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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

#### Eighth Coast Guard District

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

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#### § 165.803 Mississippi River—regulated navigation area.

The following is a Regulated Navigation Area—The waters of the Mississippi River between miles 88 and 240 above Head of Passes.

(a) **Definitions.** As used in this section:

- (1) **Breakaway** means a barge that is adrift and is not under the control of a towing vessel.
- (2) **COTP** means the Captain of the Port, New Orleans.
- (3) **Fleet** includes one or more tiers.
- (4) **Fleeting facility** means the geographic area along or near a river bank at which a barge mooring service, either for hire or not for hire, is established.
- (5) **Mooring barge or spar barge** means a barge moored to mooring devices and to which other barges may be moored.
- (6) **Mooring device** includes a deadman, anchor, pile or other reliable holding apparatus.
- (7) **Person in charge** includes any owner, agent, pilot, master, officer, operator, crewmember, supervisor, dispatcher or other person navigating, controlling, directing or otherwise responsible for the movement, action, securing, or security of any vessel, barge, tier, fleet or fleeting facility subject to the regulations in this section.
- (8) **Tier** means barges moored interdependently in rows or groups.

(b) **Waivers:**

- (1) The COTP may, upon written request, except as allowed in paragraph (3) of this subsection, waive any regulation in this section if it is found that the proposed operation can be conducted safely under the terms of that waiver.
- (2) Each written request for a waiver must state the need for the waiver and describe the proposed operation.

- (3) Under unusual circumstances due to time constraints, the person in charge may orally request an immediate waiver from the COTP. The written request for a waiver must be submitted within five working days after the oral request.
  - (4) The COTP may, at any time, terminate any waiver issued under this subsection.
- (c) **Emergencies.** In an emergency, a person may depart from any regulation in this section to the extent necessary to avoid immediate danger to persons, property or the environment.
- (d) **Mooring: General.**
- (1) No person may secure a barge to trees or to other vegetation.
  - (2) No person may allow a barge to be moored with unraveled or frayed lines or other defective or worn mooring.
  - (3) No person may moor barges side to side unless they are secured to each other from fittings as close to each corner of abutting sides as practicable.
  - (4) No person may moor barges end to end unless they are secured to each other from fittings as close to each corner of abutting ends as practicable.
- (e) **Mooring to a mooring device.**
- (1) A barge may be moored to mooring devices if the upstream end of that barge is secured to at least one mooring device and the downstream end is secured to at least one other mooring device, except that from mile 127 to mile 240 a barge may be moored to mooring devices if the upstream end of that barge is secured to at least one mooring device.
  - (2) Barges moored in tiers may be shifted to mooring devices if the shoreward barge at the upstream end of the tier is secured to at least one mooring device, and the shoreward barge at the downstream end of the tier is secured to at least one other mooring device, except that from mile 127 to mile 240 barges moored in tiers may be shifted to mooring devices if the shoreward barge at the upstream end of the tier is secured to at least one mooring device.
  - (3) Each wire rope used between the upstream end of a barge and a mooring device must have at least a diameter of 1<sup>1</sup>/<sub>4</sub> inch. Chain or line used between the upstream end of a barge and a mooring device must be at least equivalent in strength to 1<sup>1</sup>/<sub>4</sub> inch diameter wire rope.
  - (4) Each wire rope used between the downstream end of a barge and a mooring device must have at least a diameter of <sup>7</sup>/<sub>8</sub> inch. Chain or line used between the downstream end of a barge and a mooring device must be of at least equivalent strength of <sup>7</sup>/<sub>8</sub> inch diameter wire rope.
- (f) **Moorings: Barge-to-barge; barge-to-vessel; barge-to-wharf or pier.** The person in charge shall ensure that a barge moored to another barge, a mooring or spar barge, a vessel, a wharf, or a pier, is secured as near as practicable to each abutting corner of the barge being moored by:
- (1) Three parts of wire rope of at least <sup>7</sup>/<sub>8</sub> inch diameter with an eye at each end of the rope passed around the timberhead, caval, or button;
  - (2) A mooring of natural or synthetic fiber rope that has at least 75 percent of the breaking strength of three parts of <sup>7</sup>/<sub>8</sub> inch diameter wire rope; or
  - (3) Fixed rigging that is at least equivalent to three parts of <sup>7</sup>/<sub>8</sub> inch diameter wire rope.
- (g) **Mooring: Person in charge.**

- (1) The person in charge of a barge, tier, fleet or fleeting facility shall ensure that the barge, tier, fleet or fleeting facility meets the requirements in paragraphs (d) and (e) of this section.
- (2) The person in charge shall ensure that all mooring devices, wires, chains, lines and connecting gear are of sufficient strength and in sufficient number to withstand forces that may be exerted on them by moored barges.

(h) **Fleeting facility: inspection of moorings.**

- (1) The person in charge of a fleeting facility shall assign a person to inspect moorings in accordance with the requirements in paragraph (h)(2) of this section.
- (2) The person assigned to inspect moorings shall inspect:
  - (i) At least twice each day during periods that are six hours or more apart, each mooring wire, chain, line and connecting gear between mooring devices and each wire, line and connecting equipment used to moor each barge; and
  - (ii) After a towboat adds barges to, withdraws barges from, or moves barges at a fleeting facility, each mooring wire, line, and connecting equipment of each barge within each tier affected by that operation.
- (3) The person who inspects moorings shall take immediate action to correct each deficiency.

(i) **Fleeting facility: Records.** The person in charge of a fleeting facility shall maintain, and make available to the Coast Guard, records containing the following information:

- (1) The time of commencement and termination of each inspection required in paragraph (h)(2) of this section.
- (2) The name of each person who makes the inspection required in paragraph (h)(2) of this section.
- (3) The identification of each barge entering and departing the fleeting facility, along with the following information:
  - (i) Date and time of entry and departure; and
  - (ii) The names of any hazardous cargo which the barge is carrying.

Note: The requirements in paragraph (i)(3) of this section for the listing of hazardous cargo refer to cargoes regulated by Subchapters D and O of Chapter I, Title 46, Code of Federal Regulations.

(j) **Fleeting facility: Surveillance.**

- (1) The person in charge of a fleeting facility shall assign a person to be in continuous surveillance and to observe the barges in the fleeting facility. Joint use of this person by adjacent facilities may be considered upon submission of a detailed proposal for a waiver to the COTP.
- (2) The person who observes the barges shall:
  - (i) Inspect for movements that are unusual for properly secured barges; and
  - (ii) Take immediate action to correct each deficiency.

- (k) **Fleeting facility: person in charge.** The person in charge of a fleeting facility shall ensure that each deficiency found under the requirements of paragraph (h) or (j) of this section is corrected.
- (l) **Securing breakaways.** The person in charge shall take immediate action to:
- (1) Secure each breakaway; and
  - (2) Report each breakaway as soon as possible to the COTP by telephone, radio or other means of rapid communication.
- (m) **High water.**
- (1) This subsection applies to barges on the Mississippi River between miles 88 and 240 above Head of Passes when:
    - (i) The Carrollton gage stands 12 feet or more; or
    - (ii) The Carrollton gage stands 10 feet, the U.S. Army Corps of Engineers forecasts the Mississippi River is rising to 12 feet, and the District Commander determines these circumstances to be especially hazardous and issues orders directing that paragraphs (m)(2) and (3) of this section are in effect.
  - (2) During high water, the person in charge of a fleeting facility shall ensure compliance with the following requirements:
    - (i) Each fleet consisting of eight or more barges must be attended by at least one radar-equipped towboat for each 100 barges or less. Joint use of this towboat by adjacent facilities may be considered upon submission of a detailed proposal for a waiver.
    - (ii) Each fleet must have two or more towboats in attendance when:
      - (A) Barges are withdrawn from or moved within the fleet and the fleet at the start of the operation contains eight or more barges; or
      - (B) Barges are added to the fleet and the number of barges being added plus the fleet at the start of the operation total eight or more.
    - (iii) Each towboat required in paragraphs (m)(2)(i) and (2)(ii) of this section must be:
      - (A) Capable of safely withdrawing, moving or adding each barge in the fleet;
      - (B) Immediately operational;
      - (C) Radio-equipped;
      - (D) Within 500 yards of the barges; and
    - (iv) The person in charge of each towboat required in paragraphs (m)(2)(i) and (2)(ii) of this section shall maintain:
      - (A) A continuous guard on the frequency specified by current Federal Communications Commission regulations found in Part 83 of Title 47, Code of Federal Regulations; and
      - (B) When moored, a continuous watch on the barges in the fleeting facility.
    - (v) During periods when visibility is less than 200 yards, the person in charge of each towboat required in paragraph (m)(2)(i) of this subsection shall maintain, when moored, a continuous radar surveillance of the barges moored in the fleeting facility.

- (3) During high water when visibility is reduced to less than 200 yards:
  - (i) Tows may not be assembled or disassembled;
  - (ii) No barge may be added to, withdrawn from or moved within a fleet except:
    - (A) A single barge may be added to or withdrawn from the channelward or downstream end of the fleet; and
    - (B) Barges made up in a tow may depart a fleet from the channelward or downstream end of the fleet; and
  - (iii) No person in charge of a tow arriving in this regulated navigation area may moor unless the COTP is notified prior to arrival in the regulated navigation area.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 82-020, 47 FR 35483, Aug. 16, 1982; CGD 79-026, 48 FR 35408, Aug. 4, 1983; CGD 88-075, 54 FR 14958, Apr. 14, 1989; CGD08-94-006, 59 FR 21935, Apr. 28, 1994; CGD08-94-006, 60 FR 37944, July 25, 1995]