. within 50 nautical miles of the coast of Vancouver Island including the waters north of 48°N., and east of 127°W. |
| *Victoria Traffic*—003160010 | 156.550 MHz (Ch. 11) | The waters of the Strait of Georgia west of 122°52'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°42.0'W. and north of 37°40.0'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°55.8'N., 122°34.6'W.) west of 122°42.0'W. and south of 37°40.0'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. Marys River between 45°57'N. (De Tour Reef Light) and 46°38.7'N. (Ile Parisienne Light), except the St. Marys Falls Canal and those navigable waters east of a line from 46°04.16'N. and 46°01.57'N. (La Pointe to Sims Point in Potagannissing Bay and Worsley Bay). |

**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] |
|---|---|---|

**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 and 164.46 of this subchapter apply in those areas denoted with a MSSI number.

[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]Until rules regarding VTS Lower Mississippi River and VTS Port Arthur are published, vessels are exempted of all VTS and VMRS requirements set forth in 33 CFR part 161, except those set forth in §§161.21 and 161.46 of this subchapter.

[6]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.

(1627) (3) A pollution incident as defined in §151.15 of this chapter:

(1628) (4) A defect or discrepancy in an aid to navigation;

(1629) (5) A hazardous condition as defined in §160.203 of this chapter;

(1630) (6) Improper operation of vessel equipment required by Part 164 of this chapter;

(1631) (7) A situation involving hazardous materials for which a report is required by 49 CFR 176.48; and

(1632) (8) A hazardous vessel operating condition as defined in §161.2.

### §161.13 VTS Special Area Operating Requirements.

(1633) The following operating requirements apply within a VTS Special Area:

(1634) (a) A VTS User shall, if towing astern, do so with as short a hawser as safety and good seamanship permits.

(1635) (b) A VMRS User shall:

(1636) (1) Not enter or get underway in the area without prior approval of the VTS;

(1637) (2) Not enter a VTS Special Area if a hazardous vessel operating condition or circumstance exists;

(1638) (3) Not meet, cross, or overtake any other VMRS User in the area without prior approval of the VTS; and

(1639) (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.

## Subpart B–Vessel Movement Reporting System

### §161.15 Purpose and Intent.

(1640) (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.

(1641) (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).

### §161.16 Applicability.

(1642) Unless otherwise stated, the provisions of this subpart apply to the following vessels and VMRS Users:

(1643) (a) Every power-driven vessel of 40 meters (approximately 131 feet) or more in length, while navigating;

(1644) (b) Every towing vessel of 8 meters (approximately 26 feet) or more in length, while navigating; or

(1645) (c) Every vessel certificated to carry 50 or more passengers for hire, when engaged in trade.

### §161.17 Definitions.

(1646) As used in the subpart:

(1647) *Center* means a Vessel Traffic Center or Vessel Movement Center.

(1648) *Published* means available in a widely-distributed and publicly available medium (e.g., VTS User's Manual, ferry schedule, Notice to Mariners).

### §161.18 Reporting requirements.

(1649) (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);

(1650) (2) Establish other means of reporting for those vessels unable to report on the designated frequency; or

(1651) (3) Require reports from a vessel in sufficient time to allow advance vessel traffic planning.

(1652) (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).

(1653) (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.

(1654) **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 VTS frequency.

(1655) (d) A vessel must report:

(1656) (1) Any significant deviation from its Sailing Plan, as defined in §161.19, or from previously reported information; or

(1657) (2) Any intention to deviate from a VTS issued measure or vessel traffic routing system.

(1658) (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.

### §161.19 Sailing Plan (SP).

(1659) Unless otherwise stated, at least 15 minutes before navigating a VTS area, a vessel must report the:

(1660) (a) Vessel name and type;

(1661) (b) Position;

(1662) (c) Destination and ETA;

(1663) (d) Intended route;

(1664) (e) Time and point of entry; and

(1665) (f) Dangerous cargo on board or in its tow, as defined in §160.203 of this chapter, and other required information as set out in §160.211 and §160.213 of this chapter, if applicable.

### §161.20 Position Report (PR).

(1666) A vessel must report its name and position:

(1667) (a) Upon point of entry into a VMRS area;

(1668) (b) At designated points as set forth in Subpart C; or

(1669) (c) When directed by the Center.

### §161.21 Automated reporting.

(1670) (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.

(1671) (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:

(1672) (1) Notify the Center;

(1673) (2) Make voice radio Position Reports at designated reporting points as required by §161.20(b) of this part; and

(1674) (3) Make any other reports as directed by the Center.

### §161.22 Final Report (FR).

(1675) A vessel must report its name and position:

(1676) (a) On arrival at its destination; or

(1677) (b) When leaving a VTS area.

### §161.23 Reporting exemptions.

(1678) (a) Unless otherwise directed, the following vessels are exempted from providing Position and Final Reports due to the nature of their operation:

(1679) (1) Vessels on a published schedule and route;

(1680) (2) Vessels operating within an area of a radius of three nautical miles or less; or

(1681) (3) Vessels escorting another vessel or assisting another vessel in maneuvering procedures.

(1682) (b) A vessel described in paragraph (a) of this section must:

(1683) (1) Provide a Sailing Plan at least 5 minutes but not more than 15 minutes before navigating within the VMRS area; and

(1684) (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.

## Subpart C–Vessel Traffic Service and Vessel Movement Reporting System Areas and Reporting Points

(1685) **Note:** All geographic coordinates contained in part 161 (latitude and longitude) are expressed in North American Datum of 1983 (NAD 83).

**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 | NOVEMBER | 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.]. |

### §161.25 Vessel Traffic Service New York.

(1686) 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.

(1687) **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 facilities advance vessel traffic management in the VTS area and to receive VTSNY advisories and/or assistance.

### §161.30 Vessel Traffic Service Louisville.

(1688) The VTS area consists of the navigable waters of the Ohio River between McAlpine Locks (Mile 606.8) and Twelve Mile Island (Mile 593), only when the McAlpine upper pool gauge is at 13.0 feet or above.

### §161.35 Vessel Traffic Service Houston/Galveston.

(1689) (a) The VTS area consists of the following major waterways and portions of connecting waterways: Galveston Bay Entrance Channel; Outer Bar Channel; Inner Bar Channel: Bolivar Roads Channel; Galveston Channel; Gulf ICW and Galveston-Freeport Cut-Off from Mile 346 to Mile 352; Texas City Channel; Texas City Turnin Basin; Texas City Channel; Texas City Canal Turning Basin; Houston Ship Channel; Bayport Channel; Bayport Turning Basin; Houston Turning Basin: and the following precautionary areas associated with these waterways.

(1690) (b) Precautionary Areas. (Table 161.35(b))

(1691) (c) Reporting Points. (Table 161.35(c))

### §161.40 Vessel Traffic Service Berwick Bay.

(1692) (a) The VTS area consists of the navigable waters of the following segments of waterways: the Intracoastal Waterway (ICW) Morgan City to Port Allen Alternate Route from Mile Marker 0 to Mile Marker 5; the ICW from Mile Marker 93 west of Harvey Lock (WHL) to Mile Marker 102 WHL; the Atchafalaya River Route from Mile Marker 113 to Mile Marker 122; from Bayou Shaffer Junction (ICM Mile Marker 94.5 WHL) south one statute mile along Bayou Shaffer; and from Berwick Lock northwest one statute mile along the Lower Atchafalaya River.

(1693) (b) VTS Special Area. The Berwick Bay VTS Special Area consists of those waters within a 1000 yard radius of the Southern Pacific Railroad Bridge located at Mile .03 MC/PA.

(1694) (c) Reporting Points. (Table 161.40(c))

### §161.45 Vessel Traffic Service St. Marys River.

(1695) (a) The VTS area consists of the navigable waters of the St. Marys River and lower Whitefish Bay from 45°57'N. (De Tour Reef Light) to the south, to 46°38.7'N. (Ile Parisienne Light) to the north, except the waters of the St. Marys Falls Canal, and to the east along a line from La Pointe to Sims Point, within Potagannissing Bay and Worsley Bay.

(1696) (b) Reporting Points. (Table 161.45(b))

## Part 162–Inland Waterways Navigation Regulations

### §162.1 General.

(1697) 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.

### §162.15 Manhasset Bay, N.Y.; seaplane restricted area.

(1698) (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.

(1699) (b) The regulations. (1) Vessels shall not anchor or moor within the restricted area.

## TABLE 161.35(b)–VTS HOUSTON/GALVESTON PRECAUTIONARY AREAS

| Precautionary area name | Radius (yards) | Center Points | |
|---|---|---|---|
| | | Latitude | Longitude |
| Bolivar Roads | 4000 | 29°20.9'N | 94°47.0'W |
| Red Fish Bar | 4000 | 29°29.8'N | 94°51.9'W |
| Bayport Channel | 4000 | 29°36.7'N | 94°57.2'W |
| Morgans Point | 2000 | 29°41.0'N | 94°59.0'W |
| Upper San Jacinto Bay | 1000 | 29°42.3'N | 95°01.1'W |
| Baytown | 1000 | 29°43.6'N | 95°01.4'W |
| Lynchburg | 1000 | 29°45.8'N | 95°04.8'W |
| Carpenter Bayou | 1000 | 29°45.3'N | 95°05.6'W |
| Jacintoport | 1000 | 29°44.8'N | 95°06.0'W |
| Greens Bayou | 1000 | 29°44.8'N | 95°10.2'W |
| Hunting Bayou | 1000 | 29°44.3'N | 95°12.1'W |
| Sims Bayou | 1000 | 29°43.1'N | 95°14.4'W |
| Brady Island | 1000 | 29°43.5'N | 95°16.4'W |
| Buffalo Bayou | 1000 | 29°45.0'N | 95°17.3'W |

Note: Each Precautionary Area encompasses a circular area of the radius denoted.

### TABLE 161.35(c)–VTS HOUSTON/GALVESTON REPORTING POINTS

| Designator | Geographic name | Geographic description | Latitude/ Longitude | Notes |
|---|---|---|---|---|
| 1 | Galveston Bay Entrance Channel | Galveston Bay Entrance CH Lighted Buoy (LB) "GB" | 29°18.4'N 94°37.6'W | |
| 2 | Galveston Bay Entrance Channel | Galveston Bay Entrance Channel LB 11 and 12 | 29°20.6'N 94°44.6'W | |
| E | Bolivar Land Cut | Mile 349 Intracoastal Waterway (ICW) | 29°22.5'N 94°46.9'W | Tows entering HSC also report at HSC LB 25 & 26 |
| W | Pelican Cut | Mile 351 ICW | 29°21.4'N 94°48.5'W | Tows entering HSC also report at HSC LB 25 & 26 |
| GCG | Galveston Harbor | USCG Base. At the entrance to Galveston Harbor | 29°20.0'N 94°46.5'W | |
| T | Texas City Channel | Texas City Channel LB 12 | 29°22.4'N 94°50.9'W | |
| X | Houston Ship Channel ICW Intersection | Houston Ship Channel (HSC) LB 25 and 26 | 29°22.1'N 94°48.1'W | Tows entering HSC from ICW or Texas Cut only |
| 3 | Lower Galveston Bay | HSC LB 31 and 32 | 29°23.5'N 94°48.8'W | |
| 4 | Red Fish Reef | HSC Lt 53A and 54 A | 29°30.3'N 94°52.4'W | |
| P | Bayport Ship Channel | Bayport Ship Channel Lt. 8 and 9 | 29°36.8'N 94°59.5'W | Report at the North Land Cut |
| 4A | Upper Galveston Bay | HSC Buoys 69 and 70 | 29°34.7'N 94°55.8'W | Tows only. |

**TABLE 161.35(c)–VTS HOUSTON/GALVESTON REPORTING POINTS**

| | | | | |
|---|---|---|---|---|
| 5 | Morgan's Pont . . . . . | Barbour's Cut | 29°41.0'N<br>94°58.9'W | Abeam Barbours Cut |
| 6 | Exxon . . . . . | Baytown Bend | 29°43.5'N<br>94°01.4'W | |
| 7 | Lynchburg . . . . . | Ferry Crossing | 29°45.8'N<br>94°04.8'W | |
| 8 | Shell Oil . . . . . | Boggy Bayou | 29°44.1'N<br>94°08.0'W | |
| 9 | Greens Bayou . . . . . | Greens Bayou | 29°44.8'N<br>94°10.1'W | |
| 10 | Hess Turning Basin . . . . . | Hunting Bayou Turning Basin | 29°44.3'N<br>94°12.1'W | |
| 11 | Lyondell Turning Basin. . . . . | Sims Bayou Turning Basin | 29°43.2'N<br>94°14.4'W | |
| 12 | I-610 Bridge. . . . . | I-610 Bridge | 29°43.5'N<br>94°16.0'W | |
| 13 | Houston Turning Basin . . . . . | Buffalo Bayou | 29°45.0'N<br>94°17.4'W | |

## TABLE 161.40(c)–VTS BERWICK BAY REPORTING POINTS

| Designator | Geographic name | Geographic description | Latitude/ Longitude | Notes |
|---|---|---|---|---|
| 1 | Stouts Pass . . . . . | Stouts Point Light "1" Mile 113-<br>Atchafalya River . . . .. . . . . | 29°43'47"N<br>91°13'25"W | |
| 2 | Berwick Lock . . . . . | Mile 1.9 MC/PA . . . . . | 29°43'10"N<br>91°13'28"W | If transiting the Lock. |
| 3 | Conrad's Point Junction . . . . . | Buoy "1" Mile 1.5 MC/PA . . . . . | 29°42'32"N<br>91°13'14"W | |
| 4 | Swift Ships Flat Lake Junction . . . | Mile 3 MC/PA . . . . . | 29°43'26"N<br>91°12'22"W | |
| 5 | South Pacific Railroad Bridge . . . | Mile 0.3 MC/PA . . . . . | 29°41'34"N<br>91°12'44"W | |
| 6 | 20 Grand Point Junction . . . . . | Bayou Boeuf-Atchafalaya R. Mile 95.5 ICW | 29°41'18"N<br>91°12'36"W | |
| 7 | ICW . . . . . .. . . . . | Overhead Power Cable Mile 96.5 ICW | 29°40'43"N<br>91°13'18"W | |
| 8 | Wax Bayou Junction . . . . . | Light "A" Mile 98.2W ICW . . . . . | 29°39'29"N<br>91°14'46"W | |
| 9 | Shaffer Junction . . . . . | ICW - Bayou Shaffer Mile 94.5 ICW . . | 29°41'10"N<br>91°11'38"W | |

## TABLE 161.45(b)–VTS ST. MARYS RIVER REPORTING POINTS

| Designator | Geographic name | Geographic description | Latitude/ Longitude | Notes |
|---|---|---|---|---|
| 1 | Ile Parisienne | Ile Parisienne Light | 46°37.3'N 84°45.9'W | Downbound Only. |
| 2 | Gros Cap Reef | Gros Cap Reefs Light | 46°30.6'N 84°37.1'W | Upbound Only. |
| 3 | Round Island | Round Island Light 32 | 46°26.9'N 84°31.7'W | |
| 4 | Pointe Louise | Pointe Louise Light | 46°27.8'N 84°28.2'W | |
| 5 | West End of Locks | West Center Pierhead Light | 46°30.2'N 84°22.2'W | Downbound Only. |
| 6 | East End of Locks | East Center Pierhead Light | 46°30.1'N 84°20.3'W | Upbound. |
| 7 | Mission Point | Light 99 | 46°29.2'N 84°18.1'W | |
| 8 | Six Mile Point | Six Mile Point | 46°26.1'N 84°15.4'W | |
| 9 | Ninemile Point | Light 80 | 46°23.5'N 84°14.1'W | |
| 10 | West Neebish Channel | Light 29 | 46°16.9'N 84°12.5'W | Downbound Only. |
| 11 | Munuscong Lake Junction | Lighted Junction Buoy | 46°10.8'N 84°05.6'W | |
| 12 | De Tour Reef | De Tour Reef Light | 46°56.9'N 83°53.7'W | |

(1700) (2) All vessels traversing the area shall pass directly through without unnecessary delay, and shall give seaplanes the right-of-way at all times.

### §162.20 Flushing Bay near La Guardia Airport, Flushing, N.Y.; restricted area.

(1701) (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.

(1702) (b) The regulations. (1) All vessels traversing in the area shall pass directly through without unnecessary delay.

(1703) (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.

## Part 164–Navigation Safety Regulations (in part). For a complete description of this part see 33 CFR 164.

### §164.01 Applicability.

(1704) (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.

(1705) (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–

(1706) (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;

(1707) (2) Used solely for assistance towing as defined by 46 CFR 10.103;

(1708) (3) Used solely for pollution response; or

(1709) (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.

(1710) (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.

(1711) (d) Provisions of §164.46 apply to some self-propelled vessels of less 1600 gross tonnage.

### §164.02 Applicability exception for foreign vessels.

(1712) (a) Except as provided in §164.46(a)(2) of this part, including §§164.38 and 164.39, this part does not apply to vessels that:

(1713) (1) Are not destined for, or departing from, a port or place subject to the jurisdiction of the United States; and

(1714) (2) Are in:

(1715) (i) Innocent passage through the territorial sea of the United States; or

(1716) (ii) Transit through navigable waters of the United States which form a part of an international strait.

### §164.03 Incorporation by reference.

(1717) (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 paragraph (b) of 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 Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC, and at the Office of Vessel Traffic Management (G-MWV), Coast Guard Headquarters, 2100 Second, SW., Washington, DC 20593-0001 and is available from the sources indicated in paragraph (b) of this section.

(1718) (b) The materials approved for incorporation by reference in this part and the sections affected are as follows:

(1719) American Petroleum Institute (API), 1220 L Street NW., Washington, DC 20005

(1720) API Specifications 9A, Specification for Wire Rope, Section 3, Properties and Tests for Wire and Wire Rope, May 28, 1984 . . . . . **164.74**

(1721) *American Society for Testing and Materials (ASTM)*, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

(1722) ASTM D4268-93, Standard Test Method for Testing Fiber Ropes . . . . . **164.74**

(1723) *Cordage Institute*, 350 Lincoln Street, Hingham, MA 02043

(1724) CIA-3, Standard Test Methods for Fiber Rope Including Standard Terminations, Revised, June 1980 . . . . . **164.74**

(1725) **International Electrotechnical Commission (IEC)**

(1726) 3, rue de Varemb, Geneva, Switzerland.

(1727) IEC 61993–2, Maritime navigation and radiocommunication equipment and systems—Automatic identification systems (AIS)—part 2: Class A shipborne equipment of the universal automatic identification system (AIS)—Operational and performance requirements, methods of test and required test results First edition,2001–12 . . . . . **164.46**

(1728) *International Maritime Organization (IMO)*, 4 Albert Embankment, London SE1 7SR, U.K. IMO Resolution A342(IX), Recommendation on Performance Standards for Automatic Pilots, adopted November 12, 1975 . . . . . **164.13**

(1729) Resolution MSC.74(69), Annex 3, Recommendation on Performance Standards for a Universal Shipborne Automatic Identification System (AIS), adopted May 12, 1998 . . . . . **164.46**

(1730) SN/Circ. 227, Guidelines for the Installation of a Shipborne Automatic Identification System (AIS), dated January 6, 2003 . . . . . **164.46**

(1731) SOLAS, International Convention for Safety of Life at Sea, 1974, and 1988 Protocol relating thereto, 2000 Amendments, effective January and July 2002, (SOLAS 2000 Amendments) . . . . . **164.46**

(1732) 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 December 12, 2002 . . . . . **164.46**

(1733) *International Telecommunication Union Radiocommunication Bureau (ITU-R)*, Place de Nations CH-1211 Geneva 20 Switzerland

(1734) (1) ITU-R Recommendation M.821, Optional Expansion of the Digital Selective-Calling System for Use in the Maritime Mobile Service, 1992 . . . . . **164.43**

(1735) (2) ITU-R Recommendation M.825, Characteristics of a Transponder System Using Digital Selective-Calling Techniques for Use with Vessel Traffic Services and Ship-to-Ship Identification, 1992 . . . . . **164.43**

(1736) ITU–R Recommendation M.1371–1, Technical characteristics for a universal shipborne automatic identification system using time division multiple

access in the VHF maritime mobile band, 1998-2001 . . . . . **164.46**

(1737) *Radio Technical Commission for Maritime Services*, 655 Fifteenth Street, NW., Suite 300, Washington, DC 20005

(1738) (1) RTCM Paper 12-78/DO-100, Minimum Performance Standards, Loran C Receiving Equipment, 1977 . . . . . **164.41**

(1739) (2) RTCM Paper 194-93/SC104-STD, RTCM Recommended Standards for Differential NAVSTAR GPS Service, Version 2.1, 1994 . . . . . **164.43**

(1740) (3) 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 . . . . . **164.72**

(1741) (4) 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 . . . . **164.72**

### §164.11 Navigation under way: General.

(1742) The owner, master, or person in charge of each vessel underway shall ensure that:

(1743) (a) The wheelhouse is constantly manned by persons who–

(1744) (1) Direct and control the movement of the vessel; and

(1745) (2) Fix the vessel's position;

(1746) (b) Each person performing a duty described in paragraph (a) of this section is competent to perform that duty;

(1747) (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;

(1748) (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;

(1749) (e) Buoys alone are not used to fix the vessel's position;

(1750) **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.

(1751) (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;

(1752) (g) Rudder orders are executed as given;

(1753) (h) Engine speed and direction orders are executed as given;

(1754) (i) Magnetic variation and deviation and gyrocompass errors are known and correctly applied by the person directing the movement of the vessel;

(1755) (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.);

(1756) (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.

(1757) (1) Current velocity and direction for the area to be transited are known by the person directing the movement of the vessel;

(1758) (m) Predicted set and drift are known by the person directing movement of the vessel;

(1759) (n) Tidal state for the area to be transited is known by the person directing movement of the vessel;

(1760) (o) The vessel's anchors are ready for letting go;

(1761) (p) The person directing the movement of the vessel sets the vessel's speed with consideration for–

(1762) (1) The prevailing visibility and weather conditions;

(1763) (2) The proximity of the vessel to fixed shore and marine structures;

(1764) (3) The tendency of the vessel underway to squat and suffer impairment of maneuverability when there is small underkeel clearance;

(1765) (4) The comparative proportions of the vessel and the channel;

(1766) (5) The density of marine traffic;

(1767) (6) The damage that might be caused by the vessel's wake;

(1768) (7) The strength and direction of the current; and

(1769) (8) Any local vessel speed limit;

(1770) (q) The tests required by §164.25 are made and recorded in the vessel's log; and

(1771) (r) The equipment required by this part is maintained in operable condition.

(1772) (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.

(1773) (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.

(1774) (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.

### §164.13 Navigation underway: tankers.

(1775) (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.

(1776) (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 a licensed engineer.

(1777) (c) Each tanker must navigate with at least two licensed deck officers 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 licensed and assigned to the vessel as master, mate, or officer in charge of a navigational watch, who is separate and distinct from the pilot.

(1778) (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:

(1779) (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).

(1780) (2) A qualified helmsman is present at the helm and prepared at all times to assume manual control.

(1781) (3) The tanker is not operating in any of the following areas:

(1782) (i) The areas of the traffic separation schemes specified in subchapter P of the chapter.

(1783) (ii) The portions of a shipping safety fairway specified in part 166 of this chapter.

(1784) (iii) An anchorage ground specified in part 110 of this chapter.

(1785) (iv) An area within one-half nautical mile of any U.S. shore.

(1786) (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–

(1787) (1) Can maintain a predetermined trackline with a cross track error of less than 10 meters 95 percent of the time;

(1788) (2) Provides continuous position data accurate to within 20 meters 95 percent of the time; and

(1789) (3) Has an immediate override control.

### §164.15 Navigation bridge visibility.

(1790) (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:

(1791) (1) From the conning position, the view of the sea surface must not be obscured by more than the lesser of two hip lengths or 500 meters (1640 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 obstructure must not exceed 5 degrees.

(1792) (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.

(1793) (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.

(1794) (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.

(1795) (b) A clear view must be provided through at least two front windows at all times regardless of weather conditions.

### §164.19 Requirements for vessels at anchor.

(1796) The master or person in charge of each vessel that is anchored shall ensure that–

(1797) (a) A proper anchor watch is maintained;

(1798) (b) Procedures are followed to detect a dragging anchor; and

(1799) (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 a being ready to veer chain, let go a

second anchor, or get underway using the vessel's own propulsion or tug assistance.

### §164.25 Tests before entering or getting underway.

(1800) (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:

(1801) (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:

(1802) (i) Each remote steering gear control system.

(1803) (ii) Each steering position located on the navigating bridge.

(1804) (iii) The main steering gear from the alternative power supply, if installed.

(1805) (iv) Each rudder angle indicator in relation to the actual position of the rudder.

(1806) (v) Each remote steering gear control system power failure alarm.

(1807) (vi) Each remote steering gear power unit failure alarm.

(1808) (vii) The full movement of the rudder to the required capabilities of the steering gear.

(1809) (2) All internal vessel control communications and vessel control alarms.

(1810) (3) Standby or emergency generator, for as long as necessary to show proper functioning, including steady state temperature and pressure readings.

(1811) (4) Storage batteries for emergency lighting and power systems in vessel control and propulsion machinery spaces.

(1812) (5) Main propulsion machinery, ahead and astern.

(1813) (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.

(1814) (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.

(1815) (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:

(1816) (1) Operation of the main steering gear from within the steering gear compartment.

(1817) (2) Operation of the means of communications between the navigating bridge and the steering compartment.

(1818) (3) Operation of the alternative power supply for the steering gear if the vessel is so equipped.

### §164.30 Charts, publications, and equipment: General.

(1819) 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.

### §164.33 Charts and publications.

(1820) (a) Each vessel must have the following:

(1821) (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–

(1822) (i) Are of a large enough scale and have enough detail to make safe navigation of the area possible; and

(1823) (ii) Are currently corrected.

(1824) (2) For the area to be transited, a currently corrected copy of, or applicable currently corrected extract from, each of the following publications:

(1825) (i) U.S. Coast Pilot.

(1826) (ii) Coast Guard Light List.

(1827) (3) For the area to be transited, the current edition of, or applicable current extract from:

(1828) (i) Tide tables published by private entities using data provided by the National Ocean Service.

(1829) (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.

(1830) (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.

(1831) (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.

### §164.35 Equipment: All vessels.

(1832) Each vessel must have the following:

(1833) (a) A marine radar system for surface navigation.

(1834) (b) An illuminated magnetic steering compass, mounted in a binnacle, that can be read at the vessel's main steering stand.

(1835) (c) A current magnetic compass deviation table or graph or compass comparison record for the steering compass, in the wheelhouse.

(1836) (d) A gyrocompass.

(1837) (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.

(1838) (f) An illuminated rudder angle indicator in the wheelhouse.

(1839) (g) The following maneuvering information prominently displayed on a fact sheet in the wheelhouse:

(1840) (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.

(1841) (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.

(1842) (3) For each vessel with a fixed propeller, a table of shaft revolutions per minute for a representative range of speeds.

(1843) (4) For each vessel with a controllable pitch propeller, a table of control settings for a representative range of speeds.

(1844) (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.

(1845) (6) The maneuvering information for the normal load and normal ballast condition for–

(1846) (i) Calm weather-wind 10 knots or less, calm sea;

(1847) (ii) No current;

(1848) (iii) Deep water conditions-water depth twice the vessel's draft or greater; and

(1849) (iv) Clean hull.

(1850) (7) At the bottom of the fact sheet, the following statement;

(1851) **Warning.**

(1852) 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:

(1853) (1) Calm weather-wind 10 knots or less, calm sea;

(1854) (2) No current;

(1855) (3) Water depth twice the vessel's draft or greater;

(1856) (4) Clean hull; and

(1857) (5) Intermediate drafts or unusual trim.

(1858) (h) An echo depth sounding device.

(1859) (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.

(1860) (j) Equipment on the bridge for plotting relative motion.

(1861) (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.

(1862) (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.

(1863) (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.

(1864) (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.

(1865) (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.

### §164.37 Equipment: Vessels of 10,000 gross tons or more.

(1866) (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.

(1867) **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.

(1868) (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.

### §164.38 Automatic radar plotting aids (ARPA).(See 33 CFR 164.)

### §164.39 Steering gear: Foreign tankers.

(1869) (a) This section applies to each foreign tanker of 10,000 gross tons or more, except a public vessel, that–

(1870) (1) Transfers oil at a port or place subject to the jurisdiction of the United States; or

(1871) (2) Otherwise enters or operates in the navigable waters of the United States, except a vessel described by §164.02 of this part.

(1872) (b) *Definitions*. The terms used in this section are as follows:

(1873) *Constructed* means the same as in Chapter II-1, Regulations 1.1.2 and 1.1.3.1, of SOLAS 74.

(1874) *Existing tanker* means a tanker–

(1875) (1) For which the building contract is placed on or after June 1, 1979;

(1876) (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;

(1877) (3) The delivery of which occurs on or after June 1, 1982; or

(1878) (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.

(1879) *Public vessel, oil, hazardous materials, and foreign vessel* mean the same as in 46 U.S.C. 2101.

(1880) *SOLAS 74* means the International Convention for the Safety of Life at Sea, 1974, as amended.

(1881) *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).

(1882) (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.

(1883) (d) Each tanker constructed before September 1, 1984, must meet the requirements of Chapter II-1, Regulation 29.19, of SOLAS 74.

(1884) (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.

(1885) (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.

### §164.40 Devices to indicate speed and distance.

(1886) (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.

(1887) (b) The device must meet the following specifications:

(1888) (1) The display must be easily readable on the bridge by day or night.

(1889) (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.

(1890) (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.

### §164.41 Electronic position fixing devices.

(1891) (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 one of the following:

(1892) (1) A Type I or II LORAN C receiver as defined in Section 1.2(e), meeting Part 2 (Minimum Performance Standards) of the Radio Technical Commission for Marine Services (RTCM) Paper 12-78/D0-100 dated December 20, 1977, entitled "Minimum Performance Standards (MPS) Marine Loran-C Receiving Equipment." Each receiver installed must be labeled with the information required under paragraph (b) of this section.

(1893) (2) A satellite navigation receiver with:

(1894) (i) Automatic acquisition of satellite signals after initial operator settings have been entered; and

(1895) (ii) Position updates derived from satellite information during each usable satellite pass.

(1896) (3) 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 Assistant Commandant for Operations, 2100 Second Street, SW, Washington, DC 20593-0001. 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.

(1897) **Note**.–The Federal Radionavigation Plan is available from the National Technical Information Service, Springfield, Va. 22161, with the following Government Accession Numbers:

(1898) Vol 1, ADA 116468

(1899) Vol 2, ADA 116469

(1900) Vol 3, ADA 116470

(1901) Vol 4, ADA 116471

(1902) (b) Each label required under paragraph (a)(1) of this section must show the following:

(1903) (1) The name and address of the manufacturer.

(1904) (2) The following statement by the manufacturer:

(1905) This receiver was designed and manufactured to meet Part 2 (Minimum Performance Standards) of the RTCM MPS for Marine Loran-C Receiving Equipment.

### §164.42 Rate of turn indicator.

(1906) 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.

### §164.43 Automatic Identification System Shipborne Equipment–Prince William Sound.

(1907) (a) Until December 31, 2004, each vessel required to provide automated position reports to a Vessel Traffic Service (VTS) under §165.1704 of this subchapter must do so by an installed Automatic Identification System Shipborne Equipment (AISSE) system consisting of a:

(1908) (1) Twelve-channel all-in-view Differential Global Positioning System (dGPS) receiver;

(1909) (2) Marine band Non-Directional Beacon receiver capable of receiving dGPS error correction messages;

(1910) (3) VHF-FM transceiver capable of Digital Selective Calling (DSC) on the designated DSC frequency; and

(1911) (4) Control unit.

(1912) (b) An AISSE must have the following capabilities:

(1913) (1) Use dGPS to sense the position of the vessel and determine the time of the position using Universal Coordinated Time (UTC);

(1914) (2) Fully use the broadcast type 1, 2, 3, 5, 6, 7, 9, and 16 messages, as specified in RTCM Recommended Standards for Differential NAVSTAR GPS Service in determining the required information;

(1915) (3) Achieve a position error which is less than ten meters (32.8 feet) 2 distance root mean square (2 drms) from the true North American Datum of 1983 (NAD 83) in the position information transmitted to a VTS;

(1916) (4) Achieve a course error of less than 0.5 degrees from true course over ground in the course information transmitted to a VTS;

(1917) (5) Achieve a speed error of less than 0.05 knots from true speed over ground in the speed information transmitted to a VTS;

(1918) (6) Receive and comply with commands broadcast from a VTS as DSC messages on the designated DSC frequency;

(1919) (7) Receive and comply with RTCM messages broadcast as minimum shift keying modulated medium frequency signals in the marine radiobeacon band, and supply the messages to the dGPS receiver;

(1920) (8) Transmit the vessel's position, tagged with the UTC position solution, course over ground, speed over ground, and Lloyd's identification number to a VTS;

(1921) (9) Display a visual alarm to indicate to shipboard personnel when a failure to receive or utilize the RTCM messages occurs;

(1922) (10) Display a separate visual alarm which is triggered by a VTS utilizing a DSC message to indicate to shipboard personnel that the U.S. Coast Guard dGPS system cannot provide the required error correction messages; and

(1923) (11) Display two RTCM type 16 messages, one of which must display the position error in the position error broadcast.

(1924) (c) An AISSE is considered non-operational if it fails to meet the requirements of paragraph (b) of this section.

(1925) **Note:** Vessel Traffic Service (VTS) areas and operating procedures are set forth in Part 161 of this chapter.

### §164.46 Automatic Identification System (AIS).

(1926) (a) The following vessels must have a properly installed, operational, type approved AIS as of the date specified:

(1927) (1) Self-propelled vessels of 65 feet or more in length, other than passenger and fishing vessels, in commercial service and on an international voyage, not later than December 31, 2004.

(1928) (2) Nothwithstanding paragraph (a)(1) of this section, the following, self-propelled vessels, that are on an international voyage must also comply with SOLAS, as amended, Chapter V, regulation 19.2.1.6, 19.2.4, and 19.2.3.5 or 19.2.5.1 as appropriate (Incorporated by reference, see §164.03):

(1929) (i) Passenger vessels, of 150 gross tonnage or more, not later than July 1, 2003;

(1930) (ii) Tankers, regardless of tonnage, not later than the first safety survey for safety equipment on or after July 1, 2003;

(1931) (iii) Vessels, other than passenger vessels or tankers, of 50,000 gross tonnage or more, not later than July 1, 2004; and

(1932) (iv) Vessels, other than passenger vessels or tankers, of 300 gross tonnage or more than 50,000 gross tonnage, not later than the first safety survey for safety equipment on or after July 1, 2004, but no later than December 31, 2004.

(1933) (3) Notwithstanding paragraphs (a)(1) and (a)(2) of this section, the following vessels, when navigating an area denoted in table 161.12(c) of §161.12 of this chapter, not later than December 31, 2004:

(1934) (i) Self-propelled vessels of 65 feet or more in length, other than fishing vessel and passenger vessels certificated to carry less than 151 passengers-for-hire, in commercial service;

(1935) (ii) Towing vessels of 26 feet or more in length and more than 600 horsepower, in commercial service;

(1936) (iii) Passenger vessels certificated to carry more than 150 passengers-for-hire.

(1937) **Note to §164.46(a):** "Properly installed" refers to an installation using the guidelines set forth in IMO SN/Circ. 227 (incorporated by reference, see §164.03). Not all AIS units are able to broadcast position, course, and speed without the input of an external positioning device (e.g. dGPS); the use of other external devices (e.g. transmitting heading device, gyro, rate of turn indicator) is highly recommended, however, not required except as stated in §164.46(a)(2). "Type approved" refers to an approval by an IMO recognized Administration as to comply with IMO Resolution MSC.74(69), ITU–R Recommendation M.1371–1, and IEC 61993-2 (Incorporated by reference, see §164.03). "Length" refers to "registered length" as defined in 46 CFR part 69. "Gross tonnage" refers to tonnage as defined under the International Convention on Tonnage Measurement of Ships, 1969.

(1938) (b) The requirements for Vessel Bridge-to-Bridge radiotelephones in §§26.04(a) and (c), 26.05, 26.06 and 26.07 of this chapter, also apply to AIS. The term "effective operating condition" used in §26.06 of this chapter includes accurate input and upkeep of AIS data fields.

(1939) (c) 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 unit may be in operation at any one time.

(1940) (d) The AIS Pilot Plug, on each vessel over 1,600 gross tons, on an international voyage, must be available for pilot use, easily accessible from the primary conning position of the vessel, and near a 120 Volt, AC power, 3-prong receptacle.

### §164.51 Deviations from rules: Emergency.

(1941) 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.

### §164.53 Deviations from rules and reporting: Non-operating equipment.

(1942) (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.

(1943) (b) If the vessel's 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.

### §164.55 Deviations from rules: Continuing operation or period of time.

(1944) 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.

### §164.61 Marine casualty reporting and record retention.

(1945) 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–

(1946) (a) Ensure compliance with 46 CFR 4.05, "Notice of Marine Casualty and Voyage Records," and

(1947) (b) Ensure that the voyage records required by 46 CFR 4.05-15 are retained for–

(1948) (1) 30 days after the casualty if the vessel remains in the navigable waters of the United States; or

(1949) (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.

### §164.70 Definitions.

(1950) For purposes of §§164.72 through 164.82, the term–

(1951) *Current edition* means the most recent published version of a publication, chart, or map required by §164.72.

(1952) *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.

(1953) *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.

(1954) *Swing-meter* means an electronic or electric device that indicates that rate of turn of the vessel on board which it is installed.

(1955) *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.

(1956) *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.

### §164.72 Navigational-safety equipment, charts or maps, and publications required on towing vessels.

(1957) (a) Except as provided by §164.01(b), each towing vessel must be equipped with the following navigational-safety equipment:

(1958) (1) *Marine Radar.* By August 2, 1997, a marine radar that meets the following applicable requirements:

(1959) (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–

(1960) (A) The requirements of the Federal Communications Commission (FCC) specified by 47 CFR part 80; and

(1961) (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.

(1962) (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–

(1963) (A) The requirements of the FCC specified by 47 CFR part 80; and

(1964) (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.

(1965) (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–

(1966) (A) The requirements of the Federal Communications Commission (FCC) specified by 47 CFR part 80; and

(1967) (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.

(1968) (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–

(1969) (A) The requirements of the FCC specified by 47 CFR part 80; and

(1970) (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.

(1971) (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.

(1972) (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.

(1973) (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

## TABLE 164.72.–EQUIPMENT, CHARTS OR MAPS, AND PUBLICATIONS FOR TOWING VESSELS OF 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, Display Category II[1] Stabilization Category BRAVO. | RTCM Paper 71–95/SC112– STD Version 1.1, Display Category II[1] Stabilization Category BRAVO. | RTCM Paper 71–95/SC112–STD Version 1.1, Display Category I[2] 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 Notice to Mariners.<br>(3) River-current Tables. | (1) U.S. Coast Guard Light List<br>(2) Local Notice 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 Notice 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 requirement until August 2, 2001.

[3]A towing vessel may carry either a swing-meter or a magnetic compass.

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 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.)

(1974) (4) *Magnetic Compass*. Either–

(1975) (i) An illuminated swing-meter or an illuminated car-type magnetic steering compass readable from the vessel's main steering station, if the vessel engages in towing exclusively on Western Rivers; or

(1976) (ii) An illuminated card-type magnetic steering compass readable from the vessel's main steering station.

(1977) (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.

(1978) (6) *Electronic Position-Fixing Device*. An electronic position-fixing device, either a LORAN-C receiver or 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.

(1979) (b) Each towing vessel must carry on board and maintain the following:

(1980) (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.

(1981) (i) The charts or maps must be of a large enough scale and have enough detail to make safe navigation of the areas possible.

(1982) (ii) The charts or maps must be either–

(1983) (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

(1984) (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.

(1985) (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 the section, be of large enough scale, and have enough detail to make safe navigation of the areas possible, and must be currently corrected.

(1986) (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:

(1987) (i) If the vessel is engaged in towing exclusively on Western Rivers–

(1988) (A) U.S. Coast Guard Light List;

(1989) (B) Applicable Notices to Navigation published by the ACOE, or Local Notices to Marines (LNMs) published by the Coast Guard, for the area to be transited, when available; and

(1990) (C) River-current tables published by the ACOE or a river authority, if available.

(1991) (ii) if the vessel is engaged other than in towing exclusively on Western Rivers–

(1992) (A) Coast Guard Light List;

(1993) (B) Notices to Mariners published by the National Geospatial-Intelligence Agency, or LNMs published by the Coast Guard;

(1994) (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:

(1995) (D) Tide tables published by private entities using data provided by the NOS; and

(1996) (E) U.S. Coast Pilot.

(1997) (c) Table 164.72, following, summarizes the navigational-safety equipment, charts or maps, and publications required for towing vessels of 12 meters or more in length:

### §164.74 Towline and terminal gear for towing astern.

(1998) (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:

(1999) (1) The size and material of each towline must be–

(2000) (i) Appropriate for the horsepower or bollard pull of the vessel;

(2001) (ii) Appropriate for the static loads and dynamic loads expected during the intended service;

(2002) (iii) Appropriate for the sea conditions expected during the intended service;

(2003) (iv) Appropriate for exposure to the marine environment and to any chemicals used or carried on board the vessel;

(2004) (v) Appropriate for the temperatures of normal stowage and service on board the vessel;

(2005) (vi) Compatible with associated navigational-safety equipment; and

(2006) (vii) Appropriate for the likelihood of mechanical damage.

(2007) (2) Each towline as rigged must be–

(2008) (i) Free of knots;

(2009) (ii) Spliced with a thimble, or have a poured socket at its end; and

(2010) (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.

(2011) (3) The condition of each towline must be monitored through the–

(2012) (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 Specifications 9A, Specification for Wire Rope, Section 3; ASTM D 426 (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;

(2013) (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;

(2014) (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);

(2015) (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–

(2016) (A) Nautical miles on, or time in service of, the towline;

(2017) (B) Operating conditions experienced by the towline;

(2018) (C) History of loading of the towline;

(2019) (D) Surface condition, including corrosion and discoloration, of the towline;

(2020) (E) Amount of visible damage to the towline;

(2021) (F) Amount of material deterioration indicated by measurements of diameter and, if applicable, measurements of lay extension of the towline; and

(2022) (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

(2023) (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.

(2024) (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:

(2025) (1) The material and size of the terminal gear are appropriate for the strength and anticipated loading of the towline and for the environment;

(2026) (2) Each connection is secured by at least one nut with at least one cotter pin or other means of preventing its failure;

(2027) (3) The lead of the towline is appropriate to prevent sharp bends in the towline from fairlead blocks, chocks, or tackle;

(2028) (4) There is provided a method, whether mechanical or non-mechanical, that does not endanger operating personnel but that easily releases the towline;

(2029) (5) The towline is protected from abrasion or chafing by chafing gear, lagging, or other means;

(2030) (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

(2031) (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.

### §164.76 Towline and terminal gear for towing alongside and pushing ahead.

(2032) The owner, master, or operator of each vessel towing alongside or pushing ahead shall ensure the face wires, spring lines, and push gear used–

(2033) (a) Are appropriate for the vessel's horsepower;

(2034) (b) Are appropriate for the arrangement of the tow;

(2035) (c) Are frequently inspected; and

(2036) (d) Remain serviceable.

### §164.78 Navigation under way: Towing vessels.

(2037) (a) The owner, master, or operator of each vessel towing shall ensure that each person directing and controlling the movement of the vessel–

(2038) (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;

(2039) (2) Can fix the position of the vessel using installed navigational equipment, aids to navigation, geographic reference-points, and hydrographic contours;

(2040) (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.);

(2041) (4) Evaluates the danger of each closing visual or radar contact;

(2042) (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;

(2043) (6) Knows the speed and direction of the current, and the set, drift, and tidal state for the area to be transited;

(2044) (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

(2045) (8) Monitors the voyage plan required by §164.80.

### §164.80 Tests, inspections, and voyage planning.

(2046) (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:

(2047) (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.

(2048) (2) *Navigational equipment*. A test of all installed navigational equipment.

(2049) (3) *Communications*. Operation of all internal vessel control communications and vessel-control alarms, if installed.

(2050) (4) *Lights*. Operation of all navigational lights and all searchlights.

(2051) (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.

(2052) (6) *Propulsion systems*. Visual inspection of the spaces for main propulsion machinery, of machinery, and of devices for monitoring machinery.

(2053) (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:

(2054) (1) *Navigational equipment*. Tests of onboard equipment as required by §164.25.

(2055) (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.

(2056) (c)(1) The voyage-planning requirements outlined in this section do not apply to you if your towing vessel is–

(2057) (i) Used solely for any of the following services or any combination of these services–

(2058) (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:

(2059) (B) For harbor assist;

(2060) (C) For assistance towing as defined by 46 CFR 10.103;

(2061) (D) For response to emergency or pollution;

(2062) (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;

(2063) (iii) A foreign vessel engaged in innocent passage; or

(2064) (iv) Exempted by the Captain of the Port (COTP).

(2065) (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.

(2066) (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):

(2067) (i) Applicable information from nautical charts and publication (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 departures, all ports of call, and the destination;

(2068) (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);

(2069) (iii) Data on tides and currents for the port of departure, all ports of call, and the destination, and the river staged and forecast, if appropriate;

(2070) (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;

(2071) (v) Pre-departure checklists;

(2072) (vi) Calculated speed and estimated time of arrival at proposed waypoints;

(2073) (vii) Communication contacts at any Vessel Traffic Services, bridges, and facilities, and any port specific requirements for VHF radio;

(2074) (viii) Any master's or operator's standings orders detailing closest points of approach, special conditions, and critical maneuvers; and

(2075) (ix) Whether the towing vessel has sufficient power to control the tow under all foreseeable circumstances.

### §164.82 Maintenance, failure, and reporting.

(2076) (a) *Maintenance*. The owner, master, or operator or each towing vessel shall maintain operative the navigational-safety equipment required by §164.72.

(2077) (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.

(2078) (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:

(2079) (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;

(2080) (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

(2081) (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.)

(2082) (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.

(2083) (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.

(2084) (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.

# Part 165–Regulated Navigation Areas and Limited Access Areas

## Subpart A–General

### §165.1 Purpose of part.

(2085) The purpose of this part is to–

(2086) (a) Prescribe procedures for establishing different types of limited or controlled access areas and regulated navigation areas;

(2087) (b) Prescribe general regulations for different types of limited or controlled access areas and regulated navigation areas;

(2088) (c) Prescribe specific requirements for established areas; and

(2089) (d) List specific areas and their boundaries.

### §165.5 Establishment procedures.

(2090) (a) A safety zone, security zone, or regulated navigation area may be established on the initiative of any authorized Coast Guard official.

(2091) (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:

(2092) (1) The name of the person submitting the request;

(2093) (2) The location and boundaries of the safety zone, security zone, or regulated navigation area;

(2094) (3) The date, time, and duration that the safety zone, security zone, or regulated navigation area should be established;

(2095) (4) A description of the activities planned for the safety zone, security zone, or regulated navigation area;

(2096) (5) The nature of the restrictions or conditions desired; and

(2097) (6) The reason why the safety zone, security zone, or regulated navigation area is necessary.

(2098) (Requests for safety zones, security zones, and regulated navigation areas are approved by the Office of Management and Budget under control numbers 2115-0076, 2115-0219, and 2115-0087.)

(2099) (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.

### §165.7 Notification.

(2100) (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.

(2101) (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.

(2102) (c) Notification of the termination of the rule is usually made in the same form as the notification of its establishment.

### §165.8 Geographic coordinates.

(2103) 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.

### §165.9 Geographic application of limited and controlled access areas and regulated navigation areas.

(2104) (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.

(2105) (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.

(2106) (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 emended 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.

(2107) (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 3 nautical miles from the baseline.

## Subpart B–Regulated Navigation Areas

### §165.10 Regulated navigation area.

(2108) 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.

### §165.11 Vessel operating requirements (regulations).

(2109) Each District Commander may control vessel traffic in an area which is determined to have hazardous conditions, by issuing regulations:

(2110) (a) Specifying times of vessel entry, movement, or departure to, from, within, or through ports, harbors, or other waters;

(2111) (b) Establishing vessel size, speed, draft limitations, and operating conditions; and

(2112) (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.

### §165.13 General regulations.

(2113) (a) The master of a vessel in a regulated navigation area shall operate the vessel in accordance with the regulations contained in Subpart F.

(2114) (b) No person may cause or authorize the operation of a vessel in a regulated navigation area contrary to the regulations in this Part.

## Subpart C–Safety Zones

### §165.20 Safety zones.

(2115) 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.

### §165.23 General regulations.

(2116) Unless otherwise provided in this part–

(2117) (a) No person may enter a safety zone unless authorized by the COTP or the District Commander;

(2118) (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;

(2119) (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

(2120) (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.

## Subpart D–Security Zones

### §165.30 Security zones.

(2121) (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.

(2122) (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–

(2123) (1) Vessels,

(2124) (2) Harbors,

(2125) (3) Ports and

(2126) (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.

### §165.33 General regulations.

(2127) Unless otherwise provided in the special regulations in Subpart F of this part–

(2128) (a) No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port;

(2129) (b) Each person and vessel in a security zone shall obey any direction or order of the Captain of the Port;

(2130) (c) The Captain of the Port may take possession and control of any vessel in the security zone;

(2131) (d) The Captain of the Port may remove any person, vessel, article, or thing from a security zone;

(2132) (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

(2133) (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.

## Subpart E–Restricted Waterfront Areas

### §165.40 Restricted Waterfront Areas.

(2134) 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.

## Subpart F–Specific Regulated Navigation Areas and Limited Access Areas

### §165.100 Regulated Navigation Area: Navigable waters within the First Coast Guard District.

(2135) (a) *Regulated navigation area*. All navigable waters of the United States, as that term is used in 33 CFR 2.05-25(a), within the geographic boundaries of the First Coast Guard District, as defined in 33 CFR 3.05-1(b).

(2136) (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.

(2137) (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.

(2138) (d) *Regulations*—(1) *Positive control for barges*. (i) Except as provided in paragraph (d)(1)(iii) 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—

(2139) (A) A propulsion failure;

(2140) (B) A parted towing line;

(2141) (C) A loss of tow;

(2142) (D) A fire;

(2143) (E) Grounding;

(2144) (F) A loss of steering; or

(2145) (G) Any other casualty that affects the navigation or seaworthiness of either vessel.

(2146) (ii) Double-hull tank barges are exempt from paragraph (d)(1)(i) of this section

(2147) (iii) The cognizant Captain of the Port (COTP) may authorize an exemption from the requirements of paragraph (d)(1)(i) of this section for any tank barge with a capacity of less than 25,000 barrels, to operate in an area with limited depth or width such as a creek or small river. Each request for an exemption under this section must be submitted in writing to the cognizant COTP.

(2148) (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.

(2149) (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 securité calls on marine band or VHF channel 13 or 16, upon approach to the following places:

(2150) (i) Execution Rocks Light (USCG Light List No. (LLNR 21440).

(2151) (ii) Matinecock Point Shoal Buoy (LLNR 21420).

(2152) (iii) 32A Buoy (LLNR 21380).

(2153) (iv) Cable and Anchor Reef Buoy (LLNR 21330).

(2154) (v) Stratford Middle Ground Light (LLNR 21260).

(2155) (vi) Old Field Point Light (LLNR 21275).

(2156) (vii) Approach to Stratford Point from the south (NOAA Chart 12370).

(2157) (viii) Falkner Island Light (LLNR 21170).

(2158) (ix) TE Buoy (LLNR 21160).

(2159) (x) CF Buoy (LLNR 21140).

(2160) (xi) PI buoy (LLNR 21080).

(2161) (xii) Race Rock Light (LLNR 19815).

(2162) (xiii) Valiant Rock Buoy (LLNR 19825).

(2163) (xiv) Approach to Point Judith in vicinity of Block Island ferry route.

(2164) (xv) Buzzards Bay Entrance Light (LLNR 630).

(2165) (xvi) Buzzards Bay Midchannel Lighted Buoy (LLNR 16055)

(2166) (xvii) Cleveland East Ledge Light (LLNR 16085).

(2167) (xviii) Hog Island buoys 1 (LLNR 16130) and 2 (LLNR 16135).

(2168) (xix) Approach to the Bourne Bridge.

(2169) (xx) Approach to the Sagamore Bridge.

(2170) (xxi) Approach to the eastern entrance of Cape Cod Canal.

(2171) (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.

(2172) (ii) The watch officer is authorized to make modifications to the plan and validate it as necessary.

(2173) (iii) Except as provided in paragraph (d)(3)(iv) of this section, each voyage plan must contain:

(2174) (A) A description of the type, volume, and grade of cargo.

(2175) (B) Applicable information from nautical charts and publications, including Coast Pilot, Coast Guard Light List, and Coast Guard Local Notice of Mariners, for the destination(s).

(2176) (C) Current and forecasted weather, including visibility, wind, and sea state for the destination(s).

(2177) (D) Data on tides and tidal currents for the destination(s).

(2178) (E) Forward and after drafts of the tank barge, and under-keel and vertical clearances for each port and berthing area.

(2179) (F) Pre-departure checklists.

(2180) (G) Calculated speed and estimated times of arrival at proposed waypoints.

(2181) (H) Communication contacts at Vessel Traffic Service (VTS) (If applicable), bridges, and facilities, and port-specific requirements for VHF radio.

(2182) (i) The master's standing orders detailing closest points of approach, special conditions, and critical maneuvers.

(2183) (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:

(2184) (A) The information described in paragraphs (d)(3)(iii)(D) and (E) of this section.

(2185) (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.

(2186) (C) The channels of VHF radio to monitor.

(2187) (D) Other considerations such as availability of pilot, assist tug, berth, and line-handlers, depth of berth at mean low water, danger areas, and securité calls.

(2188) (4) *Navigation restriction areas.* Unless authorized by the cognizant COTP, no tank barge may operate in—

(2189) (i) The waters of Cape Code Bay south of latitude 42°05' North and east of longitude 70°25' West; or

(2190) (ii) The waters of Fishers Island Sound east of longitude 72°02' West, and west of longitude 71°55'West.

### §165.115 Safety and Security Zones; Pilgrim Nuclear Power Plant, Plymouth, Massachusetts.

(2191) (a) *Location*. All waters of Cape Cod Bay and land adjacent to those waters enclosed by a line beginning at position

(2192) 41°57'05"N., 070°34'42"W.; then running southeast to position

(2193) 41°56'40.5"N., 070°41'04.5"W.; then running southwest to position

(2194) 41°56'32"N., 070°34'14"W.; then running northwest to position

(2195) 41°56'55.5"N., 070°34'52"W.; then running northeast back to position

(2196) 41°57'05"N., 070°34'42"W.

(2197) (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.

(2198) (2) All vessel operators shall comply with the instructions of the COTP of 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.

(2199) (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.

### §165.121 Safety and Security Zones: High Interest Vessels, Narragansett Bay, Rhode Island.

(2200) (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.

(2201) (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.

(2202) (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.

(2203) (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.

(2204) (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.

(2205) (2) The general regulations covering safety and security zones in §§165.23 and 165.33, respectively, of this part apply.

(2206) (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.

### §165.122 Providence River, Providence, R.I. regulated navigation area.

(2207) (a) Description of the regulated navigation area (RNA). The Regulated Navigation Area (RNA) encompasses the deep draft channel between Narragansett Bay Entrance Lighted Horn Buoy NB (LLNR 17675) 41°23.0'N., 71°23.4'W., and Fox Point, Providence.

(2208) (b) Regulations. (1) The following restrictions apply in the portion of the regulated area between Conimicut Light (LLNR 18305) and Channel Light 42 (Fuller Rock Light, (LLNR 18580)).

(2209) (i) No vessel with a draft greater than 35 feet may transit when water depth is at or below mean low water.

(2210) (ii) Vessels with drafts greater than 35 feet but less than 38 feet may transit when water depth is other than that on or below mean low water, provided there is sufficient depth under the keel to prevent grounding.

(2211) (iii) Vessels with drafts greater than or equal to 38 feet must obtain permission, 48 hours in advance of the desired transit time, from the Captain of the Port, Providence to transit.

(2212) (2) Vessels with drafts greater than 35 feet must have at least one mile of visibility to transit the regulated area between Conimicut Light (LLNR 18305) and Channel Light 42 (LLNR 18580, Fuller Rock Light).

(2213) (3) Vessels over 65 feet in length are prohibited from passing, meeting, or overtaking other vessels over 65 feet in length in the regulated area from:

(2214) (i) Gaspee Point to Channel Light 42, (Fuller Rock Light, LLNR 18580).

(2215) (ii) Conimicut Point Reach (Conimicut Light, LLNR 18305) to Channel Lighted Buoy 19, 41°43.7'N., 71°21.8'W., (LLNR 18330) and Channel Lighted Buoy 20, 41°43.7'N., 71°21.8'W., (LLNR 18335).

(2216) (4) Vessels over 65 feet in length inbound for berths up the Providence River, planning to transit through the deep draft channel, are required to make Safety Signal (SECURITE) calls on both VHF channels 13 and 16 at the following geographic locations: Pilot's Station, Abeam of Castle Hill, Approaching the Newport bridge, South of Prudence Island, Abeam of Sandy Point, Abeam of Popasquash Point, Approaching the Southern End of Rumstick Neck Reach, Abeam of Conimicut Point Light (LLNR 18305), Abeam of Gaspee Point, Abeam of Sabin Point and upon mooring.

(2217) (5) Vessels over 65 feet in length outbound for sea down in Providence River Channel transiting through this regulated navigation area are required to make SECURITE calls on VHF channels 13 and 16 at the following geographic locations: one-half hour prior to departure from the berth, at departure from the berth, Abeam of Sabin Point, Abeam of Gaspee Point, and Abeam of Conimicut Light (LLNR 18305).

(2218) (6) Vessels 65 feet and under in length and all recreational vessels when meeting deep draft commercial vessel traffic in the Providence River Channel between Conimicut Light (LLNR 18305) and Channel Light 42 (LLNR 18580, Fuller Rock Light) shall keep out of the way of the oncoming deep draft commercial vessel.

(2219) (7) The Captain of the Port, Providence, may authorize a deviation from these regulations.

(2220) (c) Enforcement. Violations of this regulated navigation area should be reported to the Captain of the Port, Providence, at (401) 435-2300. Persons in violation of these regulations will be subject to civil penalty under §165.13(b) of this part.

### §165.130 Sandy Hook Bay, New Jersey-security zone.

(2221) (a) Naval Ammunition Depot Piers.–The waters within the following boundaries are a security zone-A line beginning on the shore at

(2222) 40°25'57"N., 74°04'32"W.; then to

(2223) 40°27'52.5"N., 74°03'14.5"W.; then to

(2224) 40°27'28.3"N., 74°02'12.4"W.; then to

(2225) 40°26'29.2"N., 74°02'53"W.; then to

(2226) 40°26'31.1"N., 74°02'57.2"W.; then to

(2227) 40°25'27.3"N., 74°03'41"W.; then along the shoreline to the beginning point.

(2228) (b) Terminal Channel. The waters within the following boundaries are a security zone-A line beginning at

(2229) 40°27'41.2"N., 74°02'46"W.; then to

(2230) 40°28'27.0"N., 74°02'17.2"W.; then to

(2231) 40°28'21.1"N., 74°02'00"W.; then to

(2232) 40°28'07.8"N., 74°02'22"W.; then to

(2233) 40°27'39.8"N., 74°02'41.4"W.; then to the beginning.

(2234) (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)

(2235) (1) No vessel shall anchor, stop, remain or drift without power at any time in the security zone.

(2236) (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.

(2237) (3) Vessels may enter or cross the security zone, except as provided in paragraph (c)(2) of this section.

(2238) (4) No person may swim in the security zone.

### §165.140 New London Harbor, Connecticut-Security zone.

(2239) (a) *Security zones:*

(2240) (1) *Security Zone A*. The waters of the Thames River west of the Electric Boat Corporation Shipyard enclosed by a line beginning at a point on the shoreline at

(2241) 41°20'16"N., 72°04'47"W.; then running west to

(2242) 41°20'16"N., 72°04'57"W.; then running north to

(2243) 41°20'26"N., 72°04'57"W.; then northwest to

(2244) 41°20'28.7"N., 72°05'01.7"W.; then north-northwest to

(2245) 41°21'53.3"N., 72°05'04.8"W.; then north-northeast to

(2246) 41°21'02.9"N., 72°05'4.9"W.; then east to a point on the shore at

(2247) 41°21'02.9"N., 72°04'58.2"W.

(2248) (2) *Security Zone B*. The waters of the Thames River, west of the Naval Submarine Base, New London, Conn., enclosed by a line beginning at a point on the shoreline at

(2249) 41°23'15.8"N., 72°05'17.9"W.; then to

(2250) 41°23'15.8"N., 72°05'22"W.; then to

(2251) 41°23'25.9"N., 72°05'29.9"W.; then to

(2252) 41°23'33.8"N., 72°05'34.7"W.; then to

(2253) 41°23'37.0"N., 72°05'38.0"W.; then to

(2254) 41°23'41.0"N., 72°05'40.3"W.; then to

(2255) 41°23'47.2"N., 72°05'42.3"W.; then to

(2256) 41°23'53.8"N., 72°05'43.7"W.; then to

(2257) 41°23'59.8"N., 72°05'43.0"W.; then to

(2258) 41°24'12.4"N., 72°05'43.2"W.; then to a point on the shoreline at

(2259) 41°24'14.4"N., 72°05'38"W.; then along the shoreline to the point of beginning.

(2260) (3) All coordinates are North American Datum 1983.

(2261) (b) Special regulation. Section 165.33 does not apply to public vessels when operating in Security Zones A or to vessels owned by, under hire to, or performing work for the Electric Boat Division when operating in Security Zone A.

### §165.150 New Haven Harbor, Quinnipiac River, Mill River.

(2262) (a) The following is a regulated navigation area: The waters surrounding the Tomlinson Bridge located within a line extending from a point A at the southeast corner of the Wyatt terminal dock at 41°17'50"N., 72°54'36"W.; thence along a line 126°T to point B at the southwest corner of the Gulf facility at 41°17'42"N., 72°54'21"W.; thence north along the shoreline to point C at the northwest corner of the Texaco terminal dock 41°17'57"N., 72°54'06"W.; thence along a line 303°T to point D at the west bank of the mouth of the Mill River 41°18'05"N., 72°54'23"W.; thence south along the shoreline to point A.

(2263) (b) Regulations. (1) No person may operate a vessel or tow a barge in this Regulated Navigation Area in violation of these regulations.

(2264) (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.

(2265) (3) Regulated barges may not transit the bridge–

(2266) (i) During the period from one hour to five hours after high water slack,

(2267) (ii) When the wind speed at the bridge is greater than twenty knots, and

(2268) (iii) With the barge being towed on a hawser, stern first.

(2269) (4) Regulated barges with a beam greater than fifty feet must be pushed ahead through the bridge.

(2270) (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.

(2271) (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.

(2272) (7) Nothing in this section is intended to relieve any person from complying with–

(2273) (i) Applicable Navigation and Pilot Rules for Inland Waters;

(2274) (ii) Any other laws or regulations;

(2275) (iii) Any order or direction of the Captain of the Port.

(2276) (8) The Captain of the Port, New Haven, may issue an authorization to deviate from any rule in this section if the COTP finds that an alternate operation can be done safely.

### §165.152 Coast Guard Station Fire Island, Long Island, New York–safety zone.

(2277) (a) *Location*. The following waters of Fire Island Inlet are a safety zone: Beginning at a point on shore at

(2278) 40°37.523'N., 073°15.685'W.; then north to

(2279) 40°37.593'N., 073°15.719'W.; then east to

(2280) 40°37.612'N., 073°15.664'W.; then east to

(2281) 40°37.630'N., 073°15.610'W.; then east to

(2282) 40°37.641'N., 073°15.558'W.; then southeast to

(2283) 40°37.630'N., 073°15.475'W.; then southeast to

(2284) 40°37.625'N., 073°15.369'W.; then southeast to

(2285) 40°37.627'N., 073°15.318'W.; then southeast to point on shore at 40°37.565'N., 073°15.346'W. All coordinates are North American Datum 1983.

(2286) (b) *Regulations*. (1) The general regulations contained in 33 CFR §165.23 apply.

(2287) (2) All persons and vessels must comply with the Coast Guard Captain of the Port or designated on-scene 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, and local, state, and federal law enforcement vessels. Upon being hailed by siren, radio, flashing light or other means from a U.S. Coast Guard vessel or other vessel with on-scene patrol personnel aboard, the operator of the vessel shall proceed as directed.

### §165.153 Regulated Navigation Area: Long Island Sound Marine Inspection and Captain of the Port Zone.

(2288) (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).

(2289) (b) *Applicability*. This section applies to all vessels operating within the RNA excluding public vessels.

(2290) (c) *Definitions*. The following definitions apply to this section:

(2291) *Commercial service* means any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel.

(2292) *Ferry* means a vessel that:

(2293) (1) Operates in other than ocean or coastwise service;

(2294) (2) Has provisions only for deck passengers or vehicles, or both;

(2295) (3) Operates on a short run on a frequent schedule between two points over the most direct water route; and

(2296) (4) Offers a public service of a type normally attributed to a bridge or tunnel.

(2297) *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.

(2298) *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.

(2299) (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.

(2300) (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:

(2301) (i) Inbound approach to Cerberus Shoal; and

(2302) (ii) Outbound approach to Race Rock Light (USCG Light List No. 19815).

(2303) (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.

(2304) (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.

(2305) (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.

(2306) (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 licensed operator, licensed master, COTP, or the designated COTP on-scene patrol.

(2307) (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 licensed operator, master, COTP, or the designated COTP on-scene representative.

(2308) (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.

(2309) (9) This section does not relieve any vessel from compliance with applicable navigation rules.

### §165.154 Safety and Security Zones: Long Island Sound Marine Inspection Zone and Captain of the Port Zone.

(2310) (a) *Safety and security zones*. The following areas are safety and security zones:

(2311) (1) *Dominion Millstone Nuclear Power Plant Safety and Security Zones*. (i) All waters north and north east of a line running from Bay Point, at approximate position 41°18.57'N., 072°10.41'W, to Millstone Point at approximate position 41°18.25'N., 072°09.96'W.

(2312) (ii) All waters west of a line starting at 41°18.700'N., 072°09.650'W. running south to the eastern most point of Fox Island at approximate position 41°18.400'N., 072°09.660'W. All coordinates are North American Datum 1983.

(2313) (2) *Coast Guard Vessels Safety and Security Zones*. All waters within a 100-yard radius of any anchored Coast Guard vessel. For the purposes of this section, Coast Guard vessels includes any commissioned vessel or small boat in the service of the regular Coast Guard and does not include Coast Guard Auxiliary vessels.

(2314) (b) *Regulations*. (1) The general regulations contained in §165.23 and §165.33 of this part apply.

(2315) (2) In accordance with the general regulations in §165.23 and §165.33 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port, Long Island Sound.

(2316) (3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

### §165.155 Northville Industries Offshore Platform, Riverhead, Long Island, New York-safety zone.

(2317) (a) The following area is established as a safety zone during the specified condition:

(2318) (1) The waters within a 500 yard radius of the Northville Industries Offshore Platform, Long Island, New York, 1 mile North of the Riverhead shoreline at 41°00'N., 072°38'W., while a liquefied Petroleum Gas (LPG) vessel is moored at the Offshore Platform. The safety zone remains in effect until the LPG vessel departs the Offshore Platform.

(2319) (b) The general regulations governing safety zone contained in 33 CFR 165.23 apply.

(2320) (c) The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect by providing notice of scheduled moorings at the Northville Industries Offshore Platform of LPG vessels via Marine Safety Information Radio Broadcast.

### §165.160 Safety and Security Zones: Liquefied Hazardous Gas Vessel, Liquefied Hazardous Gas Facility and Designated Vessel Transits, New York Marine Inspection Zone and Captain of the Port Zone.

(2321) (a) *Location*. The following areas are safety and security zones:

(2322) (1) All waters of the New York Marine Inspection Zone and Captain of the Port Zone within a 200-yard radius of any Liquefied Hazardous Gas (LHG) vessel or LHG facility.

(2323) (2) All waters of the New York Marine Inspection Zone and Captain of the Port Zone within a 100-yard radius of any Designated Vessels.

(2324) (b) *Designated Vessels* (DVs). For the purposes of this section, DVs are: Vessels certificated to carry 500 or more passengers; vessels carrying government officials or dignitaries requiring protection by the U.S. Secret Service, or other Federal, State or local law enforcement agency; and barges or ships carrying petroleum products, chemicals, or other hazardous cargo.

(2325) (c) *Regulations*. (1) The general regulations contained in 33 CFR 165.23 and 165.33 apply.

(2326) (2) All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard onboard Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels. Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(2327) (3) The Captain of the Port will notify the maritime community of periods during which these zones will be enforced by methods in accordance with 33 CFR 165.7 and will identify DV vessel transits by way of electronic mail broadcast.

### §165.164 Security Zones; Dignitary Arrival/Departure New York, NY.

(2328) (a) The following areas are established as security zones:

(2329) (1) *Location*. 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. (NAD 1983) (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 the northeast corner of Pier 13, Manhattan, and the northwest corner of Pier 2 North, Brooklyn.

(2330) (2) *[Reserved]*

(2331) (3) *Location*. Marine Air Terminal, La Guardia Airport: All waters of Bowery Bay, Queens, New York, south of a line drawn from the western end of La Guardia Airport at approximate position 40°46'47"N., 073°53'05"W. (NAD 1983) to the Rikers Island Bridge at approximate position 40°46'51"N., 073°53'21"W. (NAD 1983) 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).

(2332) (4) *Location*. 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 175 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 to the starting point at 40°44'37"N., 073°58'16.5"W. All nautical positions are based on North American Datum of 1983.

(2333) (5) *Location*. All waters of the East River north of a line drawn 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. All nautical positions are based on North American Datum of 1983.

(2334) (6) The security zone will be activated 30 minutes before the dignitaries' arrival into the zone and remain in effect until 15 minutes after the dignitaries' departure from the zone.

(2335) (7) The activation of a particular zone will be announced by facsimile and marine information broadcasts.

(2336) (b) *Regulations*. (1) The general regulations contained in 33 CFR 165.33 apply.

(2337) (2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel using siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

### §165.165 Regulated Navigation Area; Kill Van Kull Channel, Newark Bay Channel, South Elizabeth Channel, Elizabeth Channel, Port Newark Channel and New Jersey Pierhead Channel, New York and New Jersey.

(2338) (a) Regulated Navigation Area (RNA). All waters of the Kill Van Kull (KVK) Channel east of KVK Light 16A

(LLNR 37340) in North of Shooters Island Reach, east of Shooters Island Light 2 (LLNR 37375) in South of Shooters Island Reach, and west of KVK Channel Junction Lighted Bell Buoy 'KV' (LLNR 37265) in Constable Hook Reach; all waters of Newark Bay Channel south of Newark Bay Light 19 (LLNR 37505); all waters of South Elizabeth Channel, Elizabeth Channel, Port Newark Channel, and New Jersey Pierhead Channel south of New Jersey Pierhead South Channel Lighted Buoy 5 (LLNR 37020).

(2339) (b) Description of Work Areas in the RNA.

(2340) (1) Work Area (1): The waters bounded by a line connecting the following points:

(2341) 40°38'40.0"N., 74°03'45.0"W.
(2342) 40°38'50.4"N., 74°04'16.0"W.
(2343) 40°38'57.9"N., 74°04'11.8"W.
(2344) 40°39'03.8"N., 74°04'43.8"W.
(2345) 40°39'04.5"N., 74°05'07.6"W.
(2346) 40°39'01.8"N., 74°05'14.8"W.
(2347) 40°39'05.0"N., 74°05'17.1"W.
(2348) 40°39'10.3"N., 74°05'05.0"W.
(2349) 40°39'09.3"N., 74°04'27.8"W.
(2350) 40°39'00.2"N., 74°03'45.1"W.
(2351) 40°38'58.0"N., 74°03'34.9"W.
(2352) 40°38'40.0"N., 74°03'45.0"W.

(2353) (2) Work Area (2): The waters bounded by a line connecting the following points:

(2354) 40°38'50.4"N., 74°04'16.0"W.
(2355) 40°38'57.5"N., 74°04'37.8"W.
(2356) 40°38'59.2"N., 74°04'55.4"W.
(2357) 40°38'57.4"N., 74°05'12.9"W.
(2358) 40°38'47.5"N., 74°05'33.8"W.
(2359) 40°38'45.8"N., 74°05'43.6"W.
(2360) 40°38'49.4"N., 74°05'44.7"W.
(2361) 40°38'51.0"N., 74°05'35.7"W.
(2362) 40°39'04.7"N., 74°05'06.6"W.
(2363) 40°39'03.7"N., 74°04'29.5"W.
(2364) 40°38'57.9"N., 74°04'11.8"W.
(2365) 40°38'50.4"N., 74°04'16.0"W.

(2366) (3) Work Area (3): The waters bounded by a line connecting the following points:

(2367) 40°38'45.8"N., 74°05'43.6"W.
(2368) 40°38'49.4"N., 74°05'44.7"W.
(2369) 40°38'51.2"N., 74°05'35.8"W.
(2370) 40°39'01.8"N., 74°05'14.8"W.
(2371) 40°39'05.0"N., 74°05'17.1"W.
(2372) 40°38'57.5"N., 74°05'32.3"W.
(2373) 40°38'53.8"N., 74°05'44.1"W.
(2374) 40°38'53.1"N., 74°05'56.8"W.
(2375) 40°38'55.3"N., 74°06'38.1"W.
(2376) 40°38'41.5"N., 74°07'18.3"W.
(2377) 40°38'38.2"N., 74°07'41.4"W.
(2378) 40°38'38.5"N., 74°07'46.0"W.
(2379) 40°38'35.2"N., 74°07'49.0"W.
(2380) 40°38'31.2"N., 74°07'50.0"W.
(2381) 40°38'30.1"N., 74°07'41.3"W.
(2382) 40°38'33.9"N., 74°07'15.1"W.
(2383) 40°38'44.0"N., 74°06'45.7"W.
(2384) 40°38'46.7"N., 74°06'25.9"W.
(2385) 40°38'44.8"N., 74°05'49.6"W.
(2386) 40°38'45.8"N., 74°05'43.6"W.

(2387) (4) Work Area (4): The waters bounded by a line connecting the following points:

(2388) 40°38'31.2"N., 74°07'50.0"W.
(2389) 40°38'35.2"N., 74°07'49.0"W.
(2390) 40°38'36.6"N., 74°08'01.2"W.
(2391) 40°38'28.2"N., 74°08'51.0"W.
(2392) 40°38'35.2"N., 74°09'06.2"W.
(2393) 40°38'30.0"N., 74°09'12.0"W.
(2394) 40°38'24.8"N., 74°09'02.6"W.
(2395) 40°38'24.0"N., 74°08'52.0"W.
(2396) 40°38'31.5"N., 74°08'07.4"W.
(2397) 40°38'31.8"N., 74°07'54.6"W.
(2398) 40°38'31.2"N., 74°07'50.0"W.

(2399) (5) Work Area (5): The waters bounded by a line connecting the following points:

(2400) 40°38'35.2"N., 74°07'49.0"W.
(2401) 40°38'38.5"N., 74°07'46.0"W.
(2402) 40°38'40.7"N., 74°08'01.3"W.
(2403) 40°38'34.0"N., 74°08'41.0"W.
(2404) 40°38'40.0"N., 74°08'52.0"W.
(2405) 40°38'50.0"N., 74°08'55.0"W.
(2406) 40°38'35.2"N., 74°09'06.2"W.
(2407) 40°38'28.2"N., 74°08'51.0"W.
(2408) 40°38'36.6"N., 74°08'01.2"W.
(2409) 40°38'35.2"N., 74°07'49.0"W.

(2410) (6) Work Area (6): The waters bounded by a line connecting the following points:

(2411) 40°39'17.0"N., 74°08'38.0"W.
(2412) 40°40'21.0"N., 74°08'00.0"W.
(2413) 40°40'34.3"N., 74°07'54.0"W.
(2414) 40°40'35.9"N., 74°08'03.9"W.
(2415) 40°40'33.2"N., 74°08'12.0"W.
(2416) 40°40'26.6"N., 74°08'17.9"W.
(2417) 40°39'34.3"N., 74°08'55.8"W.
(2418) 40°39'30.8"N., 74°08'58.2"W.
(2419) 40°39'21.6"N., 74°08'50.2"W.
(2420) 40°39'17.0"N., 74°08'38.0"W.

(2421) (7) Work Area (7): The waters bounded by a line connecting the following points:

(2422) 40°40'26.7"N., 74°08'17.9"W.
(2423) 40°41'14.4"N., 74°09'35.0"W.
(2424) 40°41'18.9"N., 74°09'31.9"W.
(2425) 40°40'46.1"N., 74°08'38.9"W.
(2426) 40°40'44.5"N., 74°08'30.2"W.
(2427) 40°40'33.2"N., 74°08'12.0"W.
(2428) 40°40'26.7"N., 74°08'17.9"W.

(2429) (8) Work Area (8): The waters bounded by a line connecting the following points:

(2430) 40°39'30.8"N., 74°08'58.2"W.

(2431) 40°39'40.6"N., 74°09'22.5"W.

(2432) 40°39'43.5"N., 74°09'25.8"W.

(2433) 40°39'44.8"N., 74°09'24.9"W.

(2434) 40°39'32.8"N., 74°08'55.2"W.

(2435) 40°39'30.8"N., 74°08'58.2"W. and

(2436) 40°39'21.6"N., 74°08'50.2"W.

(2437) 40°39'17.0"N., 74°03'38.0"W.

(2438) 40°38'50.0"N., 74°08'55.0"W.

(2439) 40°38'30.0"N., 74°09'12.0"W.

(2440) 40°38'33.3"N., 74°09'19.5"W.

(2441) 40°38'46.8"N., 74°09'22.8"W.

(2442) 40°39'07.7"N., 74°08'58.8"W.

(2443) 40°39'21.6"N., 74°08'50.2"W.

(2444) (9) Work Area (9): The waters bounded by a line connecting the following points:

(2445) 40°40'34.3"N., 74°07'54.0"W.

(2446) 40°41'08.5"N., 74°07'38.5"W.

(2447) 40°41'11.6"N., 74°07'50.8"W.

(2448) 40°41'17.6"N., 74°07'56.4"W.

(2449) 40°41'20.0"N., 74°08'00.3"W.

(2450) 40°41'42.3"N., 74°08'21.2"W.

(2451) 40°41'59.4"N., 74°09'11.0"W.

(2452) 40°41'55.8"N., 74°09'13.1"W.

(2453) 40°41'39.1"N., 74°08'24.6"W.

(2454) 40°41'21.0"N., 74°08'07.6"W.

(2455) 40°40'46.1"N., 74°08'38.9"W.

(2456) 40°40'44.5"N., 74°08'30.2"W.

(2457) 40°40'50.4"N., 74°08'30.3"W.

(2458) 40°41'13.4"N., 74°08'09.7"W.

(2459) 40°41'13.7"N., 74°08'05.6"W.

(2460) 40°41'03.2"N., 74°07'55.7"W.

(2461) 40°40'54.4"N., 74°07'55.7"W.

(2462) 40°40'35.9"N., 74°08'03.9"W.

(2463) 40°40'34.3"N., 74°07'54.0"W.

(2464) (c) Projected dates for each work area. Dredging is scheduled to commence in Work Area (2) on April 19, 1999. As contracts are let for dredging of each of the remaining work areas, commencement dates will be made available via the Local Notice to Mariners, marine information broadcasts, facsimile, and at New York Harbor Operations Committee meetings.

(2465) (d) Regulations. (1) No vessel shall enter or transit any work area where drill barges and/or dredges are located without permission of Vessel Traffic Service New York (VTSNY).

(2466) (2) Each vessel transiting in the vicinity of the work areas, where drill barges and/or dredges are located, is required to do so at no wake speed.

(2467) (3) No vessel shall enter the RNA when they are advised by the drilling barge or VTSNY that a misfire or

(2468) hangfire has occurred. Vessels already underway in the RNA shall proceed to clear the impacted area immediately.

(2469) (4) Vessels, 300 gross tons or greater, and tugs with tows are prohibited from meeting or overtaking other vessels when transiting alongside an active work area.

(2470) (5) Vessels, 300 gross tons or greater, and tugs with tows transiting with the prevailing current (as measured from the Battery tide station) are regarded as the stand-on vessel.

(2471) (6) Prior to entering the RNA, the master, pilot or operator of each vessel, 300 gross tons or greater and tugs with tows, shall ensure that they have sufficient propulsion and directional control to safely navigate the area under the prevailing conditions, and shall notify VTSNY as to their decision regarding the employment of assist tugs while transiting the RNA.

(2472) (7) Hawser or wire length must not exceed 100 feet, measured from the towing bit on the tug to the point where the hawser or wire connects with the towed vessel or barge, for any vessel with another vessel/barge in tow.

(2473) (8) Waiver. The Captain of the Port, New York may, upon request, authorize a deviation from any regulation in this section if it is found that the proposed operations can be done safely. An application for deviation must be received not less than 24 hours before the intended operation and must state the need and describe the proposal.

(2474) (9) Tugs with tows includes a tug with a vessel or barge in tow, alongside, or being pushed.

### §165.168 Safety Zones: New York Harbor and Hudson River Fireworks.

(2475) (a) *Liberty Island Safety Zone:* All waters of Upper New York Bay within a 360-yard radius of the fireworks barge in approximate position 40°41'16.5"N., 74°02'23"W. (NAD 1983), located in Federal Anchorage 20-C, about 360 yards east of Liberty Island.

(2476) (b) *Ellis Island Safety Zone:* All waters of Upper New York Bay within a 360-yard radius of the fireworks barge located between Federal Anchorages 20-A and 20-B, in approximate position 40°41'45"N., 74°02'09"W. (NAD 1983), about 365 yards east of Ellis Island.

(2477) (c) *South Beach, Staten Island Safety Zone:* All waters of Lower New York Bay within a 360-yard radius of the fireworks barge in approximate position 40°35'11"N., 74°03'42"W. (NAD 1983), about 350 yards east of South Beach, Staten Island.

(2478) (d) *Pier 60, Hudson River Safety Zone:* All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°44'49"N., 74°01'02"W. (NAD 1983), about 500 yards west of Pier 60, Manhattan, New York.

(2479) (e) *Raritan Bay Safety Zone:* All waters of Raritan Bay in the vicinity of the Raritan River Cutoff and Ward Point Bend (West) within a 240-yard radius of the fireworks barge in approximate position 40°30'04"N., 74°15'35"W., (NAD 1983), about 240 yards east of Raritan River Cutoff Channel Buoy 2 (LLNR 36595).

(2480) (f) *Notification*. Coast Guard Activities New York will cause notice of the activation of these safety zones to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including publication in the local notice to mariners, marine information broadcasts, and facsimile. Fireworks barges used in these locations will also have a sign on their port and starboard side labeled "FIREWORKS BARGE". This sign will consist of 10" high by 1.5" wide red lettering on a white background.

(2481) (g) *Effective Period.* This section is effective from 8 p.m. e.s.t. to 1 a.m. e.s.t. each day a barge with a "FIREWORKS BARGE" sign on the port and starboard side is on-scene in a location listed in paragraphs (a) through (e) of this section. Vessels may enter, remain in, or transit through these safety zones during this time frame if authorized by the Captain of the Port New York or designated Coast Guard patrol personnel on scene.

(2482) (h) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2483) (2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard.

(2484) Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

### §165.169 Safety and Security Zones: New York Marine Inspection Zone and Captain of the Port Zone.

(2485) (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:

(2486) (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).

(2487) (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.

(2488) (3) *Commercial Waterfront Facilities*. All waters within 25 yards of each commercial waterfront facility that is capable of accepting barge, ferry or other commercial vessels. For purposes of this section, "commercial waterfront facility" means all piers, wharves, docks and similar structures to which barge, ferry or other commercial vessels may be secured; 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.

(2489) (i) When a barge, ferry or other commercial vessel is conducting transfer operations at a commercial waterfront facility, the 25-yard zone is measured from the outboard side of the commercial vessel.

(2490) (ii) 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 commercial waterfront facility and do not stop or loiter within the zone.

(2491) (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.

(2492) (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.

(2493) (6) *New York City Passenger Ship Terminal, Hudson River, NY.*

(2494) (i) *Location*. All waters of the Hudson River bound by the following points: From the northeast corner of Pier 96 where it intersects the seawall, thence west to approximate position 40°46'23.1"N., 073°59'59.0"W., thence south to approximate position 40°45'55.3"N., 074°00'20.2"W. (NAD 1983), thence east to the southeast corner of Pier 84 where it intersects the seawall, thence north along the shoreline to the point of origin.

(2495) (ii) *Enforcement period*. This zone will be enforced whenever passenger vessels are pierside at Pier 88, 90 or 92 or whenever the passenger ship terminal or the adjacent Intrepid Sea, Air and Space Museum, Manhattan is being used as an Emergency Operations Center. The activation and termination of a particular zone will be announced in accordance with 33 CFR 165.7.

(2496) (7) *La Guardia Airport, Bowery and Flushing Bays, Queens, NY.–*

(2497) (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

(2498) 40°46'32.1"N., 073°53'22.4"W., thence to

(2499) 40°46'52.8"N., 073°53'09.3"W., thence to

(2500) 40°46'54.8"N., 073°52'54.2"W., thence to

(2501) 40°46'59.3"N., 073°52'51.3"W., thence to

(2502) 40°47'11.8"N., 073°53'17.3"W., thence to

(2503) 40°47'13.0"N., 073°53'16.1"W. on Rikers Island, thence easterly along the Rikers Island shoreline to approximate position

(2504) 40°47'12.9"N., 073°52'17.9"W., thence to

(2505) 40°47'16.7"N., 073°52'09.2"W., thence to

(2506) 40°47'36.1"N., 073°51'52.5"W., thence to

(2507) 40°47'35.1"N., 073°51'50.5"W., thence to

(2508) 40°47'15.9"N., 073°52'06.4"W., thence to

(2509) 40°47'14.5"N., 073°52'03.1"W., thence to

(2510) 40°47'10.6"N., 073°52'06.7"W., thence to

(2511) 40°47'01.9"N., 073°52'02.4"W., thence to

(2512) 40°46'50.4"N., 073°52'08.1"W., thence to

(2513) 40°46'26.8"N., 073°51'18.5"W., thence to

(2514) 40°45'57.2"N., 073°51'01.8"W., thence to

(2515) 40°45'51.2"N., 073°50'59.6"W., thence to

(2516) 40°45'49.5"N., 073°51'07.2"W., thence to

(2517) 40°45'58.8"N., 073°51'13.2"W., thence to

(2518) 40°46'02.3"N., 073°51'20.1"W., thence to

(2519) 40°45'48.4"N., 073°51'37.0"W., (NAD 1983) thence along the shoreline to the point of origin.

(2520) (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

(2521) 40°46'32.1"N., 073°53'22.4"W., thence to

(2522) 40°46'50.6"N., 073°53'07.3"W., thence to

(2523) 40°46'53.0"N., 073°52'50.9"W., thence to

(2524) 40°46'57.6"N., 073°52'47.9"W., thence to

(2525) 40°47'11.8"N., 073°53'17.3"W., thence to

(2526) 40°47'13.0"N., 073°53'16.1"W., on Rikers Island, thence easterly along the Rikers Island shoreline to approximate position

(2527) 40°47'12.9"N., 073°52'17.9"W., thence to

(2528) 40°47'16.7"N., 073°52'09.2"W., thence to

(2529) 40°47'36.1"N., 073°51'52.5"W., thence to

(2530) 40°47'35.1"N., 073°51'50.5"W., thence to

(2531) 40°47'15.9"N., 073°52'06.4"W., thence to

(2532) 40°47'14.5"N., 073°52'03.1"W., thence to

(2533) 40°47'07.9"N., 073°52'09.2"W., thence to

(2534) 40°47'01.4"N., 073°52'06.1"W., thence to

(2535) 40°46'50.0"N., 073°52'14.6"W., thence to

(2536) 40°46'22.2"N., 073°51'16.0"W., thence to

(2537) 40°45'57.2"N., 073°51'01.8"W., thence to

(2538) 40°45'52.4"N., 073°51'00.2"W., thence to

(2539) 40°45'50.6"N., 073°51'07.9"W., thence to

(2540) 40°45'58.8"N., 073°51'13.2"W., thence to

(2541) 40°46'04.0"N., 073°51'23.3"W., thence to

(2542) 40°45'51.2"N., 073°51'38.8"W., (NAD 1983) thence along the shoreline to the point of origin.

(2543) (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) of this section. That lies outside of the waters described in paragraph (a)(7)(ii) of this section: 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.harborops.com*.

(2544) (8) John F. Kennedy Airport, Jamaica Bay, Queen, NY.–

(2545) (i) *Location: Bergen Basin.* All waters of Bergen Basin north of 40°39'26.4"N.

(2546) (ii) *Location: Thurston Basin.* All waters of Thurston Basin north of 40°38'21.2"N.

(2547) (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

(2548) 40°38'49.0"N., 073°49'09.1"W., thence to

(2549) 40°38'42.5"N., 073°49'13.2"W., thence to

(2550) 40°38'00.6"N., 073°47'35.1"W., thence to

(2551) 40°37'52.3"N., 073°47'55.0"W., thence to

(2552) 40°37'50.3"N., 073°47'53.5"W., thence to

(2553) 40°37'59.4"N., 073°47'32.6"W., thence to

(2554) 40°37'46.1"N., 073°47'07.2"W., thence to

(2555) 40°37'19.5"N., 073°47'30.4"W., thence to

(2556) 40°37'05.5"N., 073°47'03.0"W., thence to

(2557) 40°37'34.7"N., 073°46'40.6"W., thence to

(2558) 40°37'20.5"N., 073°46'23.5"W., thence to

(2559) 40°37'05.7"N., 073°46'34.9"W., thence to

(2560) 40°36'54.8"N., 073°46'26.7"W., thence to

(2561) 40°37'14.1"N., 073°46'10.8"W., thence to

(2562) 40°37'36.9"N., 073°45'52.8"W., thence to

(2563) 40°38'00.8"N., 073°44'54.9"W., thence to

(2564) 40°38'05.1"N., 073°45'00.3"W., (NAD 1983) thence along the shoreline to the point of origin.

(2565) (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

(2566) 40°38'49.0"N., 073°49'09.1"W., thence to

(2567) 40°38'45.1"N., 073°49'11.6"W., thence to

(2568) 40°38'02.0"N., 073°47'31.8"W., thence to

(2569) 40°37'52.3"N., 073°47'55.0"W., thence to
(2570) 40°37'50.3"N., 073°47'53.5"W., thence to
(2571) 40°38'00.8"N., 073°47'29.4"W., thence to
(2572) 40°37'47.4"N., 073°47'02.4"W., thence to
(2573) 40°37'19.9"N., 073°47'25.0"W., thence to
(2574) 40°37'10.0"N., 073°47'03.7"W., thence to
(2575) 40°37'37.7"N., 073°46'41.2"W., thence to
(2576) 40°37'22.6"N., 073°46'21.9"W., thence to
(2577) 40°37'05.7"N., 073°46'34.9"W., thence to
(2578) 40°36'54.8"N., 073°46'26.7"W., thence to
(2579) 40°37'14.1"N., 073°46'10.8"W., thence to
(2580) 40°37'40.0"N., 073°45'55.6"W., thence to
(2581) 40°38'02.8"N., 073°44'57.5"W., thence to
(2582) 40°38'05.1"N., 073°45'00.3"W., (NAD 1983) thence along the shoreline to the point of origin.

(2583) (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.harborops.com

(2584) (9) *NYPD Ammunition Depot, Rodman Neck, Eastchester Bay, NY.–*

(2585) (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
(2586) 40°51'30.4"N., 073°48'14.9"W., thence to
(2587) 40°51'29.9"N., 073°48'20.7"W., thence to
(2588) 40°51'16.9"N., 073°48'22.5"W., thence to
(2589) 40°51'07.5"N., 073°48'18.7"W., thence to
(2590) 40°50'54.2"N., 073°48'11.1"W., thence to
(2591) 40°50'48.5"N., 073°48'04.6"W., thence to
(2592) 40°50'49.2"N., 073°47'56.5"W., thence to
(2593) 40°51'03.6"N., 073°47'47.3"W., thence to
(2594) 40°51'15.7"N., 073°47'46.8"W., thence to
(2595) 40°51'23.5"N., 073°47'41.9"W., (NAD 1983) thence southwesterly along shoreline to the point of origin.

(2596) (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
(2597) 40°51'30.4"N., 073°48'14.9"W., thence to
(2598) 40°51'30.1"N., 073°48'19.0"W., thence to
(2599) 40°51'16.8"N., 073°48'20.5"W., thence to
(2600) 40°51'07.9"N., 073°48'16.8"W., thence to
(2601) 40°50'54.9"N., 073°48'09.0"W., thence to
(2602) 40°50'49.7"N., 073°48'03.6"W., thence to
(2603) 40°50'50.1"N., 073°47'57.9"W., thence to
(2604) 40°51'04.6"N., 073°47'48.9"W., thence to
(2605) 40°51'15.9"N., 073°47'48.4"W., thence to
(2606) 40°51'23.5"N., 073°47'41.9"W., (NAD 1983) thence southwesterly along the shoreline to the point of origin.

(2607) (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.harborops.com.

(2608) (10) *Port Newark/Port Elizabeth, Newark Bay, NJ.* All waters of Newark Bay bound by the following points:
(2609) 40°41'49.9"N., 074°07'32.2"W., thence to
(2610) 40°41'46.5"N., 074°07'20.4"W., thence to
(2611) 40°41'10.7"N., 074°07'45.9"W., thence to
(2612) 40°40'54.3"N., 074°07'55.7"W., thence to
(2613) 40°40'36.2"N., 074°08'03.8"W., thence to
(2614) 40°40'29.1"N., 074°08'06.3"W., thence to
(2615) 40°40'21.9"N., 074°08'10.0"W., thence to
(2616) 40°39'27.9"N., 074°08'43.6"W., thence to
(2617) 40°39'21.5"N., 074°08'50.1"W., thence to
(2618) 40°39'21.5"N., 074°09'54.3"W., (NAD 1983) thence northerly along the shoreline to the point of origin.

(2619) (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.

(2620) (12) *Approaches to New York, Atlantic Ocean.* The following area is a security zone: All waters of the Atlantic Ocean between the Ambrose to Hudson Canyon Traffic Lane and the Barnegat to Ambrose Traffic Lane bound by the following points:
(2621) 40°21'29.9"N., 073°44'41.0"W., thence to
(2622) 40°21'04.5"N., 073°45'31.4"W., thence to
(2623) 40°15'28.3"N., 073°44'13.8"W., thence to
(2624) 40°15'35.4"N., 073°43'29.8"W., thence to
(2625) 40°19'21.2"N., 073°42'53.0"W., (NAD 1983) thence to the point of origin.

(2626) (b) *Regulations.* (1) Entry into or remaining in a safety or security zone is prohibited unless authorized by the Coast Guard Captain of the Port, New York.

(2627) (2) Persons desiring to transit the area of a safety or security zone may contact the Captain of the Port at telephone number 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.

(2628) (3) Vessels not actively engaged in authorized vessel to facility transfer operations shall not stop or loiter within that part of a commercial waterfront facility safety and security zone extending into the navigable channel, described in paragraph (a)(3) of this section, without the express permission of the Coast Guard Captain of the Port or his or her designated representative, including on-scene patrol personnel.

(2629) (4) The zone 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.

(2630) (5) 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.

(2631) (c) *Enforcement*. 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. The Coast Guard is enforcing the zone whenever a vessel is anchored in the security zone or a Coast Guard patrol vessel in on-scene.

### §165.170 Safety Zone: Triathlon, Ulster Landing, Hudson River, NY.

(2632) (a) *Regulated area*. The following area is a safety zone: All waters of the Hudson River, in the vicinity of Ulster Landing, bound by the following points:

(2633) 42°00'03.7"N., 073°56'43.1"W; thence to

(2634) 41°59'52.5"N., 073°56'34.2"W; thence to

(2635) 42°00'15.1"N., 073°56'25.2"W; thence to

(2636) 42°00'05.4"N., 073°56'41.9"W; (NAD 1983); thence along the shoreline to the point of beginning.

(2637) (b) *Effective period*. This section is in effect annually from 6 a.m. until 9 a.m. on the first Sunday after July 4th.

(2638) (c) *Regulations*. (1) The general regulations contained in 33 CFR 165.23 apply.

(2639) (2) No vessels will be allowed to transit the safety zone without the permission of the Captain of the Port, New York.

(2640) (3) All persons and vessels shall comply with the instruction of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

## Subpart G-Protection of Naval Vessels

### §165.2010 Purpose.

(2641) 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.

### §165.2015 Definitions.

(2642) The following definitions apply to this subpart:

(2643) *Atlantic Area* means that area described in 33 CFR 3.04–1 Atlantic Area.

(2644) *Large U.S. naval vessel* means any U.S. naval vessel greater than 100 feet in length overall.

(2645) *Naval defensive sea area* means those areas described in 32 CFR part 761.

(2646) *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.

(2647) *Navigable waters of the United States* means those waters defined as such in 33 CFR part 2.

(2648) *Navigation rules* means the Navigation Rules, International-Inland.

(2649) *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.

(2650) *Pacific Area* means that area described in 33 CFR 3.04–3 Pacific Area.

(2651) *Restricted area* means those areas established by the Army Corps of Engineers and set out in 33 CFR part 334.

(2652) *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.

(2653) *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.

(2654) *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.

### §165.2020 Enforcement authority.

(2655) (a) *Coast Guard.* Any Coast Guard commissioned, warrant or petty officer may enforce the rules and regulations contained in this subpart.

(2656) (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.

### §165.2025 Atlantic Area.

(2657) (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.

(2658) **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.

(2659) (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.

(2660) (c) The Navigation Rules shall apply at all times within a naval vessel protection zone.

(2661) (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.

(2662) (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.

(2663) (f) When conditions permit, the Coast Guard, senior naval officer present in command, or the official patrol should:

(2664) (1) Give advance notice on VHF-FM channel 16 of all large U.S. naval vessel movements;

(2665) (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

(2666) (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

(2667) (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.

(2668) **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.

## Part 166–Shipping Safety Fairways

## Subpart A–General

### §166.100 Purpose.

(2669) 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.

### §166.103 Geographic Coordinates.

(2670) 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.

### §166.105 Definitions.

(2671) (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.

(2672) (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.

### §166.110 Modification of areas.

(2673) Fairways and fairway anchorages are subject to modification in accordance with 33 U.S.C. 1223(c); 92 Stat. 1473.

### §166.500 Areas along the Atlantic Coast.

(2674) (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.

(2675) (b) Designated areas.–(1) Off New York Shipping Safety Fairway.

(2676) (i) Nantucket to Ambrose Safety Fairway. The area enclosed by rhumb lines, (North American Datum of 1927 (NAD-27)), joining points at:

(2677) 40°32'20"N., 73°04'57"W.

(2678) 40°30'58"N., 71°58'25"W.

(2679) 40°34'07"N., 70°19'23"W.

(2680) 40°35'37"N., 70°14'09"W.

(2681) 40°30'37"N., 70°14'00"W.

(2682) 40°32'07"N., 70°19'19"W.

(2683) 40°28'58"N., 72°58'25"W.

(2684) 40°27'20"N., 73°04'57"W.

(2685) (ii) Ambrose to Nantucket Safety Fairway. The area enclosed by rhumb lines, NAD-27, joining points at:

(2686) 40°24'20"N., 73°04'58"W.

(2687) 40°22'58'N., 72°58'26"W.

(2688) 40°26'07"N., 70°19'09"W.

(2689) 40°27'37"N., 70°13'46"W.

(2690) 40°22'37"N., 70°13'36"W.

(2691) 40°24'07"N., 70°19'05"W.

(2692) 40°20'58"N., 72°58'26"W.

(2693) 40°19'20"N., 73°04'58"W.

# Part 167–Offshore Traffic Separation Schemes

## Subpart A-General

### §167.1 Purpose.

(2694) 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.

### §167.3 Geographic coordinates.

(2695) Geographic coordinates are defined using North American 1927 Datum (NAD 27) unless indicated otherwise.

### §167.5 Definitions.

(2696) (a) *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.

(2697) (b) *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.

(2698) (c) *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.

(2699) (d) *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.

(2700) (e) *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.

(2701) (f) *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.

### §167.10 Operating rules.

(2702) 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.

### §167.15 Modification of schemes.

(2703) (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.

(2704) (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. Atlantic East Coast

### §167.150 Off New York Traffic Separation Scheme: General.

(2705) 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.

### §167.151 Off New York: Precautionary areas..

(2706) (a) A circular precautionary area with a radius of seven miles is established centered upon Ambrose Light in geographic position:

(2707) 40°27.50'N., 73°49.90'W.

(2708) (b) A precautionary area is established between the traffic separation scheme "Eastern Approach, off Nantucket" and the traffic separation scheme "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:

(2709) 40°35.00'N., 69°00.00'W., and is intersected by the traffic separation scheme "In the Approach to Boston, Massachusetts" and "Off New York" at the following geographic positions:

(2710) 40°50.33'N., 68°57.00'W.

(2711) 40°23.75'N., 69°14.63'W.

(2712) (2) The precautionary area is bounded to the west by a line connecting the two traffic separation schemes between the following geographic positions:

(2713) 40°36.75'N., 68°15.16'W.

(2714) 40°48.00'N., 69°03.33'W.

### §167.152 Off New York: Eastern approach, off Nantucket.

(2715) (a) A separation zone is established bounded by a line connecting the following geographic positions:

(2716) 40°28.75'N., 69°14.83'W.

(2717) 40°27.62'N., 70°13.77'W.

(2718) 40°30.62'N., 70°14.00'W.

(2719) 40°31.75'N., 69°14.97'W.

(2720) (b) A traffic lane for westbound traffic is established between the separation zone and a line connecting the following geographic positions:

(2721) 40°36.75'N., 69°15.17'W.

(2722) 40°35.62'N., 70°14.15'W.

(2723) (c) A traffic lane for eastbound traffic is established between the separation zone and a line connecting the following geographic positions:

(2724) 40°22.62'N., 70°13.60'W.

(2725) 40°23.75'N., 69°14.63'W.

### §167.153 Off New York: Eastern approach, off Ambrose Light.

(2726) (a) A separation zone is established bounded by a line connecting the following geographic positions:

(2727) 40°24.33'N., 73°04.97'W.

(2728) 40°24.20'N., 73°11.50'W.

(2729) 40°26.00'N., 73°40.93'W.

(2730) 40°27.00'N., 73°40.75'W.

(2731) 40°27.20'N., 73°11.50'W.

(2732) 40°27.33'N., 73°04.95'W.

(2733) (b) A traffic lane for westbound traffic is established between the separation zone and a line connecting the following geographic positions:

(2734) 40°32.33'N., 73°04.95'W.

(2735) 40°32.20'N., 73°11.50'W.

(2736) 40°28.00'N., 73°40.73'W.

(2737) (c) A traffic lane for eastbound traffic is established between the separation zone and a line connecting the following geographic positions:

(2738) 40°25.05'N., 73°41.32'W.

(2739) 40°19.20'N., 73°11.50'W.

(2740) 40°19.33'N., 73°04.97'W.

### §167.154 Off New York: Southeastern approach.

(2741) (a) A separation zone is established bounded by a line connecting the following geographic positions:

(2742) 40°03.10'N., 73°17.93'W.

(2743) 40°06.50'N., 73°22.73'W.

(2744) 40°22.45'N., 73°43.55'W.

(2745) 40°23.20'N., 73°42.70'W.

(2746) 40°08.72'N., 73°20.10'W.

(2747) 40°05.32'N., 73°15.28'W.

(2748) (b) A traffic lane for northwest-bound traffic is established between the separation zone and a line connecting the following geographic positions:

(2749) 40°08.98'N., 73°10.87'W.

(2750) 40°12.42'N., 73°15.67'W.

(2751) 40°24.02'N., 73°41.97'W.

(2752) (c) A traffic lane for southeast-bound traffic is established between the separation zone and a line connecting the following geographic positions:

(2753) 40°21.82'N., 73°44.55'W.

(2754) 40°02.80'N., 73°27.15'W.

(2755) 39°59.43'N., 73°22.35'W.

### §167.155 Off New York: Southern approach.

(2756) (a) A separation zone is established bounded by a line connecting the following geographic positions:

(2757) 39°45.70'N., 73°48.00'W.

(2758) 40°20.63'N., 73°48.33'W.

(2759) 40°20.87'N., 73°47.07'W.

(2760) 39°45.70'N., 73°44.00'W.

(2761) (b) A traffic lane for northbound traffic is established between the separation zone and a line connecting the following geographic positions:

(2762) 39°45.70'N., 73°37.70'W.

(2763) 40°21.25'N., 73°45.85'W.

(2764) (c) A traffic lane for southbound traffic is established between the separation zone and a line connecting the following geographic positions:

(2765) 40°20.53'N., 73°49.65'W.

(2766) 39°45.70'N., 73°54.40'W.

(2767) **Note**.–Use of LORAN C enables masters of appropriately equipped vessels to be informed highly accurately and continuously about the vessel's position in the area covered by this scheme.

### §167.3 Geographic coordinates.

(2768) 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.

# Part 169–Ship Reporting Systems

## Subpart A–General

### §169.1 What is the purpose of this subpart?

(2769) 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, environmental protection, vessel traffic services, search and rescue, weather forecasting and prevention of marine pollution.

### §169.5 What terms are defined?

(2770) *Gross tons* means vessel tonnage measured in accordance with the method utilized by the flag state administration of that vessel.

(2771) *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.

(2772) *Self-propelled ships* means ships propelled by mechanical means.

(2773) *Shore-based authority* means the government appointed office or offices that will receive the reports made by ships entering each of the mandatory 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.

### §169.10 What geographic coordinates are used?

(2774) 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.

## Subpart B–Establishment of Two Mandatory Ship Reporting Systems for the Protection of North Atlantic Right Whales

### §169.100 What mandatory ship reporting systems are established by this subpart?

(2775) 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.

(2776) **Note:** 50 CFR 224.103(c) contains requirements and procedures concerning North Atlantic right whale approach limitations and avoidance procedures.

### §169.102 Who is the shore-based authority?

(2777) The U.S. Coast Guard is the shore-based authority for these mandatory ship reporting systems.

### §169.105 Where is the northeastern reporting system located?

(2778) 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.

### §169.110 When is the northeastern reporting system in effect?

(2779) The mandatory ship reporting system in the northeastern United States operates year-round.

### §169.115 Where is the southeastern reporting system located?

(2780) 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.

### §169.120 When is the southeastern reporting system in effect?

(2781) 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.

### §169.125 What classes of ships are required to make reports?

(2782) 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.

### §169.130 When are ships required to make reports?

(2783) 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.

### §169.135 How must the reports be made?

(2784) (a) A ship equipped with INMARSAT C must report in IM0 standard format as provided in §169.140 in table 169.140.

(2785) (b) A ship not equipped with INMARSAT C must report to the Coast Guard using other means, listed below in order of precedence–

(2786) (1) Narrow band direct printing (SITOR).

(2787) (2) HF voice communication, or

(2788) (3) MF or VHF voice communications.

(2789) (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.

### §169.140 What information must be included in the report?

(2790) 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.

**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. |
| 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–<br><br>(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<br><br>(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 group expressed as in (B). |
| L | Route information | Intended track. |

## Part 207–Navigation Regulations

### §207.20 Cape Cod Canal, Mass.; use, administration, and navigation.

(2791) (a) Limits 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.

(2792) (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.

(2793) (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.

(2794) (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.

(2795) (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.

(2796) (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.

(2797) (2) For telephone communications with the traffic controller, call (617) 759-4431.

(2798) (3) Vessels shall maintain a radio guard on Marine VHF-FM channel 13 during the entire passage through the canal.

(2799) (4) All radio communications in the vicinity of the canal are tape recorded for future reference.

(2800) (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.

(2801) (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.

(2802) (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.

(2803) (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).

(2804) (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.

(2805) (1) They must have sufficient horsepower to overcome tidal currents or they will be required to wait for favorable current conditions.

(2806) (2) Transits will be during daylight hours.

(2807) (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.

(2808) (4) Transits must await a clear canal for passage.

(2809) (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.

(2810) (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.

(2811) (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.

(2812) (i) First-To vessels owned or operated by the United States, including contractors' equipment employed on canal maintenance or improvement work.

(2813) (ii) Second-To passenger vessels.

(2814) (iii) Third-To tankers and barges docking and undocking at the Canal Electric Terminal.

(2815) (iv) Fourth-To merchant vessels, towboats, commercial fishing vessels, pleasure boats and miscellaneous craft.

(2816) (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.

(2817) (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.

(2818) (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.

(2819) (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.

(2820) (i) Railroad Bridge Signals. The following signals at the Buzzards Bay Railroad Bridge will be given strict attention.

(2821) (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.

(2822) (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.

(2823) (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:

(2824) Head Tide–60 Minutes

(2825) Fair Tide–30 Minutes

(2826) Stock Tide–45 Minutes

(2827) 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:

(2828) Head Tide–46 Minutes

(2829) Fair Tide–23 Minutes

(2830) Slack Tide–35 Minutes

(2831) 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.

(2832) (k) Management of vessels. (1) Vessels within the limits of the canal shall comply with applicable navigation rules.

(2833) (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.

(2834) (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.

(2835) (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.

(2836) (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:

(2837) (i) Sagamore Bridge.

(2838) (ii) Bourne Bridge.

(2839) (iii) Railroad Bridge.

(2840) (iv) Mass. Maritime Academy.

(2841) (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.

(2842) (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.

(2843) (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.

(2844) (1) 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.

(2845) (m) [Reserved]

(2846) (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.

(2847) (o) Trespass to property. Subject to the provisions of paragraph (q) of this section trespass upon the canal property is prohibited.

(2848) (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.

(2849) (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.

(2850) (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.

(2851) (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.

(2852) (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.

(2853) (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.

(2854) (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.

(2855) (6) Hunting. Hunting is permitted in accordance with game laws of the United States and the Commonwealth of Massachusetts.

(2856) (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.

(2857) (8) Control of animals and pets. (i) No person shall bring or have horses in camping, picnic, swimming beaches or developed recreation areas.

(2858) (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.

(2859) (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.

(2860) (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.

(2861) (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.

(2862) (ii) The possession or use of fireworks is prohibited unless written permission has been received from the division engineer.

(2863) (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.

(2864) (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.

(2865) (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.

(2866) (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.

(2867) (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.

(2868) (15) Commercial activities. The engaging in or solicitation of business without the written permission of the division engineer is prohibited.

(2869) (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.

(2870) (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.

(2871) (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.

### §207.50 Hudson River Lock at Troy, N.Y.; navigation.

(2872) (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.

(2873) (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:

(2874) (1) One long blast of a horn to indicate that the vessel must wait.

(2875) (2) One short blast of a horn to indicate that the lock is being made ready for entrance.

(2876) (3) Two short blasts of a horn to indicate permission to enter the lock.

(2877) (4) Four short and rapid blasts to attract attention, indicate caution, and signal danger.

(2878) (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.

(2879) (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.

(2880) (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.

(2881) (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.

(2882) (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.

(2883) (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.

(2884) (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.

(2885) (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.

(2886) (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.

(2887) (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.

(2888) (1) 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.

(2889) (m) [Reserved]

(2890) (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.

(2891) (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.

### §207.60 Federal Dam, Hudson River, Troy, N.Y.; pool level.

(2892) (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.

(2893) (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.

(2894) (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.

(2895) (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.

### §207.800 Collection of navigation statistics.

(2896) (a) Definitions. For the purpose of this regulation the following terms are defined:

(2897) (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.)

(2898) (2) Offenses and Violations mean:

(2899) (i) Failure to submit a required report.

(2900) (ii) Failure to provide a timely, accurate, and complete report.

(2901) (iii) Failure to submit monthly listings of idle vessels or vessels in transit.

(2902) (iv) Failure to submit a report required by the lockmaster or canal operator.

(2903) (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.

(2904) (4) Person or entity means an individual, corporation, partnership, or company.

(2905) (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.

(2906) (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.

(2907) (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.

(2908) (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.

(2909) (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.

(2910) (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.

(2911) (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.

(2912) (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.

(2913) (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.

(2914) (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.

(2915) (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.

(2916) (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.

(2917) (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:

(2918) (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 62180, New Orleans, LA 70161-1280.

(2919) (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.

(2920) (B) Vessels idle during the month must also be reported.

(2921) (C) Notwithstanding the above requirements, the following waterborne vessel movements need not be reported:

(2922) (1) Movements of recreational vessels.

(2923) (2) Movements of fire, police, and patrol vessels.

(2924) (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.

(2925) (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.

(2926) (5) Specific movements granted exemption in writing by the Waterborne Commerce Statistics Center.

(2927) (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.

(2928) (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.

(2929) (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).

(2930) (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.

(2931) (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.

(2932) (3) Refer to 19 CFR part 24 for detailed information on exemptions and ports subject to the Harbor Maintenance Tax.

(2933) (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.

(2934) (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.

(2935) (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.

(2936) (c) Penalties for Noncompliance. The following penalties for noncompliance can be assessed for offenses and violations.

(2937) (1) Criminal Penalties. Every person or persons violating the provisions of this regulation shall, for each and every offenses, 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.

(2938) (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.

(2939) (3) Denial of Passage. In addition to these fines, penalties, and imprisonments, the lockmaster or canal operator can refuse to allow vessel passage.

(2940) (d) Enforcement Policy. Every means at the disposal of the Army Corps of Engineers will be utilized to monitor and enforce these regulations.

(2941) (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.

(2942) (i) Data on purchase and sale of vessels.

(2943) (ii) U.S. Coast Guard vessel documentation and reports.

(2944) (iii) Data collected at Locks, Canals, and other facilities operated by the Corps.

(2945) (iv) Data provided by terminals on ENG Form 3926.

(2946) (v) Data provided by the other Federal agencies including the Internal Revenue Service, Customs Service, Maritime Administration, Department of Transportation, and Department of Commerce.

(2947) (vi) Data provided by ports, local facilities, and State or local governments.

(2948) (vii) Data from trade journals and publications.

(2949) (viii) Site visits and inspections.

(2950) (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.

(2951) (3) Administrative Assessment of Civil Penalties. Civil penalties may be assessed in the following manner.

(2952) (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.

(2953) (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, described by reasonable specificity the nature of the violation, and indicate the applicable provisions of 33 CFR part 326.

(2954) (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.

(2955) (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.

## Part 334–Danger Zones and Restricted Area Regulations

### §334.1 Purpose.

(2956) The purpose of this part is to:

(2957) (a) Prescribe procedures for establishing, amending and disestablishing danger zones and restricted area;

(2958) (b) List the specific danger zones and restricted areas and their boundaries; and

(2959) (c) Prescribe specific requirements, access limitations and controlled activities within the danger zones and restricted areas.

### §334.2 Definitions

(2960) (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.

(2961) (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.

### §334.3 Special policies.

(2962) (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.

(2963) (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),

(2964) (c) Temporary, occasional or intermittent use. If the use of the water area is desired for a short period of time, not 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.

### §334.4 Establishment and amendment procedures.

(2965) (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:

(2966) (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.

(2967) (2) Name of waterway and if a small tributary, the name of a larger connecting waterbody.

(2968) (3) Name of closest city or town, county/parish and state.

(2969) (4) Location of proposed or existing danger zone or restricted area with a map showing the location, if possible.

(2970) (5) A brief statement of the need for the area, its intended use and detailed description of the times, dates and extent of restriction.

(2971) (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.

(2972) (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:

(2973) (i) Applicable statutory authority or authorities; (40 Stat. 266; 33 U.S.C. 1) and (40 Stat. 892; 33 U.S.C. 3).

(2974) (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.

(2975) (iii) The address of the District Engineer as the recipient of any comments received.

(2976) (iv) The identity of the applicant/proponent;

(2977) (v) The name or title, address and telephone number of the Corps employee from whom additional information concerning the proposal may be obtained;

(2978) (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.

(2979) (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:

(2980) (i) The Federal Aviation Administration (FAA) where the use of airspace is involved.

(2981) (ii) The Commander, Service Force, U.S. Atlantic Fleet, if a proposed action involves a danger zone off the U.S. Atlantic coast.

(2982) (iii) Proposed danger zones on the U.S. Pacific coast must be coordinated with the applicable commands as follows:

(2983) Alaska, Oregon and Washington:

(2984) Commander, Naval Base, Seattle

(2985) California:

(2986) Commander, Naval Base, San Diego

(2987) Hawaii and Trust Territories:

(2988) Commander, Naval Base, Pearl Harbor

(2989) (c) Public hearing. The District Engineer may conduct a public hearing in accordance with 33 CFR part 327.

(2990) (d) Environmental documentation. The District Engineer shall prepare environmental documentation in accordance with appendix B to 33 CFR part 325.

(2991) (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.**

(2992) (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.

### §334.5 Disestablishment of a danger zone.

(2993) (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.

(2994) (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.

### §334.6 Datum.

(2995) (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.

(2996) (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.

### §334.60 Cape Cod Bay south of Wellfleet Harbor, Mass.; naval aircraft bombing target area.

(2997) (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".

(2998) (b) The regulations. (1) No vessel shall enter or remain in the danger zone at any time, except as authorized by the enforcing agency.

(2999) (2) This section shall be enforced by the Commandant, First Naval District, and such agencies as he may designate.

### §334.70 Buzzards Bay, and adjacent waters, Mass.; danger zones for naval operations.

(3000) (a) Atlantic Ocean in vicinity of Nomans Land–

(3001) (1) The area. The waters surrounding Nomans Land within an area bounded as follows: Beginning at

(3002) 41°12'30", 70°50'30"; thence northwesterly to

(3003) 41°15'30", 70°51'30"; thence northeasterly to

(3004) 41°17'30", 70°50'30"; thence southeasterly to

(3005) 41°16'00", 70°47'30"; thence south to

(3006) 41°12'30", 70°47'30"; thence westerly to the point of beginning.

(3007) (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.

(3008) (3) The regulations in this paragraph shall be enforced by the Commandant, First Naval District, and such agencies as he may designate.

### §334.75 Thames River, Naval Submarine Base New London, Restricted Area.

(3009) (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:

(3010) From a point on the eastern shore at

(3011) 41°24'14.4"N., 72°05'38.0"W., then northerly along the coast to

(3012) 41°24'20.0"N., 72°05'37.9"W., then westerly across the river to a point on the western shore at

(3013) 41°24'20.0"N., 72°05'55.5"W., then southerly along the coast to a point on the western shore at

(3014) 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

(3015) 41°24'04.1"N., 72°05'51.2"W., then southerly along the western edge of the dredged channel to a point at

(3016) 41°24'00"N., 72°05'52.6"W., then southerly along the western edge of the dredged channel to a point located at

(3017) 41°23'57.1"N., 72°05'52.5"W., then southerly to buoy “11” located at a point at

(3018) 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

(3019) 41°23'33.8"N., 72°05'53.7"W., then southerly along the shore to buoy “A” at

(3020) 41°23'25.0"N., 72°05'45.4"W., then southeasterly to buoy “9” at a point located at

(3021) 41°23'15.0"N., 72°05'35.0"W., then easterly to a point on the eastern shore at

(3022) 41°23'15.0"N., 72°05'17.9"W., then northerly along the shore to a point on the eastern shore at

(3023) 41°23'15.8"N., 72°05'17.9"W., then along the following points:

(3024) 41°23'15.8"N., 72°05'22.0"W.

(3025) 41°23'25.9"N., 72°05'29.9"W.

(3026) 41°23'33.8"N., 72°05'34.7"W.

(3027) 41°23'37.0"N., 72°05'38.0"W.

(3028) 41°23'41.0"N., 72°05'40.3"W.

(3029) 41°23'47.2"N., 72°05'42.3"W.

(3030) 41°23'53.8"N., 72°05'43.7"W.

(3031) 41°23'59.8"N., 72°05'43.0"W.

(3032) 41°24'12.4"N., 72°05'43.2"W. Then to the point of beginning on the eastern shore.

(3033) (b) The regulations.

(3034) (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.

(3035) (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.

(3036) (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:

(3037) (i) The Commanding Officer, Naval Submarine Base New London, and the Coast Guard Captain of the Port are advised in writing at least 4 hours in advance of the event, or

(3038) (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.

(3039) (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.

### §334.78 Rhode Island Sound, Atlantic Ocean, approximately 4.0 nautical miles due south of Lands End in Newport, Rhode Island; restricted area for naval practice minefield.

(3040) (a) The area. The open waters of Rhode Island Sound approximately 4.0 nautical miles due south of Lands End, Newport, Rhode Island, within an area bounded as follows: Beginning at

(3041) 41°20'29"N., 71°19'54"W.; thence 2000 yards easterly to

(3042) 41°20'29"N., 71°18'34"W.; thence 3000 yards southerly to

(3043) 41°18'57"N., 71°18'34"W.; thence 2000 yards westerly to

(3044) 41°18'57"N., 71°19'54"W.; thence 3000 yards northerly to the point of beginning.

(3045) (b) *The regulations*. (1) No persons, vessels or other watercraft will be allowed to enter the designated area during minefield training.

(3046) (2) The practice minefield will consist of six inert drill mines each 16 inches in diameter and 5 feet long and one concrete sonar target 48 inches in diameter and 48 inches high located within the designated area. The sonar target will be permanently located in the extreme northeast corner within the designated drill minefield area. The six drill mines will be steel with all internal mechanisms and explosives removed and concrete filled. Drill mines will be removed from the designated area within 72 hours after each minehunting training exercise.

(3047) (3) Training activities will be limited to minehunting operations using only onboard sonar. Neither variable depth sonar devices or mechanical minesweeping operations will be utilized in the area.

(3048) (4) Training periods will be 2-3 days in length and 10-15 times a year, however during the time period July 1–mid-October, minehunting exercises will be held to minimum.

(3049) (5) Notice to mariners will be issued 6–8 weeks in advance of a scheduled practice exercise by the Commander, U.S. Naval Base, Newport, Rhode Island.

(3050) (6) The regulations of this section shall be enforced by the Commander, U.S. Naval Base, Newport, Rhode Island, and such agencies as he/she may designate.

### §334.80 Narragansett Bay, R.I.; restricted area.

(3051) (a) Beginning at a point on the east shore of Conanicut Island at

(3052) 41°33'15"; thence southeasterly to

(3053) 41°32'44", 71°21'17"; thence southerly to

(3054) 41°32'09", 71°21'17"; thence southeasterly to

(3055) 41°31'50", 71°21'10"; thence southeasterly to
(3056) 41°31'26", 71°20'33"; thence easterly to
(3057) 41°31'27", 71°20'06"; thence northerly to a point on the southwesterly shore of Prudence Island at
(3058) 41°35'00"; thence northerly along the southwesterly shore of Prudence Island to a point at
(3059) 41°35'43", 71°20'15.5"; thence northwesterly to
(3060) 41°37'21", 71°20'48"; thence west to
(3061) 41°37'21", 71°21'48"; and thence south to
(3062) 41°33'54", 71°21'48".
(3063) (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.
(3064) (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.
(3065) (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.

### §334.81 Narragansett Bay, East Passage, Coddington Cove, Naval Station Newport, Naval Restricted Area, Newport, Rhode Island.

(3066) (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.
(3067) (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.
(3068) (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.

### §334.85 New York Harbor, adjacent to the Stapleton Naval Station, Staten Island, New York; restricted area.

(3069) (a) *The area*. The waters of New York Harbor beginning at a point on shore at
(3070) 40°38'02"N., 074°04'24"W.; thence easterly to
(3071) 40°38'02.5"N., 074°04'09"W.; thence southerly to
(3072) 40°37'53"N., 074°04'07"W.; thence east-southeasterly to
(3073) 40°37'50"N., 074°03'50.2"W.; thence south-southeasterly to
(3074) 40°37'37.5"N., 074°03'46"W.; thence southwesterly to the shore line at
(3075) 40°37'24.5"N., 074°04'18"W.; thence northerly along the shore line to the point of origin.
(3076) (b) *The regulations*. (1) The portion of the restricted area extending from the shore out 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.
(3077) (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.
(3078) (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.
(3079) (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.

### §334.102 Sandy Hook Bay, Naval Weapons Station EARLE, Piers and Terminal Channel, Restricted Area, Middletown, New Jersey.

(3080) (a) *The area*. All of the navigable waters within the area bounded by these coordinates:
(3081) 40°25'55.6"N., 074°04'31.4"W.; thence to
(3082) 40°26'54.0"N., 074°03'53.0"W.; thence to
(3083) 40°26'58.0"N., 074°04'03.0"W.; thence to
(3084) 40°27'56.0"N., 074°03'24.0"W.; thence to
(3085) 40°27'41.7"N., 074°02'45.0"W.; thence to
(3086) 40°28'23.5"N., 074°02'16.6"W.; thence to
(3087) 40°28'21.2"N., 074°01'56.0"W.; thence to
(3088) 40°28'07.9"N., 074°02'18.6"W.; thence to
(3089) 40°27'39.3"N., 074°02'38.3"W.; thence to
(3090) 40°27'28.5"N., 074°02'10.4"W.; thence to
(3091) 40°26'29.5"N., 074°02'51.2"W.; thence to
(3092) 40°26'31.4"N., 074°02'55.4"W.; thence to
(3093) 40°25'27.1"N., 074°03'39.7"W.; and thence along the shoreline to the point of origin (NAD 83).
(3094) The Department of the Navy plans to install buoys along these coordinates to outline the Restricted Area.
(3095) (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;

(3096) (2) Vessels are authorized to cross the Terminal Channel provided that there are no naval vessels then transiting the channel bounded by:

(3097) 40°27'41.7"N., 074°02'45.0"W.; thence to

(3098) 40°28'23.5"N., 074°02'16.6"W.; thence to

(3099) 40°28'21.2"N., 074°01'56.0"W.; thence to

(3100) 40°28'07.9"N., 074°02'18.6"W.; thence to

(3101) 40°27'39.3"N., 074°02'38.3"W.; and

(3102) (3) No person may swim in the Restricted Area.

(3103) (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.

# TITLE 40–PROTECTION OF ENVIRONMENT

## Part 140–Marine Sanitation Device Standard

### §140.1 Definitions.

(3104) For the purpose of these standards the following definitions shall apply:

(3105) (a) *Sewage* means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(3106) (b) *Discharge* includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

(3107) (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;

(3108) (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;

(3109) (e) *New vessel* refers to any vessel on which construction was initiated on or after January 30, 1975;

(3110) (f) *Existing vessel* refers to any vessel on which construction was initiated before January 30, 1975;

(3111) (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.

### §140.2 Scope of standard.

(3112) 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.

### §140.3 Standard.

(3113) (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.

(3114) (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.

(3115) (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).

(3116) (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.

(3117) (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.

(3118) (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.

(3119) (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.

(3120) (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.

### §140.4 Complete prohibition.

(3121) (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. [...]

(3122) (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. [...]

(3123) (ii) Waters of the State of Florida within the boundaries of the Florida Keys National Marine Sanctuary as delineated on a map of the Sanctuary at *http://www.fknms.nos.noaa.gov/*.

(3124) (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:

(3125) (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;

(3126) (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;

(3127) (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

(3128) (iv) Include a statement of basis justifying the size of the requested drinking water intake zone, for example, identifying areas of intensive boating activities.

(3129) (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.

(3130) (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.

(3131) (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):

(3132) (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.

(3133) (ii) [Reserved]

#### §140.5 Analytical procedures.

(3134) 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.

## TITLE 46–SHIPPING

## Part 15–Manning Requirements (in part)

## Subpart I–Vessels in Foreign Trade

#### §15.1001 General.

(3135) Self-propelled vessels engaged in foreign commerce are required to use a pilot holding an appropriately endorsed Federal first class pilot's license issued by the Coast Guard when operating in the navigable waters of the United States specified in this subpart.

#### §15.1030 New York and New Jersey.

(3136) 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:

(3137) (a) East River from Execution Rocks to New York Harbor, Upper Bay;

(3138) (b) Hudson River from Yonkers, New York to New York Harbor, Upper Bay;

(3139) (c) Raritan River from Grossman Dock/Arsenal to New York Harbor, Lower Bay;

(3140) (d) Arthur Kill Channel;

(3141) (e) Kill Van Kull Channel;

(3142) (f) Newark Bay;

(3143) (g) Passaic River from Point No Point to Newark Bay;

(3144) (h) Hackensack River from the turning basin to Newark Bay; and

(3145) (i) New York Harbor, Upper and Lower Bay.

#### §15.1040 Massachusetts.

(3146) 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:

(3147) (a) Cape Cod Bay south of 41°48'54"N.;

(3148) (b) The Cape Cod Canal; and

(3149) (c) Buzzards Bay east of a line extending from the southernmost point of Wilbur Point

(3150) (41°34'55"N., 70°51'15"W.) to the easternmost point of Pasque Island

(3151) 41°26'55"N., 70°50'30"W.).

## TITLE 50–WILDLIFE AND FISHERIES

## Part 222–General Endangered and Threatened Marine Species

## Subpart A–Introduction and General Provisions

#### §222.101 Purpose and scope of regulations.

(3152) (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.

(3153) (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).

(3154) (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.

## Part 224–Endangered Marine and Anadromous Species

### §224.103 Special prohibitions for endangered marine mammals.

(3155) (c) *Approaching North Atlantic right whales.*

(3156) (1) *Prohibitions.* Except as provided under paragraph (b)(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:

(3157) (i) Approach (including by interception) within 500 yards (460 m) of a right whale by vessel, aircraft, or any other means;

(3158) (ii) Fail to undertake required right whale avoidance measures specified under paragraph (b)(2) of this section.

(3159) (2) *Right Whale avoidance measures.* Except as provided under paragraph (b)(3) of this section, the avoidance measures must be taken if within 500 yards (460 m) of a right whale:

(3160) (i) If underway, a vessel must steer a course away from the right whale and immediately leave the area at a slow safe speed;

(3161) (ii) An aircraft must take a course away from the right whale and immediately leave the area at a constant airspeed.

(3162) (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 is applicable:

(3163) (i) Paragraphs (b)(1) and (b)(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.

(3164) (ii) Paragraphs (b)(1) and (b)(2) of this section do not apply where compliance would create an imminent and serious threat to a person, vessel, or aircraft.

(3165) (iii) Paragraphs (b)(1) and (b)(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 National Marine Fisheries Service or designee prior to the approach.

(3166) (iv) Paragraphs (b)(1) and (b)(2) of this section do not apply to an aircraft unless the aircraft is conducting whale watch activities.

(3167) (v) Paragraph (b)(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 (b) of this section.

## Part 226–Designated Critical Habitat

### §226.101 Purpose and scope.

(3168) 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 Sec. 224.101 of this chapter, if endangered. For regulations pertaining to the designation of critical habitat, see part 424 of this title, and for regulations pertaining to prohibitions against the adverse modification or destruction of critical habitat, see part 402 of this title. Maps and charts identifying designated critical habitat that are 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").

### §226.203 Critical Habitat for North Atlantic right whales

(3169) North Atlantic Right Whale (*Eubalaena glacialis*)

(3170) (a) *Great South Channel*. The area bounded by

(3171) 41°40'N., 69°45'W.;

(3172) 41°00'N., 69°05'W.;

(3173) 41°38'N., 68°13'W.; and

(3174) 42°10'N., 68°31'W.

(3175) (b) *Cape Cod Bay*, Massachusetts. The area bounded by

(3176) 42°04.8'N., 70°10'W.;

(3177) 42°12'N., 70°15'W.;

(3178) 42°12'N., 70°30'W.;

(3179) 41°46.8'N., 70°30'W. and on the south and east by the interior shore line of Cape Cod, Massachusetts.

(3180) (c) *Southeastern United States*. The Coastal waters between 31°15'N., and 30°15'N. from the coast out 15 nautical miles; and the coastal waters between 30°15'N. and 28°00'N. from the coast out 5 nautical miles.