

UNITED STATES COAST GUARD

Address Reply to:
Commander,
3rd Coast Guard District
80 Lafayette Street
New York 13, New York

Noted
P. B.

o
2 March, 1955
A5

RECEIVED
MAR 4 1955
SOUTH WOODRIF CO.

Off Soundings Club
c/o Mr. Phelps Brown, Secretary
P. O. Box 109
West Springfield, Mass.

Dear Sirs:

With the approach of another boating and yachting season it appears opportune to readvise you of the requirements of Regulations to Promote the Safety of Life on Navigable Waters during Regattas or Marine Parades, as contained in Part 100, Chapter I, Title 33, Code of Federal Regulations. For ready reference, a copy of these regulations is enclosed.

It is desired to point out that the detailed plans, referred to in the Regulations, shall be submitted by organizations sponsoring marine regattas or marine parades if:

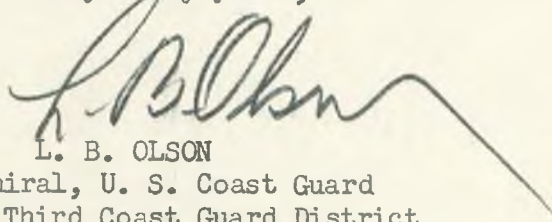
- a. By their nature, circumstances, or location such events will introduce extra or unusual hazards to the safety of life on navigable waters; or
- b. By similar circumstances, such events will involve limitations or restrictions on the use of any portion of the navigable waterways by other interested parties.

Under the interpretation of the regulations it devolves initially upon the sponsor of each marine regatta or marine parade to determine whether extra hazards or interference to marine navigation are involved, and, if so, to thereupon submit the detailed plans called for. The Coast Guard District Commander is the final determining authority as to whether the proposed marine regatta or marine parade may be held in the proposed location with safety to life on the navigable waters.

Heretofore, this office has received many requests to approve marine regattas and parades, which definitely came under restrictive conditions, much later than the time called for in Section 100.05 (c). Further disregard of the requirement in this sub-section may cause the disapproval of plans submitted.

Requests to conduct marine regattas or marine parades should normally include a statement as to whether or not a Coast Guard Patrol is desired.

Very truly yours,



L. B. OLSON
Rear Admiral, U. S. Coast Guard
Commander, Third Coast Guard District

- Encl: (1) Part 100, Chapter
I, Title 33, CFR
Encl: (2) Statement of Policy
of CCGD3

PART 100, CHAPTER I, TITLE 33, F.R.
REGULATIONS TO PROMOTE THE SAFETY OF LIFE ON NAVIGABLE WATERS
DURING REGATTAS OR MARINE PARADES

Section 100.1 Definition

The term "marine parade" or "marine regatta" for the purpose of the regulations in this part, is defined to be an organized water event of limited duration which is conducted according to a prearranged schedule and in which general public interest is manifested.

Section 100.05 Submission of Plans for Marine Regattas or Marine Parades to the Coast Guard

(a) Organizations planning to hold marine regattas or marine parades, which, by their nature, circumstances, or location will introduce extra or unusual hazards to the safety of life on navigable waters shall submit detailed plans of such marine regattas or marine parades to the Commander of the Coast Guard District in which it is planned to hold them.

(b) The detailed plans shall include the following:

- (1) Name and address of organization.
- (2) Nature and purpose of the event.
- (3) Information as to general public interest.
- (4) Estimated number and types of watercraft participating in the event.
- (5) Estimated number and types of spectator watercraft.
- (6) A time schedule and description of events.
- (7) A section of chart or scale drawing showing the boundaries of the event, various water courses or areas to be utilized by participants, officials, and spectator craft.

(c) Detailed plans shall be submitted no less than 15 days prior to the start of marine regatta or marine parades unless the marine regatta or marine parade is of such a nature as to involve limitations on the use of a portion of the navigable waters by other interested parties, in which event the plans should be submitted not less than 60 days prior to the start of the proposed marine regatta or marine parade.

Section 100.10 Procedure of District Commander upon receipt of plans

(a) The Commander of a Coast Guard District who receives detailed plans of a proposed marine regatta or marine parade to be held upon the navigable waters within his district shall study them to determine whether the proposed marine regatta or marine parade may be held in the proposed location with safety to life on the navigable waters. As an aid to such study, the District Commander, may, if he deems it necessary, hold a public hearing to determine the views of all persons interested in, or who will be affected by, the marine regatta or marine parade.

(b) Upon the completion of his study of the plans, the District Commander will notify the organization which submitted the plans.

Section 100.25 Establishment of Aids to Navigation

The Commander of a Coast Guard District will establish and maintain only those aids to navigation as he deems necessary to assist in the observance and enforcement of the special local regulations issued by him. Such aids to navigation will be in accordance with Section 62.01-35 of this chapter. All other aids to navigation incidental to the holding of a marine parade or marine regatta shall be considered as private aids to navigation coming within the purview of Section 66.01 of this chapter.

Section 100.30 Permissible State Regulation of marine regattas or marine parades

(a) In the exercise of his discretion as provided in section 1 of the act of April 28, 1908, as amended (sec. 1,35 Stat. 69, as amended; 46 U.S.C. 454), the Commandant has determined that the regulations in this part shall not be applicable to a marine regatta or a marine parade occurring on the interior waters of state if:

(1) The state directs and controls the operations of such a marine regatta or marine parade in a manner such as to insure the safety of life on navigable waters during a marine regatta or marine parade; and,

(2) The state submits to the Commander of a Coast Guard District in which the marine regatta or marine parade is to occur its complete plans for regulation of such regatta or parade, such plans to be submitted at least two weeks before the occurrence of such regatta or parade.

(b) Upon the completion of his study of the plans and at least one week before the occurrence of a marine regatta or marine parade, the Commander of the Coast Guard District will notify the state which submitted the plans:

(1) That the plans are approved and the regulations in this part shall not be applicable to such regatta or parade; or,

(2) That the interest of safety of life on the navigable waters require specific change or changes in the plans before they can be approved; or,

(3) That the plans are not approved, with reasons for such disapproval, and that the regulations in this part are applicable to the marine regatta or marine parade.

GENERAL POLICY OF THE COMMANDER, THIRD COAST GUARD DISTRICT RELATIVE TO ENFORCEMENT OF LAWS CONCERNING NEGLIGENT OPERATION OF MOTORBOATS

The Commander, Third Coast Guard District is vitally interested in preventing negligent operation of motorboats, and the protection of life and property on the navigable waters of this District.

During the annual boating season, the Coast Guard will increase its motorboat boarding program. It will stress safety measures by providing owners and operators with technical and practical advice. However, even though safety is stressed, negligent and reckless operation by some persons will continue to result in very serious danger to life, limb and property. The assistance of all citizens is desired in combatting this nuisance, a violation of Federal Law (46 USC 526.1.) which states; "No person shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person." This law may be enforced by:

a. A Federal Law Enforcement Officer (Coast Guard) who sees the actual offense, or

b. Through the assistance of any citizen who sees the actual offense and reports the facts to the Coast Guard. In either case the following is considered the minimum possible evidence that will enable final prosecution of the case in a Federal Court.

(1) An eyewitness description of the reckless or negligent operation of the boat, giving date, time, and place of the incident.

(2) Accurate identification of the boat, including number on bow, name, color, and other distinctive markings.

(3) Description, name, and home address of the person operating the boat at the time. (This is very important in final prosecution of the case.)

(4) The names and addresses of all eyewitnesses to the incident who will be willing to testify in Federal Court.

Citizens should deliver this information without delay by letter or other means to the nearest Coast Guard unit or to the Commander, Third Coast Guard District, 80 Lafayette St., New York 13, N. Y. The Coast Guard will evaluate all complaints submitted, and if warranted by the facts and circumstances, will place the case before the United States Attorney.

Boating can be made safer and more enjoyable for all with the full cooperation and assistance of every motorboat owner and those connected with boating in any way.

/s/ L. B. OLSON
Rear Admiral, U. S. Coast Guard
Commander, Third Coast Guard District