



## AUTOMATIC IDENTIFICATION SYSTEM (AIS) RELATED PROVISIONS IN TITLE 33, CODE OF FEDERAL REGULATIONS, PART 164 (2008-NPRM)

### § 164.01 Applicability.

(a) This part (except as specifically limited by this section) applies to each self-propelled vessel of 1600 or more gross tons (except as provided in paragraphs (c) and (d) of this section, or for foreign vessels described in § 164.02) when it is operating in the navigable waters of the United States except the St. Lawrence Seaway.

(b) \* \* \*

(c) Provisions of §§ 164.11(a)(2) and (c), 164.30, 164.33, and 164.46 do not apply to warships or other vessels owned, leased, or operated by the United States Government and used only in government noncommercial service when these vessels are equipped with electronic navigation systems that have met the applicable agency regulations regarding navigation safety.

(d) Provisions of § 164.46 apply to some self-propelled vessels of less than 1600 gross tonnage.

### § 164.02 Applicability exception for foreign vessels.

(a) Except for § 164.46(c), none of the requirements of this part apply to foreign vessels that:

(1) Are not destined for, or departing from, a port or place subject to the jurisdiction of the United States; and

(2) Are in:

(i) Innocent passage through the territorial sea of the United States; or

(ii) Transit through navigable waters of the United States which form a part of an international strait.

### § 164.46 Automatic Identification System.

(a) Definitions. As used in this section—

*Automatic Identification Systems* or *AIS* means a maritime navigation safety communications system standardized by the International Telecommunication Union (ITU), adopted by the International Maritime Organization (IMO), that—

(1) Provides vessel information, including the vessel's identity, type, position, course, speed, navigational status and other safety-related information

automatically to appropriately equipped shore stations, other ships, and aircraft;

(2) Receives automatically such information from similarly fitted ships; monitors and tracks ships; and

(3) Exchanges data with shore-based facilities.

*Gross tonnage* means tonnage as defined under the International Convention on Tonnage Measurement of Ships, 1969.

*International voyage* means a voyage from a country to which the present International Convention for the Safety of Life at Sea (SOLAS), 1974 applies to a port outside such country, or conversely.

*Properly installed, operational* means an Automatic Identification System (AIS) that is installed and operated using the guidelines set forth by the International Maritime Organization (IMO) Safety of Navigation Circulars (SN/Circ.) 227, 236, 244, and 245, and Resolution A.917(22) (Incorporated by reference, see § 164.03).

(b) *AIS carriage*. The following vessels must have onboard a properly installed, operational, Coast Guard type-approved Automatic Identification System (AIS):

(1) A self-propelled vessel of 65 feet or more in length, engaged in commercial service;

(2) A towing vessel of 26 feet or more in length and more than 600 horsepower, engaged in commercial towing;

(3) A self-propelled vessel carrying 50 or more passengers, engaged in commercial service;

(4) A vessel carrying more than 12 passengers for hire and capable of speeds in excess of 30 knots;

(5) A dredge or floating plant engaged in or near a commercial channel or shipping fairway in operations likely to restrict or affect navigation of other vessels except for an unmanned or intermittently manned floating plant under the control of a dredge; and

(6) A self-propelled vessel carrying or engaged in the movement of certain dangerous cargoes as defined in § 160.202 of this subchapter.

*Note to paragraph (b)*: Except for those vessels denoted

in paragraph (c) of this section, use of Coast Guard type-approved AIS Class B is permissible, however, not well-suited, on vessels that are highly maneuverable, navigate at high speed, or routinely operate on or near very congested waterways or in close-quarter situations with other AIS equipped vessels.

(c) SOLAS provisions. The following self-propelled vessels must comply with International Convention for Safety of Life at Sea (SOLAS), as amended, Chapter V, regulation 19.2.1.6, 19.2.4 (AIS Class A), and 19.2.3.5 or 19.2.5.1 as applicable (Incorporated by reference, see § 164.03):

(1) A vessel of 500 gross tonnage or more;

(2) A vessel of 300 gross tonnage or more, on an international voyage; and

(3) A vessel of 150 gross tonnage or more, when carrying more than 12 passengers on an international voyage.

(d) *Operations*. The requirements in this paragraph are applicable to any vessel equipped with AIS.

(1) Use of AIS does not relieve the vessel of the requirements to sound whistle signals or display lights or shapes in accordance with the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), 28 U.S.T. 3459, T.I.A.S. 8587, or Inland Navigation Rules, 33 U.S.C. 2001 through 2073; nor of the radio requirements of the Vessel Bridge-to-Bridge Radiotelephone Act, 33 U.S.C. 1201-1208, part 26 of this chapter, and 47 CFR part 80.

(2) AIS must be maintained in effective operating conditions which includes the:

(i) ability to reinitialize the AIS should the need arise (this could require access and knowledge of the AIS power source and password);

(ii) ability to access AIS information from the primary conning position of the vessel;

(iii) accurate broadcast of a properly assigned Maritime Mobile Service Identity (MMSI) number;

(iv) accurate input and upkeep of all AIS data and system updates; and

(v) continual operation of AIS, and its associated



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devices (e.g., GPS, gyro, converters), at all times the vessel is underway, at anchor, or moored in or near a commercial channel or shipping fairway in operations likely to restrict or affect navigation of other vessels, except--

(A) When use of AIS would compromise the safety or security of the vessel or a security incident is imminent.

(B) The AIS should be returned to continuous operation as soon as the compromise has been mitigated or the security incident has passed. At that time, those vessels denoted in paragraph (b), must report to the nearest U.S. Captain of the Port or Vessel Traffic Center, and record in the ship's official log, the AIS operational interruption and the reason for the interruption.

(3) AIS messaging must be conducted in English and solely to exchange or communicate navigation safety information (for example, SECURITE). Although not prohibited, it should not be relied upon as the primary means for broadcasting distress or urgent communications (for example, MAYDAY or PAN PAN). (47 CFR 80.1109, Distress, urgency, and safety communications).

*Note to paragraph (d):* AIS devices must be able to broadcast vessel position, course, and speed, and may require the input of an external positioning device (e.g., DGPS) to do so. Although of great benefit, the integration of existing, or installation of, other external devices or displays (e.g., transmitting heading device, gyro, rate of turn indicator, ECDIS/ECS, and radar) is highly recommended but is not currently required except as denoted in § 164.46(c).

(e) *Watchkeeping.* AIS is primarily intended for use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who must maintain a periodic watch for AIS information.

(f) *Portable AIS.* The use of a portable AIS is permissible only to the extent that electromagnetic interference does not affect the proper function of existing navigation and communication equipment on

board and such that only one AIS unit may be in operation at any one time.

(g) *Pilot Port.* The AIS Pilot Port, on any vessel subject to pilotage, must be readily available and easily accessible from the primary conning position of the vessel and within at least 3 feet of a 120-volt 50/60 Hz AC power receptacle.

(h) *Exceptions.* Only those vessels that operate solely within a very confined area (e.g., less than a one nautical-mile radius, shipyard, fleeting area), or on short and fixed schedules (e.g., a bank-to-bank river ferry service), or that otherwise are not likely to encounter another AIS equipped vessel, may request a yearly deviation from this section as set forth in § 164.55.

(i) *Implementation date.* Those vessels identified in paragraph (b) of this section that were not previously subject to AIS carriage must install AIS no later than [date of the first day of the seventh month after publication of the final rule to be inserted].

### ***§ 164.53 Deviations from rules and reporting: Non-operating equipment.***

(a) If during a voyage any equipment required by this part stops operating properly, the person directing the movement of the vessel may continue to the next port of call, subject to the directions of the District Commander or the Captain of the Port, as provided by part 160 of this chapter.

(b) If the vessel's automatic identification system (AIS), radar, radio navigation receivers, gyrocompass, echo depth sounding device, or primary steering gear stops operating properly, the person directing the movement of the vessel must report or cause to be reported that it is not operating properly to the nearest Captain of the Port, District Commander, or, if participating in a Vessel Traffic Service, to the Vessel Traffic Center, as soon as possible.