

required to remove the aid without expense to the United States. This requirement shall not apply in the case of any authorized private aid to navigation required by statute or regulation (Class I, § 66.01-15) which shall be maintained by the new owner until the conditions which made the aid necessary have been eliminated.

### Subpart 66.05—State Aids to Navigation

SOURCE: CGFR 66-32, 31 FR 10320, July 30, 1966, unless otherwise noted.

#### § 66.05-1 Purpose.

The purpose of the regulations in this subpart is to prescribe the conditions under which state governments may regulate aids to navigation owned by state or local governments, or private parties. With the exception on the provisions of subpart 66.10, which are valid until December 31, 2003, aids to navigation must be in accordance with the United States Aids to Navigation System in part 62 of this subchapter.

[CGD 97-018, 63 FR 33573, June 19, 1998]

#### § 66.05-5 Definitions.

(a) The term *State waters for private aids to navigation* means those navigable waters of the United States which the Commandant, upon request of a State Administrator, has designated as waters within which a State government may regulate the establishment, operation, and maintenance of marine aids to navigation, including regulatory markers. The Commandant will entertain requests to make such designations with respect to navigable waters of the United States not marked by the Federal government. These designations when approved will be set forth in separate sections by States in this subpart and will briefly describe or identify waters so designated.

(b) The term Uniform State Waterway Marking System (USWMS) means the system of private aids to navigation which may be operated in State waters. Subpart 66.10, which describes the USWMS, expires on December 31, 2003.

(c) The term *State Administrator* means the official of a State having power under the law of the State to regulate, establish, operate or maintain maritime aids to navigation on waters over which the State has jurisdiction.

(d) The term *State aids to navigation* means all private marine aids to navigation operated in State waters for private aids to navigation, whether owned by a State, political subdivisions thereof or by individuals, corporations, or organizations.

(e) The term *regulate State maritime aids to navigation* means to control the establishment, disestablishment, operation and maintenance of State aids to navigation.

[CGFR 66-32, 31 FR 10320, July 30, 1966, as amended by CGD 97-018, 63 FR 33573, June 19, 1998]

#### § 66.05-10 State waters for private aids to navigation; designations; revisions, and revocations.

(a) A State Administrator who desires to regulate State maritime aids to navigation in the navigable waters of the United States not marked by the Federal Government, shall request the Commandant to designate the specific bodies of water involved as State waters for private aids to navigation.

(b) The request shall be forwarded to the District Commander in whose district the bodies of water are located. The request shall give the name and description of the waterway; the extent of use being made of the waterway for marine navigation, in general terms; an appropriate chart or sketch of the area; and a general outline of the nature and extent of the State aids to navigation which the Administrator plans to establish in the waterway.

(c) The District Commander shall review the request and consult with the State Administrator concerning the terms of an initial agreement to be entered into under provisions of § 66.05-20. When they have arrived at terms of an agreement satisfactory to both, the District Commander shall forward the request to the Commandant with his recommendations and the terms of agreement mutually settled upon. If they cannot reach such agreement, the District Commander shall forward the

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request with his recommendations and a statement of the points agreed upon and the points remaining at issue.

(d) Upon receipt of the request, the Commandant will determine whether or not approval of the request is in the public interest and will inform the State Administrator and the District Commander of the Coast Guard's decision. If the request is approved, the designation by the Commandant of the waters in question as State waters for private aids to navigation will be also defined and described in this subpart.

(e) The Commandant may, upon his own initiative or upon request, revoke or revise any designations of State waters for private aids to navigation previously made by him. Written notice shall be given the State Administrator of the action contemplated by the Commandant. The State Administrator will be afforded a period of not less than 30 days from the date of the notice in which to inform the Commandant of the State's views in the matter before final action is completed to revoke or revise such designation.

**§ 66.05-20 Coast Guard-State agreements.**

(a) The District Commander in whose District a waterway is located may enter into agreements with State Administrators permitting a State to regulate aids to navigation, including regulatory markers, in State waters for private aids to navigation, as, in the opinion of the District Commander, the State is able to do in a manner to improve the safety of navigation. When a waterway is located within the area of jurisdiction of more than one Coast Guard District, the District Commander in whose District the State capital is located shall execute the agreement in behalf of the Coast Guard. All such agreements shall reserve to the District Commander the right to inspect the State aids to navigation without prior notice to the State. They shall stipulate that State aids to navigation will conform to the Uniform State Waterway marking System or to the U.S. Aids to Navigation System and that the State Administrator will modify or remove State aids to navigation without expense to the United States when so directed by the

District Commander, subject to the right of appeal on the part of the State Administrator to the Commandant.

(b) A Coast Guard-State agreement shall become effective when both parties have signed the agreements. In lieu of the procedure prescribed in §66.01-5, the agreement shall constitute blanket approval by the Commandant, of the State aids to navigation, including regulatory markers, established or to be established in State waters for private aids to navigation designated or to be designated by the Commandant.

(c) In addition to the matters set forth in paragraph (a) of this section, Coast Guard-State agreements shall cover the following points, together with such other matters as the parties find it desirable to include:

(1) A description, in sufficient detail for publication in Notices to Mariners, of all aids to navigations under State jurisdiction in navigable waters of the United States in existence prior to the effective date of the agreement which have not been previously approved under procedures of §66.01-5.

(2) Procedures for use by the State administrator to notify the District Commander of changes made in State aids to navigation, as required by §66.05-25.

(3) If prior to December 21, 2003, specification of the marking system to be used, whether the U.S. Aids to Navigation System or the Uniform State Waterway Marking System.

(4) Specification of standards as to minimum size and shape of markers, the use of identifying letters, the use of reflectors or retroreflective materials, and any other similar standards so as to enable Coast Guard inspectors to determine compliance with Statewide standards.

[CGD 86-031, 52 FR 42645, Nov. 6, 1987, as amended by CGD 97-018, 63 FR 33573, June 19, 1998]

**§ 66.05-25 Change and modification of State aids to navigation.**

(a) Wherever a State Administrator shall determine the need for change in State aids to navigation, he shall inform the District Commander of the nature and extent of the changes as soon as possible, preferably not less