

## Coast Guard, DOT

## § 117.4

### WASHINGTON

- 117.1031 Chehalis River.
- 117.1035 Columbia River.
- 117.1037 Cowlitz River.
- 117.1039 [Reserved]
- 117.1041 Duwamish Waterway.
- 117.1045 Hood Canal.
- 117.1047 Hoquiam River.
- 117.1049 Lake Washington.
- 117.1051 Lake Washington Ship Canal.
- 117.1053 Lewis River.
- 117.1055 Skagit River.
- 117.1057 Skamokawa Creek.
- 117.1058 Snake River.
- 117.1059 Snohomish River, Steamboat Sough, and Ebey Slough.
- 117.1061 Tacoma Harbor.
- 117.1063 Willapa River South Fork.
- 117.1065 Wishkah River.

### WISCONSIN

- 117.1081 Black River.
- 117.1083 Duluth-Superior Harbor (St. Louis River).
- 117.1085 East River.
- 117.1087 Fox River.
- 117.1089 Manitowoc River.
- 117.1091 Menomonee River.
- 117.1093 Milwaukee, Menomonee, and Kinnickinnic Rivers and South Menomonee and Burnham Canals.
- 117.1095 Root River.
- 117.1097 Sheboygan River.
- 117.1099 St. Croix River.
- 117.1101 Sturgeon Bay.
- 117.1103 Upper Mississippi River.
- 117.1105 Wisconsin River.
- 117.1107 Wolf River.

### APPENDIX A TO PART 117—DRAWBRIDGES EQUIPPED WITH RADIOTELEPHONES

AUTHORITY: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

SOURCE: CGD 82-025, 49 FR 17452, Apr. 24, 1984, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 117 appear at 63 FR 35529, June 30, 1998.

## Subpart A—General Requirements

### § 117.1 Purpose.

This subpart prescribes general requirements relating to the use and operation of drawbridges across the navigable waters of the United States.

NOTE: The primary jurisdiction to regulate drawbridges across the navigable waters of the United States is vested in the Federal Government. Laws, ordinances, regulations, and rules which purport to regulate these bridges and which are not promulgated by

the Federal Government have no force and effect.

### § 117.3 Applicability.

The provisions of this subpart not in conflict with the provisions of Subpart B apply to each drawbridge.

NOTE: For all of the requirements applicable to a drawbridge listed in Subpart B, one must review the requirements in Subpart A and §§ 117.51 through 117.99 of Subpart B, as well as the requirements in Subpart B applicable to the particular drawbridge in question.

### § 117.4 Definitions.

Certain terms used in this part are defined in this section.

*Appurtenance.* The term “appurtenance” means an attachment or accessory extending beyond the hull or superstructure that is not an integral part of the vessel and is not needed for a vessel’s piloting, propelling, controlling, or collision avoidance capabilities.

*Lowerable.* The term “lowerable” means the nonstructural vessel appurtenance can be mechanically or manually lowered and raised again. The term “lowerable” also applies to a nonstructural vessel appurtenance which can be modified to make the item flexible, hinged, collapsible, or telescopic such that it can be mechanically or manually lowered and raised again. Failure to make the modification is considered equivalent to refusing to lower a lowerable nonstructural appurtenance that is not essential to navigation. Examples of appurtenances which are considered to be lowerable include, but are not limited to, fishing outriggers, radio antennae, television antennae, false stacks, and masts purely for ornamental purposes. Examples of appurtenances which are not considered to be lowerable include, but are not limited to, radar antennae, flying bridges, sailboat masts, piledriver leads, spud frames on hydraulic dredges, drilling derricks’ substructures and buildings, cranes on drilling or construction vessels, or other items of permanent and fixed equipment.

*Nonstructural.* The term “nonstructural” means that the item is not rigidly fixed to the vessel and is thus susceptible to relocation or alteration.

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*Not essential to navigation.* The term “not essential to navigation” means the nonstructural vessel appurtenance does not adversely affect the vessel’s piloting, propulsion, control, or collision avoidance capabilities when in the lowered position.

[CGD 91-059, 59 FR 16563, Apr. 7, 1994]

### § 117.5 When the draw shall open.

Except as otherwise required by this subpart, drawbridges shall open promptly and fully for the passage of vessels when a request to open is given in accordance with this subpart.

EDITORIAL NOTE: FOR FEDERAL REGISTER citations relating to temporary deviations from the regulatory provisions in §117.5, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### § 117.7 General duties of drawbridge owners and tenders.

(a) Drawbridge owners and tenders shall operate the draw in accordance with the requirement in this part.

(b) Except for drawbridges not required to open for the passage of vessels, owners of drawbridges shall ensure that:

(1) The necessary drawtenders are provided for the safe and prompt opening of the draw;

(2) The operating machinery of the draw is maintained in a serviceable condition; and.

(3) The draws are operated at sufficient intervals to assure their satisfactory operation.

### § 117.9 Delaying opening of a draw.

No person shall unreasonably delay the opening of a draw after the signals required by §117.15 have been given.

NOTE: Trains are usually controlled by the block method. That is, the track is divided into blocks or segments of a mile or more in length. When a train is in a block with a drawbridge, the draw may not be able to open until the train has passed out of the block and the yardmaster or other manager has “unlocked” the drawbridge controls. The maximum time permitted for delay is defined in Subpart B for each affected bridge. Land and water traffic should pass over or through the draw as soon as possible in order to prevent unnecessary delays in the opening and closure of the draw.

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### § 117.11 Unnecessary opening of the draw.

No vessel owner or operator shall—

(a) Signal a drawbridge to open if the vertical clearance is sufficient to allow the vessel, after all lowerable nonstructural vessel appurtenances that are not essential to navigation have been lowered, to safely pass under the drawbridge in the closed position; or

(b) Signal a drawbridge to open for any purpose other than to pass through the drawbridge opening.

[CGD 91-059, 59 FR 16563, Apr. 7, 1994]

### § 117.15 Signals.

(a) *General.* (1) The operator of each vessel requesting a drawbridge to open shall signal the drawtender and the drawtender shall acknowledge that signal. The signal shall be repeated until acknowledged in some manner by the drawtender before proceeding.

(2) The signals used to request the opening of the draw and to acknowledge that request shall be sound signals, visual signals, or radiotelephone communications described in this subpart.

(3) Any of the means of signaling described in this subpart sufficient to alert the party being signaled may be used.

(b) *Sound signals.* (1) Sound signals shall be made by whistle, horn, megaphone, hailer, or other device capable of producing the described signals loud enough to be heard by the drawtender.

(2) As used in this section, “prolonged blast” means a blast of four to six seconds duration and “short blast” means a blast of approximately one second duration.

(3) The sound signal to request the opening of a draw is one prolonged blast followed by one short blast sounded not more than three seconds after the prolonged blast. For vessels required to be passed through a draw during a scheduled closure period, the sound signal to request the opening of the draw during that period is five short blasts sounded in rapid succession.

(4) When the draw can be opened immediately, the sound signal to acknowledge a request to open the draw is one prolonged blast followed by one