

**AUTHORITY:** The provisions of this Part 96 issued under 80 Stat. 383, as amended, sec. 1, 63 Stat. 545, sec. 6(b)(1), 80 Stat. 937; 5 U.S.C. 552, 14 U.S.C. 633, 49 U.S.C. 1655 (b)(1); 49 CFR 1.46(b).

**SOURCE:** The provisions of this Part 96 contained in CGFR 59-5, 24 F.R. 3507, May 1, 1959, unless otherwise noted.

**Subpart 96.01—General Provisions**

**§ 96.01-1 Scope.**

The regulations in this part are interpretive rules with respect to "Rules of the Road" requirements applicable to all vessels while in the waters of the Mississippi River between its source and the Huey P. Long Bridge and all of 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.

**§ 96.01-10 Penalties and violations.**

(a) Failure to comply with any law as interpreted will be considered as a violation of such law and the penalty may be assessed as provided by law.

(b) The reports of violations of the "Rules of the Road," as well as the assessment, collection, mitigation or remission of civil penalties authorized by law, shall be in accordance with 46 CFR 2.50-20 to 2.50-30, inclusive (Subchapter A—Procedures Applicable to the Public).

**Subpart 96.05—Navigation Lights**

**§ 96.05-1 White lights for motorboats carried on centerline.**

Every white light required by section 3 of the Act of April 25, 1940, as amended (46 U.S.C. 526b), shall be carried on the centerline of the motorboat, except that the all-around white light aft on a motorboat of Class A or 1 may be carried off the centerline.

**§ 96.05-5 Stern lights for all vessels.**

Rule Numbered 10 of section 4233 of the Revised Statutes of the United States, as amended by the Act of August 14, 1958 (33 U.S.C. 319), requires "a vessel when underway, if not otherwise required by these rules to carry one or more lights visible from aft, shall carry at her stern a white light, \* \* \*" and this requirement shall be applied to all vessels, including but not limited to, tugs, barges, sail vessels, motorboats when propelled by sail alone, etc.

**Subpart 96.10—Steering and Sailing**

**§ 96.10-1 Vessel moved from dock or anchorage.**

(a) Rule Numbered 24(c) of section 4233 of the Revised Statutes as amended (33 U.S.C. 349), requires "when a vessel is moved from her dock, or anchorage," to give a prescribed signal of three distinct blasts on her whistle. The phrase "moved from her dock, or anchorage," includes moving from a riverbank mooring or from a mooring of any type. [CGFR 60-79, 25 F.R. 13633, Dec. 3, 1960]

**SUBCHAPTER G—REGATTAS AND MARINE PARADES**

**PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS**

- Sec.
- 100.01 Purpose and intent.
- 100.05 Definition of terms used in this part.
- 100.10 Coast Guard-State agreements.
- 100.15 Submission of application.
- 100.20 Action on application for event assigned to State regulation by Coast Guard-State agreement.
- 100.25 Action on application for event not assigned to State regulation by Coast Guard-State agreement.
- 100.30 Approval required for holding event.
- 100.35 Special local regulations.
- 100.40 Patrol of the regatta or marine parade.
- 100.45 Establishment of aids to navigation.
- 100.50 Penalties for violation of regulations.

**AUTHORITY:** The provisions of Part 100 issued under sec. 1, 35 Stat. 69, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 454, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

**SOURCE:** The provisions of this Part 100 contained in CGFR 63-22, 28 F.R. 5155, May 23, 1963, unless otherwise noted.

**§ 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.

**§ 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) "Navigable waters of the United States" means those waters of the United States, including the territorial sea adjacent thereto, the general character of which is navigable, and which, either by themselves or by uniting with other waters, form a continuous waterway on which boats or vessels may navigate or travel between two or more States, or to or from foreign nations. (See Part 2 of this chapter for a description of navigable waters of the United States and determinations made concerning certain specific waters in various States.)

(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.

**§ 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 deems such action to be in the public interest.

**§ 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 obstruc-

tion 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, grant a permit for such series of events for a fixed period of time, not to exceed one year.

(c) The application shall be submitted no less than 30 days prior to the start of the proposed 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.

**§ 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.

**§ 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 district shall take the following action:

(1) He shall determine whether the proposed regatta or marine parade may be held in the proposed location with safety of life. To assist in his determination, he may, if he 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 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 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.

**§ 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 district, is authorized to promulgate such special local regulations as he 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 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).

**§ 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 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 para-

graph are not authorized to enforce the special local regulations or laws generally.

[CGFR 63-22, 28 F.R. 5155, May 23, 1963, as amended by CGFR 65-32, 30 F.R. 8518, July 3, 1965]

#### § 100.45 Establishment of aids to navigation.

(a) The Commander of a Coast Guard District will establish and maintain only those aids to navigation as he deems necessary to assist in the observance and enforcement of the special local regulations issued by him. Such aids to navigation will be in accordance with § 62.01-35 of this chapter. All other aids to navigation incidental to the holding of a regatta or marine parade shall be considered as private aids to navigation coming within the purview of § 66.01 of this chapter.

#### § 100.50 Penalties for violation of regulations.

(a) An individual or organization who violates any provision of these regulations, or any regulation or order issued pursuant to these regulations shall be

subject to the following penalties as provided in section 457 in Title 46, U.S. Code:

(1) A licensed officer shall be liable to suspension or revocation of license in the manner now prescribed by law for incompetency or misconduct.

(2) Any person in charge of the navigation of a vessel other than a licensed officer shall be liable to a penalty of \$500.

(3) The owner of a vessel (including any corporate officer of a corporation owning the vessel) actually on board shall be liable to a penalty of \$500, unless the violation of regulations shall have occurred without his knowledge.

(4) Any other person shall be liable to a penalty of \$250.

(b) The Commandant of the Coast Guard is authorized and empowered to mitigate or remit any penalty herein provided for in the manner prescribed by law for the mitigation or remission of penalties for violation of the navigation laws. (See 46 CFR 2.50-1 to 2.50-40, inclusive, for procedures regarding assessment, mitigation or remission of penalties.)

## SUBCHAPTER H—ROUTES FOR PASSENGER VESSELS

### PART 105—NORTH ATLANTIC PASSENGER ROUTES

Sec.

- 105.01 Passenger vessel defined.
- 105.05 Filing notice of ship routes.
- 105.10 Designation of ship route.
- 105.15 Notices deemed public documents; posting of notice in customhouse.
- 105.20 Posting copy of notice on vessel.
- 105.25 Report of deviation from ship route.
- 105.30 Penalty for violation of regulation.
- 105.35 Communication of violation to Coast Guard District Commander.
- 105.40 Procedure on violation.

**AUTHORITY:** The provisions of this Part 105 issued under sec. 92, 63 Stat. 503, sec. 3, 49 Stat. 1923; 14 U.S.C. 92, 46 U.S.C. 738b.

**SOURCE:** The provisions of this Part 105 contained in CGFR 48-56, 13 F.R. 8640, Dec. 29, 1948, unless otherwise noted.

#### § 105.01 Passenger vessel defined.

For the purpose of this part, a vessel shall be deemed to be a passenger vessel if it carries more than twelve passengers.

#### § 105.05 Filing notice of ship routes.

The owner or operating agent of any passenger vessel of the United States

crossing the North Atlantic Ocean shall file with the collector of customs of the home port of such vessel, and, if the United States port from which such vessel sails is different from the home port, with the collector of customs at that port, notice of the ship routes which he proposes such vessel will follow on its east-bound and west-bound crossings. Such notice or notices shall be filed prior to the first sailing of the vessel from a port of the United States. Upon any subsequent North Atlantic voyage of such vessel beginning at the same port in the United States, no further notice shall be required if it is proposed that the vessel will follow the same routes, but whenever it is proposed that such vessel, when crossing the North Atlantic Ocean, will sail from a port in the United States other than that specified in the last previous notice, or will follow a route or routes different from the route or routes specified in such last notice, notice of the proposed route or routes shall be filed, as aforesaid, before the vessel sails.