

Panama Canal Regulations

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(c) Ships maneuvering in Canal waters with pilot on board shall fly "H".
[31 FR 12289, Sept. 16, 1966]

§ 103.41 Ships to display schedule number.

Each ship shall display throughout her transit, the flag or flags designating the schedule number on which it is running.

§ 103.42 Maneuvering characteristics; data required.

(a) Each vessel of 1,600 gross tons or over shall have the following maneuvering information prominently displayed in the wheelhouse on a fact sheet:

(1) For full and half speed, a turning circle diagram to port and starboard that shows the time and the distance of advance and transfer required to alter the course 90 degrees with maximum rudder angle and constant power settings.

(2) The time and distance required to stop the vessel from full and half speed while maintaining approximately the initial heading with minimum application of rudder.

(3) For each vessel with a fixed propeller, a table of shaft revolutions per minute for a representative range of speeds.

(4) For each vessel with a controllable pitch propeller, a table of control settings for a representative range of speeds.

(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.

(b) For tankships, the maneuvering information referred to in paragraph (a) of this section shall be provided for the normal load and normal ballast condition. For all other vessels, it shall be provided for the normal load and normal light condition with normal trim for a particular condition of loading. All the maneuvering information for all vessels which must be provided to be based on the following:

- (1) Calm weather—wind 10 knots or less, calm sea;
- (2) No current;

(3) Deep water conditions—water depth twice the vessel's draft or greater; and

(4) Clean hull.

(c) The information on the fact sheet shall be:

(1) Verified six months after the vessel is placed into service; or

(2) Modified six months after the vessel is placed into service and verified within three months thereafter.

(d) The information that appears on the fact sheet may be obtained from:

(1) Trial trip observations;

(2) Model tests;

(3) Analytical calculations;

(4) Simulations;

(5) Information established from another vessel of similar hull form, power, rudder and propeller; or

(6) Any combination of the above.

The accuracy of the information in the fact sheet required is that attainable by ordinary shipboard navigation equipment.

(Approved by the Office of Management and Budget under control number 3207-0001)

[41 FR 21776, May 28, 1976. Redesignated at 46 FR 63182, Dec. 30, 1981, and amended at 50 FR 26991, July 1, 1985]

PART 104—VESSEL TRANSIT RESERVATION SYSTEM

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AUTHORITY: 22 U.S.C. 3811.

SOURCE: 62 FR 48179, Sept. 15, 1997, unless otherwise noted.

§ 104.1 Applicability and scope.

Subject to the limitations imposed by Article III of the 1901 Treaty to Facilitate the Construction of a Ship Canal, entered into by the United

States and Great Britain, and by Articles II and VI of the 1977 Treaty concerning the Permanent Neutrality and Operation of the Panama Canal, between the United States and the Republic of Panama, and subject to compliance with the provisions of this part, the Panama Canal Vessel Transit Reservation System allows vessels, including certain commercial passenger vessels, desiring transit of the Panama Canal, to reserve transit slots in advance of arrival at the Canal and be moved through the Canal on pre-assigned dates.

§ 104.2 Definitions.

(a) *Booked for transit* means that a vessel, in advance of arriving at the Canal, has been assigned a specific date by Canal authorities on which it will be moved through the Canal and that the vessel has otherwise complied with the provisions of this part.

(b) *Commercial passenger vessel* means a vessel that principally transports passengers, as opposed to cargo, and runs on fixed published schedules.

(c) *Regular transit* means movement through the Canal of a vessel that has not been booked for transit.

(d) *Required arrival time* means the date and the hour of the day established by Canal authorities as the deadline by which a vessel booked for transit must arrive at a terminus of the Canal in order to transit on its reserved transit date.

(e) *Vessel agent* means a person or entity that has been authorized by a vessel owner or operator, in the manner prescribed by Canal authorities, to book vessels for transit in accordance with this part.

§ 104.3 Booking periods; allocation of reserved slots.

(a) Vessel agents only may request reserved transit slots for vessels during the following booking periods:

(1) First period—365 to 22 days prior to the requested transit date.

(2) Second period—21 to 4 days prior to the requested transit date.

(3) Third period—3 to 2 days prior to the requested transit date.

(b) A total of 21 reserved transit slots will be made available for all three booking periods, allocation of which

among the booking periods is to be determined by Canal authorities. Canal authorities, from time to time, may adjust the total number of available reserved transit slots, commensurate with continued safe and efficient operation of the Canal.

§ 104.4 Booked transits.

(a) The specific daily order of vessels and mix of vessel types transiting the Canal, whether booked or regular transits, shall be determined by Canal authorities. Except as provided in this part, a vessel booked for transit may not transit prior to its reserved transit date, unless Canal authorities determine that assigning the vessel an earlier transit slot would not impair safe and efficient operation of the Canal.

(b) Notwithstanding assignment of an earlier reserved transit slot by Canal authorities, all vessels booked for transit will be charged the prescribed booking fee.

(c) Substitution of reserved transit slots between or among vessels booked for transit will be permitted only on conditions specified by Canal authorities.

§ 104.5 Passenger vessel preference; priority transits.

(a) Subject to being booked for transit and to the extent Canal authorities determine preference does not impair safe and efficient operation of the Canal, commercial passenger vessels running on fixed published schedules will be given preference over other vessels in transiting.

(b) Notwithstanding any contrary provision, from time to time, any vessel, whether or not subject to the vessel transit reservation system (including, but not limited to certain warships), as determined by Canal authorities, may be moved through the Canal on a priority basis.

§ 104.6 Booking fees.

(a) The booking fee for reserving a transit slot for a vessel measured in accordance with § 135.13(a) of this chapter, shall be \$0.26 per PC/UMS Net Ton, or \$1500, whichever is greater.

(b) The booking fee for reserving a transit slot for a vessel subject to transitional relief measures and measured

in accordance with §135.13(b) of this chapter, shall be \$0.23 per Panama Canal Gross Ton, as specified on the last tonnage certificate issued to the vessel by Canal authorities between March 23, 1976 and September 30, 1994, inclusive, plus \$0.26 per PC/UMS Net Ton of on-deck capacity, or \$1500, whichever is greater.

(c) Whenever the total number of vessels awaiting transit at both termini of the Canal is projected by Canal authorities to be, within 2 days, 90 or more vessels for at least 2 consecutive days, any vessel booked for transit that transits the Canal while this condition is in effect, shall automatically be assessed a booking fee of \$0.69 per PC/UMS Net Ton, or \$4000, whichever is greater.

(d) Notwithstanding the provisions of paragraph (c) of this section or any other contrary provision of this part, Canal authorities will guarantee a vessel booked for transit, a reserved transit slot at the booking fee rate in effect at the time the vessel is booked for transit, irrespective of any premium booking fee rate that may be in effect at the time the vessel actually transits the Canal.

§104.7 Penalties.

(a) The reserved transit slot of a vessel booked for transit will be canceled by Canal authorities and a penalty fee assessed in a sum equal to the prescribed booking fee, or \$1500, whichever is greater, in the following situations:

(1) When a vessel that is subject to transit restrictions (e.g., clear cut, clear cut daylight) has been booked for transit and does not arrive at a terminus of the Canal by 0200 hours of the day of the scheduled transit;

(2) When a vessel that is not subject to transit restrictions has been booked for transit and does not arrive at a terminus of the Canal by 1400 hours of the day of the scheduled transit; or

(3) When a vessel booked for transit arrives on time but cannot or, at the vessel operator's election, does not transit as scheduled, despite the readiness of Canal authorities to proceed.

(b) Canal authorities may waive assessment of a penalty fee if the vessel agent presents acceptable proof that late arrival of the vessel was due to a

medical or humanitarian emergency arising during the voyage, or a naturally occurring, extraordinary phenomenon or event of major proportions that could not have been reasonably predicted in advance.

(c) Failure of the vessel agent to provide complete and accurate information required by Canal authorities when requesting transit bookings may result in rejection of the booking request or cancellation of the vessel's reserved transit slot.

(d) When a vessel's reserved transit slot is canceled, and unless otherwise directed by the vessel agent, upon arrival, Canal authorities will re-schedule the vessel for regular transit.

§104.8 Re-scheduling.

(a) Except as otherwise provided and without the vessel booked for transit being assessed a penalty fee, the vessel agent may request cancellation of a vessel's reserved transit slot and re-scheduling of the vessel for regular transit or, alternatively, may request assignment of an alternate reserved transit slot, in the following situations:

(1) If for whatever reason Canal authorities cancel the transit of a vessel booked for transit that is otherwise ready to proceed as scheduled; or

(2) If for whatever reason Canal authorities delay the transit of a vessel booked for transit to such a degree that the delay is likely to cause the vessel to be unable to meet its required arrival time for a later, second reserved transit, booked before the delay of the first reserved transit occurred.

(b) A vessel booked for transit will be deemed to have transited the Canal on its reserved transit date if the vessel arrives at the first set of locks at either terminus of the Canal prior to 2400 hours that day and its in-transit time (ITT) is 18 hours or less. ITT begins when the vessel enters the first set of locks at either Canal terminus and ends when the vessel departs the last set of locks at the opposite terminus. No booking fee will be charged if, due to events that are beyond the control of the vessel booked for transit, as determined by Canal authorities, ITT exceeds 18 hours; except that this provision shall not apply in the case of a

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turn-around transit, where the vessel enters and exits the same set of locks at either Canal terminus.

§ 104.9 Cancellations.

(a) A vessel agent may cancel the transit reservation of a vessel by giving notice prescribed by Canal authorities. In such event, and except as otherwise provided, a cancellation fee will be charged. The amount of the fee will depend on the amount of notice (days or hours) received by Canal authorities in advance of the vessel's required arrival time, according to the following schedule:

Notice periods (in advance of required arrival time)	Cancellation fee (the greater of)
31 to 364 days	10% of booking fee or \$500.
22 to 30 days	40% of booking fee or \$750.
4 to 21 days	60% of booking fee or \$1000.
3 days to 8 hours	80% of booking fee or \$1,250.
Less than 8 hours	100% of booking fee.

(b) Receipt of notice of cancellation of a transit reservation by Canal authorities after the vessel's required arrival time will result in levy of a cancellation fee equal to the entire prescribed booking fee.

§ 104.10 Regular transits.

Vessels that are not booked for transit will be scheduled for movement through the Canal on the date and in the order determined by Canal authorities. In establishing the daily schedule of vessels to be moved through the Canal, the order in which vessels arrive is only one of several considerations. In general, regular transits will equal or exceed in number, one-half the total number of daily vessel transits.

§ 104.11 Temporary suspension of system.

(a) Canal authorities may temporarily suspend, in whole or in part, for whatever period of time deemed necessary, the vessel transit reservation system established by this part, whenever Canal authorities determine that such action is necessary to ensure continued safe and efficient operation of the Canal.

(b) No penalty or fee will be levied against any vessel booked for transit whose reserved transit slot is canceled

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by reason of a temporary suspension of the system pursuant to this section.

§ 104.12 Further implementation.

(a) To facilitate safe and efficient operation of the system, Canal authorities may establish additional policies and procedures, define additional terms and issue clarifications and interpretations not inconsistent with the provisions of this part. Such further implementation will be published and distributed to Canal customers through notices to shipping or other appropriate means determined by Canal authorities.

(b) In the event any provision of this part conflicts with any implementation provision issued pursuant to this section, the provisions of this part shall govern.

PART 105—PILOTAGE

Sec.

- 105.1 Pilots required.
- 105.2 Exemptions from compulsory pilotage.
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- 105.6 Status and function of pilot.
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AUTHORITY: Issued under authority of the President by 22 U.S.C. 3811, E.O. 12215, 45 FR 36043.

SOURCE: 46 FR 63182, Dec. 30, 1981, unless otherwise noted.

§ 105.1 Pilots required.

(a) Except as provided by §§ 105.2, 105.3, and 105.7 or by paragraph (c) of this section, no vessel shall pass through, enter or leave the Canal, or maneuver in the Canal or waters adjacent thereto, including the ports of Cristobal and Balboa, without having a Panama Canal pilot on board.

(b) Normally a vessel will, unless advised to the contrary by the Canal Operations Captain or his designee, be boarded by the Panama Canal pilot inside the breakwater at a point north of the Mole Beacon at the Atlantic entrance and in the Merchant Vessel Anchorage to seaward of Buoys 1 and 2 at the Pacific entrance.

(c) In conformity with past practice, vessels anchored in Anchorage Area C and Anchorage Area F, as shown in the