

## Coast Guard, DHS

## § 164.01

of section 14 of the Act of May 28, 1908, as amended (sec. 14, 35 Stat. 428, as amended; 33 U.S.C. 152). Under the provisions of section 15 of the Act of May 28, 1908, as amended (sec. 15, 35 Stat. 429; 33 U.S.C. 153), the penalty for use of an unlawful towline shall be an action against the master of the towing vessel seeking the suspension or revocation of his license.

[CGFR 60-61, 25 FR 9045, Sept. 21, 1960, as amended by CGFR 66-59, 31 FR 13647, Oct. 22, 1966. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981]

### § 163.05 Tows of seagoing barges within inland waters.

(a) The tows of seagoing barges when navigating the inland waters of the United States shall be limited in length to five vessels, including the towing vessel or vessels.

[CGFR 60-61, 25 FR 9045, Sept. 21, 1960. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981]

### § 163.20 Bunching of tows.

(a) In all cases where tows can be bunched, it should be done.

(b) Tows navigating in the North and East Rivers of New York must be bunched above a line drawn between Robbins Reef Light and Owls Head, Brooklyn, but the quarantine anchorage and the north entrance to Ambrose Channel shall be avoided in the process of bunching tows.

(c) Tows must be bunched above the mouth of the Schuylkill River, Pa.

[CGFR 60-61, 25 FR 9045, Sept. 21, 1960, as amended by CGFR 64-21, 29 FR 5733, Apr. 30, 1964. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981]

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AUTHORITY: 33 U.S.C. 1222(5), 1223, 1231; 46 U.S.C. 2103, 3703; Department of Homeland Security Delegation No. 0170.1 (75). Sec. 164.13 also issued under 46 U.S.C. 8502. Sec. 164.61 also issued under 46 U.S.C. 6101.

### § 164.01 Applicability.

(a) This part (except as specifically limited by this section) applies to each self-propelled vessel of 1600 or more gross tons (except as provided in paragraphs (c) and (d) of this section, or for foreign vessels described in §164.02) when it is operating in the navigable waters of the United States except the St. Lawrence Seaway.

(b) Sections 164.70 through 164.82 of this part apply to each towing vessel of 12 meters (39.4 feet) or more in length operating in the navigable waters of the United States other than the St. Lawrence Seaway; except that a towing vessel is exempt from the requirements of §164.72 if it is—

(1) Used solely within a limited geographic area, such as a fleeting-area for barges or a commercial facility, and

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used solely for restricted service, such as making up or breaking up larger tows;

(2) Used solely for assistance towing as defined by 46 CFR 10.103;

(3) Used solely for pollution response; or

(4) Any other vessel exempted by the Captain of the Port (COTP). The COTP, upon written request, may, in writing, exempt a vessel from §164.72 for a specified route if he or she decides that exempting it would not allow its unsafe navigation under anticipated conditions.

(c) Provisions of §§164.11(a)(2) and (c), 164.30, 164.33, and 164.46 do not apply to warships or other vessels owned, leased, or operated by the United States Government and used only in government noncommercial service when these vessels are equipped with electronic navigation systems that have met the applicable agency regulations regarding navigation safety.

(d) Provisions of §164.46 apply to some self-propelled vessels of less than 1600 gross tonnage.

[CGD 83-004, 49 FR 43466, Oct. 29, 1984, as amended by CGD 94-020, 61 FR 35072, July 3, 1996; USCG-2000-8300, 66 FR 21864, May 2, 2001; USCG-2003-14757, 68 FR 39367, July 1, 2003]

**§ 164.02 Applicability exception for foreign vessels.**

(a) Except as provided in §164.46(a)(2) of this part, including §§164.38 and 164.39, this part does not apply to vessels that:

(1) Are not destined for, or departing from, a port or place subject to the jurisdiction of the United States; and

(2) Are in:

(i) Innocent passage through the territorial sea of the United States; or

(ii) Transit through navigable waters of the United States which form a part of an international strait.

[CGD 77-063, 44 FR 66530, Nov. 19, 1979, as amended by CGD 79-148, 45 FR 54039, Aug. 14, 1980; USCG-2003-14757, 68 FR 39367, July 1, 2003; 68 FR 60569, Oct. 22, 2003]

**§ 164.03 Incorporation by reference.**

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition

other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the Navigation Systems Division (CG-5413), Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001 and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). All approved material is available from the sources indicated in paragraph (b) of this section.

(b) The materials approved for incorporation by reference in this part and the sections affected are as follows:

<i>American Petroleum Institute (API)</i> , 1220 L Street NW., Washington, DC 20005	
API Specification 9A, Specification for Wire Rope, Section 3, Properties and Tests for Wire and Wire Rope, May 28, 1984 .....	164.74
<i>American Society for Testing and Materials (ASTM)</i> , 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959	
ASTM D4268-93, Standard Test Method for Testing Fiber Ropes	164.74
<i>Cordage Institute</i> , 350 Lincoln Street, Hingham, MA 02043	
CIA-3, Standard Test Methods for Fiber Rope Including Standard Terminations, Revised, June 1980 .....	164.74
<i>International Electrotechnical Commission (IEC)</i> , 3, rue de Varemb, Geneva, Switzerland.	
IEC 61993-2, Maritime navigation and radiocommunication equipment and systems—Automatic identification systems (AIS)—part 2: Class A shipborne equipment of the universal automatic identification system (AIS)—Operational and performance requirements, methods of test and required test results First edition, 2001-12 .....	164.46
<i>International Maritime Organization (IMO)</i> , 4 Albert Embankment, London SE1 7SR, U.K.	
IMO Resolution A342(IX), Recommendation on Performance Standards for Automatic Pilots, adopted November 12, 1975	164.13