

**MTSA Regulations found at 33 CFR Subchapter H**  
**Part 105—Facilities.**

**#01-03 Ch-1 February 12, 2004---POLICY ADVISORY COUNCIL FAQ**

**Q.** How will 33 CFR Part 105 be implemented at small facilities that are primarily recreational in nature and that accept small foreign flagged SOLAS vessels?

**Ans.** Marinas, restaurants, and fueling docks receive small vessels that travel on international routes. The amount of time these vessels remain at these facilities varies between a few hours to a few weeks.

Based upon the above, the following policy guidance is in effect:

- Each marina or facility that receives foreign flagged SOLAS passenger vessels and yachts that are equal to or greater than 500 gross tonnage, carrying at least one passenger for hire on international voyage(s), will be required to comply with 33 CFR Part 105.
- Each marina or facility that receives foreign flagged SOLAS passenger vessels and yachts that are less than 500 gross tonnage, carrying more than twelve (12) but less than 151 passengers, with at least one passenger for hire, on voyage(s) between U.S. ports (including voyages without a specified destination) will be required to have an approved security plan if the vessel described above embarks, disembarks, or has passengers on board while at the facility. See 33 CFR 105.310, 33 CFR 105.410, 33 CFR 101.145 and NVIC 04-03 enclosure (3).
- Each marina or facility that receives foreign flagged passenger vessels and yachts that are less than 500 gross tonnage, carrying twelve (12) or less passengers for hire on domestic or international voyage(s), would not be required to have a facility security plan.

**NOTE** For further guidance, a facility owner/operator should contact their local Captain of the Port (COTP/FMSC).