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D8(m) Policy Ltr 03-2003  
22 October 2003

## MEMORANDUM

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From: D. F. RYAN II  
CGD8(m)

Reply to  
Attn of: Mr. Maehler

To: Distribution

Subj: SURVIVAL CRAFT AND LIFESAVING EQUIPMENT REQUIREMENTS FOR  
NON-SOLAS PASSENGER VESSELS CONTINUOUSLY MOORED IN THE  
EIGHTH COAST GUARD DISTRICT AND EMPLOYED IN LEGALIZED GAMING

1. **PURPOSE:** This letter provides guidance to Officers in Charge Marine Inspection (OCMI) in the Eighth Coast Guard District (D8) regarding the application of 46 CFR Subchapter W to continuously moored, non-SOLAS Passenger Vessels employed in legalized gaming (Gaming Vessels). Under the authority granted in 46 CFR Subchapter W (46 CFR 199.20), certain OCMI field practices relative to survival craft and lifesaving equipment levels on these vessels are conditionally adopted for District-wide use.
2. **DIRECTIVES AFFECTED:** None.
3. **BACKGROUND:**
  - a. On October 1, 2003, the "grandfathering" of survival craft requirements for non-SOLAS Passenger Vessels built before October 1, 1996, came to a close. This deadline marked the end of regulating survival craft for these vessels under 46 CFR Subchapter H, Part 75 (Lifesaving Equipment). From October 1, 2003 forward, non-SOLAS Passenger Vessels built before October 1, 1996 must be in compliance with the survival craft requirements of Subchapter W.
  - b. At this time, all of the continuously moored Passenger Vessels in D8 are used by the gaming industry as dockside casinos. Where permitted by state law, these vessels left navigation in favor of remaining dockside in a certificated, continuously moored status. In some instances, the mooring arrangements for these Gaming Vessels took the form of a coffer cell or moat that completely separated the vessel from any navigable waterway [enclosure (1), Figure 1]. Other arrangement types kept the vessel in a navigable waterway, "corralled" among protective pilings. In either form, Gaming Vessels have often been integrated – to varying degrees - into landside hotels, shopping complexes or entertainment facilities [enclosure (1), Figures 2 and 3]. Given these circumstances, some continuously moored Gaming Vessels were allowed to completely do away with survival craft, and in one instance, a gaming vessel moored in a coffer cell sought and received OCMI and D8 approval to reduce PDF coverage from 100 percent to 10 percent.

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3. **BACKGROUND (cont'd):**

- c. Enclosure (2) is District-wide policy for those "field practices" pertaining to survival craft and lifesaving gear levels for continuously moored Gaming Vessels. With concurrence of the cognizant OCMI, and within the conditions set forth therein, the equipment levels shown in enclosure (2) may be given without resort to the alternatives of 46 CFR 199.630 or the process noted in 46 CFR 199.20.
  - d. However, if the safety assessment / SSMCP alternative [46 CFR 199.630(f), NVICs 1-97, and 01-03] is pursued, all salient (reasonable, foreseeable) risk factors must be discerned and addressed, e.g.:
    - (1) Fluctuations in river level could result in water cresting over the top of coffer cells or moats;
    - (2) In certain locations and river stages, passengers or survival craft abandoning a continuously moored vessel, may be swept down upon wicket gates, fixed dams, locks, etc.
  - e. Should the shallow water / wade ashore alternative of 46 CFR 199.630(h) be requested, the OCMI is to require a rigorous evaluation, by a state licensed professional engineer or naval architect, in which the stability, strength, and size of the anticipated refuge area are judged over the entirety of the route for which this alternative has been requested. This evaluation must then be reviewed and found acceptable by the Marine Safety Center prior to the shallow water / wade ashore alternative being granted. NVIC 01-03 contains further discussion of risk factors associated with this alternative.
4. **ACTION:** Officers in Charge Marine Inspection shall ensure each continuously moored Gaming Vessel in their respective Fleet of Responsibility has chosen among the following options:
- (1) Compliance with the requirements or alternatives of Subchapter W, as modified by enclosure (3); or
  - (2) Compliance with survival craft and lifesaving equipment levels of enclosure (2), if the cognizant OCMI agrees the levels therein are appropriate for the vessel's situation; or

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**4. ACTION (cont'd):**

- (3) Seek exemption per 46 CFR 199.20. Any requests for exemption to the 46 CFR Subchapter W survival craft requirements shall be forwarded to the D8 Marine Safety Division with a recommendation for disposition.

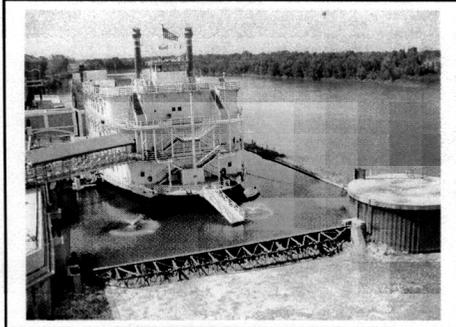
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- Encl:
- (1) Photographs of various continuously moored gaming vessel arrangements
  - (2) Table entitled "Minimum Survival Craft Requirements for Non-SOLAS Passenger Vessels Continuously Moored in D8 and Not Exercising the Alternatives of 46 CFR Subchapter W"
  - (3) COMDT COGARD Washington DC (MOC/MSE) 081302Z Sep 03

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PHOTOGRAPHS OF  
VARIOUS CONTINUOUSLY MOORED GAMING VESSEL ARRANGEMENTS



**Fig 1. Continuously moored Gaming Vessel completely separated from adjacent waterway by a coffer cell.**



**Fig 2. Protective pilings astern of a Gaming Vessel continuously moored in a navigable waterway.**



**Fig 3. Entrance leading from landside hotel to a gaming vessel continuously moored in a coffer cell.**

**Encl: (1)**

**MINIMUM SURVIVAL CRAFT & LIFESAVING GEAR REQUIREMENTS  
FOR NON-SOLAS PASSENGER VESSELS CONTINUOUSLY MOORED IN D8  
AND NOT EXERCISING THE ALTERNATIVES OF 46 CFR SUBCHAPTER W**

MOORING ARRANGEMENT	Liferaft Or IBA	Rescue Boat	PFD	Ring Buoy(s)
Coffer cell or Moat completely separated from the adjacent waterway <sup>1</sup>		✓	✓ <sup>2</sup> (10% of Total Persons Allowed)	✓
Protected location in navigable waterway (low-traffic or no- traffic area, or "corralled" by protective pilings, etc.)		✓	✓ (100% of Total Persons Allowed)	✓
Continuously Moored	✓ (10% of Total Persons Allowed)	✓	✓ (100% of Total Persons Allowed)	✓

1. The vessel's COI shall include the restriction: "Should the river level rise above the top of the coffer cell (or moat), all passengers shall be removed from the vessel.
2. Reduction to 10% PFDs is contingent upon the following issues (at a minimum) being addressed to the satisfaction of the cognizant OCM:
  - a. Coffer cell or moat provides adequate protection so that it is highly unlikely that a vessel collision could occur and cause major hull damage.
  - b. There are adequate bige alarms to provide early warning of flooding, so passengers have time to egress in a safe and orderly manner.
  - c. There are an adequate number of life rings and rescue stations around the periphery of the coffer cell or moat, to retrieve persons in the water anywhere within the coffer cell or moat
  - d. There is adequate lighting in the coffer cell or moat so that nighttime rescues can be conducted

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TO AIG 4956  
COMLANTAREA COGARD PORTSMOUTH VA//AM//  
COMPACAREA COGARD ALAMEDA CA//PM//

BT

UNCLAS //N16711//

SUBJ: IMPLEMENTATION OF PASSENGER VESSEL SURVIVAL CRAFT/LIFESAVING  
EQUIPMENT REQUIREMENTS OF 46 CFR PART 199

A. 46 CFR PART 199 (SUBCHAPTER W, LIFESAVING APPLIANCES/  
ARRANGEMENTS)

B. NVIC 01-03 (GUIDE TO SUBCHAPTER W SAFETY ASSESSMENTS UNDER 46  
CFR 199.630(F))

C. NVIC 01-97 (SHIPBOARD SAFETY MGMT/CONTINGENCY PLANS FOR  
PASSENGER VESSELS)

1. PURPOSE: THIS MSG PROVIDES GUIDANCE TO OCMIS REGARDING  
IMPLEMENTATION OF THE PASSENGER VESSELS SURVIVAL CRAFT AND  
LIFESAVING EQUIPMENT REQUIREMENTS CONTAINED IN REF A.

2. BACKGROUND:

A. ON 01 OCT 2003, THE "GRANDFATHERING" OF SURVIVAL CRAFT  
REQUIREMENTS FOR NON-SOLAS PASSENGER VESSELS BUILT BEFORE 01 OCT  
1996 WILL COME TO AN END. THIS DEADLINE MARKS THE END OF REGULATING  
SURVIVAL CRAFT FOR NON-SOLAS PASSENGER VESSELS UNDER PART 75  
(LIFESAVING EQUIP) OF 46 CFR SUBCHAPTER H. FROM OCTOBER 1, 2003  
FORWARD, THESE PASSENGER VESSELS MUST BE IN COMPLIANCE WITH THE  
SURVIVAL CRAFT REQUIREMENTS OF SUBCHAPTER W.

B. GIVEN THE DIVERSE NATURE OF PASSENGER VESSELS OPERATIONS,  
SUBCHAPTER W ALLOWS AN ARRAY OF ALTERNATIVE SURVIVAL CRAFT  
ARRANGEMENTS IN 46 CFR 199.630, INCLUDING THE PREPARATION AND  
APPROVAL BY THE OCMI OF A SAFETY ASSESSMENT IN LIEU OF CARRIAGE OF  
SURVIVAL CRAFT UNDER 46 CFR 199.630(F). ADDITIONAL GUIDANCE FOR  
CONDUCTING SAFETY ASSESSMENTS MAY BE FOUND IN REFS B AND C.

C. SINCE THERE ARE A NUMBER OF NON-SOLAS PASSENGER VESSELS  
THROUGHOUT THE INSPECTED FLEET THAT ARE USED IN LIMITED SERVICE OR  
RESTRICTED ROUTE OPS (E.G., CONTINUOUSLY MOORED), EACH WITH THEIR  
OWN UNIQUE RISK PROFILE, OCMIS WILL LIKELY RECEIVE REQUESTS FOR  
APPROVAL OF SAFETY ASSESSMENTS AS THE REGULATORY DEADLINE  
APPROACHES.

3. ACTION:

A. IT IS NOT THE INTENTION OF THE USCG TO DELAY THE IMPLEMENTATION  
OF THESE REQUIREMENTS. HOWEVER, WE RECOGNIZE THAT DUE TO SECURITY/  
MTSA AND OTHER INITIATIVES AND THE SHORT TIMEFRAME SINCE THE  
PROMULGATION OF REF B, OUTREACH EFFORTS WITH THE INDUSTRY TO ENSURE  
COMPLIANCE WITH THESE REQUIREMENTS MAY HAVE BEEN LIMITED.

B. NO BLANKET EXTENSIONS FOR COMPLIANCE WITH SUBCHAPTER W WILL BE  
AUTHORIZED. OPERATORS WHO, IN GOOD FAITH, HAVE INITIATED THE  
PROCESS OF SUBMITTING AND CONDUCTING A SAFETY ASSESSMENT BY 01 OCT  
03, BUT CANNOT ACHIEVE FULL COMPLIANCE BY THE DEADLINE MAY BE  
GRANTED AN ADDITIONAL PERIOD OF TIME UP TO 01 APR 2004 TO COMPLETE  
THEIR ASSESSMENTS.

4. IF AFTER 01OCT2003 A VESSEL IS DISCOVERED TO BE OPERATING WHILE  
NOT IN COMPLIANCE WITH SUBCHAPTER W, IMMEDIATE ACTIONS SHALL BE  
TAKEN TO MITIGATE RISK. THESE ACTIONS, BASED UPON THE JUDGMENT OF  
THE OCMI, MAY RANGE FROM RESTRICTING THE VESSEL'S ROUTE OR LIMITING  
THE NUMBER OF PASSENGERS CARRIED TO REMOVING THE VESSEL'S COI.  
ALSO, AN INVESTIGATION SHOULD BE INITIATED TO DETERMINE IF CIVIL  
PENALTY OR SUSPENSION AND REVOCATION PROCEEDINGS ARE WARRANTED.

Encl (3)

5. ADDITIONALLY, WE HAVE RECEIVED SEVERAL INQUIRIES REGARDING CG POLICY WHEN AN OWNER/OPERATOR THAT HAS AN APPROVED SAFETY ASSESSMENT IN LIEU OF SURVIVAL CRAFT REQUESTS LIMITED OPERATION OUTSIDE THEIR VESSELS CERTIFICATED ROUTE. AS NOTED IN REF B, THESE TYPES OF REQUESTS SHOULD BE TREATED AS A TEMPORARY EXCURSION OPERATION USING CG FORM 949 (PERMIT TO CARRY EXCURSION PARTY); IT IS NOT NECESSARY FOR THE OWNER/OPERATOR TO COMPLETE A NEW SAFETY ASSESSMENT.

6. DUE TO THE NATURE AND DURATION OF THIS POLICY GUIDANCE, IT WILL NOT BE INCLUDED AS A CHANGE TO THE MARINE SAFETY MANUAL.

7. POC: LCDR NUSSBAUMER (PH 202.267.0502) AT G-MOC-1.

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**Encl (3)**