

## Coast Guard, DHS

## § 26.03-2

SOURCE: CGFR 65-50, 30 FR 16656, Dec. 30, 1965, unless otherwise noted.

### Subpart 26.01—Application

#### § 26.01-1 Applicable to all vessels.

(a) The provisions of this part shall apply to all vessels except as specifically noted.

### Subpart 26.03—Special Operating Requirements

#### § 26.03-1 Safety orientation.

(a) Before getting underway on any uninspected passenger vessel, the operator or master must ensure that suitable public announcements, instructive placards, or both, are provided in a manner that affords all passengers the opportunity to become acquainted with:

(1) Stowage locations of life preservers;

(2) Proper method of donning and adjusting life preservers of the type(s) carried on the vessel;

(3) The type and location of all life-saving devices carried on the vessel; and

(4) The location and contents of the *Emergency Checkoff List* required by § 26.03-2.

(b) Vessels subject to this subpart engaged in tender service at yacht clubs and marinas, and vessels being demonstrated for a potential purchaser by a yacht broker, are excluded from the requirements of § 26.03-1 and § 26.03-2.

[CGD 78-009, 45 FR 11109, Feb. 19, 1980, as amended by USCG-1999-5040, 67 FR 34776, May 15, 2002]

#### § 26.03-2 Emergency instructions.

(a) The operator or master of each uninspected passenger vessel must ensure that an emergency check-off list is posted in a prominent and accessible place to notify the passengers and remind the crew of precautionary measures that may be necessary if an emergency situation occurs.

(b) Except where any part of the emergency instructions are deemed unnecessary by the Officer in Charge, Marine Inspection, the emergency check-off list must contain not less than the

applicable portions of the sample emergency checkoff list which follows:

#### SAMPLE EMERGENCY CHECKOFF LIST

Measures to be considered in the event of:

(a) *Rough weather at sea or crossing hazardous bars.*

All weathertight and watertight doors, hatches and airports closed to prevent taking water aboard.

Bilges kept dry to prevent loss of stability.

Passengers seated and evenly distributed.

All passengers wearing life preservers in conditions of very rough seas or if about to cross a bar under hazardous conditions.

An international distress call and a call to the Coast Guard over radiotelephone made if assistance is needed (if radiotelephone equipped).

(b) *Man overboard.*

Ring buoy thrown overboard as close to the victim as possible.

Lookout posted to keep the victim in sight.

Crewmember, wearing a life preserver and lifeline, standing by ready to jump into the water to assist the victim back aboard.

Coast Guard and all vessels in the vicinity notified by radiotelephone (if radiotelephone equipped).

Search continued until after radiotelephone consultation with the Coast Guard, if at all possible.

(c) *Fire at Sea.*

Air supply to the fire cut off by closing hatches, ports, doors, and ventilators, etc.

Portable extinguishers discharged at the base of the flames of flammable liquid or grease fires or water applied to fires in combustible solids.

If fire is in machinery spaces, fuel supply and ventilation shut off and any installed fixed firefighting system discharged.

Vessel maneuvered to minimize the effect of wind on the fire.

Coast Guard and all vessels in the vicinity notified by radiotelephone of the fire and vessel location (if radiotelephone equipped).

Passengers moved away from fire and wearing life preservers.

(c) When in the judgment of the cognizant Officer in Charge, Marine Inspection, the operation of any vessel subject to this section does not present the hazards listed on the emergency checkoff list or when any vessel has no

#### § 26.03-4

suitable mounting surface, an exclusion from the requirements of § 26.03-2(a) and (b) is granted by letter.

[CGD 78-009, 45 FR 11109, Feb. 19, 1980, as amended by USCG-1999-5040, 67 FR 34776, May 15, 2002]

#### § 26.03-4 Charts and nautical publications.

(a) As appropriate for the intended voyage, all vessels must carry adequate and up-to-date—

(1) Charts of appropriate scale to make safe navigation possible;

(2) “U.S. Coast Pilot” or similar publication;

(3) Coast Guard light list;

(4) Tide tables; and

(5) Current tables, or a river current publication issued by the U.S. Army Corps of Engineers, or a river authority.

(b) As an alternative, you may substitute extracts or copies from the publications in paragraph (a) of this section. This information must be applicable to the area transited.

[USCG-1999-5040, 67 FR 34776, May 15, 2002]

#### § 26.03-6 Special permit.

(a) If the owner, operator, or agent donates the use of an uninspected passenger vessel to a charity for fundraising activities, and the vessel's activity would subject it to Coast Guard inspection, the OCMI may issue a special permit to the owner, operator, or agent for this purpose if, in the opinion of the OCMI, the vessel can be safely operated. Each special permit is valid for only one voyage of a donated vessel, which is used for a charitable purpose. Applications are considered and approved on a case-by-case basis.

(b) The criteria of § 176.204 of this chapter will apply to the issuance of a special permit. In addition, the owner, operator, or agent must meet each of these conditions—

(1) Any charity using a donated vessel must be a bona fide charity or a non-profit organization qualified under section 501(c)(3) of the Internal Revenue Code of 1986;

(2) All donations received from the fundraising must go to the named charity;

(3) The owner, operator, or agent may obtain a special permit for an in-

#### 46 CFR Ch. I (10-1-10 Edition)

dividual vessel not more than four times in a 12-month period; and

(4) The owner, operator, or agent must apply to the local OCMI for a special permit prior to the intended voyage, allowing adequate time for processing and approval of the permit.

(c) Nothing in this part may be construed as limiting the OCMI from making such tests and inspections, both afloat and in dry-dock, that are reasonable and practicable to be assured of the vessel's seaworthiness and safety.

[USCG-1999-5040, 67 FR 34776, May 15, 2002]

#### § 26.03-8 Marine Event of National Significance special permits.

(a) For a Marine Event of National Significance, as determined by the Commandant, U.S. Coast Guard, a vessel may be permitted to engage in excursions while carrying passengers-for-hire for the duration of the event. Event sponsors seeking this determination must submit a written request to the Commandant (CG-543) at least one year prior to the event.

(b) The owner, operator, or agent of a vessel that is registered as a participant in a Marine Event of National Significance may apply for a special permit to carry passengers-for-hire for the duration of the event. The master, owner, or agent of the vessel must apply to the Coast Guard OCMI who has jurisdiction over the vessel's first United States port of call. The OCMI may issue a Form CG-949 “Permit to Carry Excursion Party” if, in the opinion of the OCMI, the operation can be undertaken safely. The OCMI may require an inspection prior to issuance of a special permit to ensure that the vessel can safely operate under the conditions for which the permit is issued.

(c) The permit will state the conditions under which it is issued. These conditions must include the number of passengers-for-hire the vessel may carry, the crew required, the number and type of lifesaving and safety equipment required, the route and operating details for which the permit is issued, and the dates for which the permit will be valid.

(d) The permit must be displayed in a location visible to passengers.

(e) The carrying of passengers-for-hire during a Marine Event of National