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Title 33 —Navigation and Navigable Waters

Chapter I —Coast Guard, Department of Homeland Security

Subchapter C —Aids to Navigation

Part 64 Marking of Structures, Sunken Vessels and Other Obstructions

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PART 64—MARKING OF STRUCTURES, SUNKEN VESSELS AND OTHER OBSTRUCTIONS

Authority: 14 U.S.C. 503; 33 U.S.C. 409; 42 U.S.C. 9118; 43 U.S.C. 1333; 46 U.S.C. 70034; Department of Homeland Security Delegation No. 0170.1.

Source: CGD 78-156, 48 FR 11267, Mar. 17, 1983, unless otherwise noted.

Subpart A—General

Source: CGD 78-156, 48 FR 11267, Mar. 17, 1983, unless otherwise noted. Redesignated by CGD 91-031, 57 FR 43402, Sept. 21, 1992.

§ 64.01 Purpose.

This part prescribes rules relating to the marking of structures, sunken vessels and other obstructions for the protection of maritime navigation.

§ 64.03 Scope.

- (a) Except as provided in paragraph (b) of this section these rules apply to:
- (1) Structures located in or over waters subject to the jurisdiction of the United States and, on the high seas, structures owned or operated by persons subject to the jurisdiction of the United States;
 - (2) Sunken vessels in the navigable waters or waters above the continental shelf of the United States; and
 - (3) Other obstructions existing on or in the navigable waters or waters above the continental shelf of the United States.
- (b) The following obstructions are exempt from the requirements of this part:
- (1) Dredging pipelines subject to subchapter E of this chapter;
 - (2) Bridges subject to subchapter J of this chapter;
 - (3) Vessels subject to the International Regulations for preventing Collisions at Sea, 1972 (1972 COLREGS) or the Inland Navigation Rules;
 - (4) Deepwater port facilities subject to subchapter NN of this chapter; and
 - (5) Artificial islands and structures subject to Part 67 of this subchapter.

[CGD 78-156, 48 FR 11267, Mar. 17, 1983, as amended by USCG-2016-0498, 82 FR 35080, July 28, 2017]

§ 64.06 Definition of terms.

As used in this part:

Hazard to navigation means an obstruction, usually sunken, that presents sufficient danger to navigation so as to require expeditious, affirmative action such as marking, removal, or redefinition of a designated waterway to provide for navigational safety.

High seas means those waters described in § 2.32(c) of this chapter.

Markings means the lights and other signals placed on or near structures, sunken vessels, and other obstructions for the protection of navigation.

Navigable waters of the United States means those waters described in § 2.36(a) of this chapter, specifically including the waters described in § 2.22(a)(2) of this chapter.

Obstruction means anything that restricts, endangers, or interferes with navigation.

Structures means any fixed or floating obstruction, intentionally placed in the water, which may interfere with or restrict marine navigation.

[CGD 78-156, 48 FR 11267, Mar. 17, 1983. Redesignated and amended by CGD 91-031, 57 FR 43402, Sept. 21, 1992; USCG-2001-9044, 68 FR 42601, July 18, 2003; USCG-2007-27887, 72 FR 45902, Aug. 16, 2007]

Subpart B—Sunken Vessels and Other Obstructions

Source: CGD 78-156, 48 FR 11267, Mar. 17, 1983, unless otherwise noted. Redesignated by CGD 91-031, 57 FR

43402, Sept. 21, 1992.

§ 64.11 Marking, notification, and approval requirements.

- (a) The owner and/or operator of a vessel, raft, or other craft wrecked and sunk in a navigable channel must mark it immediately with a buoy or beacon during the day and with a light at night. The requirement to mark the vessel, raft, or other craft with a light at night may be waived by the District Commander pursuant to § 64.13 of this subpart.
- (b) The owner and/or operator of a sunken vessel, raft, or other craft that constitutes a hazard to navigation must mark it in accordance with this subchapter.
- (c) The owner and/or operator of a sunken vessel, raft, or other craft must promptly report to the District Commander, in whose jurisdiction the vessel, raft, or other craft is located, the action they are taking to mark it. In addition to the information required by 46 CFR 4.05, the reported information must contain—
 - (1) Name and description of the sunken vessel, raft, or other craft, including type and size;
 - (2) Accurate description of the location of the sunken vessel, raft, or other craft, including how the position was determined;
 - (3) Water depth; and
 - (4) Location and type of marking established, including color and shape of buoy or other beacon and characteristic of the light, if fitted.
- (d) The owner and/or operator of a vessel, raft, or other craft wrecked and sunk in waters subject to the jurisdiction of the United States or sunk on the high seas, if the owner is subject to the jurisdiction of the United States, must promptly report to the District Commander, in whose jurisdiction the obstruction is located, the action they are taking to mark it in accordance with this subchapter. The reported information must contain the information listed in paragraph (c) of this section, including the information required by 46 CFR 4.05.
- (e) Owners and/or operators of other obstructions may report the existence of such obstructions and mark them in the same manner as prescribed for sunken vessels.
- (f) Owners and/or operators of marine pipelines that are determined to be hazards to navigation must report and mark the hazardous portion of those pipelines in accordance with 49 CFR parts 192 or 195, as applicable.
- (g) All markings of sunken vessels, rafts, or crafts and other obstructions established in accordance with this section must be reported to and approved by the appropriate District Commander.
- (h) Should the District Commander determine that these markings are inconsistent with part 62 of this subchapter, the markings must be replaced as soon as practicable with approved markings.

[USCG-2012-0054, 78 FR 77590, Dec. 24, 2013]

§ 64.13 Approval for waiver of markings.

- (a) Owners and/or operators of sunken vessels, rafts or other craft sunk in navigable waters may apply to the District Commander, in whose jurisdiction the vessel, raft, or other craft is located, for a waiver of the requirement to mark them with a light at night as required under § 64.11(a) of this subpart. Information on how to contact the District Commander is available at <http://www.uscg.mil/top/units>.
- (b) The District Commander may grant a waiver if it is determined that—
 - (1) Marking the wrecked vessel, raft or other craft with a light at night would be impractical, and
 - (2) The granting of such a waiver would not create an undue hazard to navigation.

[USCG-2012-0054, 78 FR 77590, Dec. 24, 2013]

§ 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.

Subpart C—Structures

Source: CGD 78-156, 48 FR 11267, Mar. 17, 1983, unless otherwise noted. Redesignated by CGD 91-031, 57 FR 43402, Sept. 21, 1992.

§ 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

Source: CGD 78-156, 48 FR 11267, Mar. 17, 1983, unless otherwise noted. Redesignated by CGD 91-031, 57 FR 43402, Sept. 21, 1992.

§ 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;
- (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.