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Title 33 —Navigation and Navigable Waters

Chapter I —Coast Guard, Department of Homeland Security

Subchapter E —Inland Navigation Rules

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PART 89—INLAND NAVIGATION RULES: IMPLEMENTING RULES

Authority: 33 U.S.C. 2071; 49 CFR 1.46(n)(14).

Source: CGD 80-157, 47 FR 13801, Apr. 1, 1982, unless otherwise noted.

Subpart A—Certificate of Alternative Compliance

§ 89.1 Definitions.

As used in this subpart:

Inland Rules refers to the Inland Navigation Rules contained in the Inland Navigational Rules Act of 1980 (Pub. L. 96-591) and the technical annexes established under that act.

A vessel of special construction or purpose means a vessel designed or modified to perform a special function and whose arrangement is thereby made relatively inflexible.

Interference with the special function of the vessel occurs when installation or use of lights, shapes, or sound-signaling appliances under the Inland Rules prevents or significantly hinders the operation in which the vessel is usually engaged.

[CGD 80-157, 47 FR 13801, Apr. 1, 1982, as amended by CGD 83-028, 49 FR 33876, Aug. 27, 1984]

§ 89.3 General.

Vessels of special construction or purpose which cannot fully comply with the light, shape, and sound signal provisions of the Inland Rules without interfering with their special function may instead meet alternative requirements. The Chief of the Prevention Division in each Coast Guard District Office makes this determination and requires that alternative compliance be as close as possible with the Inland Rules. These regulations set out the procedure by which a vessel may be certified for alternative compliance. The information collection and recordkeeping requirements in §§ 89.5 and 89.18 have been approved by the Office of Management and Budget under OMB control No. 1625-0019.

[CGD 80-157, 47 FR 13801, Apr. 1, 1982, as amended by USCG-2006-25150, 71 FR 39208, July 12, 2006; USCG-2018-0874, 84 FR 30878, June 28, 2019]

§ 89.5 Application for a Certificate of Alternative Compliance.

- (a) The owner, builder, operator, or agent of a vessel of special construction or purpose who believes the vessel cannot fully comply with the Inland Rules light, shape, or sound signal provisions without interference with its special function may apply for a determination that alternative compliance is justified. The application must be in writing, submitted to the Chief of the Prevention Division of the Coast Guard District in which the vessel is being built or operated, and include the following information:
 - (1) The name, address, and telephone number of the applicant.
 - (2) The identification of the vessel by its:
 - (i) Official number;
 - (ii) Shipyard hull number;
 - (iii) Hull identification number; or
 - (iv) State number, if the vessel does not have an official number or hull identification number.
 - (3) Vessel name and home port, if known.
 - (4) A description of the vessel's area of operation.
 - (5) A description of the provision for which the Certificate of Alternative Compliance is sought, including:
 - (i) The Inland Rules Rule or Annex section number for which the Certificate of Alternative Compliance is sought;
 - (ii) A description of the special function of the vessel that would be interfered with by full compliance with the provision of that Rule or Annex section; and
 - (iii) A statement of how full compliance would interfere with the special function of the vessel.
 - (6) A description of the alternative installation that is in closest possible compliance with the applicable Inland Navigation Rules Rule or Annex section.
 - (7) A copy of the vessel's plans or an accurate scale drawing that clearly shows:
 - (i) The required installation of the equipment under the Inland Rules,
 - (ii) The proposed installation of the equipment for which certification is being sought, and

(iii) Any obstructions that may interfere with the equipment when installed in:

(A) The required location; and

(B) The proposed location.

(b) The Coast Guard may request from the applicant additional information concerning the application.

[CGD 80-157, 47 FR 13801, Apr. 1, 1982; 47 FR 18332, Apr. 29, 1982; USCG-2018-0874, 84 FR 30878, June 28, 2019]

§ 89.9 Certificate of Alternative Compliance: Contents.

The Chief of the Prevention Division issues the Certificate of Alternative Compliance to the vessel based on a determination that it cannot comply fully with Inland Rules light, shape, and sound signal provisions without interference with its special function. This Certificate includes:

- (a) Identification of the vessel as supplied in the application under § 89.5(a)(2);
- (b) The provision of the Inland Rules for which the Certificate authorizes alternative compliance;
- (c) A certification that the vessel is unable to comply fully with the Inland Rules light, shape, and sound signal requirements without interference with its special function;
- (d) A statement of why full compliance would interfere with the special function of the vessel;
- (e) The required alternative installation;
- (f) A statement that the required alternative installation is in the closest possible compliance with the Inland Rules without interfering with the special function of the vessel;
- (g) The date of issuance;
- (h) A statement that the Certificate of Alternative Compliance terminates when the vessel ceases to be usually engaged in the operation for which the certificate is issued.

[CGD 80-157, 47 FR 13801, Apr. 1, 1982, as amended by USCG-2018-0874, 84 FR 30878, June 28, 2019]

§ 89.17 Certificate of Alternative Compliance: Termination.

The Certificate of Alternative Compliance terminates if the information supplied under § 89.5(a) or the Certificate issued under § 89.9 is no longer applicable to the vessel.

§ 89.18 Record of certification of vessels of special construction or purpose.

- (a) Copies of Certificates of Alternative Compliance and documentation concerning Coast Guard vessels are available for inspection at the offices of the Marine Transportation Systems Directorate, U.S. Coast Guard Headquarters (CG-5PW), Stop 7509, 2703 Martin Luther King Avenue SE., Washington, DC 20593-7509.
- (b) The owner or operator of a vessel issued a Certificate shall ensure that the vessel does not operate unless the Certificate of Alternative Compliance or a certified copy of that Certificate is on board the vessel and available for inspection by Coast Guard personnel.

[CGD 80-187, 47 FR 13801, Apr. 1, 1982, as amended by CGD 88-052, 53 FR 25120, July 1, 1988; CGD 96-026, 61 FR 33663, June 28, 1996; CGD 97-023, 62 FR 33363, June 19, 1997; USCG-2002-12471, 67 FR 41332, June 18, 2002; USCG-2010-0351, 75 FR 36281, June 25, 2010; USCG-2014-0410, 79 FR 38431, July 7, 2014]

Subpart B—Waters Upon Which Certain Inland Navigation Rules Apply

§ 89.21 Purpose.

Inland Navigation Rules 9(a)(ii), 14(d), and 15(b) apply to the Great Lakes, and along with 24(i), apply on the “Western Rivers” as defined in Rule 3(1), and to additional specifically designated waters. The purpose of this Subpart is to specify those additional waters upon which Inland Navigation Rules 9(a)(ii), 14(d), 15(b), and 24(i) apply.

[CGD 85-081, 51 FR 4592, Feb. 6, 1986]

§ 89.23 Definitions.

As used in this subpart:

Inland Rules refers to the Inland Navigation Rules contained in the Inland Navigational Rules Act of 1980 (Pub. L. 96-591, 33 U.S.C. 2001 et. seq.) and the technical annexes established under that Act.

[CGD 83-028, 49 FR 33876, Aug. 27, 1984]

§ 89.25 Waters upon which Inland Rules 9(a)(ii), 14(d), and 15(b) apply.

Inland Rules 9(a)(ii), 14(d), and 15(b) apply on the Great Lakes, the Western Rivers, and the following specified waters:

- (a) Tennessee-Tombigbee Waterway.
- (b) Tombigbee River.
- (c) Black Warrior River.
- (d) Alabama River.
- (e) Coosa River.
- (f) Mobile River above the Cochrane Bridge at St. Louis Point.
- (g) Flint River.
- (h) Chattahoochee River.
- (i) The Apalachicola River above its confluence with the Jackson River.

[CGD 91-050, 58 FR 27625, May 10, 1993, as amended by USCG-2014-0410, 79 FR 38432, July 7, 2014]

§ 89.27 Waters upon which Inland Rule 24(j) applies.

- (a) Inland Rule 24(j) applies on the Western Rivers and the specified waters listed in § 89.25 (a) through (i).

- (b) Inland Rule 24(j) applies on the Gulf Intracoastal Waterway from St. Marks, Florida, to the Rio Grande, Texas, including the Morgan City-Port Allen Alternate Route and the Galveston-Freeport Cutoff, except that a power-driven vessel pushing ahead or towing alongside shall exhibit the lights required by Inland Rule 24(c), while transiting within the following areas:
- (1) St. Andrews Bay from the Hathaway Fixed Bridge at Mile 284.6 East of Harvey Locks (EHL) to the DuPont Fixed Bridge at Mile 295.4 EHL.
 - (2) Pensacola Bay, Santa Rosa Sound and Big Lagoon from the Light "10" off of Trout Point at Mile 176.9 EHL to the Pensacola Fixed Bridge at Mile 189.1 EHL.
 - (3) Mobile Bay and Bon Secour Bay from the Dauphin Island Causeway Fixed Bridge at Mile 127.7 EHL to Little Point Clear at Mile 140 EHL.
 - (4) Mississippi Sound from Grand Island Waterway Light "1" at Mile 53.8 EHL to Light "40" off the West Point of Dauphin Island at Mile 118.7 EHL.
 - (5) The Mississippi River at New Orleans, Mississippi River-Gulf Outlet Canal and the Inner Harbor Navigation Canal from the junction of the Harvey Canal and the Algiers Alternate Route at Mile 6.5 West of Harvey Locks (WHL) to the Michoud Canal at Mile 18 EHL.
 - (6) The Calcasieu River from the Calcasieu Lock at Mile 238.6 WHL to the Ellender Lift Bridge at Mile 243.6 WHL.
 - (7) The Sabine Neches Canal from mile 262.5 WHL to mile 291.5 WHL.
 - (8) Bolivar Roads from the Bolivar Assembling Basin at Mile 346 WHL to the Galveston Causeway Bridge at Mile 357.3 WHL.
 - (9) Freeport Harbor from Surfside Beach Fixed Bridge at Mile 393.8 WHL to the Bryan Beach Pontoon Bridge at Mile 397.6 WHL.
 - (10) Matagorda Ship Channel area of Matagorda Bay from Range "K" Front Light at Mile 468.7 WHL to the Port O'Connor Jetty at Mile 472.2 WHL.
 - (11) Corpus Christi Bay from Redfish Bay Day Beacon "55" at Mile 537.4 WHL when in the Gulf Intracoastal Waterway main route or from the north end of Lydia Ann Island Mile 531.1A when in the Gulf Intracoastal Waterway Alternate Route to Corpus Christi Bay LT 76 at Mile 543.7 WHL.
 - (12) Port Isabel and Brownsville Ship Channel south of the Padre Island Causeway Fixed Bridge at Mile 665.1 WHL.

[CGD 91-050, 58 FR 27625, May 10, 1993, as amended by USCG-2018-0874, 84 FR 30878, June 28, 2019]