§ 64.13 Approval of markings.

(a) All markings of sunken vessels and other obstructions established in accordance with § 64.11 must be reported to and approved by the appropriate District Commander.

(b) Should the District Commander determine that these markings are inconsistent with Part 62 of this subchapter, they must be replaced as soon as practicable with approved markings.

§ 64.16 Duration of marking on sunken vessels in navigable waters.

Markings shall be maintained until:

(a) The sunken vessel or other obstruction is removed; or

(b) The right of the owner to abandon is legally established and exercised.

NOTE: Notices of abandonment of sunken vessels or other obstructions will not be accepted by the Coast Guard. Any notice of intention to abandon should be addressed to the District Engineer, Corps of Engineers, U.S. Army, within whose district the sunken vessel or other obstruction is located.

§ 64.21 Marking and notification requirements.

Before establishing a structure, the owner or operator shall apply for Coast Guard authorization to mark the structure in accordance with § 66.01–5 of this chapter. The appropriate District Commander will determine the marking requirements.

§ 64.23 Duration of marking on structures.

Markings determined to be required shall be established and maintained until:

(a) The structure is removed; or

(b) Otherwise directed by the District Commander.

Subpart C—Structures


§ 64.21 Marking and notification requirements.

Before establishing a structure, the owner or operator shall apply for Coast Guard authorization to mark the structure in accordance with § 66.01–5 of this chapter. The appropriate District Commander will determine the marking requirements.

§ 64.23 Duration of marking on structures.

Markings determined to be required shall be established and maintained until:

(a) The structure is removed; or

(b) Otherwise directed by the District Commander.

Subpart D—Miscellaneous Provisions


§ 64.31 Determination of hazard to navigation.

In determining whether an obstruction is a hazard to navigation for the purposes of marking, the District Commander considers, but is not limited to, the following factors:

(a) Location of the obstruction in relation to the navigable channel and other navigational traffic patterns;

(b) Navigational difficulty in the vicinity of the obstruction;

(c) Depth of water over the obstruction, fluctuation of the water level, and other hydrologic characteristics in the area;

(d) Draft, type, and density of vessel traffic or other marine activity in the vicinity of the obstruction;

(e) Physical characteristics of the obstruction;

(f) Possible movement of the obstruction;

(g) Location of the obstruction in relation to other obstructions or aids to navigation;
Coast Guard, DHS

(h) Prevailing and historical weather conditions;
(i) Length of time that the obstruction has been in existence;
(j) History of vessel incidents involving the obstruction; and
(k) Whether the obstruction is defined as a hazard to navigation under other statutes or regulations.

[CGD 91–031, 57 FR 43403, Sept. 21, 1992]

§ 64.33 Marking by the Coast Guard.

(a) The District Commander may mark for the protection of maritime navigation any structure, sunken vessel or other obstruction that is not suitably marked by the owner. Markings established by the Coast Guard do not relieve the owner’s duty or responsibility to mark the sunken vessel or other obstruction, or to remove it as required by law.
(b) Costs for markings established by the Coast Guard will be determined in accordance with part 74 of this Chapter.
(c) Costs for marking of a sunken vessel or other obstruction shall be charged to the owner and shall continue until:
(1) The vessel or other obstruction is removed;
(2) The right of the owner to abandon is legally established and has been exercised; or
(3) The District Commander directs otherwise.

NOTE: When the needs of navigation permit, the owner may be given reasonable opportunity to establish and maintain the necessary markings.

PART 66—PRIVATE AIDS TO NAVIGATION

Subpart 66.01—Aids to Navigation Other Than Federal or State

Sec.
66.01–1 Basic provisions.
66.01–3 Delegation of authority to District Commanders.
66.01–5 Application procedure.
66.01–10 Characteristics.
66.01–11 Lights.
66.01–12 May I continue to use the private aid to navigation I am currently using?
66.01–13 When must my newly manufactured equipment comply with these rules?
66.01–14 Label affixed by manufacturer.
66.01–15 Action by Coast Guard.
66.01–20 Inspection.
66.01–25 Discontinuance and removal.
66.01–30 Corps of Engineers’ approval.
66.01–40 Exemptions.
66.01–45 Penalties.
66.01–50 Protection of private aids to navigation.
66.01–55 Transfer of ownership.

Subpart 66.05—State Aids to Navigation

66.05–1 Purpose.
66.05–5 Definitions.
66.05–10 State waters for private aids to navigation; designations; revisions, and revocations.
66.05–20 Coast Guard-State agreements.
66.05–25 Change and modification of State aids to navigation.
66.05–30 Notice to Mariners.
66.05–35 Private aids to navigation other than State owned.
66.05–40 Corps of Engineers’ approval.
66.05–100 Designation of navigable waters as State waters for private aids to navigation.

Subpart 66.10—Uniform State Waterway Marking System

66.10–1 General.
66.10–5–66.10–10 (Reserved)
66.10–15 Aids to navigation.
66.10–35 Navigation lights.


Subpart 66.01—Aids to Navigation Other Than Federal or State

SOURCE: CGFR 68–152, 33 FR 19816, Dec. 27, 1968, unless otherwise noted.

§ 66.01–1 Basic provisions.

(a) The Uniform State Waterway Marking System’s (USWMS) aids to navigation provisions for marking channels and obstructions (see §66.10–15 in this part) may be used in those navigable waters of the U.S. that have been designated as state waters for private aids to navigation and in those internal waters that are non-navigable waters of the U.S. All other provisions for the use of regulatory markers and other aids to navigation must be in accordance with United States Aid to Navigation System, described in part 62 of this subchapter.