

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

Subpart A—General

Sec.

[64.01](#) Purpose.

[64.03](#) Scope.

[64.06](#) Definition of terms.

Subpart B—Sunken Vessels and Other Obstructions

[64.11](#) Marking and notification requirements.

[64.13](#) Approval of markings.

[64.16](#) Duration of marking on sunken vessels in navigable waters.

Subpart C—Structures

[64.21](#) Marking and notification requirements.

[64.23](#) Duration of marking on structures.

Subpart D—Miscellaneous Provisions

[64.31](#) Determination of hazard to navigation.

[64.33](#) Marking by the Coast Guard.

Authority:

[14 U.S.C. 633](#); [33 U.S.C. 409](#), 1231; [42 U.S.C. 9118](#); [43 U.S.C. 1333](#); 49 CFR 1.46.

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 D 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.

§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.

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

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]

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 and notification requirements.

(a) The owner of a vessel, raft, or other craft wrecked and sunk in a navigable channel shall mark it immediately with a buoy or daymark during the day and with a light at night. The owner of a sunken vessel, raft, or other obstruction that otherwise constitutes a hazard to navigation shall mark it in accordance with this subchapter.

(b) Owners of vessels 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, shall promptly report to the District Commander, in whose jurisdiction the obstruction is located, the action they are taking to mark the sunken vessel, giving the following information (in addition to the information required by 46 CFR 4.05, Notice of Marine Casualty and Voyage Records):

(1) Name and description of the sunken vessel;

(2) Accurate description of the location of the vessel;

(3) Depth of water over the vessel; and

(4) Location and type of marking established, including color and shape of buoy or other daymark and characteristic of the light.

(c) Owners of other obstructions may report the existence of such obstructions and mark them in the same manner as prescribed for sunken vessels.

(d) Owners of marine pipelines that are determined to be hazards to navigation shall report and mark the hazardous portion of those pipelines in accordance with 49 CFR parts 192 or 195, as applicable.

Note:

Outer Continental Shelf (OCS) lessees are subject to additional notification requirements provided in OCS Order No.1, paragraph 4 (44 FR 76216, December 21, 1979), issued by U.S. Geological Survey.

[CGD 78–156, 48 FR 11267, Mar. 17, 1983. Redesignated and amended by CGD 91–031, 57 FR 43402, Sept. 21, 1992; USCG–1998–3799, 63 FR 35526, June 30, 1998]

§64.13 Approval of markings.

(a) All markings of sunken vessels and other obstructions established in accordance with §64.11 must be reported to and approved by the appropriate District Commander.

(b) Should the District Commander determine that these markings are inconsistent with Part 62 of this subchapter, they must be replaced as soon as practicable with approved markings.

[CGD 78–156, 48 FR 11267, Mar. 17, 1983. Redesignated by CGD 91–031, 57 FR 43402, Sept. 21, 1992, and amended by USCG–2001–9286, 66 FR 33640, June 25, 2001]

§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.