

## SUBCHAPTER P—PORTS AND WATERWAYS SAFETY

### PART 160—PORTS AND WATERWAYS SAFETY—GENERAL

#### Subpart A—General

- Sec.  
160.1 Purpose.  
160.3 Definitions.  
160.5 Delegations.  
160.7 Appeals.

#### Subpart B—Control of Vessel and Facility Operations

- 160.101 Purpose.  
160.103 Applicability.  
160.105 Compliance with orders.  
160.107 Denial of entry.  
160.109 Waterfront facility safety.  
160.111 Special orders applying to vessel operations.  
160.113 Prohibition of vessel operation and cargo transfers.  
160.115 Withholding of clearance.

#### Subpart C—Notifications of Arrivals, Departures, Hazardous Conditions, and Certain Dangerous Cargoes

- 160.201 Applicability and exceptions to applicability.  
160.203 Definitions.  
160.205 Waivers.  
160.207 Notice of arrival: Vessels bound for ports or places in the United States.  
160.209 [Reserved]  
160.211 Notice of arrival: Vessels carrying certain dangerous cargo.  
160.213 Notice of departure: Vessels carrying certain dangerous cargo.  
160.215 Notice of hazardous conditions.

AUTHORITY: 33 U.S.C. 1223, 1231; 49 CFR 1.46.

SOURCE: CGD 79-026, 48 FR 35404, Aug. 4, 1983, unless otherwise noted.

#### Subpart A—General

##### § 160.1 Purpose.

(a) This subchapter contains regulations implementing the Ports and Waterways Safety Act (33 U.S.C. 1221) and related statutes.

##### § 160.3 Definitions.

For the purposes of this subchapter:

*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.

*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.

*Commandant* means the Commandant of the United States Coast Guard.

*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.

*Deviation* means any departure from any rule in this subchapter.

*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.

*ETA* means estimated time of arrival.

*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.

*Person* means an individual, firm, corporation, association, partnership, or governmental entity.

*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.

*Tanker* means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous materials in bulk in the cargo spaces.

*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.

*Vehicle* means every type of conveyance capable of being used as a means of transportation on land.

*Vessel* means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

*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.

*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.

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.

*VTS Special Area* means a waterway within a VTS area in which special operating requirements apply.

[CGD 90-020, 59 FR 36323, July 15, 1994]

#### § 160.5 Delegations.

(a) District Commanders and Captains of the Ports are delegated the authority to establish safety zones.

(b) Under the provisions of §§ 6.04-1 and 6.04-6 of this chapter, District Commanders and Captains of the Ports have been delegated authority to establish security zones.

(c) Under the provisions of § 1.05-1 of this chapter, District Commanders have been delegated authority to establish regulated navigation areas.

(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.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 88-037, 53 FR 21815, June 10, 1988; CGD 90-020, 59 FR 36324, July 15, 1994]

#### § 160.7 Appeals.

(a) Any person directly affected by a safety zone or an order or direction issued under this subchapter 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.

(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.

(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 Marine Safety and Environmental Protection, U.S. Coast Guard, Washington, DC 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 Marine Safety 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 Marine Safety and Environmental Protection. The decision of the Assistant Commandant for Marine Safety and Environmental Protection is based upon the materials submitted, without oral argument or presentation. The decision of the Assistant Commandant for Marine Safety and Environmental Protection is issued in writing and constitutes final agency action.

(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.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 88-052, 53 FR 25122, July 1, 1988; CGD 96-026, 61 FR 33668, June 28, 1996; CGD 97-023, 62 FR 33364, June 19, 1997]

### Subpart B—Control of Vessel and Facility Operations

#### § 160.101 Purpose.

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.

(a) This subpart applies to any—

(1) Vessel on the navigable waters of the United States, except as provided in paragraphs (b) and (c) of this section;

(2) Bridge or other structure on or in the navigable waters of the United States; and

(3) Land structure or shore area immediately adjacent to the navigable waters of the United States.

(b) This subpart does not apply to any vessel on the Saint Lawrence Seaway.

(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:

(1) Innocent passage through the territorial sea of the United States;

(2) Transit through the navigable waters of the United States which form a part of an international strait.

#### § 160.105 Compliance with orders.

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.**

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.**

(a) To prevent damage to, or the 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 such 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:

(1) Direct the handling, loading, unloading, storage, and movement (including the emergency removal, control and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material as those terms are defined in 46 U.S.C. 2101 on any structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and

(2) Conduct examinations to assure compliance with the safety equipment requirements for structures.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by USCG-1998-3799, 63 FR 35531, June 30, 1998]

**§ 160.111 Special orders applying to vessel operations.**

Each District Commander or Captain of the Port may order a vessel to operate or anchor in the manner directed when:

(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;

(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

(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.**

(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.

(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:

(1) Fails to comply with any applicable regulation;

(2) Discharges oil or hazardous material in violation of any law or treaty of the United States;

(3) Does not comply with applicable vessel traffic service requirements;

(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.

(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.

(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.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 96-026, 61 FR 33668, June 28, 1996; USCG-1998-3799, 63 FR 35531, June 30, 1998]

#### § 160.115 Withholding of clearance.

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.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983; 48 FR 39059, Aug. 29, 1983, as amended by USCG-1998-3799, 63 FR 35531, June 30, 1998]

### Subpart C—Notifications of Arrivals, Departures, Hazardous Conditions, and Certain Dangerous Cargoes

#### § 160.201 Applicability and exceptions to applicability.

(a) This subpart prescribes notification requirements for U.S. and foreign vessels bound for or departing from ports or places in the United States.

(b) This part does not apply to recreational vessels under 46 U.S.C. 4301 *et*

*seq.* and, except § 160.215, does not apply to:

(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, and

(2) Oil Spill Recovery Vessels (OSRVs) when engaged in actual spill response operations or during spill response exercises.

(c) Section 160.207 does not apply to the following:

(1) Each vessel of 300 gross tons or less, except a foreign vessel of 300 gross tons or less entering any port or place in the Seventh Coast Guard District as described by 3.35-1(b) of this chapter.

(2) Each vessel operating exclusively within a Captain of the Port zone.

(3) Each vessel operating upon a route that is described in a schedule that is submitted to the Captain of the Port for each port or place of destination listed in the schedule at least 24 hours in advance of the first date and time of arrival listed on the schedule and contains:

- (i) Name of the vessel;
- (ii) Country of registry of the vessel;
- (iii) Call sign of the vessel;
- (iv) International Maritime Organization (IMO) international number or, if the vessel does not have an assigned IMO international number, the official number of the vessel;
- (v) Name of the registered owner of the vessel;
- (vi) Name of the operator of the vessel;
- (vii) Name of the classification society of the vessel;
- (viii) Each port or place of destination;
- (ix) Estimated dates and times of arrivals at and departures from these ports or places; and
- (x) Name and telephone number of a 24-hour point of contact.

(4) Each vessel arriving at a port or place under force majeure.

(5) Each vessel entering a port of call in the United States in compliance with the Automated Mutual Assistance Vessel Rescue System (AMVER).

(6) Each vessel entering a port of call in the United States in compliance with the U.S. Flag Merchant Vessel Locator Filing System (USMER).

- (7) Each barge.
- (8) Each public vessel.
- (9) United States or Canadian flag vessels, except tank vessels or vessels carrying certain dangerous cargo, which operate solely on the Great Lakes.

(d) Sections 160.207, 160.211, and 160.213 apply to each vessel upon the waters of the Mississippi River between its mouth and mile 235, Lower Mississippi River, above Head of Passes. Sections 160.207, 160.211, and 160.213 do not apply to each vessel upon the waters of the Mississippi River between its sources and mile 235, above Head of Passes, and all the tributaries emptying thereinto and their tributaries, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and the Red River of the North.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 86-055, 54 FR 14078, Apr. 7, 1989; CGD 96-026, 61 FR 33669, June 28, 1996; CGD 94-089, 61 FR 50234, Sept. 25, 1996]

**§ 160.203 Definitions.**

As used in this subpart:

*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.

*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.

*Certain dangerous cargo* includes any of the following:

- (a) Division 1.1 or 1.2 (explosive) materials, as defined in 49 CFR 173.50.
- (b) Oxidizing materials or blasting agents for which a permit is required under 49 CFR 176.415.
- (c) Highway route controlled quantity radioactive material, as defined in 49 CFR 173.403(1), or Fissile Class III shipments of fissile radioactive material, as defined in 49 CFR 173.455(a)(3).
- (d) Each cargo under Table 1 of 46 CFR Part 153 when carried in bulk.
- (e) Any of the following when carried in bulk:

- Acetaldehyde
- Ammonia, anhydrous
- Butadiene

- Butane
- Butene
- Butylene Oxide
- Chlorine
- Ethane
- Ethylene
- Ethylene Oxide
- Methane
- Methyl Acetylene, Propadiene Mixture, Stabilized
- Methyl Bromide
- Methyl Chloride
- Phosphorous, elemental
- Propane
- Propylene
- Sulfur Dioxide
- Vinyl Chloride

*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.

*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.

*Hazardous condition* means any condition that may adversely affect (1) the safety of any vessel, bridge, structure, or shore area or (2) 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.

*Operator* means any person including, but not limited to, an owner, a demise- (bareboat-) charterer, or another contractor who conducts, or is responsible for, the operation of a vessel.

*Port or place of departure* means any port or place in which a vessel is anchored or moored.

*Port or place of destination* means any port or place to which a vessel is bound to anchor or moor.

*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.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 84-039, 50 FR 8614, Mar. 4, 1985; 50 FR 9426, Mar. 8, 1985; CGD 94-027, 59 FR 39459, Aug. 3, 1994; CGD 92-050, 59 FR 39966, Aug. 5, 1994; CGD 94-089, 61 FR 50234, Sept. 25, 1996]

**§ 160.205 Waivers.**

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.

**§ 160.207 Notice of arrival: Vessels bound for ports or places in the United States.**

(a) The owner, agent, master, operator, or person in charge of a vessel on a voyage of 24 hours or more shall report under paragraph (c) of this section at least 24 hours before entering the port or place of destination.

(b) The owner, agent, master, operator, or person in charge of a vessel on a voyage of less than 24 hours shall report under paragraph (c) of this section before departing the port or place of departure.

(c) The Captain of the Port of the port or place of destination in the United States must be notified of:

- (1) Name of the vessel;
- (2) Country of registry of the vessel;
- (3) Call sign of the vessel;
- (4) International Maritime Organization (IMO) international number or, if the vessel does not have an assigned IMO international number, the official number of the vessel;
- (5) Name of the registered owner of the vessel;
- (6) Name of the operator of the vessel;
- (7) Name of the classification society of the vessel;
- (8) Name of the port or place of departure;
- (9) Name of the port or place of destination;

(10) Estimated date and time of arrival at this port or place; and

(11) Name and telephone number of a 24-hour point of contact.

(d) *International Safety Management (ISM) Code (Chapter IX of SOLAS) Notice.* If you are the owner, agent, master, operator, or person in charge of a vessel that is 500 gross tons or more and engaged on a foreign voyage to the United States, you must provide the ISM Code notice described in paragraph (e) as follows:

(1) *Immediate ISM Code notice if your vessel is*—a passenger vessel carrying more than 12 passengers, a tank vessel, a bulk freight vessel, or a high-speed freight vessel.

(2) *ISM Code notice beginning January 1, 2000, if your vessel is*—a freight vessel not listed in paragraph (d)(1) or a self-propelled mobile offshore drilling unit (MODU).

(e) *Content and Manner of ISM Code Notice.* (1) ISM Code notice includes the following:

(i) The date of issuance for the company's Document of Compliance certificate that covers the vessel.

(ii) The date of issuance for the vessel's Safety Management Certificate, and,

(iii) The name of the Flag Administration, or the recognized organization(s) representing the vessel flag administration, that issued those certificates.

(2) If you meet the criteria in paragraph (d) of this section, you must give the ISM Code notice to the Coast Guard Captain of the Port of the port or place of your destination in the U.S. at least 24 hours before you enter the port or place of destination. The ISM Code notice may be combined and provided with the report required by paragraph (a) of this section.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 86-055, 54 FR 14078, Apr. 7, 1989; CGD 94-027, 59 FR 39460, Aug. 3, 1994; CGD 91-045, 59 FR 40189, Aug. 5, 1994; CGD 94-089, 61 FR 50234, Sept. 25, 1996; CGD 97-067, 62 FR 65206, Dec. 11, 1997; 63 FR 5458, Feb. 3, 1998]

**§ 160.209 [Reserved]**

**§ 160.211 Notice of arrival: Vessels carrying certain dangerous cargo.**

(a) The owner, agent, master, operator, or person in charge of a vessel, except a barge, bound for a port or place in the United States and carrying certain dangerous cargo, shall notify the Captain of the Port of the port or place of destination at least 24 hours before entering that port or place of the:

- (1) Name of the vessel;
- (2) Country of registry of the vessel;
- (3) Call sign of the vessel;
- (4) International Maritime Organization (IMO) international number or, if the vessel does not have an assigned IMO international number, the official number of the vessel;
- (5) Name of the registered owner of the vessel;
- (6) Name of the operator of the vessel;
- (7) Name of the classification society of the vessel;
- (8) Name of the port or place of departure;
- (9) Name of the port or place of destination;
- (10) Estimated date and time of arrival at this port or place;
- (11) Name and telephone number of a 24-hour point of contact;
- (12) Location of the vessel at the time of the report;
- (13) Name of each of the certain dangerous cargoes carried;
- (14) Amount of each of the certain dangerous cargoes carried;
- (15) Stowage location of each of the certain dangerous cargoes carried; and
- (16) Operational condition of the equipment under §164.35 of this chapter.

(b) The owner, agent, master, operator, or person in charge of a barge bound for a port or place in the United States carrying certain dangerous cargo shall report the information required in paragraphs (a)(1) through (a)(4) and (a)(8) through (16) of this section to the Captain of the Port of the port or place of destination at least 4

hours before entering that port or place.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 86-055, 54 FR 14078, Apr. 7, 1989; CGD 94-027, 59 FR 39460, Aug. 3, 1994; CGD 94-089, 61 FR 50234, 50235, Sept. 25, 1996]

**§ 160.213 Notice of departure: Vessels carrying certain dangerous cargo.**

(a) The owner, agent, master, operator, or person in charge of a vessel, except a barge, departing from a port or place in the United States for any other port or place and carrying certain dangerous cargo, shall notify the Captain of the Port or place of departure at least 24 hours before departing, unless this notification was made within 2 hours after the vessel's arrival, of the:

- (1) Name of the vessel;
- (2) Country of registry of the vessel;
- (3) Call sign of the vessel;
- (4) International Maritime Organization (IMO) international number or, if the vessel does not have an assigned IMO international number, the official number of the vessel;
- (5) Name of the registered owner of the vessel;
- (6) Name of the operator of the vessel;
- (7) Name of the classification society of the vessel;
- (8) Name of the port or place of departure;
- (9) Name of the port or place of destination;
- (10) Estimated date and time of arrival at this port or place;
- (11) Name and telephone number of a 24-hour point of contact;
- (12) Name of each of the certain dangerous cargoes carried;
- (13) Amount of each of the certain dangerous cargoes carried;
- (14) Stowage location of each of the certain dangerous cargoes carried; and
- (15) Operational condition of the equipment under §164.35 of this chapter.

(b) The owner, agent, master, operator, or person in charge of a barge departing from a port or place in the United States for any other port or place and carrying certain dangerous

cargo shall report the information required in paragraphs (a)(1) through (a)(4) and (a)(8) through (15) of this section to the Captain of the Port of the port or place of departure at least 4 hours before departing, unless this report was made within 2 hours after the barge's arrival.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 86-055, 54 FR 14078, Apr. 7, 1989; CGD 94-027, 59 FR 39460, Aug. 3, 1994; CGD 94-089, 61 FR 50235, Sept. 25, 1996]

#### § 160.215 Notice of hazardous conditions.

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 by itself discharge the duty of compliance with 46 CFR 4.05-10.)

[CGD 94-027, 59 FR 39460, Aug. 3, 1994]

## PART 161—VESSEL TRAFFIC MANAGEMENT

### Subpart A—Vessel Traffic Services

#### GENERAL RULES

Sec.

- 161.1 Purpose and Intent.
- 161.2 Definitions.
- 161.3 Applicability.
- 161.4 Requirement to carry the rules.
- 161.5 Deviations from the rules.

#### SERVICES, VTS MEASURES, AND OPERATING REQUIREMENTS

- 161.10 Services.
- 161.11 VTS measures.
- 161.12 Vessel operating requirements.
- 161.13 VTS Special Area operating requirements.

### Subpart B—Vessel Movement Reporting System

- 161.15 Purpose and intent.
- 161.16 Applicability.
- 161.17 Definitions.
- 161.18 Reporting requirements.
- 161.19 Sailing Plan (SP).
- 161.20 Position Report (PR).
- 161.21 Sailing Plan Deviation Report (DR).
- 161.22 Final Report (FR).
- 161.23 Reporting exemptions.

### Subpart C—Vessel Traffic Service Areas, Cooperative Vessel Traffic Service Area Vessel Traffic Service Special Areas, and Reporting Points

- 161.25 Vessel Traffic Service New York Area.
- 161.30 Vessel Traffic Service Louisville.
- 161.35 Vessel Traffic Service Houston/Galveston.
- 161.40 Vessel Traffic Service Berwick Bay.
- 161.45 Vessel Traffic Service St. Marys River.
- 161.50 Vessel Traffic Service San Francisco.
- 161.55 Vessel Traffic Service Puget Sound and the Cooperative Vessel Traffic Service for the Juan de Fuca Region.
- 161.60 Vessel Traffic Service Prince William Sound.

AUTHORITY: 33 U.S.C. 1231; 33 U.S.C. 1223; 49 CFR 1.46.

SOURCE: CGD 90-020, 59 FR 36324, July 15, 1994, unless otherwise noted.

### Subpart A—Vessel Traffic Services

#### GENERAL RULES

#### § 161.1 Purpose and Intent.

(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.

(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.

(c) The owner, operator, charterer, master, or person directing the movement of a vessel remains at all times responsible for the manner in which