



## **CODE OF FEDERAL REGULATIONS**

### **Excerpts from Title 33 – Navigation and Navigable Waters Chapter I – Coast Guard, Department of Homeland Security Subchapter C – Aids to Navigation**

33 CFR2.36	Navigable Waters of the United States
33 CFR Part 62	United States Aids to Navigation System
33 CFR Part 64	Marking of Structures, Sunken Vessels, and Other Obstructions
33 CFR Part 66	Aids to Navigation Other Than Federal
33 CFR Part 114	General & Bridges



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## Title 33 —Navigation and Navigable Waters

### Chapter I —Coast Guard, Department of Homeland Security


#### Subchapter A —General



#### Part 2 —Jurisdiction

#### Subpart B —Jurisdictional Terms

#### § 2.36 Navigable waters of the United States, navigable waters, and territorial waters.

- (a) Except as provided in paragraph (b) of this section, *navigable waters of the United States*, *navigable waters*, and *territorial waters* mean, except where Congress has designated them not to be navigable waters of the United States:
- (1) Territorial seas of the United States;
  - (2) Internal waters of the United States that are subject to tidal influence; and
  - (3) Internal waters of the United States not subject to tidal influence that:
    - (i) Are or have been used, or are or have been susceptible for use, by themselves or in connection with other waters, as highways for substantial interstate or foreign commerce, notwithstanding natural or man-made obstructions that require portage, or
    - (ii) A governmental or non-governmental body, having expertise in waterway improvement, determines to be capable of improvement at a reasonable cost (a favorable balance between cost and need) to provide, by themselves or in connection with other waters, as highways for substantial interstate or foreign commerce.
- (b) *Navigable waters of the United States* and *navigable waters*, as used in sections 311 and 312 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1321 and 1322, mean:
- (1) Navigable waters of the United States as defined in paragraph (a) of this section and all waters within the United States tributary thereto; and
  - (2) Other waters over which the Federal Government may exercise Constitutional authority.

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**Title 33 —Navigation and Navigable Waters**  
**Chapter I —Coast Guard, Department of Homeland Security**  
**Subchapter C —Aids to Navigation**

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**⦿ PART 62—UNITED STATES AIDS TO NAVIGATION SYSTEM**

**Authority:** 14 U.S.C. 544; 43 U.S.C. 1333; 46 U.S.C. 70031, 70041; DHS Delegation 00170.1, Revision No. 01.2.

**Source:** CGD 86–031, 52 FR 42640, Nov. 6, 1987, unless otherwise noted.

## ⦿ Subpart A—General

### ⦿ § 62.1 Purpose.

- (a) The Coast Guard administers the U.S. Aids to Navigation System. The system consists of Federal aids to navigation operated by the Coast Guard, aids to navigation operated by the other armed services, and private aids to navigation operated by other persons.
- (b)
  - (1) This part describes the general characteristics of the U.S. Aids to Navigation System, and the details, policies and procedures employed by the Coast Guard in establishing, maintaining, operating, changing or discontinuing Federal aids to navigation. Regulations concerning the marking of wrecks, structures, and other obstructions are found in 33 CFR part 64. Regulations concerning private aids are found in 33 CFR part 66. Regulations concerning the marking of artificial islands and structures which are erected on or over the seabed and subsoil of the Outer Continental Shelf of the United States or its possessions are found in 33 CFR part 67. Regulations concerning the marking of bridges are found in 33 CFR part 118. Regulations concerning aids to navigation at deepwater ports are found in subchapter NN of this chapter.
  - (2) The regulations found in 33 CFR subpart 66.10 expire on December 31, 2003, at which time the provisions of this part will apply.
- (c) The Coast Guard maintains systems of marine aids to navigation consisting of visual, audible, and electronic signals which are designed to assist the prudent mariner in the process of navigation. The aids to navigation system is not intended to identify every shoal or obstruction to navigation which exists in the navigable waters of the United States, but rather provides for reasonable marking of marine features as resources permit. The primary objective of the aids to navigation system is to mark navigable channels and waterways, obstructions adjacent to these waterways, and obstructions in areas of general navigation which may not be anticipated. Other waters, even if navigable, are generally not marked.

[CGD 86–031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 88–018, 54 FR 48608, Nov. 24, 1989; CGD 97–018, 63 FR 33573, June 19, 1998]

### ⦿ § 62.3 Definition of terms.

Certain terms as used in this subchapter are defined as follows:

- (a) **Aid to Navigation.** The term aid to navigation means any device external to a vessel or aircraft intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation.
- (b) **Commerce.** The term commerce, in addition to general, national and international trade and commerce of the United States, includes trade and travel by seasonal passenger craft (marine and air), yachts, houseboats, fishing boats, motor boats, and other craft, whether or not operated for hire or profit.
- (c) **Commandant.** The term Commandant means the Commandant of the Coast Guard.
- (d) **District Commander.** The term District Commander means the commander of a Coast Guard District. Coast Guard Districts are listed in Part 3 of this chapter.
- (e) **Corps of Engineers.** The term Corps of Engineers means the Corps of Engineers, Department of the Army.
- (f) **Person.** The term person imparts both singular or plural, as the case demands, and includes any Federal Agency, State, Territory, possession, or public subdivision thereof, the District of Columbia, and any corporation, company, association, club, or other instrumentality.
- (g) **Navigable waters of the United States.** The term navigable waters of the United States is defined in § 2.36(a) of this chapter.

[CGD 86–031, 52 FR 42640, Nov. 6, 1987, as amended by USCG–2001–9044, 68 FR 42601, July 18, 2003]

### ⦿ § 62.5 Marking of marine parades and regattas.

- (a) The Coast Guard may establish aids to navigation to mark marine parades and regattas which are regulated by the Coast Guard for the purpose of protecting life and property, or to assist in the observance and enforcement of special regulations. For marine parade and regatta regulations, see Part 100 of this chapter.

(b) [Reserved]

## ⦿ Subpart B—The U.S. Aids to Navigation System

### ⦿ § 62.21 General.

- (a) The navigable waters of the United States and non-navigable State waters after December 31, 2003, are marked to assist navigation using the U.S. Aids to Navigation System, a system consistent with the International Association of Lighthouse Authorities (IALA) Maritime Buoyage System. The IALA Maritime Buoyage System is followed by most of the world's maritime nations and will improve maritime safety by encouraging conformity in buoyage systems worldwide. IALA buoyage is divided into two regions made up of Region A and Region B. All navigable waters of the United States follow IALA Region B, except U.S. possessions west of the International Date Line and south of 10 degrees north latitude, which follow IALA Region A. Lateral aids to navigation in Region A vary from those described throughout this Subpart. Non-lateral aids to navigation are the same as those used in Region B. See § 62.25. Appropriate nautical charts and publications should be consulted to determine whether the Region A or Region B marking schemes are in effect for a given area.
- (b) The U.S. Aids to Navigation System is designed for use with nautical charts. Nautical charts portray the physical features of the marine environment, including soundings and other submarine features, landmarks, and other aids necessary for the proper navigation of a vessel. This crucial information cannot be obtained from other sources, even ones such as topographic maps, aeronautical charts, or atlases. The exact meaning of an aid to navigation may not be clear to the mariner unless the appropriate chart is consulted, as the chart illustrates the relationship of the individual aid to navigation to channel limits, obstructions, hazards to navigation, and to the total aids to navigation system.
- (c) The navigator should maintain and consult suitable publications and instruments for navigation depending on the vessel's requirements. This shipboard equipment is separate from the aids to navigation system, but is often essential to its use. The following publications are available from the U.S. Government to assist the navigator:
  - (1) The Light List, published by the Coast Guard and available for viewing on the Coast Guard Navigation Center Web site at <http://www.navcen.uscg.gov> lists federal and private aids to navigation. It includes all major Federal aids to navigation and those private aids to navigation that have been deemed to be important to general navigation, and includes a physical description of these aids and their locations.
  - (2) The United States Coast Pilot, published by the National Ocean Service and available from NOAA Certified Printer Partners listed at <http://www.nauticalcharts.noaa.gov/mcd/NOAAChartViewer.html>. Free on-line versions and weekly updates supplement the information shown on nautical charts, and are available directly from NOAA at <http://www.nauticalcharts.noaa.gov/ncd/cpdownload.htm>. Subjects such as local navigation regulations, channel and anchorage peculiarities, dangers, climatological data, routes, and port facilities are covered.
  - (3) Local Notices to Mariners are published by local Coast Guard District Commanders. Persons may view Local Notices to Mariners on the Coast Guard Navigation Center Web site at <http://www.navcen.uscg.gov>. Changes to aids to navigation, reported dangers, scheduled construction or other disruptions, chart corrections and similar useful marine information is made available through this publication.
  - (4) The Notice to Mariners is a national publication, similar to the Local Notice to Mariners, published by the National Geospatial-Intelligence Agency. The notices may be viewed on the National Geospatial-Intelligence Agency's Web site at <http://msi.nga.mil/NGAPortal/MSI.portal>. This publication provides oceangoing vessels significant information on national and international navigation and safety.
  - (5) The mariner should also listen to Coast Guard Broadcast Notices to Mariners. These broadcasts update the Local Notice to Mariners with more timely information. Mariners should monitor VHF-FM channel 16 to locate Coast Guard Marine Information Broadcasts.
- (d) The U.S. Aids to Navigation System is primarily a lateral system which employs a simple arrangement of colors, shapes, numbers, and light characteristics to mark the limits of navigable routes. This lateral system is supplemented by nonlateral aids to navigation where appropriate.
- (e) Generally, lateral aids to navigation indicate on which side of a vessel an aid to navigation should be passed when the vessel is proceeding in the Conventional Direction of Buoyage. Normally, the Conventional Direction of Buoyage is the direction in which a vessel enters navigable channels from seaward and proceeds towards the head of navigation. In the absence of a route leading from seaward, the Conventional Direction of Buoyage generally follows a clockwise direction around land masses. For example, proceeding southerly along the Atlantic Coast, from Florida to Texas along the Gulf Coast, and northerly along the Pacific Coast are considered as proceeding in the Conventional Direction of Buoyage. In some instances, this direction must be arbitrarily assigned. Where doubt exists, the mariner should consult charts and other nautical publications.

- (f) Although aids to navigation are maintained to a reasonable degree of reliability, the rigors of the marine environment and various equipment failures do cause discrepancies on occasion.
- (g) The Coast Guard makes reasonable efforts to inform the navigator of known discrepancies, and to correct them within a reasonable period of time, depending upon resources available. Occasionally, a temporary aid to navigation, which provides different but similar service, is deployed until permanent repairs can be made to the original aid. Notification of such temporary changes is made through the notice to mariners system.
- (h) Mariners should exercise caution when using private aids to navigation because private aids are often established to serve the needs of specific users rather than general navigation and their purpose may not be obvious to casual users; and, discrepancies to private aids are often detected, reported, and corrected less promptly than discrepancies to Coast Guard aids to navigation.

*[CGD 86-031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 88-018, 54 FR 48608, Nov. 24, 1989; CGD 97-018, 63 FR 33573, June 19, 1998; USCG-2001-9286, 66 FR 33640, June 25, 2001; USCG-2015-0433, 80 FR 44279, July 27, 2015]*

## § 62.23 Beacons and buoys.

- (a) Aids to navigation are placed on shore or on marine sites to assist a navigator to determine his position or safe course. They may mark limits of navigable channels, or warn of dangers or obstructions to navigation. The primary components of the U.S. Aids to Navigation System are beacons and buoys.
- (b) Beacons are aids to navigation structures which are permanently fixed to the earth's surface. They range from large lighthouses to small, single-pile structures and may be located on land or in the water. Lighted beacons are called lights; unlighted beacons are called daybeacons.
  - (1) Beacons exhibit a daymark. For small structures these are colored geometric shapes which make an aid to navigation readily visible and easily identifiable against background conditions. Generally, the daymark conveys to the mariner, during daylight hours, the same significance as does the aid's light or reflector at night. The daymark of large lighthouses and towers, however, consists of the structure itself. As a result, these daymarks do not infer lateral significance.
  - (2) Vessels should not pass beacons close aboard due to the danger of collision with rip-rap or structure foundations, or the obstruction or danger that the aid marks.
- (c) Buoys are floating aids to navigation used extensively throughout U.S. waters. They are moored to the seabed by sinkers with chain or other moorings of various lengths.
  - (1) The daymark of a buoy is the color and shape of the buoy and, if so equipped, of the topmark.
    - (i) Can buoys have a cylindrical shape.
    - (ii) Nun buoys have a tapered, conical shape.
    - (iii) Pillar buoys have a wide cylindrical base supporting a narrower superstructure. They may be surmounted by colored shapes called topmarks.
    - (iv) Spherical buoys have a round shape.
  - (2) Mariners attempting to pass a buoy close aboard risk collision with a yawing buoy, the buoy's mooring, or with the obstruction which the buoy marks.
  - (3) Mariners should not rely on buoys alone for determining their positions due to factors limiting their reliability. Prudent mariners will use bearings or angles from beacons or other landmarks, soundings, and various methods of electronic navigation. Buoys vary in reliability because:
    - (i) Buoy positions represented on nautical charts are approximate positions only, due to practical limitations in positioning and maintaining buoys and their sinkers in precise geographical locations.
    - (ii) Buoy moorings vary in length. The mooring lengths define a "watch circle", and buoys can be expected to move within this circle. Actual watch circles do not coincide with the dots or circles representing them on charts.
    - (iii) Buoy positions are normally verified during periodic maintenance visits. Between visits, environmental conditions, including atmospheric and sea conditions, and seabed slope and composition, may shift buoys off their charted positions. Also buoys may be dragged off station, sunk, or capsized by a collision with a vessel.

◉ **§ 62.25 Lateral marks.**

- (a) Lateral marks define the port and starboard sides of a route to be followed. They may be either beacons or buoys.
- (b) Sidemarks are lateral marks which advise the mariner to stay to one side of the mark. Their most frequent use is to mark the sides of channels; however, they may be used individually to mark obstructions outside of clearly defined channels. Sidemarks are not always placed directly on a channel edge and may be positioned outside the channel as indicated on charts and nautical publications.
  - (1) Port hand marks indicate the left side of channels when proceeding in the Conventional Direction of Buoyage. Beacons have green square daymarks, while buoys are green can or pillar buoys.
  - (2) Starboard hand marks indicate the right side of channels when proceeding in the Conventional Direction of Buoyage. Beacons have red triangular daymarks, while buoys are red nun or pillar buoys.
- (c) Preferred channel marks indicate channel junctions or bifurcations and may also mark wrecks or obstructions which the mariner, after consulting a chart to ascertain the location of the obstruction relative to the aid, may pass on either side. Preferred channel marks have red and green horizontal bands with the color of the topmost band indicating the preferred channel. If the topmost band is green, the mark serves as a port hand mark for vessels following the preferred channel proceeding in the Conventional Direction of Buoyage, and as a starboard hand mark for the other channel. Beacons would have square daymarks, while buoys would be can or pillar buoys. If the topmost band is red, the mark serves as a starboard hand mark for vessels following the preferred channel proceeding in the Conventional Direction of Buoyage, and a port hand mark for the other channel. Beacons would have triangular daymarks, while buoys would be nun or pillar buoys.
- (d) The above color schemes apply to IALA Region B. Marks located in the IALA Region A exhibit reversed color significance: port hand marks will be red when following the Conventional Direction of Buoyage, and starboard hand marks will be green. The meaning of daymark and buoy shapes is identical in both regions.
- (e) Certain marks on the Intracoastal Waterway may exhibit reversed lateral significance. See § 62.49.

[CGD 86–031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 88–018, 54 FR 48608, Nov. 24, 1989]

◉ **§ 62.27 Safe water marks.**

Safe water marks indicate that there is navigable water all around the mark. They are often used to indicate fairways or midchannels, or the seaward end of channels. Safe water marks are colored with red and white vertical stripes. Beacons have an octagonal daymark; red and white buoys are spherical or display a red spherical topmark.

[CGD 86–031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 88–018, 54 FR 48608, Nov. 24, 1989]

◉ **§ 62.29 Isolated danger marks.**

Isolated danger marks indicate an isolated danger which may be passed on all sides. As these marks are erected or moored on or near dangers, they should not be approached closely without special caution. These marks are colored black with one or more broad horizontal red bands and are equipped with a topmark of two black spheres, one above the other.

[CGD 86–031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 88–018, 54 FR 48608, Nov. 24, 1989]

◉ **§ 62.31 Special marks.**

Special marks are not primarily intended to assist safe navigation, but to indicate special areas or features referred to in charts or other nautical publications. They may be used, for example, to mark anchorages, cable or pipeline areas, traffic separation schemes, military exercise zones, ocean data acquisition systems, etc. Special marks are colored solid yellow.

◉ **§ 62.32 Inland waters obstruction mark.**

- (a) On inland waters designated by the Commandant as State waters in accordance with § 66.05–5 of this chapter and on non-navigable internal waters of a State which have no defined head of navigation, a buoy showing alternate vertical black and white stripes may be used to indicate to a vessel operator that an obstruction to navigation extends from the nearest shore



to the buoy.

- (b) The black and white buoy's meaning is "do not pass between the buoy and the shore". The number of white and black stripes is discretionary, provided that the white stripes are twice the width of the black stripes. Prior to December 31, 2003, this aid shall not be used on a waterway which has a red and white striped obstruction marker defined in § 66.10–15(e)(3) of this chapter, unless all obstruction markers are replaced.

[CGD 97–018, 63 FR 33573, June 19, 1998]

### ◉ § 62.33 Information and regulatory marks.

- (a) Information and Regulatory Marks are used to alert the mariner to various warnings or regulatory matters. These marks have orange geometric shapes against a white background. The meanings associated with the orange shapes are as follows:
  - (1) A vertical open-faced diamond signifies danger.
  - (2) A vertical diamond shape having a cross centered within indicates that vessels are excluded from the marked area.
  - (3) A circular shape indicates that certain operating restrictions are in effect within the marked area.
  - (4) A square or rectangular shape will contain directions or instructions lettered within the shape.
- (b) When a buoy is used as an information or regulatory mark it shall be white with two horizontal orange bands placed completely around the buoy circumference. One band shall be near the top of the buoy body, with a second band placed just above the waterline of the buoy so that both bands are clearly visible.

[CGD 86–031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 97–018, 63 FR 33573, June 19, 1998]

### ◉ § 62.35 Mooring buoys.

Mooring Buoys are white with a blue horizontal band. This distinctive color scheme is recommended to facilitate identification and to avoid confusion with aids to navigation.

### ◉ § 62.37 Lighthouses.

Lighthouses are prominent beacons of varying size, color, and appearance employed to mark headlands, landfalls, harbor entrances, channel edges, hazards, and other features. While normally identified by their distinctive appearance, some lighthouses display diamond shaped, checkered daymarks to facilitate recognition.

### ◉ § 62.41 Ranges.

Ranges are aids to navigation systems employing dual beacons which, when the structures appear to be in line, assist the mariner in maintaining a safe course. The appropriate nautical chart must be consulted when using ranges to determine whether the range marks the centerline of the navigable channel and also to ascertain what section of the range may be safely traversed. Ranges are generally, but not always, lighted, and display rectangular daymarks of various colors.

[CGD 86–031, 52 FR 42640, Nov. 6, 1987; CGD 86–031, 52 FR 46351, Dec. 5, 1987]

### ◉ § 62.43 Numbers and letters.

- (a) All solid red and solid green aids are numbered, with red aids bearing even numbers and green aids bearing odd numbers. The numbers for each increase in the Conventional Direction of Buoyage. Numbers are kept in approximately sequence on both sides of the channel by omitting numbers where necessary.
- (b) Only sidemarks are numbered. However, aids other than those mentioned above may be lettered to assist in their identification, or to indicate their purpose. Sidemarks may carry letters in addition to numbers to identify the first aid to navigation in a waterway, or when new aids to navigation are added to channels with previously completed numerical sequences. Letters on sidemarks will follow alphabetical order from seaward and proceeding toward the Conventional Direction of Buoyage and will be added to numbers as suffixes.
- (c) Aids to navigation may be fitted with light-reflecting material to increase their visibility in darkness. The colors of this material may convey the same significance as the aid except that letters and numbers may be white.



- (d) Exceptions to the provisions of this section will be found on the Western Rivers System. See § 62.51.
- (e) The guidelines for the display of numbers and letters on aids to navigation are identical for both Region A and Region B; red aids to navigation display even numbers, and green aids display odd numbers.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 88-018, 54 FR 48608, Nov. 24, 1989]

#### ● § 62.45 Light characteristics.

- (a) Lights on aids to navigation are differentiated by color and rhythm. Lighthouses and range lights may display distinctive light characteristics to facilitate recognition. No special significance should be attached to the color or rhythm of such lights. Other lighted aids to navigation employ light characteristics to convey additional information.
- (b) When proceeding in the Conventional Direction of Buoyage, aids to navigation, if lighted, display light characteristics as follows:
  - (1) Green lights mark port (left) sides of channels and locations of wrecks or obstructions which are to be passed by keeping these lights on the port (left) hand of a vessel. Green lights are also used on Preferred Channel Marks where the topmost band is green.
  - (2) Red lights mark starboard (right) sides of channels and locations of wrecks or obstructions which are to be passed by keeping these lights on the starboard (right) hand of a vessel. Red lights are also used on Preferred Channel Marks where the topmost band is red.
  - (3) Certain lights marking the Intracoastal Waterway may display reversed lateral significance. See § 62.49.
- (c) Yellow lights have no lateral significance. Except on the Western Rivers, see § 62.51, white lights have no lateral significance. The purpose of aids exhibiting white or yellow lights may be determined by their shape, color, letters or numbers, and the light rhythm employed.
- (d) Light rhythms, except as noted in § 62.51 for the Western Rivers, are employed as follows:
  - (1) Aids with lateral significance display regularly flashing or regularly occulting light rhythms. Ordinarily, flashing lights (frequency not exceeding 30 flashes per minute) will be used.
  - (2) Preferred Channel Marks display a composite group flashing light rhythm (groups of two flashes followed by one flash).
  - (3) Safe Water Marks display a white Morse Code "A" rhythm (short-long flash).
  - (4) Isolated Danger Marks display a white group flashing two.
  - (5) Special Marks display yellow lights with fixed or slow flashing rhythm preferred.
  - (6) Mooring Buoys and Information and Regulatory Marks display white lights of various rhythms.
  - (7) For situations where lights require a distinct cautionary significance, as at sharp turns, sudden channel constrictions, wrecks, or obstructions, a quick flashing light rhythm (60 flashes per minute) may be used.
- (e) Occasionally lights use sectors to mark shoals or warn mariners of other dangers. Lights so equipped show one color from most directions and a different color or colors over definite arcs of the horizon as indicated on the appropriate nautical chart. These sectors provide approximate bearing information since the observer should note a change of color as the boundary between the sectors is crossed. As sector bearings are not precise, they should be considered a warning only and not used to determine exact bearing to the light.
- (f) Aids to navigation may be fitted with light-reflecting material to increase their visibility in darkness. Green or red reflective material is used only on marks which, if lighted, would exhibit a light of that color. Yellow reflective material is used on special marks and on Intracoastal Waterway marks. No significance is attached to white reflective material.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 88-018, 54 FR 48608, Nov. 24, 1989; CGD 97-018, 63 FR 33573, June 19, 1998]

#### ● § 62.47 Sound signals.

- (a) Often sound signals are located on or adjacent to aids to navigation. When visual signals are obscured, sound signals warn mariners of the proximity of danger.
  - (1) Sound signals are distinguished by their tone and phase characteristics.
    - (i) Tones are determined by the devices producing the sound (i.e., diaphones, diaphragm horns, reed horns, sirens, whistles, bells and gongs).
    - (ii) Phase characteristics are defined by the signal's sound pattern, i.e., the number of blasts and silent periods per minute and their durations. Sound signals emanating from fixed structures generally produce a specific number of blasts and silent periods each minute when operating. Buoy sound signals are generally actuated by the motion of the sea and therefore do not emit a regular signal characteristic.
  - (2) Where no live watch is maintained, sound signals are normally operated continuously. However, some are equipped with fog detectors which activate sound signals when visibility falls below a predetermined limit.
- (b) Mariners should not rely solely on sound signals to determine their positions for the following reasons:
  - (1) Distance cannot be accurately determined by sound intensity.
  - (2) Occasionally sound signals may not be heard in areas close to their location.
  - (3) Signals may not sound in cases where fog exists close to, but not at, the location of the sound signal.
  - (4) As buoy signals are generally activated by sea motion, they may produce no signals when seas are calm.
  - (5) As previously noted, buoy positions are not always reliable. Therefore their sound signals cannot be assumed to be emanating from a fixed position.

• **§ 62.49 Intracoastal Waterway identification.**

- (a) In addition to the conventional signals, aids to navigation marking the Intracoastal Waterway exhibit unique yellow symbols to distinguish them from aids marking other waters.
  - (1) Yellow triangles indicate that aids to navigation so marked should be passed keeping them on the starboard (right) hand of a vessel, regardless of the aid's number, color, or light color.
  - (2) Yellow squares indicate that aids to navigation so marked should be passed keeping them on the port (left) hand of a vessel, regardless of the aid's number, color, or light color.
  - (3) A horizontal yellow band provides no lateral information, but simply identifies aids to navigation as marking the Intracoastal Waterway.
- (b) The above guidelines apply for vessels traversing the Intracoastal Waterway in a southerly direction on the Atlantic Coast, in a westerly direction on the Okeechobee Waterway, or in a westerly direction along the Gulf Coast.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987; CGD 86-031, 52 FR 46351, Dec. 5, 1987]

• **§ 62.51 Western Rivers Marking System.**

- (a) A variation of the standard U.S. aids to navigation system described above is employed on the Mississippi River and tributaries above Baton Rouge, LA and on certain other rivers which flow toward the Gulf of Mexico.
- (b) The Western Rivers System varies from the standard U.S. system as follows:
  - (1) Buoys are not numbered.
  - (2) Numbers on beacons do not have odd/even lateral significance but, rather, indicate mileage from a fixed point (normally the river mouth).
  - (3) Diamond-shaped non-lateral dayboards, checkered red-and-white or green-and-white, similar to those used in the U.S. Aids to Navigation System, as appropriate, are used as crossing dayboards where the river channel crosses from one bank to the other.
  - (4) Lights on green buoys and on beacons with green daymarks show a single flash which may be green or white.

(5) Lights on red buoys and on beacons with red daymarks show a double flash [Group Flashing (2)] which may be red or white.

(6) Isolated danger marks are not used.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987, as amended by CGD-94-091, 61 FR 27782, June 3, 1996; USCG-2001-9286, 66 FR 33640, June 25, 2001]

## § 62.52 Automatic Identification System Aids to Navigation (AIS AtoN).

- (a) Aids to Navigation (AtoN) may be enhanced by the use of an automatic identification system (AIS). AIS is a maritime navigation safety communications protocol standardized by the International Telecommunication Union and adopted by the International Maritime Organization for the broadcast or exchange of navigation information between vessels, aircraft, and shore stations. AIS AtoN can autonomously and at fixed intervals broadcast the name, position, dimensions, type, characteristics and status from or concerning an aid to navigation.
- (b) AIS AtoN can be either physical (fitted to the AtoN), synthetic (physically fitted somewhere other than to the AtoN) or virtual (physically nonexistent, but capable of being portrayed on AIS-capable displays).
- (c) AIS AtoN can also be used to broadcast both laterally (e.g., Port Hand Mark) and non-laterally significant marine safety information (e.g., environmental data, tidal information, and navigation warnings).

[USCG-2005-21869, 80 FR 5329, Jan. 30, 2015, as amended by USCG-2021-0348, 87 FR 3223, Jan. 21, 2022]

## § 62.53 Racons.

- (a) Aids to navigation may be enhanced by the use of radar beacons (racons). Racons, when triggered by a radar signal, will transmit a coded reply to the interrogating radar. This reply serves to identify the aid station by exhibiting a series of dots and dashes which appear on the radar display in a line emanating radially from just beyond the echo of the aid station. Although racons may be used on both laterally significant and non-laterally significant aids alike, the racon signal itself is for identification purposes only, and therefore carries no lateral significance.
- (b) Racons are also used as bridge marks to mark the best point of passage.

## § 62.54 Ownership identification.

Ownership identification on private or state aids to navigation is permitted so long as it does not change or hinder an understanding of the meaning of the aid to navigation.

[CGD 97-018, 63 FR 33573, June 19, 1998]

## Subpart C [Reserved]

## Subpart D—Public Participation in the Aids to Navigation System


### § 62.63 Recommendations.



- (a) The public may recommend changes to existing aids to navigation, request new aids or the discontinuation of existing aids, and report aids no longer necessary for maritime safety. These recommendations should be sent to the appropriate District Commander.
- (b) Recommendations, requests and reports should be documented with as much information as possible to justify the proposed action. Desirable information includes:
  - (1) Nature of the vessels which transit the area(s) in the question, including type, displacement, draft, and number of passengers and crew.
  - (2) Where practicable, the kinds of navigating devices used aboard such vessels (e.g, magnetic or gyro compasses, radio direction finders, radar, loran, and searchlights).
  - (3) A chartlet or sketch describing the actual or proposed location of the aid(s), and a description of the action requested or recommended.

• § 62.65 Procedure for reporting defects and discrepancies.

- (a) Mariners should notify the nearest Coast Guard facility immediately of any observed aids to navigation defects or discrepancies.
- (b) The Coast Guard cannot monitor the many thousands of aids in the U.S. Aids to Navigation System simultaneously and continuously. As a result, it is not possible to maintain every aid operating properly and on its charted position at all times. Marine safety will be enhanced if persons finding aids missing, sunk, capsized, damaged, off station, or showing characteristics other than those advertised in the Light List, or other publication, promptly inform the Coast Guard. When making the report to the Coast Guard the mariner should consult the Light List to ensure the correct geographical information is used due to the similarity of names and geographical areas.
- (c) Procedures for reporting defects and discrepancies:
  - (1) **Radio messages** should be prefixed "Coast Guard" and transmitted directly to a Government shore radio station listed in Chapter three of Radio Navigation Aids Publication, 117, for relay to the relevant District Commander.
  - (2) Telephone, e-mail, or facsimile messages may also be used to advise the nearest Coast Guard unit of defects or discrepancies in aids to navigation.
  - (3) Via our Web portal at <http://www.navcen.uscg.gov>.

*[CGD 86-031, 52 FR 42640, Nov. 6, 1987, as amended by USCG-2000-7223, 65 FR 40054, June 29, 2000; USCG-2001-9286, 66 FR 33640, June 25, 2001; USCG-2001-10714, 69 FR 24982, May 5, 2004; USCG-2008-0179, 73 FR 35002, June 19, 2008]*

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**Title 33 —Navigation and Navigable Waters**  
**Chapter I —Coast Guard, Department of Homeland Security**  
**Subchapter C —Aids to Navigation**

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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.



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**Title 33 —Navigation and Navigable Waters**  
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⦿ **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) No person, public body, or instrumentality not under the control of the Commandant, exclusive of the Armed Forces, will establish and maintain, discontinue, change or transfer ownership of any aid to maritime navigation, without first obtaining permission to do so from the Commandant.
- (b) For the purposes of this subpart, the term private aids to navigation includes all marine aids to navigation operated in the navigable waters of the United States other than those operated by the Federal Government (part 62 of this subchapter) or those operated in State waters for private aids to navigation (subpart 66.05).
- (c) Coast Guard authorization of a private aid to navigation does not authorize any invasion of private rights, nor grant any exclusive privileges, nor does it obviate the necessity of complying with any other Federal, State or local laws or regulations.

• **§ 66.01-3 Delegation of authority to District Commanders.**

- (a) Under Section 888 of Pub. L. 107–296, 116 Stat. 2135, the Commandant delegates to the District Commanders within the confines of their respective districts (see Part 3 of this chapter for descriptions) the authority to grant permission to establish and maintain, discontinue, change or transfer ownership of private aids to maritime navigation, and otherwise administer the requirements of this subpart.
- (b) The decisions of the District Commander may be appealed within 30 days from the date of decision. The decision of the Commandant in any case is final.

*[CGFR 68–152, 33 FR 19816, Dec. 27, 1968, as amended by USCG–1998–3799, 63 FR 35526, June 30, 1998; USCG–2003–14505, 68 FR 9535, Feb. 28, 2003]*

• **§ 66.01-5 Application procedure.**

To establish and maintain, discontinue, change, or transfer ownership of a private aid to navigation, you must apply to the Commander of the Coast Guard District in which the aid is or will be located. You can find application form CG–2554 at [http://www.uscg.mil/forms/form\\_public\\_use.asp](http://www.uscg.mil/forms/form_public_use.asp). You must complete all parts of the form applicable to the aid concerned, and must forward the application to the District Commander. You must include the following information:

- (a) The proposed position of the aid to navigation by two or more horizontal angles, bearings and distance from charted landmarks, or the latitude and longitude as determined by GPS or differential GPS. Attach a section of chart or sketch showing the proposed position.
- (b) The name and address of the person at whose expense the aid will be maintained.
- (c) The name and address of the person who will maintain the aid to navigation.
- (d) The time and dates during which it is proposed to operate the aid.
- (e) The necessity for the aid.
- (f) For lights: The color, characteristic, range, effective intensity, height above water, and description of illuminating apparatus. Attach a copy of the manufacturer's data sheet to the application.
- (g) For sound signals: Type (whistle, horn, bell, etc.) and characteristic.
- (h) For buoys or daybeacons: Shape, color, number, or letter, depth of water in which located or height above water.
- (i) For AIS AtoN and racons: Manufacturer and model number of AIS AtoN and racon, position and height above water of desired installation, and requested MORSE coding or AIS AtoN message characteristics. Equipment must have FCC authorization.

*[CGFR 68–152, 33 FR 19816, Dec. 27, 1968, as amended by CGD 85–057, 51 FR 11448, Apr. 3, 1986; USCG–2000–7466, 68 FR 68238, Dec. 8, 2003; USCG–2000–7466, 69 FR 12541, Mar. 17, 2004; USCG–2001–10714, 69 FR 24982, May 5, 2004; USCG–2008–0179, 73 FR 35002, June 19, 2008; USCG–2012–0306, 77 FR 37312, June 21, 2012; USCG–2005–21869, 80 FR 5330, Jan. 30, 2015]*

• **§ 66.01-10 Characteristics.**

The characteristics of a private aid to navigation must conform to those prescribed by the United States Aids to Navigation System set forth in subpart B of part 62 of this subchapter.

*[USCG–2000–7466, 68 FR 68238, Dec. 8, 2003]*

• **§ 66.01-11 Lights.**

- (a) Except for range and sector lights, each light approved as a private aid to navigation must:
  - (1) Have at least the effective intensity required by this subpart omnidirectionally in the horizontal plane, except at the seams of its lens-mold.
  - (2) Have at least 50% of the effective intensity required by this subpart within  $\pm 2^\circ$  of the horizontal plane.

- (3) Have a minimum effective intensity of at least 1 candela for a range of 1 nautical mile, 3 candelas for one of 2 nautical miles, 10 candelas for one of 3 nautical miles, and 54 candelas for one of 5 nautical miles. The District Commander may change the requirements for minimum intensity to account for local environmental conditions. For a flashing light this intensity is determined by the following formula:

$$I_e = G / (0.2 + t_2 - t_1)$$

Where:

$I_e$  = Effective intensity

$G$  = The integral of the instantaneous intensity of the flashed light with respect to time

$t_1$  = Time in seconds at the beginning of the flash

$t_2$  = Time in seconds at the end of the flash

$t_2 - t_1$  is greater than or equal to 0.2 seconds.

- (4) Unless the light is a prefocused lantern, have a means of verifying that the source of the light is at the focal point of the lens.
- (5) Emit a color within the angle of 50% effective intensity with color coordinates lying within the boundaries defined by the corner coordinates in Table 66.01–11(5) of this part when plotted on the Standard Observer Diagram of the International Commission on Illumination (CIE).

Table 66.01–11(5)—Coordinates of Chromaticity

Color	Coordinates of chromaticity	
	x axis	y axis
White	0.500	0.382
	0.440	0.382
	0.285	0.264
	0.285	0.332
	0.453	0.440
	0.500	0.440
Green	0.305	0.689
	0.321	0.494
	0.228	0.351
	0.028	0.385
Red	0.735	0.265
	0.721	0.259
	0.645	0.335
	0.665	0.335
Yellow	0.618	0.382
	0.612	0.382

Color	Coordinates of chromaticity	
	x axis	y axis
	0.555	0.435
	0.560	0.440

- (6) Have a recommended interval for replacement of the source of light that ensures that the lantern meets the minimal required intensity stated in paragraph (a)(3) of this section in case of degradation of either the source of light or the lens.
- (7) Have autonomy of at least 10 days if the light has a self-contained power system. Power production for the prospective position should exceed the load during the worst average month of insolation. The literature concerning the light must clearly state the operating limits and service intervals. Low-voltage disconnects used to protect the battery must operate so as to prevent sporadic operation at night.
- (b) The manufacturer of each light approved as a private aid to navigation must certify compliance by means of an indelible plate or label affixed to the aid that meets the requirements of § 66.01–14.

[USCG–2000–7466, 68 FR 68238, Dec. 8, 2003]

• **§ 66.01-12 May I continue to use the private aid to navigation I am currently using?**

If, after March 8, 2004, you modify, replace, or install any light that requires a new application as described in § 66.01–5, you must comply with the rules in this part.

[USCG–2000–7466, 68 FR 68239, Dec. 8, 2003]

• **§ 66.01-13 When must my newly manufactured equipment comply with these rules?**

After March 8, 2004, equipment manufactured for use as a private aid to navigation must comply with the rules in this part.

[USCG–2000–7466, 68 FR 68239, Dec. 8, 2003]

• **§ 66.01-14 Label affixed by manufacturer.**

- (a) Each light, intended or used as a private aid to navigation authorized by this part, must bear a legible, indelible label (or labels) affixed by the manufacturer and containing the following information:
  - (1) Name of the manufacturer.
  - (2) Model number.
  - (3) Serial number.
  - (4) Words to this effect: “This equipment complies with requirements of the U.S. Coast Guard in 33 CFR part 66.”
- (b) This label must last the service life of the equipment.
- (c) The manufacturer must provide the purchaser a data sheet containing the following information:
  - (1) Recommended service life based on the degradation of either the source of light or the lamp.
  - (2) Range in nautical miles.
  - (3) Effective intensity in candela.
  - (4) Size of lamp (incandescent only).
  - (5) Interval, in days or years, for replacement of dry-cell or rechargeable battery.

[USCG–2000–7466, 68 FR 68239, Dec. 8, 2003]

• **§ 66.01-15 Action by Coast Guard.**

- (a) The District Commander receiving the application will review it for completeness and will assign the aid one of the following classifications:

Class I: Aids to navigation on marine structures or other works which the owners are legally obligated to establish, maintain and operate as prescribed by the Coast Guard.

Class II: Aids to navigation exclusive of Class I located in waters used by general navigation.

Class III: Aids to navigation exclusive of Class I located in waters not ordinarily used by general navigation.

- (b) Upon approval by the District Commander, a signed copy of the application will be returned to the applicant. Approval for the operation of radar beacons (racons) will be effective for an initial two year period, then subject to annual review without further submission required of the owner.

*[CGFR 68-152, 33 FR 19816, Dec. 27, 1968, as amended by CGD 85-057, 51 FR 11448, Apr. 3, 1986]*

• **§ 66.01-20 Inspection.**

All classes of private aids to navigation shall be maintained in proper operating condition. They are subject to inspection by the Coast Guard at any time and without prior notice.

• **§ 66.01-25 Discontinuance and removal.**

- (a) No person, public body or instrumentality shall change, move or discontinue any authorized private aid to navigation required by statute or regulation (Class I, § 66.01-15) without first obtaining permission to do so from the District Commander.
- (b) Any authorized private aid to navigation not required by statute or regulation (Classes II and III, § 66.01-15) may be discontinued and removed by the owner after 30 days' notice to the District Commander to whom the original request for authorization for establishment of the aid was submitted.
- (c) Private aids to navigation which have been authorized pursuant to this part shall be discontinued and removed without expense to the United States by the person, public body or instrumentality establishing or maintaining such aids when so directed by the District Commander.

• **§ 66.01-30 Corps of Engineers' approval.**

- (a) Before any private aid to navigation consisting of a fixed structure is placed in the navigable waters of the United States, authorization to erect such structure shall first be obtained from the District Engineer, U.S. Army Corps of Engineers in whose district the aid will be located.
- (b) The application to establish any private aid to navigation consisting of a fixed structure shall show evidence of the required permit having been issued by the Corps of Engineers.

• **§ 66.01-40 Exemptions.**

- (a) Nothing in the preceding sections of this subpart shall be construed to interfere with or nullify the requirements of existing laws and regulations pertaining to the marking of structures, vessels and other obstructions sunken in waters subject to the jurisdiction of the United States (Part 64 of this subchapter), the marking of artificial islands and structures which are erected on or over the seabed and subsoil of the Outer Continental Shelf (Part 67 of this subchapter), or the lighting of bridges over navigable waters of the United States (Subchapter J of this subchapter).
- (b) Persons marking bridges pursuant to Subchapter J of this title are exempted from the provisions of § 66.01-5.

*[CGD 78-156, 48 FR 11268, Mar. 17, 1983]*

• **§ 66.01-45 Penalties.**

Any person, public body or instrumentality, excluding the armed forces, who shall establish, erect or maintain any aid to maritime navigation without first obtaining authority to do so from the Coast Guard, with the exception of those established in accordance with § 64.11 of this chapter, or who shall violate the regulations relative thereto issued in this part, is subject to the provisions of 14 U.S.C.

[CGD 78-156, 48 FR 11268, Mar. 17, 1983, as amended by USCG-2008-0179, 73 FR 35002, June 19, 2008; USCG-2020-0304, 85 FR 58277, Sept. 18, 2020]

⦿ **§ 66.01-50 Protection of private aids to navigation.**

Private aids to navigation lawfully maintained under these regulations are entitled to the same protection against interference or obstruction as is afforded by law to Coast Guard aids to navigation (Part 70 of this subchapter). If interference or obstruction occurs, a prompt report containing all the evidence available should be made to the Commander of the Coast Guard District in which the aids are located.

⦿ **§ 66.01-55 Transfer of ownership.**

- (a) When any private aid to navigation authorized by the District Commander, or the essential real estate or facility with which the aid is associated, is sold or transferred, both parties to the transaction shall submit application (§ 66.01-5) to the Commander of the Coast Guard District in which the aid is located requesting authority to transfer responsibility for maintenance of the aid.
- (b) The party relinquishing responsibility for maintenance of the private aid to navigation shall indicate on the application form (CG-2554) both the discontinuance and the change of ownership of the aid sold or transferred.
- (c) The party accepting responsibility for maintenance of the private aid to navigation shall indicate on the application form (CG-2554) both the establishment and the change of ownership of the aid sold or transferred.
- (d) In the event the new owner of the essential real estate or facility with which the aid is associated refuses to accept responsibility for maintenance of the aid, the former owner shall be required to remove the aid without expense to the United States. This requirement shall not apply in the case of any authorized private aid to navigation required by statute or regulation (Class I, § 66.01-15) which shall be maintained by the new owner until the conditions which made the aid necessary have been eliminated.





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**Title 33 —Navigation and Navigable Waters**  
**Chapter I —Coast Guard, Department of Homeland Security**  
**Subchapter J —Bridges**

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⦿ **PART 114—GENERAL**

**Authority:** 33 U.S.C. 401, 406, 491, 494, 495, 499, 502, 511, 513, 514, 516, 517, 519, 521, 522, 523, 525, 528, 530, 533, and 535(c), (e), and (h); 14 U.S.C. 503; 49 U.S.C. 1655(g); Public Law 107–296, 116 Stat. 2135; 33 CFR 1.05–1 and 1.01–60, Department of Homeland Security Delegation Number 0170.1.

**Source:** CGFR 67–46, 32 FR 17769, Dec. 12, 1967, unless otherwise noted.

⦿ **§ 114.01 Purpose.**

- (a) The purpose of the rules and regulations in this subchapter is to implement certain laws and set forth the requirements for:
  - (1) Locations and clearances of bridges and causeways over the navigable waters;
  - (2) Administration of the alteration of unreasonably obstructive bridges; and
  - (3) Regulation of drawbridge operation.
- (b) The rules and regulations in this subchapter also describe the procedures, practices, and instructions, which are applicable to the public subject to certain laws governing bridges and causeways over the navigable waters of the United States.

*[USCG–2008–0179, 73 FR 35012, June 19, 2008, as amended by USCG–2013–0397, 78 FR 39174, July 1, 2013]*

⦿ **§ 114.05 Definitions.**

The following definitions apply to this subchapter:

**Approved** means approved by the Commandant unless otherwise stated.

**Bridge** means a structure erected across navigable waters of the United States, and includes causeways, approaches, fenders, and other appurtenances thereto.

**Coast Guard District Commander or District Commander** means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his or her district. (See part 3 of this chapter for descriptions of Coast Guard Districts.)

**Commandant** means Commandant, U.S. Coast Guard, Department of Homeland Security, Washington, DC 20593.

**Deputy Commandant for Operations** means the officer of the Coast Guard designated by the Commandant as the staff officer in charge of "Operations" (DCO), U.S. Coast Guard Headquarters.

**District Office or Coast Guard District Office** means the Office of the Commander of a Coast Guard District.

**Headquarters or Coast Guard Headquarters** means the Office of the Commandant, U.S. Coast Guard, Department of Homeland Security, Washington, DC 20593–7000.

**Permit** means the license permitting construction of bridges and approaches thereto in or over navigable waters of the United States, issued under the rules and regulations in this subchapter.

**Secretary** means the Secretary of Homeland Security or any person to whom he or she has delegated his or her authority in the matter concerned.

**United States Coast Guard or Coast Guard** means the organization or agency established by the Act of January 28, 1915, as amended (14 U.S.C. 101).

[USCG–2012–0306, 77 FR 37313, June 21, 2012, as amended by USCG–2020–0304, 85 FR 58278, Sept. 18, 2020]

#### § 114.10 General policies on issuance of permits and drawbridge operation regulations.

The several bridge laws referenced in the Authority for part 114, are intended to prevent any interference with navigable waters of the United States whether by bridges, dams, dikes or other obstructions to navigation except by express permission of the United States. The decision as to whether a bridge permit or a drawbridge operation regulation will be issued or promulgated must rest primarily upon the effect of the proposed action on navigation to assure that the action provides for the reasonable needs of navigation after full consideration of the effect of the proposed action on the human environment. The Coast Guard is not responsible for any other permits that the applicant may need from other federal, state, or local agencies and issuance of a bridge permit does not affect flood control projects or other governmental programs.

[CGD 82–006, 47 FR 36640, Aug. 23, 1982, as amended by USCG–2000–7223, 65 FR 40056, June 29, 2000; USCG–2013–0397, 78 FR 39174, July 1, 2013]

#### § 114.20 Departure from permit plans.

- (a) If the final inspection shows a minor departure from the authorized plans which does not materially affect navigation, the permittee will be required to furnish as-built plans showing the work as actually constructed but no further action will be taken by the Coast Guard.
- (b) It is not the practice of the Coast Guard to issue letters certifying that completed work conforms to that which was authorized. That question is a matter of fact to be determined in case of controversy by the usual rules of court procedure.

[CGFR 67–46, 32 FR 17769, Dec. 12, 1967, as amended by USCG–2012–0306, 77 FR 37314, June 21, 2012]

#### § 114.25 Work constructed without prior authority.

The Commandant or District Commander will approve plans and issue permits authorizing bridges across navigable waters, in cases where the application therefor is submitted after the commencement or completion of the bridges subject to the following rules: Approval will be limited to those cases where the necessary primary authority, State or Federal as the case may be, validly existed, when the work was innocently constructed, and where the work will not unreasonably interfere with navigation. Upon issuance of the permit, applicant will be informed that the law contemplates prior approval and that in the future plans must be submitted in ample time for their consideration by the Commandant or District Commander before construction is begun.

(5 U.S.C. 559; 14 U.S.C. 503; 33 U.S.C. 401, 491, 499, and 525; and 49 CFR 1.46(c) and (q))

⦿ **§ 114.30 Revocation.**

Permits may be revoked by the issuing official for failure on the part of the permittee to comply with any of the conditions therein, or where the structures or other work constitute an unreasonable obstruction to navigation or to operations of the United States in the interest of navigation or flood control.

[CGD 82-006, 47 FR 36640, Aug. 23, 1982]

⦿ **§ 114.40 Violations of law.**

The Coast Guard has the authority and responsibility for enforcement of the applicable provisions of law for the protection and preservation of navigable waters. It is the policy of the Coast Guard to secure compliance with these provisions of law short of legal proceedings. As a general principle, no action is taken when the violation is minor, unintentional, or accidental and the party responsible corrects the violation. It is the policy of the Coast Guard to implement civil or criminal proceedings in all other circumstances. These proceedings are in subpart 1.07 of Part 1 of this chapter.

(Secs. 107, 108, Pub. L. 97-322, 96 Stat. 1582; (33 U.S.C. 495, 499, 502, 525, 533); 49 CFR 1.46(c))

[CGD 82-102, 47 FR 54299, Dec. 2, 1982, as amended by USCG-2001-9286, 66 FR 33641, June 25, 2001]

⦿ **§ 114.45 Applications, extensions of time.**

Extensions of time to commence or complete construction of a bridge or remove a bridge that has been replaced as an element of a permitted bridge project must be submitted to, and received by the District Commander at least 30 days before the existing permit expires to allow the permit to remain in effect until the final agency action is taken.

(33 U.S.C. 401, 491, 525, 535; 49 CFR 1.46(c) (8), (9), (10), (q))

[CGD 76-144, 42 FR 28882, June 6, 1977]

⦿ **§ 114.50 Right of appeal.**

A District Commander's decision to deny a bridge permit application or an application for drawbridge operation regulations may be appealed to the Commandant, U.S. Coast Guard. The appeal must be submitted in writing to the Commandant (CG-BRG), Attn: Office of Bridge Programs, U.S. Coast Guard Stop 7418, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7418, within 60 days of the District Commander's decision. The Commandant will take action on the appeal within 90 days of its receipt.

(5 U.S.C. 559; 14 U.S.C. 503; 33 U.S.C. 401, 491, 499, and 525; and 49 CFR 1.46(c) and (q))

[CGD 80-099, 46 FR 38354, July 27, 1981]

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**EDITORIAL NOTE**

**Editorial Note:** For FEDERAL REGISTER citations affecting § 114.50, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.govinfo.gov](http://www.govinfo.gov).

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