

vessel and any other information necessary for the safe navigation of vessels.

(c) Nothing in these regulations may be construed as prohibiting the use of the designated frequency to communicate with shore stations to obtain or furnish information necessary for the safe navigation of vessels.

(d) On the navigable waters of the United States, channel 13 (156.65 MHz) is the designated frequency required to be monitored in accordance with § 26.05(a) except that in the area prescribed in § 26.03(e), channel 67 (156.375 MHz) is the designated frequency.

(e) On those navigable waters of the United States within a VTS area, the designated VTS frequency is an additional designated frequency required to be monitored in accordance with § 26.05.

(85 Stat. 164; 33 U.S.C. 1201–1208; 49 CFR 1.46(n)(2))

[CGD 71–114R, 37 FR 12720, June 28, 1982, as amended by CGD 83–036, 48 FR 30107, June 30, 1983; CGD 91–046, 57 FR 14486, Apr. 21, 1992; 57 FR 21741, May 22, 1992; CGD 90–020, 59 FR 36323, July 15, 1994; CGD 95–033, 60 FR 28329, May 31, 1995]

§ 26.05 Use of radiotelephone.

Section 5 of the Act states that the radiotelephone required by this Act is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who shall maintain a listening watch on the designated frequency. Nothing herein shall be interpreted as precluding the use of portable radiotelephone equipment to satisfy the requirements of this act.

[CGD 93–072, 59 FR 39963, Aug. 5, 1994]

§ 26.06 Maintenance of radiotelephone; failure of radiotelephone.

Section 6 of the Act states:

(a) Whenever radiotelephone capability is required by this Act, a vessel's radiotelephone equipment shall be maintained in effective operating condition. If the radiotelephone equipment carried aboard a vessel ceases to operate, the master shall exercise due diligence to restore it or cause it to be restored to effective operating condition at the earliest practicable time. The failure of a vessel's radiotelephone equipment shall

not, in itself, constitute a violation of this Act, nor shall it obligate the master of any vessel to moor or anchor his vessel; however, the loss of radiotelephone capability shall be given consideration in the navigation of the vessel.

§ 26.07 Communications.

No person may use the services of, and no person may serve as, a person required to maintain a listening watch under section 5 of the Act, 33 U.S.C. 1204, unless the person can communicate in the English language.

[CGD 90–020, 59 FR 36323, July 15, 1994, as amended by CGD 95–033, 60 FR 28329, May 31, 1995]

§ 26.08 Exemption procedures.

(a) The Commandant has redelegated to the Assistant Commandant for Prevention Policy, U.S. Coast Guard Headquarters, with the reservation that this authority shall not be further redelegated, the authority to grant exemptions from provisions of the Vessel Bridge-to-Bridge Radiotelephone Act and this part.

(b) Any person may petition for an exemption from any provision of the Act or this part;

(c) Each petition must be submitted in writing to Commandant (CG–DCO–D), Attn: Deputy for Operations Policy and Capabilities, U.S. Coast Guard Stop 7318, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7318, and must state:

(1) The provisions of the Act or this part from which an exemption is requested; and

(2) The reasons why marine navigation will not be adversely affected if the exemption is granted and if the exemption relates to a local communication system how that system would fully comply with the intent of the concept of the Act but would not conform in detail if the exemption is granted.

[CGD 71–114R, 37 FR 12720, June 28, 1972, as amended by CGD 73–256, 39 FR 9176, Mar. 8, 1974; CGD 88–052, 53 FR 25119, July 1, 1988; CGD 95–057, 60 FR 34150, June 30, 1995; CGD 96–026, 61 FR 33663, June 28, 1996; CGD 97–023, 62 FR 33362, June 19, 1997; USCG–2002–12471, 67 FR 41331, June 18, 2002; USCG–2010–0351, 75 FR 36278, June 25, 2010; USCG–2014–0410, 79 FR 38428, July 7, 2014; USCG–2018–0874, 84 FR 30877, June 28, 2019]