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Title 33 — Navigation and Navigable Waters

Chapter I — Coast Guard, Department of Homeland Security

Subchapter P — Ports and Waterways Safety

Part 165 — Regulated Navigation Areas and Limited Access Areas

Subpart F — Specific Regulated Navigation Areas and Limited Access Areas

First Coast Guard District

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

Source: CGD 79-034, 47 FR 29660, July 8, 1982, unless otherwise noted.

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§ 165.100 Regulated Navigation Area: Navigable waters within the First Coast Guard District.

- (a) **Regulated navigation area.** All navigable waters of the United States, as that term is used in 33 CFR 2.36, within the geographic boundaries of the First Coast Guard District, as defined in 33 CFR 3.05-1(b).
- (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.
- (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.
- (d) **Regulations —**
 - (1) **Positive control for barges.**
 - (i) Except as provided in paragraph (d)(1)(iii) and paragraph 5 of this section, each single hull tank barge, unless being towed by a primary towing vessel with twin-screw propulsion and with a separate system for power to each screw, must be accompanied by an escort tug of sufficient capability to promptly push or tow the tank barge away from danger of grounding or collision in the event of—
 - (A) A propulsion failure;
 - (B) A parted towing line;
 - (C) A loss of tow;
 - (D) A fire;
 - (E) Grounding;
 - (F) A loss of steering; or
 - (G) Any other time a vessel may be operating in a Hazardous Vessel Operating Condition as defined in § 161.2 of this Chapter.
 - (ii) Double-hull tank barges are exempt from paragraph (d)(1)(i) of this section.

- (iii) The cognizant Captain of the Port (COTP), upon written application, may authorize an exemption from the requirements of paragraph (d)(1)(i) of this section for—
 - (A) Any tank barge with a capacity of less than 25,000 barrels, operating in an area with limited depth or width such as a creek or small river; or
 - (B) Any tank barge operating on any waters within the COTP Zone, if the operator demonstrates to the satisfaction of the COTP that the barge employs an equivalent level of safety to that provided by the positive control provisions of this section. Each request for an exemption under this paragraph must be submitted in writing to the cognizant COTP no later than 7 days before the intended transit.
- (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.
- (2) **Enhanced communications.** Each vessel engaged in towing a tank barge must communicate by radio on marine band or Very High Frequency (VHF) channel 13 or 16, and issue security calls on marine band or VHF channel 13 or 16, upon approach to the following places:
 - (i) Execution Rocks Light (USCG Light List No. [LLNR] 21440).
 - (ii) Matinecock Point Shoal Lighted Gong Buoy 21 (LLNR 21420).
 - (iii) 32A Buoy (LLNR 21380).
 - (iv) Cable and Anchor Reef Lighted Bell Buoy 28C (LLNR 21330).
 - (v) Stratford Shoal (Middle Ground) Light (LLNR 21260).
 - (vi) Old Field Point Light (LLNR 21275).
 - (vii) Approach to Stratford Point from the south (NOAA Chart 12370).
 - (viii) Falkner Island Light (LLNR 21170).
 - (ix) TE Buoy (LLNR 21160).
 - (x) PI Buoy (LLNR 21080).
 - (xi) Race Rock Light (LLNR 19815).
 - (xii) Valiant Rock Lighted Whistle Buoy 11 (LLNR 19825).
 - (xiii) Approach to Point Judith in vicinity of Block Island ferry route.
 - (xiv) Buzzards Bay Entrance Light (LLNR 630).
 - (xv) Buzzards Bay Midchannel Lighted Buoy BB (LLNR 16055)
 - (xvi) Cleveland East Ledge Light (LLNR 016080).
 - (xvii) Hog Island Channel Lighted Buoys 1 (LLNR 16130) and 2 (LLNR 16135).
 - (xviii) Approach to the Bourne Bridge.
 - (xix) Approach to the Sagamore Bridge.
 - (xx) Approach to the eastern entrance of Cape Cod Canal.

(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.
- (ii) The watch officer is authorized to make modifications to the plan and validate it as necessary.
- (iii) Except as provided in paragraph (d)(3)(iv) of this section, each voyage plan must contain:
 - (A) A description of the type, volume, and grade of cargo.
 - (B) Applicable information from nautical charts and publications, including Coast Pilot, Coast Guard Light List, and Coast Guard Local Notice to Mariners, for the destination(s).
 - (C) Current and forecasted weather, including visibility, wind, and sea state for the destination(s).
 - (D) Data on tides and tidal currents for the destination(s).
 - (E) Forward and after drafts of the tank barge, and under-keel and vertical clearances for each port and berthing area.
 - (F) Pre-departure checklists.
 - (G) Calculated speed and estimated times of arrival at proposed waypoints.
 - (H) Communication contacts at Vessel Traffic Service (VTS) (if applicable), bridges, and facilities, and port-specific requirements for VHF radio.
 - (I) The master's standing orders detailing closest points of approach, special conditions, and critical maneuvers.
- (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:
 - (A) The information described in paragraphs (d)(3)(iii)(D) and (E) of this section.
 - (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.
 - (C) The channels of VHF radio to monitor.
 - (D) Other considerations such as availability of pilot, assist tug, berth, and line-handlers, depth of berth at mean low water, danger areas, and security calls.

(4) Navigation restriction areas. Unless authorized by the cognizant COTP, no tank barge may operate in—

- (i) The waters of Cape Cod Bay south of latitude 42°5' North and east of longitude 70°25' West; or
- (ii) The waters of Fishers Island Sound east of longitude 72°2' West, and west of longitude 71°55' West.

(5) Special Buzzards Bay regulations.

- (i) For the purposes of this section, "Buzzards Bay" is the body of water east and north of a line drawn from the southern tangent of Sakonnet Point, Rhode Island, in approximate position latitude 41°27.2' North, longitude 71°11.7' West, to the Buzzards Bay Entrance Light in

approximate position latitude 41°23.48' North, longitude 71°02.5' West, and then to the southwestern tangent of Cuttyhunk Island, Massachusetts, at approximate position latitude 41°24.6' North, longitude 70°57.0' West, and including all of the Cape Cod Canal to its eastern entrance, except that the area of New Bedford harbor within the confines (north) of the hurricane barrier, and the passages through the Elizabeth Islands, is not considered to be "Buzzards Bay".

- (ii) **Additional positive control for barges.** Except as provided in paragraph (d)(1)(iii) of this section, each single hull tank barge transiting Buzzards Bay and carrying 5,000 or more barrels of oil or other hazardous material must, in addition to its primary tug, be accompanied by an escort tug of sufficient capability to promptly push or tow the tank barge away from danger of grounding or collision in the event of—
 - (A) A propulsion failure;
 - (B) A parted tow line;
 - (C) A loss of tow;
 - (D) A fire;
 - (E) Grounding;
 - (F) A loss of steering; or
 - (G) Any other time a vessel may be operating in a Hazardous Vessel Operating Condition as defined in § 161.2 of this subchapter.
- (iii) **Federal pilotage.** Each single hull tank barge transiting Buzzards Bay and carrying 5,000 or more barrels of oil or other hazardous material must be under the direction and control of a pilot, who is not a member of the crew, operating under a valid, appropriately endorsed, Federal first class pilot's license issued by the Coast Guard ("federally licensed pilot"). Pilots are required to embark, direct, and control from the primary tug during transits of Buzzards Bay.
- (iv) In addition to the vessels denoted in § 161.16 of this chapter, requirements set forth in subpart B of 33 CFR part 161 also apply to any vessel transiting VMRS Buzzards Bay required to carry a bridge-to-bridge radiotelephone by part 26 of this chapter.
 - (A) A VMRS Buzzards Bay user must:
 - (1) Not enter or get underway in the area without first notifying the VMRS Center;
 - (2) Not enter VMRS Buzzards Bay if a Hazardous Vessel Operating Condition or circumstance per § 161.2 of this Subchapter exists;
 - (3) If towing astern, do so with as short a hawser as safety and good seamanship permits;
 - (4) Not meet, cross, or overtake any other VMRS user in the area without first notifying the VMRS center;
 - (5) Before meeting, crossing, or overtaking any other VMRS user in the area, communicate on the designated vessel bridge-to-bridge radiotelephone frequency, intended navigation movements, and any other information necessary in order to

make safe passing arrangements. This requirement does not relieve a vessel of any duty prescribed by the Navigation Rules (COLREGS and their associated Annexes and Inland Navigation Rules (33 CFR subchapter E)).

(B) [Reserved]

(e) In addition to the authority for this part 165, this section is also authorized under authority of section 311, Pub. L. 105-383.

[CGD1-98-151, 63 FR 71770, Dec. 30, 1998, as amended by CGD01-98-151, 64 FR 12749, Mar. 15, 1999; USCG-1999-5832, 64 FR 34715, June 29, 1999; CGD01-98-151, 65 FR 35838, June 6, 2000; CGD01-04-133, 72 FR 50058, Aug. 30, 2007; 72 FR 70780, Dec. 13, 2007; USCG-2008-0179, 73 FR 35016, June 19, 2008; USCG-2015-0433, 80 FR 44283, July 27, 2015; USCG-2016-0498, 82 FR 35088, July 28, 2017]