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April 9, 2015

MARINE SAFETY INFORMATION BULLETIN 03-15

Coast Guard Oversight of Uninspected Passenger Vessels in Western Alaska

- Ref:
- (a) Title 46 United States Code (USC) 2101
 - (b) Title 33 Code of Federal Regulations (CFR) 2.05-25
 - (c) Title 46 Code of Federal Regulations (CFR) Subchapter C
 - (d) Enclosure (1) to LANT/PACAREAINST 16710.2 "Requirements for Uninspected Passenger Vessels"
 - (e) Sector Anchorage's Marine Safety Information Bulletin 04-15
 - (f) Title 46 Code of Federal Regulations (CFR) 4
 - (g) Title 46 Code of Federal Regulations (CFR) 16
 - (h) Title 49 Code of Federal Regulations (CFR) 40
 - (i) "Marine Employers Drug Testing Guidance," USCG Headquarters Office of Investigations & Casualty Analysis (CG-545), 2009
 - (j) Title 33 Code of Federal Regulations (CFR) 173 Subpart C

PURPOSE: This informational bulletin provides guidance for operators of Uninspected Passenger Vessels (UPV) within the Western Alaska Officer in Charge of Marine Inspection (OCMI) Zone. The bulletin synthesizes multiple existing references and contacts in order to provide a single starting point for local UPV operators.

UNINSPECTED PASSENGER VESSELS: A UPV is a vessel under 300 gross registered tons carrying a limited number of passengers-for-hire on a navigable waterway. In Western Alaska, the majority of UPV operators are also fishing or hunting guides.

- **"Six-pack" UPV:** A vessel of less than 100 gross registered tons may carry up to six passengers without a Coast Guard Certificate of Inspection.
- **"Twelve-pack" UPV:** A vessel of 100 gross registered tons or more may carry up to 12 passengers without a Coast Guard Certificate of Inspection.
- **Passenger-for-hire:** Reference (a) defines a passenger-for-hire. In addition to the obvious case of someone who has paid specifically to go out on a boat ride, a passenger-for-hire might also be someone who is receiving a boat ride as part of a larger package, such as an all-inclusive hunting trip or a stay at an island lodge. Note that it is not permissible to carry seven passengers under the rationale that only six are paying and the seventh is free; the presence of a single paying passenger limits the total number of passengers to six or twelve (depending on the tonnage of the vessel), regardless of whether or not the other passengers are paying. Deckhands do not count as passengers.
- **Navigable waterways:** UPVs that operate on saltwater within 12 nautical miles of shore are operating on navigable waterways. Note that all waterways adjoining the ocean are considered navigable up to mean high water, per reference (b). Certain inland lakes and rivers are also considered

navigable. Provided in Enclosure (1) is a list of specific inland waterways that the Coast Guard considers to be navigable in the Western Alaska Officer in Charge of Marine Inspection (OCMI) Zone (which includes all of Alaska except the panhandle from approximately Icy Bay and south).

REQUIREMENTS: It is the responsibility of UPV owners and operators to know and comply with all applicable federal regulations governing vessel safety. Violations of regulations that come to light as a result of underway Coast Guard boardings or post-casualty investigations may result in voyage terminations, civil penalties, and/or suspension or revocation of operators' merchant mariner credentials. General information about UPV requirements can be found at <http://alaska5star.us/references>.

- **Vessel Equipment and Operations:** The majority of regulations governing safety equipment and operational requirements applicable to UPVs are available in reference (c). However, UPV operators may find the guidance offered in reference (d) to be more accessible, as this handbook spells out requirements in more detail and includes illustrations. The booklet can be downloaded from http://www.uscg.mil/pvs/docs/UPV_GUIDEBOOK_2014rev.pdf.
- **Merchant Mariner Credentials:** Each UPV must be under the direction and control of an individual who holds a credential commensurate with the size of the vessel and the route on which the vessel operates. More information about credentialing is available from the Anchorage Regional Examination Center at <http://www.uscg.mil/nmc/recs/>. Operators seeking Restricted Operator of Uninspected Passenger Vessel Operator endorsements should consult reference (e), available, along with this bulletin, at <http://www.uscg.mil/d17/sectoranchorage/msib.asp>.
- **Chemical Testing:** All crewmembers on UPVs are subject to drug and alcohol testing requirements, including pre-employment, random and post-casualty tests. Marine Employers are responsible for ensuring that their chemical testing programs are in compliance with references (f), (g) and (h). A user-friendly handbook that consolidates and explains the requirements is available in reference (i). This guide may be downloaded from: www.uscg.mil/nmc/drug_testing/pdfs/employers_drug_testing_guide-2009.pdf.
- **Marine Casualty Reporting:** UPVs that are federally documented must report certain types of accidents to the Coast Guard, per reference (f). A complete list of "reportable marine casualties" and guidance on how to report is available in Enclosure (2). UPVs that are registered with the State of Alaska must report incidents to the Coast Guard in accordance with reference (j); these incidents include death, disappearance of a person, or injury-beyond-first-aid, as well as damage greater than \$2000, or loss of a vessel.

BEST PRACTICES: Mandatory UPV requirements represent a minimum level of safety. Operators in Alaska's unforgiving environment are strongly encouraged to take additional measures to ensure the safety of themselves and their passengers.

- **Dockside Examinations:** The Coast Guard offers free voluntary dockside examinations of UPVs. Upon request, a member of the Coast Guard or Coast Guard Auxiliary will visit the UPV at a place and time convenient to both parties. In areas with qualified examiners, exams can be scheduled easily. The Coast Guard may defer exams requested in remote areas until another Coast Guard mission brings qualified examiners to the area, or until a group of UPV exam requests in a given area can justify the expenditure of limited travel funds. A UPV in full compliance with all requirements will earn a decal, good for two years, which may reduce the UPV's chance of being involuntary boarded by a Coast Guard law enforcement team. UPVs not in full compliance will receive a work-list of items to address, but will not be subject to penalties based on the exam. To schedule a UPV exam,

operators should follow the guidance on this webpage: http://alaska5star.us/request_an_exam. Sector Anchorage is also happy to help explain regulations over the phone, answering specific compliance questions as they arise.

- **Seventeenth Coast Guard District Five-Star Safety Program:** Within Alaska, the Coast Guard has implemented a special program that recognizes UPV operators who have invested in safety equipment that extends beyond the minimum equipment required by regulation. There are a total of five voluntary safety-related items. The level of additional equipment carried is indicated by the number of safety stars displayed on the UPV decal. One star will be awarded for each additional measure properly implemented and maintained on board these vessels. The five voluntary safety measures include: a safety training program; a bilge high-level alarm and high capacity bilge pump; a handheld 5-watt VHF radio; a 406MHz EPIRB; and a Raft/IBA for 100% of people on board. UPV operators with current Five-Star status (holding between one and five stars) are publically listed and may use their status in marketing efforts. More information about the program is available at www.alaska5star.us.
- **First Aid and CPR:** Due to the remote nature of Alaskan waterways, Sector Anchorage highly recommends that all UPV operators maintain current first aid and CPR qualifications. A Wilderness First Aid credential is encouraged, but not required.
- **Communications and Emergency Response:** Many areas of Alaska have no VHF or cellular phone coverage. Emergency response resources can be limited. Sector Anchorage encourages operators of UPVs to develop and test communications plans and emergency response plans appropriate for their specific areas of operations.

CONTACTS: Questions regarding UPV requirements in Western Alaska status should be directed to Sector Anchorage Inspections Division at 907-428-4164 or anchorage.inspections@uscg.mil.

Sincerely,



PAUL MEHLER III
Captain, U. S. Coast Guard
Officer in Charge, Marine Inspection
Western Alaska

Enclosures: (1) Navigable Waterways of Western Alaska
(2) Marine Casualty Reporting in Western Alaska

Copy: CG District Seventeen
CG MSU Valdez
CG MSD Dutch Harbor
CG MSD Homer
CG MSD Kodiak

COAST GUARD REPORTING

in the Arctic and in Western Alaska (west of 148°26')



**Sector Anchorage
Command Center**
call 24/7 via radio or phone

phone: **907-428-4100**
fax: 907-428-4114
sector.anchorage@uscg.mil



The events described in 46 CFR 4.05 (see page 2) are *Reportable Marine Casualties*. Commercial vessel operators have two reporting responsibilities:

1. Call Sector Anchorage's Command Center **immediately** via radio, sat phone or cell phone to make an initial verbal report. *Note: Immediate reporting is not just for situations in which life or property is in danger; it is required for any incident described in 46 CFR 4.05. If you are unsure about whether or not an event meets the definition, call and ask to discuss the situation with an Investigating Officer.*
2. Complete form CG-2692 and turn it in within **five days** of the accident. Captains can email or fax the form to Sector Anchorage's Command Center, or mail or hand deliver a hard copy to: Sector Anchorage; Marine Safety Detachment Dutch Harbor; Marine Safety Detachment Kodiak; or Marine Safety Detachment Homer.

Some *Reportable Marine Casualties* require follow-up chemical testing. These are *Serious Marine Incidents* (see page 2 for definition). These events require alcohol testing (within 2 hours unless safety concerns delay to within 8 hours) and DOT drug testing (within 32 hours). Not everyone needs to be tested in every event; it is the marine employer's responsibility to determine which crewmembers were directly involved in the incident. Report drug and alcohol testing to the Coast Guard within five days of the accident using form CG-2692b. If drug test results are not available within five days, turn the CG-2692b in and send results later.

Per Coast Guard policy, those involved in *Serious Marine Incidents* should also complete 96-hour work/rest history forms (available at <http://www.uscg.mil/d17/SectorAnchorage/>).

REPORTABLE MARINE CASUALTY

46 CFR 4.05-1 Notice of marine casualty.

(a) Immediately after the addressing of resultant safety concerns, the owner, agent, master, operator, or person in charge, shall notify the nearest Sector Office, Marine Inspection Office or Coast Guard Group Office whenever a vessel is involved in a marine casualty consisting in—

- (1) An unintended **grounding**, or an unintended strike of (allison with) a **bridge**;
- (2) An intended grounding, or an intended strike of a bridge, that creates a hazard to navigation, the environment, or the safety of a vessel, or that meets any criterion of paragraphs (a) (3) through (8);
- (3) A loss of main propulsion, primary steering, or any associated component or control system that reduces the **maneuverability** of the vessel;
- (4) An occurrence materially and adversely affecting the vessel's **seaworthiness** or fitness for service or route, including but not limited to fire, flooding, or failure of or damage to fixed fire-extinguishing systems, lifesaving equipment, auxiliary power-generating equipment, or bilge-pumping systems;
- (5) A **loss of life**;
- (6) An **injury** that requires professional medical treatment (treatment beyond first aid) and, if the person is engaged or employed on board a vessel in commercial service, that renders the individual unfit to perform his or her routine duties; or
- (7) An occurrence causing property-damage in excess of **\$25,000**, this damage including the cost of labor and material to restore the property to its condition before the occurrence, but not including the cost of salvage, cleaning, gas-freeing, drydocking, or demurrage.
- (8) An occurrence involving significant **harm to the environment** as defined in § 4.03-65.

(b) Notice given as required by 33 CFR 160.215 satisfies the requirement of this section if the marine casualty involves a hazardous condition as defined by 33 CFR 160.204.

(c) Except as otherwise required under this subpart, if the marine casualty exclusively involves an occurrence or occurrences described by paragraph (a)(8) of this section, a report made pursuant to 33 CFR 153.203, CFR 117.21, or 40 CFR 302.6 satisfies the immediate notification requirement of this section.

Fines for failure to report immediately or in writing can be as high as \$35,000 per offense.

Download CG-2692 from www.uscg.mil/forms/cg/CG_2692.pdf

SERIOUS MARINE INCIDENT

46 CFR 4.03-2 Serious marine incident.

The term serious marine incident includes the following events involving a vessel in commercial service:

(a) Any marine casualty or accident as defined in § 4.03-1 which is required by § 4.05-1 to be reported to the Coast Guard and which results in any of the following:

- (1) One or more **deaths**;
- (2) An **injury** to a crewmember, passenger, or other person which requires professional medical treatment beyond first aid, and, in the case of a person employed on board a vessel in commercial service, which renders the individual unfit to perform routine vessel duties;
- (3) Damage to property, as defined in § 4.05-1(a)(7) of this part, in excess of **\$100,000**;
- (4) Actual or constructive **total loss** of any vessel subject to inspection under 46 U.S.C. 3301; or
- (5) Actual or constructive **total loss** of any self-propelled vessel, not subject to inspection under 46 U.S.C. 3301, of 100 gross tons or more.

(b) A discharge of oil of **10,000 gallons** or more into the navigable waters of the United States, as defined in 33 U.S.C. 1321, whether or not resulting from a marine casualty.

(c) A discharge of a reportable quantity of a **hazardous substance** into the navigable waters of the United States, or a release of a reportable quantity of a hazardous substance into the environment of the United States, whether or not resulting from a marine casualty.

The fine for failure to conduct testing can be as high as \$7000 per offense.

Download CG-2692b from www.uscg.mil/forms/cg/CG_2692b.pdf