

Coast Guard, DHS

§ 165.165

(5) *Location.* All waters of the East River north of a line drawn from approximate position 40°44'37" N, 073°58'16.5" W (the base of East 35th Street, Manhattan), to approximate position 40°44'23" N, 073°57'44.5" W (Hunters Point, Long Island City), and south of the Queensboro Bridge. All nautical positions are based on North American Datum of 1983.

(6) The security zone will be activated 30 minutes before the dignitaries' arrival into the zone and remain in effect until 15 minutes after the dignitaries' departure from the zone.

(7) The activation of a particular zone will be announced by facsimile and marine information broadcasts.

(b) *Regulations.* (1) The general regulations contained in 33 CFR 165.33 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel using siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD01-98-006, 64 FR 24948, May 10, 1999, as amended by CGD01-00-146, 65 FR 47320, Aug. 2, 2000]

§ 165.165 Regulated Navigation Area; Kill Van Kull Channel, Newark Bay Channel, South Elizabeth Channel, Elizabeth Channel, Port Newark Channel and New Jersey Pierhead Channel, New York and New Jersey.

(a) *Regulated Navigation Area (RNA).* All waters of the Kill Van Kull (KVK) Channel east of KVK Light 16A (LLNR 37340) in North of Shooters Island Reach, east of Shooters Island Light 2 (LLNR 37375) in South of Shooters Island Reach, and west of KVK Channel Junction Lighted Bell Buoy 'KV' (LLNR 37265) in Constable Hook Reach; all waters of Newark Bay Channel south of Newark Bay Light 19 (LLNR 37505); all waters of South Elizabeth Channel, Elizabeth Channel, Port Newark Channel, and New Jersey Pierhead Channel south of New Jersey Pierhead South Channel Lighted Buoy 5 (LLNR 37020).

(b) *Description of Work Areas in the RNA.*

(1) Work Area (1): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°38'40.0" N	074°03'45.0" W
40°38'50.4" N	074°04'16.0" W
40°38'57.9" N	074°04'11.8" W
40°39'03.8" N	074°04'43.8" W
40°39'04.5" N	074°05'07.6" W
40°39'01.8" N	074°05'14.8" W
40°39'05.0" N	074°05'17.1" W
40°39'10.3" N	074°05'05.0" W
40°39'09.3" N	074°04'27.8" W
40°39'00.2" N	074°03'45.1" W
40°38'58.0" N	074°03'34.9" W
40°38'40.0" N	074°03'45.0" W

(2) Work Area (2): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°38'50.4" N	074°04'16.0" W
40°38'57.5" N	074°04'37.8" W
40°38'59.2" N	074°04'55.4" W
40°38'57.4" N	074°05'12.9" W
40°38'47.5" N	074°05'33.8" W
40°38'45.8" N	074°05'43.6" W
40°38'49.4" N	074°05'44.7" W
40°38'51.0" N	074°05'35.7" W
40°39'04.7" N	074°05'06.6" W
40°39'03.7" N	074°04'29.5" W
40°38'57.9" N	074°04'11.8" W
40°38'50.4" N	074°04'16.0" W

(3) Work Area (3): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°38'45.8" N	074°05'43.6" W
40°38'49.4" N	074°05'44.7" W
40°38'51.2" N	074°05'35" W
40°39'01.8" N	074°05'14.8" W
40°39'05.0" N	074°05'17.1" W
40°38'57.5" N	074°05'32.3" W
40°38'53.8" N	074°05'44.1" W
40°38'53.1" N	074°05'56.8" W
40°38'55.3" N	074°06'38.1" W
40°38'41.5" N	074°07'18.3" W
40°38'38.2" N	074°07'41.4" W
40°38'38.5" N	074°07'46.0" W
40°38'35.2" N	074°07'49.0" W
40°38'31.2" N	074°07'50.0" W
40°38'30.1" N	074°07'41.3" W
40°38'33.9" N	074°07'15.1" W
40°38'44.0" N	074°06'45.7" W
40°38'46.7" N	074°06'25.9" W
40°38'44.8" N	074°05'49.6" W
40°38'45.8" N	074°05'43.6" W

(4) Work Area (4): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°38'31.2" N	074°07'50.0" W
40°38'35.2" N	074°07'49.0" W
40°38'36.6" N	074°08'01.2" W
40°38'28.2" N	074°08'51.0" W
40°38'35.2" N	074°09'06.2" W
40°38'30.0" N	074°09'12.0" W
40°38'24.8" N	074°09'02.6" W
40°38'24.0" N	074°08'52.0" W
40°38'31.5" N	074°08'07.4" W
40°38'31.8" N	074°07'54.6" W
40°38'31.2" N	074°07'50.0" W

(5) Work Area (5): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°38'35.2" N	074°07'49.0" W
40°38'38.5" N	074°07'46.0" W
40°38'40.7" N	074°08'01.3" W
40°38'34.0" N	074°08'41.0" W
40°38'40.0" N	074°08'52.0" W
40°38'50.0" N	074°08'55.0" W
40°38'35.2" N	074°09'06.2" W
40°38'28.2" N	074°08'51.0" W
40°38'36.6" N	074°08'01.2" W
40°38'35.2" N	074°07'49.0" W

(6) Work Area (6): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°39'17.0" N	074°08'38.0" W
40°40'21.0" N	074°08'00.0" W
40°40'34.3" N	074°07'54.0" W
40°40'35.9" N	074°08'03.9" W
40°40'33.2" N	074°08'12.0" W
40°40'26.6" N	074°08'17.9" W
40°39'34.3" N	074°08'55.8" W
40°39'30.8" N	074°08'58.2" W
40°39'21.6" N	074°08'50.2" W
40°39'17.0" N	074°08'38.0" W

(7) Work Area (7): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°40'26.7" N	074°08'17.9" W
40°41'14.4" N	074°09'35.0" W
40°41'18.9" N	074°09'31.9" W
40°40'46.1" N	074°08'38.9" W
40°40'44.5" N	074°08'30.2" W
40°40'33.2" N	074°08'12.0" W
40°40'26.7" N	074°08'17.9" W

(8) Work Area (8): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°39'30.8" N	074°08'58.2" W
40°39'40.6" N	074°09'22.5" W
40°39'43.5" N	074°09'25.8" W
40°39'44.8" N	074°09'24.9" W

Latitude	Longitude
40°39'32.8" N	074°08'55.2" W
40°39'30.8" N	074°08'58.2" W
	AND
40°39'21.6" N	074°08'50.2" W
40°39'17.0" N	074°03'38.0" W
40°38'50.0" N	074°08'55.0" W
40°38'30.0" N	074°09'12.0" W
40°38'33.3" N	074°09'19.5" W
40°38'46.8" N	074°09'22.8" W
40°39'07.7" N	074°08'58.8" W
40°39'21.6" N	074°08'50.2" W

(9) Work Area (9): The waters bounded by a line connecting the following points:

Latitude	Longitude
40°40'34.3" N	074°07'54.0" W
40°41'08.5" N	074°07'38.5" W
40°41'11.6" N	074°07'50.8" W
40°41'17.6" N	074°07'56.4" W
40°41'20.0" N	074°08'00.3" W
40°41'42.3" N	074°08'21.2" W
40°41'59.4" N	074°09'11.0" W
40°41'55.8" N	074°09'13.1" W
40°41'39.1" N	074°08'24.6" W
40°41'21.0" N	074°08'07.6" W
40°40'46.1" N	074°08'38.9" W
40°40'44.5" N	074°08'30.2" W
40°40'50.4" N	074°08'30.3" W
40°41'13.4" N	074°08'09.7" W
40°41'13.7" N	074°08'05.6" W
40°41'03.2" N	074°07'55.7" W
40°40'54.4" N	074°07'55.7" W
40°40'35.9" N	074°08'03.9" W
40°40'34.3" N	074°07'54.0" W

(c) *Projected dates for each work area.* Dredging is scheduled to commence in Work Area (2) on April 19, 1999. As contracts are let for dredging of each of the remaining work areas, commencement dates will be made available via the Local Notice to Mariners, marine information broadcasts, facsimile, and at New York Harbor Operations Committee meetings.

(d) *Regulations.* (1) No vessel shall enter or transit any work area where drill barges and/or dredges are located without permission of Vessel Traffic Service New York (VTSNY).

(2) Each vessel transiting in the vicinity of the work areas, where drill barges and/or dredges are located, is required to do so at no wake speed.

(3) No vessel shall enter the RNA when they are advised by the drilling barge or VTSNY that a misfire or hangfire has occurred. Vessels already underway in the RNA shall proceed to clear the impacted area immediately.

(4) Vessels, 300 gross tons or greater, and tugs with tows are prohibited from

meeting or overtaking other vessels when transiting alongside an active work area.

(5) Vessels, 300 gross tons or greater, and tugs with tows transiting with the prevailing current (as measured from the Battery tide station) are regarded as the stand-on vessel.

(6) Prior to entering the RNA, the master, pilot or operator of each vessel, 300 gross tons or greater and tugs with tows, shall ensure that they have sufficient propulsion and directional control to safely navigate the area under the prevailing conditions, and shall notify VTSNY as to their decision regarding the employment of assist tugs while transiting the RNA.

(7) Hawser or wire length must not exceed 100 feet, measured from the towing bit on the tug to the point where the hawser or wire connects with the towed vessel or barge, for any vessel with another vessel/barge in tow.

(8) Waiver. The Captain of the Port, New York may, upon request, authorize a deviation from any regulation in this section if it is found that the proposed operations can be done safely. An application for deviation must be received not less than 24 hours before the intended operation and must state the need and describe the proposal.

(9) Tugs with tows includes a tug with a vessel or barge in tow, alongside, or being pushed.

(10) *Bergen Point West Reach*. In addition to the requirements in paragraphs (d)(1) through (d)(9) of this section, the following provisions apply to vessels transiting in or through Work Areas (4) and (5):

(i) *Tug requirements*: All vessels 350 feet in length, or greater, excluding tugs with tows, require one assist tug. All vessels 700 feet in length, or greater, excluding tugs with tows, require two assist tugs. All vessels 900 feet in length, or greater, excluding tugs with tows, require three assist tugs.

(ii) *Tidal current restrictions*: Vessels 700 feet in length, or greater, are restricted to movements within one hour before or after slack water, as measured from the Bergen Point current station.

(iii) *Astern tows*: Hawser tows are not permitted unless an assist tug accompanies the tow.

(iv) *Sustained winds from 20 to 34 knots*. In sustained winds from 20 to 34 knots:

(A) cargo ships and tankers in ballast may not transit Work Areas (4) and (5);

(B) tugs pushing or towing alongside tank barges 350 feet in length, or greater, in light condition, require an assist tug in Work Areas (4) and (5).

(v) *Sustained winds greater than 34 knots*. In sustained winds greater than 34 knots, vessels 300 gross tons or greater and all tugs with tows are prohibited from transiting Work Areas (4) and (5).

[USCG-1998-4443, 64 FR 18579, Apr. 15, 1999; CGD01-98-165, 64 FR 34313, June 25, 1999]

EFFECTIVE DATE NOTE: By CGD01-03-017, 68 FR 16958, Apr. 8, 2003, §165.165 was amended by adding paragraph (d)(10), effective Mar. 30, 2003, through Sept. 30, 2004.

§ 165.166 Safety Zone: Macy's July 4th Fireworks, East River, NY.

(a) *Regulated Area*. The following area is a safety zone: All waters of the East River east of a line drawn from the Fireboat Station Pier, Battery Park City, in approximate position 40°42'15.4" N 074°01'06.8" W (NAD 1983) to Governors Island Light (2) (LLNR 35010), in approximate position 40°41'34.4" N 074°01'10.9" W (NAD 1983); north of a line drawn from Governors Island, in approximate position 40°41'25.3" N 074°00'42.5" W (NAD 1983) to the southwest corner of Pier 9A, Brooklyn; south of a line drawn from East 47th Street, Manhattan through the southern point of Roosevelt Island to 46 Road, Brooklyn, and all waters of Newtown Creek west of the Pulaski Bascule Bridge.

(b) *Activation period*. This section is activated annually from 6:30 p.m. until 11:30 p.m. on July 4th. If the event is cancelled due to inclement weather then this section is in effect from 6:30 p.m. until 11:30 p.m. on July 5th.

(c) *Regulations*. (1) The general regulations contained in 33 CFR 165.23 apply.

(2) No vessels, except the Staten Island Ferries, will be allowed to transit the safety zone without the permission of the Captain of the Port, New York.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel.