

TITLE 33, CODE OF FEDERAL REGULATIONS

Original Text - Interim Rule - Final Rule

PART 26—VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE REGULATIONS

Authority: 14 U.S.C. 2, 33 U.S.C. 1201-1208; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170. Rule 1, International Regulations for the Prevention of Collisions at Sea.

§ 26.03 Radiotelephone required.

(a) * * *

(f) In addition to the radiotelephone required by paragraph (b) of this section, each vessel described in paragraph (a) of this section while transiting any waters within a Vessel Traffic Service Area, must have on board a radiotelephone capable of transmitting and receiving on the VTS designated frequency in ~~Table 26.03(f) (VTS Call Signs, Designated Frequencies, and Monitoring Areas)~~ Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas).

§ 161.2 Definitions.

* * *

Navigable waters means all navigable waters of the United States including the territorial sea of the United States, extending to 12 nautical miles from United States baselines, as described in Presidential Proclamation No. 5928 of December 27, 1988.

Vessel Movement Center (VMC) means the shore-based facility that operates the vessel tracking system for a Vessel Movement Reporting System (VMRS) area or sector within such an area. The VMC does not necessarily have the capability or qualified personnel to interact with marine traffic, nor does it necessarily respond to traffic situations developing in the area, as does a Vessel Traffic Service (VTS).

Vessel Movement Reporting System (VMRS) means a mandatory reporting system used to monitor and track vessel movements. This is accomplished by a vessel providing information under established procedures as set forth in this part in the areas defined in Table 161.12(c) (VTS and VMRS Centers, Call

Signs/MMSI, Designated Frequencies, and Monitoring Areas).

Vessel Movement Reporting System (VMRS) User means a vessel, or an owner, operator, charterer, Master, or person directing the movement of a vessel that is required to participate in a VMRS.

§ 161.12 Vessel operating requirements.

(a) * * *

~~(a)(1)~~(b) If, in a specific circumstance, a VTS User is unable to safely comply with a measure or direction issued by the VTS, the VTS User may deviate only to the extent necessary to avoid endangering persons, property or the environment. The deviation shall be reported to the VTS as soon as is practicable.

~~(b)~~(c) When not exchanging voice communications, a VTS User must maintain a listening watch as required by § 26.04(e) of this chapter on the VTS frequency designated in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas). In addition, the VTS User must respond promptly when hailed and communicate in the English language.

Note to § 161.12(c): As stated in 47 CFR 80.148(b), a very high frequency watch on Channel 16 (156.800 MHz) is not required on vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Act and participating in a Vessel Traffic Service (VTS) system when the watch is maintained on both the vessel bridge-to-bridge frequency and a designated VTS frequency.

~~(e)~~(d) As soon as is practicable, a VTS User shall notify the VTS of any of the following:

- (1) A marine casualty as defined in 46 CFR 4.05-1;
- (2) Involvement in the ramming of a fixed or floating object;
- (3) A pollution incident as defined in Sec. 151.15 of this chapter;
- (4) A defect or discrepancy in an aid to navigation;
- (5) A hazardous condition as defined in Sec. 160.203 of this chapter;
- (6) Improper operation of vessel equipment required by Part 164 of this chapter;
- (7) A situation involving hazardous materials for which a report is required by 49 CFR 176.48; and
- (8) A hazardous vessel operating condition as defined in § 161.2.

Table 161.12(b) (VTS Call Signs, Designated Frequencies, and Monitoring Areas)

Table 161.12(c) VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas

Center MMSI ¹ Call Sign	Designated frequency (Channel designation) -purpose ²	Monitoring area ^{3,4}
Berwick Bay-- 003669950		
<i>Berwick Traffic</i>	156.550 MHz (Ch. 11)	The waters south of 29°45' N., west of 91°10' W., north of 29°37' N., and east of 91°18' W.
Houston-Galveston-- 003669954		The navigable waters north of 29° N., west of 94°20' W., south of 29°49' N., and east of 95°20' W.
<i>Houston Traffic</i>	156.550 MHz (Ch. 11)	The navigable waters north of a line extending due west from the southern most end of Exxon Dock #1 (20°43.37' N., 95°01.27' W.).
<i>Houston Traffic</i>	156.250 Mhz (Ch. 5A) -For Sailing Plans only.	
<i>Houston Traffic</i>	156.600 MHz (Ch. 12)	The navigable waters south of a line extending due west from the southern most end of Exxon Dock #1 (29°43.37' N., 95°01.27' W.).
<i>Houston Traffic</i>	156.250 Mhz (Ch. 5A) -For Sailing Plans only.	
Los Angeles/Long Beach-- MMSI To be determined.		
<i>San Pedro Traffic</i>	156.700 MHz (Ch.14)	<i>Vessel Movement Reporting System Area</i> ; The navigable waters within a 25 nautical mile radius of Point Fermin Light (33°42.3' N., 118°17.6' W.).
Louisville: Not applicable		
<i>Louisville Traffic</i>	156.650 MHz (Ch. 13)	The waters of the Ohio River between McAlpine Locks (Mile 606) and Twelve Mile Island (Mile 593), only when the McAlpine upper pool gauge is at approximately 13.0 feet or above.
Lower Mississippi River ⁵ -- 003669952		
<i>New Orleans Traffic</i>	156.700 MHz (Ch.14)	The navigable waters of the Lower Mississippi River below 30°38.7' N., 91°17.5' W. (Port Hudson Light at 255 miles Above Head of Passes (AHP)), the Southwest Pass, and, within a 12 nautical miles radius around 28°54.3' N., 89°25.7'W. (Southwest Pass Entrance Light at 19.9 miles Below Head of Passes).
<i>New Orleans Traffic</i>	156.600 MHz (Ch.12)	<i>New Orleans Sector</i> . The navigable waters of the Lower Mississippi River bounded on the north by a line drawn perpendicularly at 29°56.4' N., 90°08.36' W. and on the south by a line drawn perpendicularly at 29°56.24' N., 89°59.86' W. (88 and 106 miles AHP).
New York--003669951		

Center MMSI ¹ Call Sign	Designated frequency (Channel designation) -purpose ²	Monitoring area ^{3 4}
<i>New York Traffic</i>	156.550 MHz (Ch. 11) <i>-For Sailing Plans only.</i> 156.600 MHz (Ch. 12) <i>-For vessels at anchor.</i>	The area consists of the navigable waters of the Lower New York Bay bounded on the east by a line drawn from Norton Point to Breezy Point; on the south by a line connecting the entrance buoys at the Ambrose Channel, Swash Channel, and Sandy Hook Channel to Sandy Hook Point; and on the southeast including the waters of Sandy Hook Bay south to a line drawn at latitude 40 25'N; then west in the Raritan Bay to the Raritan River Railroad Bridge, then north into waters of the Arthur Kill and Newark Bay to the Lehigh Valley Draw Bridge at latitude 40 41.9N; and then east including the waters of the Kill Van Kull and the Upper New York Bay north to a line drawn east-west from the Holland Tunnel ventilator shaft at latitude 40 43.7'N, longitude 74 01.6'W, in the Hudson River; and then continuing east including the waters of the East River to the Throgs Neck Bridge, excluding the Harlem River.
<i>New York Traffic</i>	156.700 MHz (Ch. 14)	The navigable waters of the Lower New York Bay west of a line drawn from Norton Point to Breezy Point; and north of a line connecting the entrance buoys of Ambrose Channel, Swash Channel, and Sandy Hook Channel, to Sandy Hook Point; on the southeast including the waters of the Sandy Hook Bay south to a line drawn at latitude 40 25'N; then west into the waters of Raritan Bay East Reach to a line drawn from Great Kills Light south through Raritan Bay East Reach LGB #14 to Comfort PT, NJ; then north including the waters of the Upper New York Bay south of 40 42.40'N (Brooklyn Bridge) and 40 43.70'N (Holland Tunnel Ventilator Shaft); west through the KVK into the Arthur Kill north of 40 38.25'N (Arthur Kill Railroad Bridge); then north into the waters of the Newark Bay, south of 40 41.95'N (Lehigh Valley Draw Bridge).
<i>New York Traffic</i>	156.600 MHz (Ch. 12)	The navigable waters of the Raritan Bay south to a line drawn at latitude 40 26'N; then west of a line drawn from Great Kills Light south through the Raritan Bay East Reach LGB #14 to Point Comfort, NJ; then west to the Raritan River Railroad Bridge; and north including the waters of the Arthur Kill to 40 28.25'N (Arthur Kill Railroad Bridge); including the waters of the East River north of 40 42.40'N (Brooklyn Bridge) to the Throgs Neck Bridge, excluding the Harlem River.
Port Arthur ⁵ --003669955 <i>Sabine Traffic</i>	<i>To be determined.</i>	The navigable waters south of 30°10' N., east of 94°20' W., west of 93°22' W, and, north of 29° 10' N.
Prince William Sound-- 003669958 <i>Valdez Traffic</i>	156.650 MHz (Ch. 13)	The navigable waters south of 61°05' N., east of 147°20' W., north of 60° N., and west of 146°30' W.; and, all navigable waters in Port Valdez.
<i>Puget Sound</i> ⁶		

Center MMSI ¹ Call Sign	Designated frequency (Channel designation) -purpose ²	Monitoring area ^{3 4}
<i>Seattle Traffic--003669957</i>	156.700 MHz (Ch. 14)	The waters of Puget Sound, Hood Canal and adjacent waters south of a line connecting Marrowstone Point and Lagoon Point in Admiralty Inlet and south of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline.
<i>Seattle Traffic--003669957</i>	156.250 MHz (Ch. 5A)	The waters of the Strait of Juan de Fuca east of 124°40' W. excluding the waters in the central portion of the Strait of Juan de Fuca north and east of Race Rocks; the navigable waters of the Strait of Georgia east of 122°52' W.; the San Juan Island Archipelago, Rosario Strait, Bellingham Bay; Admiralty Inlet north of a line connecting Marrowstone Point and Lagoon Point and all waters east of Whidbey Island North of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline.
<i>Tofino Traffic- 003160012</i>	156.725 MHz (Ch. 74)	The waters west of 124°40' W. within 50 nautical miles of the coast of Vancouver Island including the waters north of 48° N., and east of 127° W.
<i>Victoria Traffic--003160010</i>	156.550 MHz (Ch. 11)	The waters of the Strait of Georgia west of 122° 52' W., the navigable waters of the central Strait of Juan de Fuca north and east of Race Rocks, including the Gulf Island Archipelago, Boundary Pass and Haro Strait.
<i>San Francisco--003669956</i> <i>San Francisco Traffic</i>	156.700 MHz (Ch. 14)	The navigable waters of the San Francisco Offshore Precautionary Area, the navigable waters shoreward of the San Francisco Offshore Precautionary Area east of 122°42.0' W. and north of 37°40.0' N. extending eastward through the Golden Gate, and the navigable waters of San Francisco Bay and as far east as the port of Stockton on the San Joaquin River, as far north as the port of Sacramento on the Sacramento River.
<i>San Francisco Traffic</i>	156.600 MHz (Ch. 12)	The navigable waters within a 38 nautical mile radius of Mount Tamalpais (37°55.8' N., 122°34.6' W.) west of 122°42.0' W. and south of 37°40.0' N and excluding the San Francisco Offshore Precautionary Area.
<i>St. Marys River--003669953</i> <i>Soo Traffic</i>	156.600 MHz (Ch. 12)	The waters of the St. Marys River between 45°57' N. (De Tour Reef Light) and 46°38.7' N. (Ile Parisienne Light), except the St. Marys Falls Canal and those navigable waters east of a line from 46°04.16' N. and 46°01.57' N. (La Pointe to Sims Point in Potagannissing Bay and Worsley Bay).

Notes:

¹ Maritime Mobile Service Identifier (MMSI) is a unique nine-digit number assigned that identifies ship stations, ship earth stations, coast stations, coast earth stations, and group calls for use by a digital selective calling (DSC) radio, an INMARSAT ship

earth station or AIS. The requirements set forth in §§ 161.21 and 164.46 of this subchapter apply in those areas denoted with a MMSI number.

² In the event of a communication failure, difficulties or other safety factors, the Center may direct or permit a user to monitor and report on any other designated monitoring frequency or the bridge-to-bridge navigational frequency, 156.650 MHz (Channel 13) or 156.375 MHz (Ch. 67), to the extent that doing so provides a level of safety beyond that provided by other means. The bridge-to-bridge navigational frequency, 156.650 MHz (Ch. 13), is used in certain monitoring areas where the level of reporting does not warrant a designated frequency.

³ All geographic coordinates (latitude and longitude) are expressed in North American Datum of 1983 (NAD 83).

⁴ Some monitoring areas extend beyond navigable waters. Although not required, users are strongly encouraged to maintain a listening watch on the designated monitoring frequency in these areas. Otherwise, they are required to maintain watch as stated in 47 CFR 80.148.

⁵ Until rules regarding VTS Lower Mississippi River and VTS Port Arthur are published, vessels are exempted of all VTS and VMRS requirements set forth in 33 CFR part 161, except those set forth in §§ 161.21 and 164.46 of this subchapter.

⁶ A Cooperative Vessel Traffic Service was established by the United States and Canada within adjoining waters. The appropriate Center administers the rules issued by both nations; however, enforces only its own set of rules within its jurisdiction. Note, the bridge-to-bridge navigational frequency, 156.650 MHz (Ch. 13), is not so designated in Canadian waters, therefore users are encouraged and permitted to make passing arrangements on the designated monitoring frequencies.

Notes:

~~¹ In the event of a communication failure either by the vessel traffic center or the vessel or radio congestion on a designated VTS frequency, communications may be established on an alternate VTS frequency. The bridge-to-bridge navigational frequency, 156.650 MHz (Channel 13), is monitored in each VTS area; and it may be used as an alternate frequency, however, only to the extent that doing so provides a level of safety beyond that provided by other means.~~

~~² Designated frequency monitoring is required within U.S. navigable waters. In areas which are outside the U.S. navigable waters, designated frequency monitoring is voluntary. However, prospective VTS Users are encouraged to monitor the designated frequency.~~

~~³ VMRS participants shall make their initial report (Sail Plan) to New York Traffic on Channel 11 (156.550 MHz). All other reports, including the Final Report, shall be made on Channel 14 (156.700 MHz). VMRS and other VTS Users shall monitor Channel 14 (156.700 MHz) while transiting the VTS area. New York Traffic may direct a vessel to monitor and report on either primary frequency depending on traffic density, weather conditions, or other safety factors. This does not require a vessel to monitor both primary frequencies.~~

~~⁴ A Cooperative Vessel Traffic Service was established by the United States and Canada within adjoining waters. The appropriate vessel traffic Center administers the rules issued by both nations; however, it will enforce only its own set of rules within its jurisdiction.~~

~~⁵ Seattle traffic may direct a vessel to monitor the other primary VTS frequency 156.250 MHz or 156.700 MHz (Channel 5A or 14) depending on traffic density, weather conditions, or other safety factors, rather than strictly adhering to the designated frequency required for each monitoring area as defined above. This does not require a vessel to monitor both primary frequencies.~~

~~⁶ A portion of Tofino Sector's monitoring area extends beyond the defined CVTS area. Designated frequency monitoring is voluntary in these portions outside of VTS jurisdiction, however, prospective VTS Users are encouraged to monitor the designated frequency.~~

~~⁷ The bridge-to-bridge navigational frequency, 156.650 MHz (Channel 13), is used in these VTSs because the level of radiotelephone transmissions does not warrant a designated VTS frequency. The listening watch required by 26.05 of this chapter is not limited to the monitoring area.~~

* * *

§ 161.15 Purpose and intent.

(a) A Vessel Movement Reporting System (VMRS) is a system used to ~~manage-monitor~~ and track vessel movements within a VTS or VMRS area. This is accomplished by requiring that vessels provide information under established procedures as set forth in this part, or as directed by the ~~VTS~~ Center.

(b) To avoid imposing an undue reporting burden or unduly congesting radiotelephone frequencies, reports shall be limited to information which is essential to achieve the objectives of the VMRS. These reports are consolidated into ~~four~~ ~~three~~ reports (sailing plan, position, ~~sailing plan deviation~~ and final).

§ 161.16 Applicability.

Unless otherwise stated, the provisions of this subpart apply to the following vessels and VMRS Users:

§ 161.17 Definitions.

As used in this subpart:

Center means a Vessel Traffic Center or Vessel Movement Center.

Published means available in a widely-distributed and publicly available medium (e.g., VTS User's Manual, ferry schedule, Notice to Mariners).

§ 161.18 Reporting requirements.

(a) A ~~VTS~~ Center may: (1) Direct a vessel to provide any of the information set forth in Table 161.18(a) (IMO Standard Ship Reporting System);

(b) All reports required by this part shall be made as soon as is practicable on the frequency designated in ~~Table 161.12(b) (VTS Call Signs, Designated Frequencies, and Monitoring Areas)~~ ~~Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas).~~

(c) When not exchanging communications, a VMRS User must maintain a listening watch as described in § 26.04(e) of this chapter on the frequency designated in Table 161.12(b) (VTS Call Signs, Designated Frequencies, and Monitoring Areas) Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas). In addition, the VMRS User must respond promptly when hailed and communicate in the English language.

(d) A vessel must report:

(1) Any significant deviation from its Sailing Plan, as defined in § 161.19, or from previously reported information; or

(2) Any intention to deviate from a VTS issued measure or vessel traffic routing system.

~~(d)~~ (e) When reports required by this part include time information, such information shall be given using the local time zone in effect and the 24-hour military clock system.

§ 161.20 Position Report (PR).

(a) Upon point of entry into a ~~VTS~~ VMRS area;

(b) * * *

(c) When directed by the ~~VTC~~ Center.

~~Note: Notice of temporary reporting points, if established, may be published via Local Notices to Mariners, general broadcast or the VTS User's Manual.~~

§ 161.21 Automated reporting.

(a) Unless otherwise directed, vessels equipped with an Automatic Identification System (AIS) are required to make continuous, all stations, AIS broadcasts, in lieu of voice Position Reports, to those Centers denoted in Table 161.12(c) of this part.

(b) Should an AIS become non-operational, while or prior to navigating a VMRS area, it should be restored to operating condition as soon as possible, and, until restored a vessel must:

(1) Notify the Center;

(2) Make voice radio Position Reports at designated reporting points as required by § 161.20(b) of this part; and

(3) Make any other reports as directed by the Center.

§ 161.23 Reporting exemptions.

(b) * * *

(1) Provide a Sailing Plan at least 5 minutes but not more than 15 minutes before navigating within the ~~VTS~~ VMRS area; and

~~(c) In those VTS areas capable of receiving automated position reports from Automatic Identification System Shipborne Equipment (AISSE) as required by Sec. 164.43 of this chapter and where AISSE is required, vessels equipped with an operating AISSE are not required to make voice radio position reports at designated reporting points as required by § 161.20(b) of this part, unless otherwise directed by the VTC.~~

~~(1) Whenever an AISSE becomes non-operational as defined in § 164.43(e) of this chapter, before entering or while underway in a VTS area, a vessel must:~~

~~(i) Notify the VTC;~~

~~(ii) Make voice radio position reports at designated reporting points as required by § 161.20(b) of this part;~~

~~(iii) Make other voice radio reports as directed; and~~

- (iv) Restore the AISSE to operating condition as soon as possible.
 - (2) Whenever an AISSE becomes non-operational due to a loss of position correction information (i.e., the U.S. Coast Guard differential global positioning system (dGPS) cannot provide the required error correction messages) a vessel must:
 - (i) Make required voice radio position reports at designated reporting points required by Sec. 161.20(b) of this part; and
 - (ii) Make other voice radio reports as directed.
- Note: Regulations pertaining to AISSE required capabilities are set forth in Sec. 164.43 of this chapter.

Subpart C—Vessel Traffic Service and Vessel Movement Reporting System Areas and Reporting Points

§ 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 ~~paragraph (e)~~ 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, ~~and 164.33~~ 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) ~~This part~~ Except as provided in § 164.46(a)(2) of this part, (including §§ 164.38 and 164.39), does not apply to vessels that:

§ 164.03 Incorporation of reference.

International Electrotechnical Commission (IEC)

3, rue de Varembe, Geneva, Switzerland.

IEC 61993-2, Maritime navigation and radiocommunication equipment and systems--Automatic identification systems (AIS)--part 2: Class A shipborne equipment of the universal automatic identification system (AIS)--

Operational and performance requirements, methods of test and required test results, First edition, 2001-12. 164.46

International Maritime Organization (IMO)

Publication Section 4, Albert Embankment, London SE1 7SR, United Kingdom.

Resolution MSC.74(69), Annex 3, Recommendation on Performance Standards for an Universal Shipborne Automatic Identification System (AIS), adopted May 12, 1998 164.46

SN/Circ.277, Guidelines for the Installation of a Shipborne Automatic Identification System (AIS), dated January 6, 2003. 164.46

SOLAS, International Convention for Safety of Life at Sea, 1974, and 1988 Protocol relating thereto, 2000 Amendments, effective January and July 2002, (SOLAS 2000 Amendments) 164.46

Conference resolution 1, Adoption of amendments to the Annex to the International Convention for the Safety of Life at Sea, 1974, and amendments to Chapter V of SOLAS 1974, adopted December 12, 2002. 164.46

International Telecommunication Union Radiocommunication Bureau (ITU-R)

Place de Nations, CH-1211 Geneva 20 Switzerland.

ITU-R Recommendation M.1371-1, Technical characteristics for a universal shipborne automatic identification system using time division multiple access in the VHF maritime mobile band, 1998-2001 164.46

§ 164.43 Automatic Identification System Shipborne Equipment—Prince William Sound.

(a) ~~Each~~ Until July 1, 2004, each vessel required to provide automated position reports to a Vessel Traffic Service (VTS) under § 165.1704 of this subchapter must do so by an installed Automatic Identification System Shipborne Equipment (AISSE) system consisting of a:...

§ 164.46 Automatic Identification System (AIS).

(a) The following vessels must have an installed, operational, **type approved AIS that complies with the IMO Resolution MSC.74(69), ITU-R Recommendation M.1371-1, and IEC 61993-2, and that is installed using IMO SN/Circ.2277** (Incorporated by reference, see § 164.03) as of the date specified. “Length” refers to “registered length” as defined in 46 CFR, part 69.

(1) Self-propelled vessels of 65 feet or more in length engaged, **other than passenger and fishing vessels**, in commercial service and on an international voyage, not later than December 31, 2004.

(2) Notwithstanding paragraph (a)(1) of this section, the following, self-propelled, vessels ~~subject to the International Convention for Safety at Life at Sea, 1974, (SOLAS) as amended,~~ that are on an international voyage must also comply with SOLAS, chapter V, as amended, regulations 19.2.1.6, 19.2.4 and 19.2.3.5 or 19.2.5.1 as appropriate ~~by SOLAS 2000 Amendments and Conference resolution 1~~ (Incorporated by reference, see § 164.03):

(i) Passenger vessels, of 150 gross tonnage or more, not later than July 1, 2003;

(ii) Tankers, regardless of tonnage, not later than the first safety survey for safety equipment on or after July 1, 2003;

(iii) Vessels, other than passenger vessels or tankers, of 50,000 gross tonnage or more, not later than July 1, 2004; and

(iv) Vessels, other than passenger vessels or tankers, of 300 gross tonnage or more but less than 50,000 gross tonnage, not later than the first safety survey for safety equipment on or after July 1, 2004, but no later than December 31, 2004.

~~(3b)~~ Notwithstanding paragraphs (a)(1) and (a)(2) of this section, the following vessels, **when navigating transiting** an area ~~denoted~~ listed in table 161.12(c) of § 161.12 of this part, **not later than December 31, 2004.**

(i) Each self-propelled vessel of 65 feet or more in length, **other than fishing vessels and passenger vessels certificated to carry less than 151 passengers-for-hire**, engaged in commercial service;

(ii) Each towing vessel of 26 feet or more in length and more than 600 horsepower, **in commercial service**;

~~(3)~~ Each vessel of 100 gross tons or more **carrying one or more passengers for hire; and**

(iii) Each passenger vessel certificated to carry **more than 150** ~~50 or more~~ passengers for hire.

Note to § 164.46(a): “Properly installed” refers to an installation using the guidelines set forth in IMO SN/Circ.227 (incorporated by reference, see § 164.03). Not all AIS units are able to broadcast position, course, and speed without the input of an external positioning device (e.g. dGPS); the use of other external devices (e.g. transmitting heading device, gyro, rate of turn indicator) is highly recommended, however, not required except as stated in § 164.46(a)(2). “Type

approved” refers to an approval by an IMO recognized Administration as to comply with IMO Resolution MSC.74(69), ITU-R Recommendation M.1371-1, and IEC 61993-2 (Incorporated by reference, see § 164.03). “Length” refers to “registered length” as defined in 46 CFR part 69. “Gross tonnage” refers to tonnage as defined under the International Convention on Tonnage Measurement of Ships, 1969.

~~(c) The vessels listed in paragraph (b) of this section must comply according to the following schedule:~~

~~(1) For VTS St. Marys River, not later than December 31, 2003;~~

~~(2) For VTS Berwick Bay, VMRS Los Angeles/Long Beach, VTS Lower Mississippi River, VTS Port Arthur and VTS Prince William Sound, not later than July 1, 2004; and~~

~~(3) For VTS Houston-Galveston, VTS New York, VTS Puget Sound, and VTS San Francisco, not later than December 31, 2004.~~

(d) The requirements for Vessel Bridge-to-Bridge radiotelephones in §§ 26.04(a) and (c), 26.05, 26.06 and 26.07 of this chapter, also apply to AIS. The term “effective operating condition” used in § 26.06 includes accurate input and upkeep of all AIS data fields, ~~including estimated time of arrival, destination, and number of people on board.~~

(e) 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.

(f) The AIS Pilot Plug, on each vessel over 1,600 gross tons, on international voyage, shall be available for pilot use, easily accessible from the primary conning position of the vessel, and near ~~an~~ **120 Volt, AC power, 3-prong** receptacle.

§ 165.1704 Prince William Sound, Alaska-regulated navigation area.

(c) * * *

(6) ~~Not later than July 1, 1994, until July 1~~ **December 31, 2004**, have an operating Automatic Identification System Shipborne Equipment (AISSE) system installed.