

US Code Title 33 Sec. 1233. Regulations as to regattas or marine parades

The Commandant of the Coast Guard is authorized and empowered in his discretion to issue from time to time regulations, not contrary to law, to promote the safety of life on navigable waters during regattas or marine parades.

(Apr. 28, 1908, ch. 151, Sec. 1, 35 Stat. 69; Mar. 4, 1913, ch. 141, Sec. 1, 37 Stat. 736; 1946 Reorg. Plan No. 3, Secs. 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

CODIFICATION

Section was not enacted as part of the Ports and Waterways Safety Act which comprises this chapter.

Section was formerly classified to section 454 of former Title 46, Shipping.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

Coast Guard transferred to Department of Transportation, and all functions, powers, and duties relating to Coast Guard of Secretary of the Treasury and of other officers and offices of Department of the Treasury transferred to Secretary of Transportation by Pub. L. 89-670, Sec. 6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, Coast Guard shall operate as part of Navy in time of war or when President directs as provided in section 3 of Title 14, Coast Guard. See section 108 of Title 49, Transportation.

For transfer of functions of other officers, employees, and agencies of Department of the Treasury, with certain exceptions, to Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, Secs. 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of Coast Guard, and Commandant of Coast Guard, were excepted from transfer when Coast Guard is operating as part of Navy under sections 1 and 3 of Title 14.

"Commandant of the Coast Guard" substituted for "Secretary of

Commerce" on authority of Reorg. Plan No. 3 of 1946, Secs. 101-104, set out in the Appendix to Title 5.

Upon incorporation into the Code, the words "Secretary of Commerce" were substituted for "Secretary of Commerce and Labor" to conform to act Mar. 4, 1913, which provided that the Secretary of Commerce and Labor should be called the Secretary of Commerce.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1234, 1235, 1236 of this title.

33 CFR § 100.01 Purpose and intent.

(a) The purpose of the regulations in this part is to provide effective control over regattas and marine parades conducted on the navigable waters of the United States so as to insure safety of life in the regatta or marine parade area.

(b) 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.

[CGFR 63–22, 28 FR 5155, May 23, 1963, as amended by CGD 86–082, 52 FR 33811, Sept. 8, 1987]

§ 100.05 Definition of terms used in this part.

(a) Regatta or marine parade means an organized water event of limited duration which is conducted according to a prearranged schedule.

(b) [Reserved]

(c) District Commander means the Commander of the Coast Guard District in which the regatta or marine parade is intended to be held. (See Part 3 of this chapter for the geographical boundaries of Coast Guard Districts.)

(d) State authority means any official or agency of a State having power under the law of such State to regulate regattas or marine parades on waters over which such State has jurisdiction.

(e) Navigable waters of the United States means those waters described in §2.36(a) of this chapter, specifically including the waters described in §2.22(a)(2) of this chapter.

[CGFR 63–22, 28 FR 5155, May 23, 1963, as amended by CGD 75–098, 40 FR 49327, Oct. 22, 1975; USCG–2001–9044, 68 FR 42602, July 18, 2003]

§ 100.10 Coast Guard-State agreements.

(a) The District Commander is authorized to enter into agreements with State authorities permitting, regulation by the State of such classes of regatta or marine parade on the navigable waters of the United States as, in the opinion of the District Commander, the State is able to regulate in such a manner as to insure safety of life. All such agreements shall reserve to the District Commander the right to regulate any particular regatta or marine parade when he or she deems such action to be in the public interest.

[CGFR 63–22, 28 FR 5155, May 23, 1963, as amended by USCG–2003–15404, 68 FR 37740, June 25, 2003]

§ 100.15 Submission of application.

(a) An individual or organization planning to hold a regatta or marine parade which, by its nature, circumstances or location, will introduce extra or unusual hazards to the safety of life on the navigable waters of the United States, shall submit an application to the Coast Guard District Commander having cognizance of the area where it is intended to hold such regatta or marine parade. Examples of conditions which are deemed to introduce extra or unusual hazards to the safety of life include but are not limited to: An inherently hazardous competition, the customary presence of commercial or pleasure craft in the area, any obstruction of navigable channel which may reasonably be expected to result, and the expected accumulation of spectator craft.

(b) Where such events are to be held regularly or repeatedly in a single area by an individual or organization, the Commandant or the District Commander may, subject to conditions set from time to time by him or her, grant a permit for such series of events for a fixed period of time, not to exceed one year.

(c) The application must be submitted no less than 135 days before the start of the proposed event. However, if all of the following criteria are met, the application must be submitted no less than 60 days before the start of the proposed event:

- (1) The sponsor submitted an application for the event in the year immediately preceding.
- (2) The nature, location, scheduling, and other relevant information contained in the previous application are essentially the same.
- (3) The Coast Guard received no objection to the previous application.
- (4) The Coast Guard did not promulgate special local regulations for the previous event.
- (5) The Coast Guard approved the previous event.

(d) The application shall include the following details:

- (1) Name and address of sponsoring organization.
- (2) Name, address, and telephone of person or persons in charge of the event.
- (3) Nature and purpose of the event.
- (4) Information as to general public interest.
- (5) Estimated number and types of watercraft participating in the event.
- (6) Estimated number and types of spectator watercraft.
- (7) Number of boats being furnished by sponsoring organizations to patrol event.
- (8) A time schedule and description of events.
- (9) A section of a chart or scale drawing showing the boundaries of the event, various water courses or areas to be utilized by participants, officials, and spectator craft.

[CGFR 63–22, 28 FR 5155, May 23, 1963 as amended by CGD 95–054, 66 FR 1582, Jan. 9, 2001; CGD 95–059, 66 FR 9659, Feb. 9, 2001; USCG–2003–15404, 68 FR 37740, June 25, 2003]

§ 100.20 Action on application for event assigned to State regulation by Coast Guard-State agreement.

(a) Upon receipt of an application for a regatta or marine parade of a type assigned to a State for regulation under a Coast Guard-State agreement, the District Commander will forward the application to the State authority having cognizance of the event. Further processing and decision upon such an application shall be conducted by the State.

(b) [Reserved]

§ 100.25 Action on application for event not assigned to State regulation by Coast Guard-State agreement.

(a) Where an event is one of a type not assigned to the State for regulation under a Coast Guard-State agreement (or where no such agreement has been entered), the Commander of a Coast Guard District who receives an application for a proposed regatta or marine parade to be held upon the navigable waters of the United States within his or her district shall take the following action:

(1) He or she shall determine whether the proposed regatta or marine parade may be held in the proposed location with safety of life. To assist in his or her determination, he or she may, if he or she deems it necessary, hold a public hearing to obtain the views of all persons interested in, or who will be affected by, the regatta or marine parade.

(2) He or she will notify the individual or organization which submitted the application:

(i) That the application is approved, and the nature of the special local regulations, if any, which he or she will promulgate pursuant to §100.35; or

(ii) That the interest of safety of life on the navigable waters of the United States requires specific change or changes in the application before it can be approved; or

(iii) That the event requires no regulation or patrol of the regatta or marine parade area; or

(iv) That the application is not approved, with reasons for such disapproval.

[CGFR 63–22, 28 FR 5155, May 23, 1963, as amended by USCG–2003–15404, 68 FR 37740, June 25, 2003]

§ 100.30 Approval required for holding event.

(a) An event for which application is required under §100.15(a) shall be held only after approval of such event by the District Commander, except that applications referred to a State under §100.10 shall be governed by the laws of that State.

§ 100.35 Special local regulations.

(a) The Commander of a Coast Guard District, after approving the plans for the holding of a regatta or marine parade within his or her district, is authorized to promulgate such special local regulations as he or she deems necessary to insure safety of life on the navigable waters immediately prior to, during, and immediately after the approved regatta or marine parade. Such regulations may include a restriction upon, or control of, the movement of vessels through a specified area immediately prior to, during, and immediately after the regatta or marine parade.

(b) After approving the plans for the holding of a regatta or marine parade upon the navigable waters within his or her district, and promulgating special regulations thereto, the Commander of a Coast Guard District shall give the public full and adequate notice of the dates of the regatta or marine parade, together with full and complete information of the special local regulations, if there be such. Such notice should be published in the local notices to mariners.

(c) The special local regulations referred to in paragraph (a) of this section, when issued and published by the Commander of a Coast Guard District, shall have the status of regulations issued pursuant to the provisions of section 1 of the act of April 28, 1908, as amended (46 U.S.C. 454).

[CGFR 63–22, 28 FR 5155, May 23, 1963, as amended by USCG–2003–15404, 68 FR 37740, June 25, 2003]

§ 100.35-T05-024 Rappahannock River, Essex County, Westmoreland County, Layton, VA.

(a) Regulated area. The regulated area is established for the waters of the Rappahannock River, adjacent to Layton, VA, from shoreline to shoreline, bounded on the west by a line running along longitude 076°58'30" W, and bounded on the east by a line running along longitude 076°56'00" W. All coordinates reference Datum NAD 1983.

(b) Definitions: (1) Coast Guard Patrol Commander means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Sector Hampton Roads.

(2) Official Patrol means any vessel assigned or approved by Commander, Coast Guard Sector Hampton Roads with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(c) Regulations: (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol and then proceed only as directed.

(ii) All persons and vessels shall comply with the instructions of the Official Patrol.

(iii) When authorized to transit the regulated area, all vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the race course.

(d) Enforcement period. This section will be enforced from 11:30 a.m. to 4:30 p.m. on June 3 and 4, 2006; and 11:30 a.m. to 4:30 p.m. on October 7 and 8, 2006.

Effective Date Note: By CGD05-06-024, 71 FR 30612, May 30, 2006, §100.35-T05-024 was added, effective from 11:30 a.m. on June 3, 2006, to 4:30 p.m. on Oct. 8, 2006.

§ 100.40 Patrol of the regatta or marine parade.

(a) The Commander of a Coast Guard District in which a regatta or marine parade is to be held may detail, if he or she deems the needs of safety require, one or more Coast Guard vessels to patrol the course of the regatta or marine parade for the purpose of enforcing not only the special local regulations but also for assistance work and the enforcement of laws generally.

(b) The Commander of a Coast Guard District may also utilize any private vessel or vessels to enforce the special local regulations governing a regatta or marine parade provided such vessel or vessels have been placed at the disposition of the Coast Guard pursuant to section 826 in Title 14, U.S. Code, for such purpose by any member of the Coast Guard Auxiliary, or any corporation, partnership, or association, or by any State or political subdivision thereof. Any private vessel so utilized shall have on board an officer or petty officer of the Coast Guard who shall be in charge of the vessel during the detail and responsible for the law enforcement activities or assistance work performed by the vessel during such detail. Any private vessel so utilized will display the Coast Guard ensign while engaged in this

duty.

(c) The Commander of a Coast Guard District may also utilize any private vessel or vessels placed at the disposition of the Coast Guard pursuant to section 826 in Title 14, U.S. Code, by any member of the Coast Guard Auxiliary, or any corporation, partnership, or association, or by any State or political subdivision thereof, to patrol the course of the regatta or marine parade for the purpose of promoting safety by performing assistance work, effecting rescues, and directing the movement of vessels in the vicinity of the regatta or marine parade. Vessels utilized under the authority of this paragraph are not authorized to enforce the special local regulations or laws generally.

[CGFR 63–22, 28 FR 5155, May 23, 1963, as amended by CGFR 65–32, 30 FR 8518, July 3, 1965; USCG–2003–15404, 68 FR 37740, June 25, 2003]

Subpart 1.01—Delegation of Authority

Authority: 14 U.S.C. 633; 33 U.S.C. 401, 491, 525, 1321, 2716, and 2716a; 42 U.S.C. 9615; 49 U.S.C. 322; 49 CFR 1.45(b), 1.46; section 1.01–70 also issued under the authority of E.O. 12580, 3 CFR, 1987 Comp., p. 193; and sections 1.01–80 and 1.01–85 also issued under the authority of E.O. 12777, 3 CFR, 1991 Comp., p. 351.

§ 1.01-1 District Commander.

Final authority for the performance within the confines of his district of the functions of the Coast Guard, which in general terms are maritime law enforcement, saving and protecting life and property, safeguarding navigation on the high seas and navigable waters of the United States, and readiness for military operations, is delegated to the District Commander by the Commandant. In turn delegations of final authority run from the District Commander to commanding officers of units under the District Commander for the performance of the functions of law enforcement, patrol of marine regattas and parades, and the saving of life and property which come within the scope of their activities.

[CGFR 48–72, 13 FR 9330, Dec. 31, 1948]