

§ 3.21

(2) Towing without one person (other than the operator) observing the progress of the person being towed.

(3) Towing a person who is not wearing a personal flotation device. If the person being towed is wearing a flotation device not approved by the United States Coast Guard, there must be an approved personal flotation device readily available in the towing vessel.

(4) Towing or being towed in channels or within 500 feet of areas designated as harbors, swimming beaches, or mooring areas, or within 100 feet of a person fishing or swimming, or a diver's marker.

§ 3.21 Swimming and bathing.

(a) The following are prohibited:

(1) Swimming or bathing in locations designated as closed.

(2) Swimming or bathing in violation of designated restrictions.

(3) Swimming from vessels which are underway, except in circumstances where a capable operator is on board and all propulsion machinery is off and/or sails are furled.

(b) The superintendent may prohibit the use of flotation devices, glass containers, kites, or incompatible sporting activities within locations designated as swimming beaches.

§ 3.22 Surfing.

The use of surfboards and similar rigid devices within locations des-

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ignated as swimming beaches is prohibited.

§ 3.23 SCUBA and snorkeling.

The following are prohibited:

(a) SCUBA diving and snorkeling within locations designated as swimming, docking, or mooring areas, except in accordance with conditions which may be established by the superintendent.

(b) Diving in waters open to the use of vessels, other than those propelled by hand, without displaying a standard diver flag.

§ 3.24 Regulation of personal watercraft (PWC).

(a) *Is personal watercraft (PWC) use prohibited in units of the National Park System?* Yes, the use of personal watercraft in units of the National Park System is prohibited, except in designated areas.

(b) *How will the National Park Service designate areas for PWC use?* We will designate areas for personal watercraft through the FEDERAL REGISTER, using special regulations, except for the park areas identified in the following Table 1, where personal watercraft use may be designated using the criteria and procedures of §§ 1.5 and 1.7 of this chapter:

TABLE 1—PARK DESIGNATED PWC USE

Name	Water type	State
Amistad National Recreation Area	Impounded Lake	TX
Bighorn Canyon National Recreation Area	Impounded Lake	MT
Chickasaw National Recreation Area	Impounded Lake	OK
Curecanti National Recreation Area	Impounded Lake	CO
Gateway National Recreation Area	Open Ocean/Bay	NY
Glen Canyon National Recreation Area	Impounded Lake	AZ/UT
Lake Mead National Recreation Area	Impounded Lake	AZ/NV
Lake Meredith National Recreation Area	Impounded Lake	TX
Lake Roosevelt National Recreation Area	Impounded Lake	WA
Whiskeytown-Shasta-Trinity National Recreation Area	Impounded Lake	CA

(c) *How does the grace period apply?* For the park areas identified in Tables 1 and 2 of this section, this section provides a two-year grace period (April 20, 2000 to April 22, 2002) from the require-

ments of this section. During the grace period no authorizing administrative action is needed to allow PWCs to continue to operate in the park areas identified in this section. Table 2 follows:

TABLE 2—SPECIAL REGULATION PWC USE

Name	Water type	State
I. National Seashores:		
Assateague Island National Seashore	Open Ocean/Bay	MD/VA
Cape Cod National Seashore	Open Ocean/Bay	MA
Cape Lookout National Seashore	Open Ocean/Bay	NC
Cumberland Island National Seashore	Open Ocean/Bay	GA
Fire Island National Seashore	Open Ocean/Bay	NY
Gulf Islands National Seashore	Open Ocean/Bay	FL/MS
Padre Island National Seashore	Open Ocean/Bay	TX
II. National Lakeshores:		
Indiana Dunes National Lakeshore	Natural Lake	IN
Pictured Rocks National Lakeshore	Natural Lake	MI
III. National Recreation Area: Delaware Water Gap National Recreation Area	River	PA/NJ
IV. National Preserve: Big Thicket National Preserve	River	TX

[65 FR 15089, Mar. 21, 2000]

PART 4—VEHICLES AND TRAFFIC SAFETY

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- 4.22 Unsafe operation.
- 4.23 Operating under the influence of alcohol or drugs.
- 4.30 Bicycles.
- 4.31 Hitchhiking.

AUTHORITY: 16 U.S.C. 1, 3, 9a, 462(k).

SOURCE: 52 FR 10683, Apr. 2, 1987, unless otherwise noted.

§ 4.1 Applicability and scope.

The applicability of the regulations in this part is described in §1.2 of this chapter. The regulations in this part also apply, regardless of land ownership, on all roadways and parking areas within a park area that are open to public traffic and that are under the legislative jurisdiction of the United States.

§ 4.2 State law applicable.

(a) Unless specifically addressed by regulations in this chapter, traffic and the use of vehicles within a park area are governed by State law. State law that is now or may later be in effect is

adopted and made a part of the regulations in this part.

(b) Violating a provision of State law is prohibited.

§ 4.3 Authorized emergency vehicles.

(a) The operator of an authorized emergency vehicle, when responding to an emergency or when pursuing or apprehending an actual or suspected violator of the law, may:

- (1) Disregard traffic control devices;
- (2) Exceed the speed limit; and
- (3) Obstruct traffic.

(b) The provisions of paragraph (a) of this section do not relieve the operator from the duty to operate with due regard for the safety of persons and property.

§ 4.4 Report of motor vehicle accident.

(a) The operator of a motor vehicle involved in an accident resulting in property damage, personal injury or death shall report the accident to the superintendent as soon as practicable, but within 24 hours of the accident. If the operator is physically incapable of reporting the accident, an occupant of the vehicle shall report the accident to the superintendent.

(b) A person shall not tow or move a vehicle that has been involved in an accident without first notifying the superintendent unless the position of the vehicle constitutes a hazard or prior notification is not practicable, in which case notification shall be made before the vehicle is removed from the park area.