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(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

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Latitude	Longitude
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
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

Latitude	Longitude
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.

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(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.

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

§ 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 Upper New York Bay south of a line drawn from Pier A (Fireboat Station Pier), Battery Park City, in approximate position 40°42'15.4" N 074°01'06.8" W (NAD 1983) to the easternmost corner of the Ellis Island Security Zone, in approximate position 40°41'57.6" N 074°02'06.7" W (NAD 1983); north of a line drawn from Pier 7, Jersey City, NJ, in approximate position 40°41'26.4" N 074°03'17.3" W (NAD 1983) to Liberty Island Lighted Gong Buoy 29 (LLNR 34995), in approximate position 40°41'02.2" N 074°02'24.7" W (NAD 1983), on to Governor's Island Extension Light (LLNR 35000), in approximate position 40°41'08.3" N 074°01'35.4" W (NAD 1983); all waters of the East River 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, Queens; 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. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(4) Vessels equal to or greater than 20 meters (65.6 feet) in length, carrying persons for the purpose of viewing the fireworks, may take position in an area inside the safety zone, at least 200 yards off the bulkhead on the west bank and just off the pierhead faces on the east bank of the East River between the Williamsburg Bridge and North 9th Street, Brooklyn. This area is bound by the following points: 40°42'45.5" N 073°58'07.4" W; thence to 40°42'50.4" N 073°58'23.2" W; thence to 40°43'23.1" N 073°58'12.7" W; thence to 40°43'21.5" N 073°57'45.7" W; (NAD 1983) thence back to the point of beginning. All vessels must be in this location by 6:30 p.m. (e.s.t.) the day of the event.

[CGD01-00-242, 66 FR 20405, Apr. 23, 2001, as amended by CGD01-05-017, 70 FR 35536, June 21, 2005]

§ 165.167 Safety Zone: East River Western Channel, Manhattan, NY.

(a) Location. The waters of the East River enclosed by the following boundaries are established as a safety zone: beginning on the Manhattan riverbank at a point 40°45'35.7" N, 073°57'25.2" W (Point A), thence southeasterly to a point 40°45'34.8" N, 073°57'23.2" W (Point B), thence southwesterly along the western boundary of the federal navigable channel to a point 40°45'09.5" N, 073°57'46.3" W (Point C), then northwesterly to the Manhattan riverbank at a point 40°45'10.5" N, 073°57'48.9" W (Point D), thence northeasterly along the riverbank to the place of beginning (Point A). All coordinates are North American Datum 1983.