

SECTION B: DOMESTIC INSPECTION PROGRAMS

CHAPTER 4: INSPECTION PROCEDURES APPLICABLE TO VESSEL TYPES, CLASSES, AND CATEGORIES

CC. INSPECTION AND CERTIFICATION OF MOORED PASSENGER/ATTRACTION VESSELS

1. Purpose The purpose of this policy is to set forth procedures for the inspection and certification of temporarily moored attraction vessels as passenger vessels.

- 2. Discussion**
- a. Attraction vessels are vessels that are put on public display or used as a platform for a public exhibit and carry “passengers” only while temporarily moored to dock. By charging visitors some form of admission to board, or accepting donations or some other valuable consideration, attraction vessels are subject to U.S. inspection laws as passenger vessels or small passenger vessels. These vessels may operate on an established itinerary, calling on several ports for brief periods of time. Attraction vessels may be of unique or unusual design, have some historical significance, be restored or constructed as replicas of former vessels or provide some related maritime interest to the public. Generally, the design or construction of an attraction vessel precludes conformance with or retrofitting to meet U.S. passenger vessel requirements without damaging the originality of the vessel.
 - b. The term “passenger” as used in this policy is the same as defined in 46 USC 2101(21)(A).

- 3. General Policy**
- a. In recognition of the reduced safety risks associated with a vessel that is moored to a fixed structure, an attraction vessel may be issued a Certificate of Inspection (COI) to permit operation as a passenger vessel if the OCMI is satisfied that the vessel can operate safely while moored. A COI may be issued under this policy with a period of validity up to one year and will contain specific operating restrictions, including those addressing local conditions. An attraction vessel with a valid COI issued under this policy that relocates in another OCMI zone will undergo subsequent reinspection by the cognizant OCMI to determine the need to specify operating restrictions based upon local port conditions.
 - b. Regardless of the period of validity of the COI, an attraction vessel will be considered to be operating under the terms of its COI only while it is moored at the location(s) and during the period authorized, as specifically endorsed on the COI by the OCMI.

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4. Applicability

These guidelines apply to a vessel meeting the following criteria:

- a. A U.S.-flag vessel that is either uninspected or, if inspected, lacks authorization on its COI for the carriage of passengers. Or, a foreign-flag vessel that does not possess a valid SOLAS Passenger Ship Safety Certificate.
- b. The vessel is visiting a port or place for a limited period of time.
- c. The vessel is not permanently moored.
- d. A charge for admission or some form of compensation or consideration from visitors is required, expected, or accepted in conjunction with boarding.
- e. Passengers are not carried while the vessel is underway or while the vessel is at anchor.

5. Duration of Operation in a Zone

This policy is not intended to permit a vessel to circumvent vessel inspection laws by operating as a passenger vessel while moored for an indefinite period of time in the same general area. A period of approximately one month at the same location or port area is considered reasonable, but in unusual circumstances, OCMI's may permit a brief extension of the initial period. An OCMI shall, when issuing or amending a COI issued pursuant to this policy, specify in the operating details of the COI the dates when and place(s) where in the OCMI's zone the vessel is permitted to operate.

Jones Act Status

- a. Jones Act Status. U.S. Customs, in practice, has not considered a foreign-built vessel moving along the coast and charging a fee for exhibition as coastwise trade, provided promotional literature, or articles for sale or exhibit are not loaded and unloaded between coastwise points. If there is doubt as to the applicability of the Jones Act to a particular attraction vessel, prior to issuing a COI, an OCMI may require the vessel operator to obtain a ruling from the U.S. Customs Service, Office of Regs and Rulings, Entry Procedures and Carrier Branch, 1300 Pennsylvania Avenue, Washington, D.C. 20229, Tel (202) 927-2320.

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Application for Inspection

- b. Application for Inspection. To apply for inspection as an attraction vessel, the owner or operator of an uninspected or foreign vessel will submit an application for inspection to the cognizant OCMI. Accompanying the application for inspection, the owner or operator must submit additional vessel information per paragraph 7.a. and a port operating plan containing port specific information per paragraph 7.b. If the vessel will be operating on an itinerary and calling in other OCMI zones, the owner or operator should arrange for reinspection in subsequent ports, but need only submit a port operating plan in advance. A U.S. inspected vessel not in passenger service will be required to submit an application for inspection and information to the OCMI as specified in paragraph 12.

Additional Vessel Information and Plans Required

- c. Additional Vessel Information and Plans Required. Accompanying the application for inspection, the owner or operator shall provide the following information to the OCMI:
 - (1) A copy of the vessel's fire control plan and/or structural fire protection plan, if such plans are available.
 - (2) If a fire control plan in accordance with SOLAS 74 (as amended), Chapter II-2, Reg. 20 is unavailable, a basic plan should be provided, indicating the locations and types of all emergency response or safety-related equipment available on the vessel, including fire fighting, damage control, and lifesaving equipment.
 - (3) Proposed maximum number of passengers to be permitted aboard the vessel, including the calculations used for determining the maximum number of passengers.
 - (4) Results of the most recent hull examination, if any, including an assessment/testament as to the condition of the hull.
 - (5) Copies of any applicable certificates issued by other OCMI's, the vessel's home Administration, or a recognized classification society (e.g., Load Line, SOLAS, etc.).
 - (6) The minimum number of crewmembers to be aboard the vessel during hours of operation and an explanation of their job descriptions and qualifications.
 - (7) Amounts, types and stowage of any flammable or combustible liquids including fuel aboard the vessel.
 - (8) The proposed (general) itinerary of the vessel while in U.S. waters, including ports, dates of arrival and departure.

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Submission of Port Operating Plans

d. Submission of Port Operating Plans. A Port Operating Plan shall be submitted to the OCMI conducting the inspection for certification and to the OCMI for each subsequent zone where the vessel will be operating. The Port Operating Plan will provide detailed information concerning a vessel's intended operations while in each respective OCMI zone. Each Port Operating Plan should include the following information:

- (1) Approximate dates when the vessel will operate in the OCMI's zone.
- (2) Location(s) in the OCMI's zone where the vessel will operate.
- (3) Proposed hours of operation during which passengers would be permitted on board.
- (4) Proposed method for mooring the vessel.
- (5) Means of access/egress for passengers.

8. Inspection for Certification

The inspection for certification of an attraction vessel should be oriented towards identifying potential hazards to passengers on board that vessel while moored to a pier. In this respect, the requirements and scope of the inspection are significantly less than that for inspection of a vessel carrying passengers underway. The following provides general and specific requirements, particular areas of concern, and suggested equivalent standards of safety for moored attraction vessels.

Pollution Regulations

a. Pollution Regulations. Attraction vessels shall comply with the requirements for pollution prevention and marine sanitation devices as found in 33 CFR 151, 155, 156 and 159.

Decks, Rails, and Stairs

b. Decks, Rails, and Stairs. Deck areas, stairs and ladders will be free from tripping, slipping and falling hazards to passengers. The OCMI may apply the standards for heights of deck rails from the regulations for small passenger vessels in 46 CFR, Subchapter T.

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Gangways (or Brows)

- c. Gangways (or Brows). Gangways should be suitably sized and located to accommodate passenger/crew escape in the event of an emergency. Depending upon vessel arrangement and size, and width of the gangway, the OCMI may require the installation of two or more gangways. Inspectors should closely scrutinize any gangway that is attached to the side of a vessel, in lieu of being supported by a gunwale or other deck support. Unless properly designed to accommodate the service load and the dynamic forces resulting from tidal changes and vessel surge, the mounting brackets used to attach the gangway to the side of the vessel are subject to potential failure, presenting a serious safety risk to persons using the brow. When side-mounting brackets are used, a redundant means for securing the gangway shall be provided. This may be accomplished by use of ropes, chains or cables attached to a secure structure or fitting on deck, which could support the brow in the event of failure of the side brackets. Regardless of design and securing arrangements, OCMI's should consider requiring the installation of safety nets below all gangways, where practicable.

Lighting

- d. Lighting. Interior lighting in areas accessible to passengers should be adequate to the extent that portable lighting equipment should not be necessary. If emergency lights are not installed, guides or crewmembers on watch during hours of operation may be required to carry suitable portable lighting. If the vessel operates at night, there shall be exterior lighting of sufficient intensity for illuminating the weather decks and gangway(s).

Electrical Fixtures and Wiring

- e. Electrical Fixtures and Wiring. Electrical installations and equipment shall be reasonably safe from fire or electrical shock. For U.S.-flag vessels, inspectors should refer to the electrical standards included in 46 CFR, Subchapter J, K, or T (as appropriate) as a general guide. For foreign-flag vessels, the standards found in SOLAS 74/78 (as amended), Chapter II-1, Regulation 45 should be used.

Means of Escape from Below-Deck Spaces

- f. Means of Escape from Below-Deck Spaces. If below deck areas will be accessible to passengers, at least two means of escape should be available, or as an equivalent, the number of passengers permitted below decks or in a space below decks at any given time should be restricted. The OCMI may also require that passengers be escorted by a crewmember in areas below deck. If below-deck areas have no emergency back-up lighting system, crewmembers assigned to escorting passengers must carry flashlights.

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Engine room and Bilges

- g. Engine room and Bilges. Machinery spaces shall be examined for potential fire hazards. If passengers will be permitted in machinery spaces, the vessel operator shall identify to the inspector any equipment that may be in operation with passengers on board. An examination shall be made to detect slipping and overhead hazards, adequacy of guards for rotating machinery, appropriate insulation of hot pipes or equipment, protection of open switchboards, etc. All pressure vessels shall be identified to the inspector. If, as a result of the examination, areas are considered dangerous to passengers, they shall be declared off limits and required secured during hours of passenger operation. Spaces should also be inspected for evidence of excessive water or oil in the bilges. If such condition exists, it shall be corrected to the satisfaction of the OCMI prior to allowing passengers aboard the vessel.

Fire Fighting Equipment

- h. Fire Fighting Equipment. The OCMI shall be satisfied with the amount and type of fire fighting equipment aboard the vessel. The following guidelines will apply to fire equipment requirements:
 - (1) Fixed fire fighting equipment, if any, and portable extinguishers shall be tested or serviced annually to the satisfaction of the OCMI. OCMI's may accept certificates issued by a professional service provider as evidence of proper servicing.
 - (2) In determining the number of portable extinguishers required, the OCMI may apply the standards of 46 CFR, Subchapter T, K, or H as appropriate. Portable extinguishers need not be Coast Guard approved but must be of a marine type. The use of water fire bottles is prohibited. Only carbon dioxide, foam or chemical extinguishers suitable for marine application are permitted.
 - (3) Fire detection and alarm systems, if installed, shall be tested to the satisfaction of the OCMI. Passengers shall not have access to any space protected by fixed gas (CO₂ or Halon) fire extinguishing system unless the space has a time delay and audible warning device that activates prior to releasing the extinguishing agent. Further, the OCMI shall be satisfied that the space has adequate means of escape for the maximum number of passengers permitted in that space at any given time.

NOTE: The OCMI may require that fire drill be conducted as part of the inspection for certification.

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| Lifesaving Equipment | i. Lifesaving Equipment. A minimum of two ring buoys with lines shall be provided on board the vessel. Additional ring buoys, with lines as specified by the OCMI, may be required. If the vessel operates at night, ring buoys shall be outfitted with lights. |
| Means for Retrieval of Persons from the Water | j. Means for Retrieval of Persons from the Water. The vessel shall have suitable means or a procedure acceptable to the OCMI for the retrieval of persons from the water. The OCMI may require that a man-overboard drill be conducted as part of the inspection for certification. |
| Hull Condition | k. Hull Condition. The OCMI shall be satisfied with the condition of the vessel's hull. Where evidence of a satisfactory hull examination or internal structural examination within the past five years is unavailable, the vessel may be required to undergo an appropriate hull examination. In such case, the OCMI may require a drydock examination, underwater survey or internal structural examination, as necessary to gain an adequate condition assessment of the vessel hull. |
| Mooring Facilities | l. Mooring Facilities. The vessel's mooring location, equipment and arrangements must be acceptable to the OCMI. An OCMI should consider the location of the vessel in terms of vessel traffic, nearby waterfront facility operations, and accessibility by emergency responders. The general condition of the pier or other structure that the vessel is moored to should be evaluated for the safe transit of passengers and access by emergency vehicles. The risk matrix for permanently moored vessels, as found in MSM II-B4.I.1, may be used as a guide for OCMI's when evaluating mooring arrangements. |
| Public Address System | m. Public Address System. Vessels permitting passengers below decks shall have a public address system or equivalent means, acceptable to the OCMI, to alert the crew and passengers to emergencies and possible evacuation. |

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9. Operating Conditions and Restrictions The following operating restrictions *may* be imposed, based on the design and construction of the vessel as well as local conditions. In preparing or amending a COI, the OCMI shall use the Vessel File Operating Details (VFOD) in MSIS to specify restrictions.

- Fires and Smoking a. Fires and Smoking. Generally, smoking or cooking using an open flame should not be permitted during hours of passenger operation on vessels that do not meet structural fire protection standards for passenger vessels. This restriction may be relaxed for vessels possessing a Coast Guard COI for service other than a passenger vessel, or for foreign vessels having a valid SOLAS Cargo Ship Safety Certificate or a Special Purpose Ship Safety Certificate issued in accordance with IMO Resolution A.534(13).

- Means of Access to the Vessel b. Means of Access to the Vessel. The vessel shall be required to maintain a clear area around the gangway(s) to facilitate evacuation of passengers and access for emergency personnel and equipment.

- Passengers Permitted c. Passengers Permitted. The number of passengers on board shall be limited as determined by the OCMI. The OCMI may apply standards from 46 CFR, Subchapter T regarding deck area, rail space or fixed seating, or use stability information on the vessel, if available. The number of passengers permitted may be restricted based upon the number of crewmembers aboard the vessel available to respond to an emergency, adequacy of escape route(s) or width/number of gangway(s). Passengers shall not be permitted to remain overnight or go aloft in rigging.

- Emergency Plans d. Emergency Plans. OCMI shall require the vessel owner or operator to develop emergency action plans to address evacuation of passengers in the event of an emergency on board and procedures for responding to passenger injury. This may include a requirement to submit a copy of a general arrangement plan of the vessel to assist the local fire department or other emergency responders. The OCMI should, as a matter of routine, notify the local fire department regarding an attraction vessel operation and encourage a familiarization visit to the vessel.

- Communications e. Communications. As a minimum, the vessel should have some form of radio or telephone communications available for emergencies, either on board or reasonably available on the pier. Public pay phones are not considered an acceptable alternative. Also, a listing of local phone numbers for Coast Guard, fire department, police and other emergency services should be readily available.

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10. Crew Assignments

Evaluation of Manning Adequacy

a. As part of an inspection for certification, the OCMI shall evaluate the crew assignments submitted by the vessel operator to determine if the number of personnel on duty is adequate for crowd control, emergency response and, if required, escorting passengers. The number of crewmembers required on board and on duty while conducting passenger operations should be based upon the following minimums:

- (1) A person in charge, having authority over the vessel operation and crew, shall be assigned.
- (2) A person shall be stationed in the immediate proximity of each gangway to monitor the arrival and departure of passengers.
- (3) Additional personnel as necessary for escorting passengers below decks or maintaining a roving safety/fire watch.

Reduced Manning

b. **Reduced Manning.** The OCMI may authorize a reduced number of crewmembers on duty depending upon the number of passengers on board and the configuration of the vessel. This reduction may be contingent upon the vessel operator demonstrating that there are means to adequately monitor the number of passengers on board at any given time.

11. U.S. Inspected Vessels Operating As Attraction Vessels

A U.S. vessel that possesses a valid COI as other than a passenger vessel or small passenger vessel and desires to operate as an attraction vessel shall be inspected to the extent necessary to determine that the vessel can safely accommodate the number of passengers requested. Upon requesting inspection, the vessel operator shall indicate the number of passengers requested, number of crewmembers aboard and job description, and provide a Port Operating Plan as specified in paragraph 7.b. The vessel's existing COI shall be amended to address special operating conditions that may be imposed while the vessel is operating as an attraction vessel.

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12. Operation in Other OCMI Zones

Vessels that will operate in more than one OCMI zone are subject to a “reinspection” prior to commencing operation in a new zone to satisfy the OCMI that the vessel is safe for the intended operation. In general, OCMI’s should employ the conditions of a previous OCMI, but may impose additional operating restrictions more suitable to local conditions. In so far as possible, OCMI’s should be consistent in their application of conditions and restrictions. The first OCMI who has contact with a vessel that will operate in other zones should obtain the vessel’s itinerary (see 7.a.(8)) and notify the other OCMI’s of the vessel’s intentions.

MSIS

- a. MSIS. OCMI’s shall employ MSIS to enter vessel particulars, record inspection activities and deficiencies, and issue COI’s. Detail products in the vessel file (e.g., portable fire fighting and lifesaving equipment) shall be entered to the extent necessary to reflect equipment requirements on the COI. Also, an inspection note should be entered in MSIS indicating the vessel’s last hull examination date, regardless of whether the examination was attended by Coast Guard inspectors.

Vessel Inspection User Fees

- b. Vessel Inspection User Fees. Because moored attraction vessels are issued Certificates of Inspection, they are subject to paying vessel inspection user fees, unless otherwise exempted. The qualifications for exemption are included in 46 CFR 2.10-5

NOTE: These regulations were amended 21 April 1997 and are reflected in the 1998 version of the CFR.

Referencing the list of fees included in 46 CFR 2.10 (Table 2.10-101), attraction vessels measuring less than 100 gross tons will be assessed fees as “small passenger vessels”; attraction vessels of 100 gross tons or more will be assessed fees as “other” vessels.