

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672  
7335 HOUSE TRANSPORTATION

BRUCE ALLEN MCGHAN

By: Debra McGhan

On November 26, 1986 Bruce McGhan was killed in an industrial accident while upgrading a septic system in the Wasilla area. Bruce is gone, but his memory will live on in the hearts of those who knew and loved him; and in the many landmarks of work he left behind to the state of Alaska, his home.

The family and friends of Bruce now call on Alaska to help leave a landmark for him; a memorial for Bruce. Born and raised in Alaska, Bruce explored much of the state. In his travels he discovered Crescent Lake on the Kenai Peninsula. When Bruce and his wife Debra needed a change from the fast pace of city life, they hiked to Crescent Lake. Here, in this special place, they spent many hours sharing their love and enjoying the beauty of Alaska's backcountry.

Located approximately three miles north of Kenai Lake in the Kenai Peninsula Borough, Crescent Lake is bordered by several mountains. One mountain, which lies on the north shore of Kenai Lake and the south shore of Crescent Lake, is currently unnamed. We would like to have this mountain named Mt. McGhan in memory of Bruce Allen McGhan and his love for the state of Alaska.

Bruce was born on August 14, 1953 in Anchorage Alaska. He was the oldest of four children born to Terry Smith and Marilyn Cox McGhan.

His father, Terry McGhan, owned an Anchorage based construction company which specialized in water and sewer excavation. His company installed the first public water and sewer systems used in Spenard. He was a bush pilot and son of pioneer Alaska parents who operated one of the early airlines between Alaska and Seattle. Terry's father, Clifford D. "MAC" McGhan drove one of the first cars over the Alcan Highway after it opened in the 1940's.

In 1961 Bruce's parents divorced and Bruce, along with his sister and brothers: Mike, Colleen, and Pat, remained in Anchorage living with their mother. Terry continued to work in Alaska in the construction field for many years. He owned and operated Mentasta Lodge on the Tok Cutoff from 1966 to 1969. In 1973 he left the state and currently owns a construction company in Warrenton, Oregon.

Marilyn, Bruce's mother, began working for Business Service Bureau in 1961 as a receptionist and executive secretary. In 1967 she was offered an executive position with a newly formed company, Labor Trust Services, as administrator for many large health, welfare, and pension trust funds. She is now a corporate owner of Labor Trust Services in Anchorage.

As the oldest child many responsibilities fell to Bruce and he took this position seriously. He realized at an early age that the only way to get ahead was hard work; and Bruce was determined to thrive. He kept his brother's, who were both rapidly growing taller than himself, in line with brute strength. There was a constant challenge among the brothers but they each respected one another recognizing the individual talents that

emerged as they grew.

At eight years old Bruce became the youngest paper boy hired by the Anchorage Daily News. Conscientious and hard working, he succeeded in establishing one of the largest paper routes in the Spenard area, winning dozens of awards for his efforts. He kept up with the deliveries for many years, getting up at 4:00 a.m. seven days a week.

When Bruce was 12 his father bought Mentasta Lodge on the Tok Cutoff. For three summers the kids worked in the lodge making beds, cutting wood, stocking shelves, and even building an aircraft runway. Bruce learned to run his first piece of heavy equipment on that runway. It took all summer because when the dozer broke down he had to repair it; this was quite a task for a 13 year old who didn't know much about fixing dozer's. But with a book, some tools, and a sense of challenge, Bruce fixed the dozer and finished the runway a week before summer ended.

The McGhan family faced many hard years as Marilyn struggled to raise four children alone in Anchorage. It was a challenge keeping food on the table, and extra money was unheard of. In spite of the odds Bruce saved enough money to buy a brand new Datsun pickup by his seventeenth birthday.

Once Bruce had wheels and could drive he began to thirst for more; he wanted to fly. Along with his school work he took on two jobs (appliance repair and gas station attendant) to earn the money needed for flying lessons. He soloed after just eight hours of formal instruction. At 18 he earned his private pilot license and began saving for an airplane.

In 1971, during his senior year of high school, Bruce landed a job with A.A.A. Rental company as a yard hand. Within a week, Bob Holt the owner, discovered Bruce had a knack for mechanic work and running equipment. He was promoted, given a raise, and put to delivering loaders, backhoes, and dozers around Anchorage, Girdwood, and the Mat-Su Valley. He became known as "the kid who could get anything unstuck." Occasionally arriving to pick up a piece of equipment buried in the mud, he would jump down from his truck, a huge grin lighting his boyish face, and proceed to do what seemed impossible; get a multi ton piece of equipment out of the mud and onto dry ground. But somehow he always succeeded.

Bruce continued his education with engineering and math courses at Mount Hood Community College in Portland, Oregon. But he missed Alaska, and after a short time, returned home.

In November 1973 Bruce married a former classmate, Debra McDaniel, the daughter of Alaskan artist Scott McDaniel, and settled down to raise a family.

Taking his new wife, Bruce moved to Seward and worked in the lumber mill for several months. In the spring of 1974 he was accepted into the operating engineers union so the couple returned to Anchorage. 1975 brought more changes with the start of McGhan Construction company, owned by Bruce's uncle, Tim McGhan. Bruce went to work for Tim's company as the foreman and operator. And for the next five years he worked with Tim, helping to build a strong, successful business.

In 1976, shortly before the birth of their first child, Bruce made the decision to move his family to the Mat-Su valley.

He spent the winter designing house plans, then began construction of his first home in Wasilla during the summer of 1977. He continued to work for Tim, commuting into Anchorage daily, and working on the house at night, and days off. He finished the construction in June 1978.

By 1980 the drive to Anchorage became too hard, and after buying his first airplane, Bruce went to work for a remote bush company; Jansen Construction. He flew to Illiamna and worked on the construction of several village schools around the lake.

When the schools were finished Bruce went to work for the State of Alaska, Department of Parks under the supervision of Jim Hoag. Headquartered in Willow, he worked as part of a 4 member maintenance and building crew in the state campgrounds throughout the Mat-Su Valley. Accompanied by his family, he spent the summer of 1982 traveling around south central Alaska making repairs, and building new, better devices to be used in the campgrounds. (He aided in the design and building of the currently used bear proof garbage cans.)

In the fall of 1982 Bruce bought his first backhoe and started his own construction company, B.A.M. Construction. For the next five years Bruce worked hard to build up his business. He earned the reputation of being hard working, honest, and dependable. He built seven homes in the Wasilla and Big Lake area, each one with pride and quality construction. He installed hundred's of water and sewer systems, did landscaping, home improvements, and additions; all of which were done with the same high standards Bruce lived by.

The work Bruce did around the state over the years stretches from Fairbanks to Valdez, Kenai to Palmer, Illiamna to Girdwood, and all around South Central Alaska. Bruce took great pride in his home state and that pride went into every job, and every landmark he left behind.

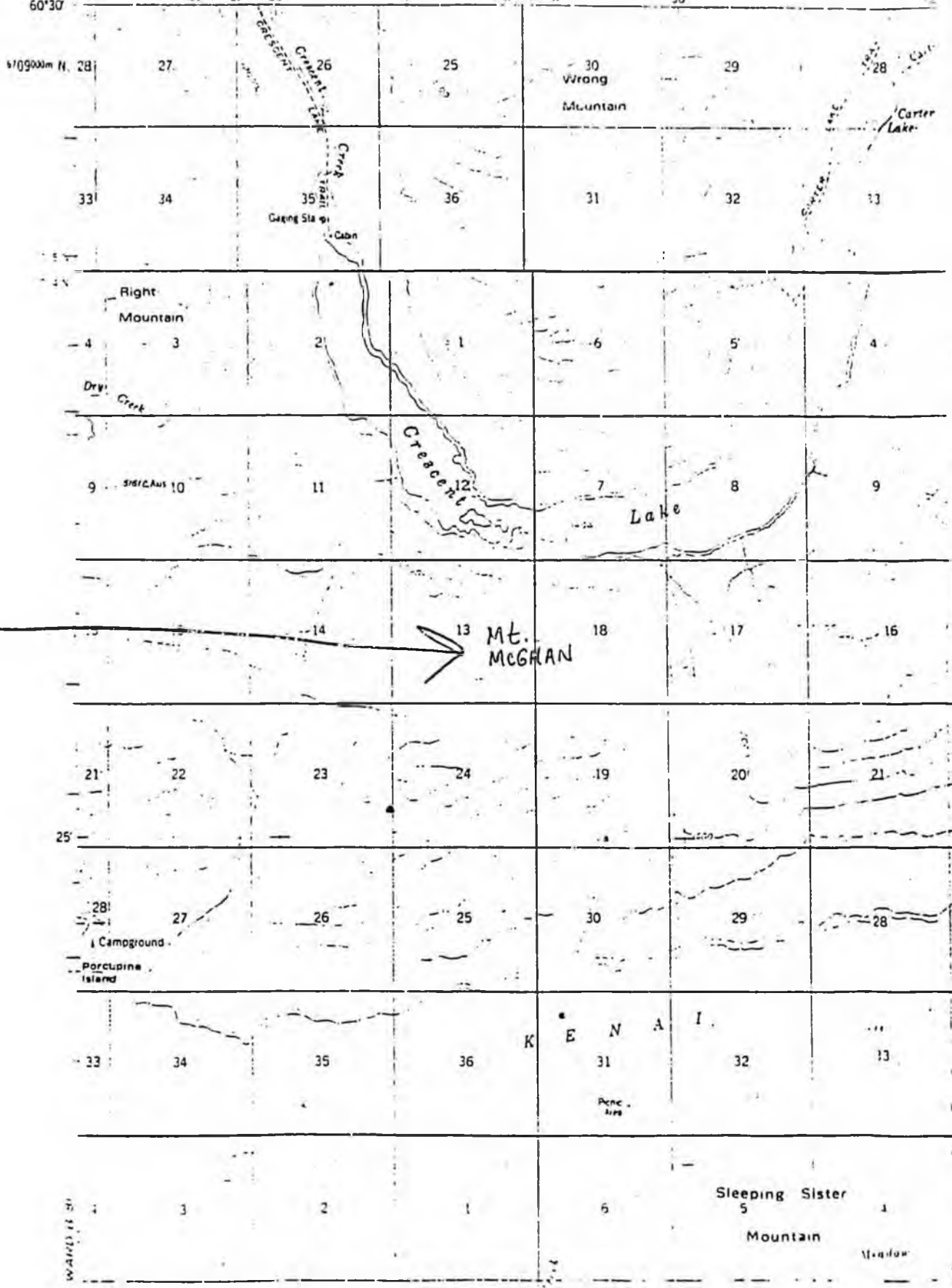
Now, as the one year anniversary of Bruce's death approaches, his family and friends have joined together to make a request to the state of Alaska; that the mountain near Crescent Lake be officially named Mt. McGhan as a memorial for this most deserving man.

Bruce was cremated and his remains have been spread on the slopes of this mountain in the place he loved so much. What better monument could be dedicated to this true Alaskan?

(SEWARD C-8)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

149°37'30" 157000m E. 35' 30'



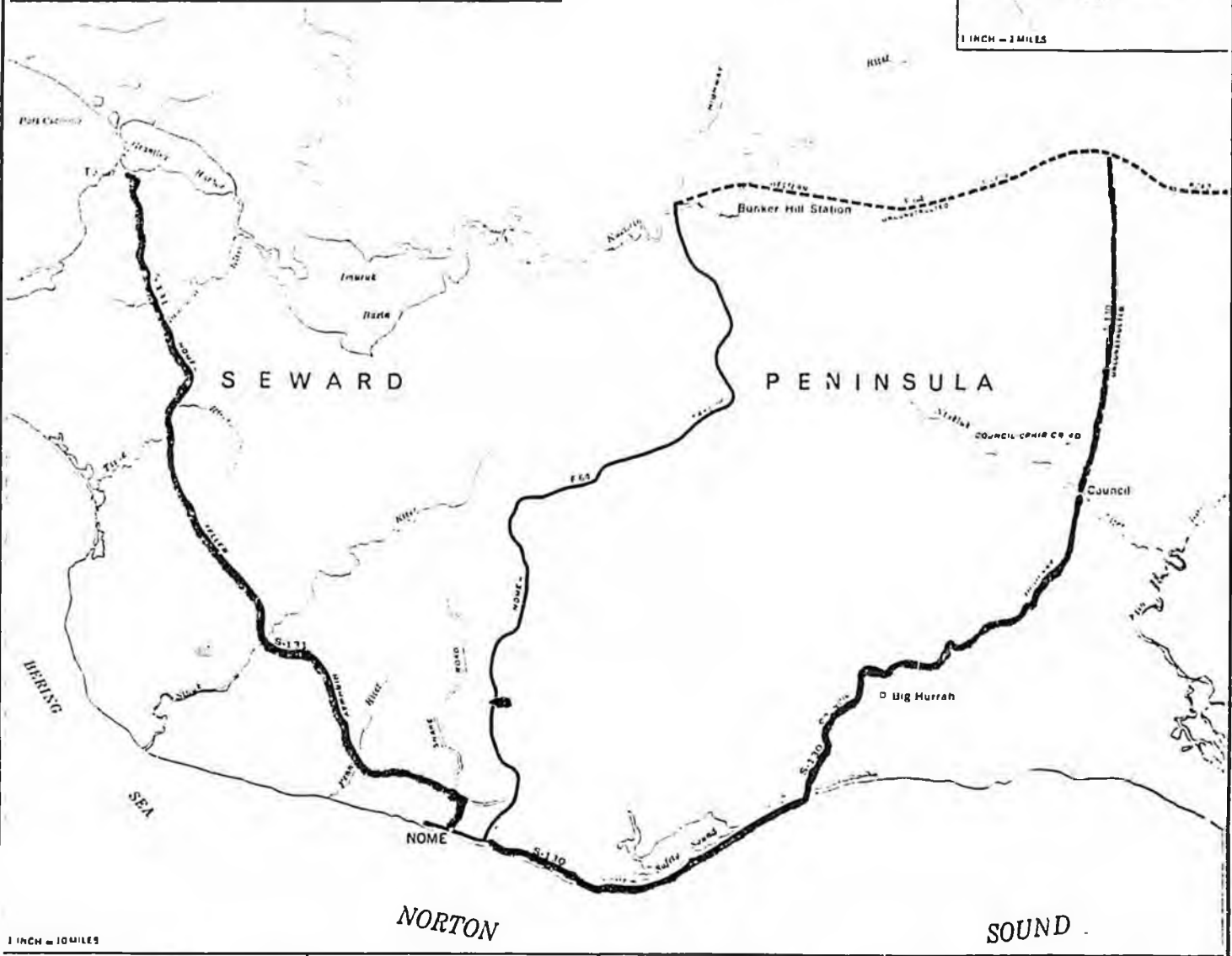
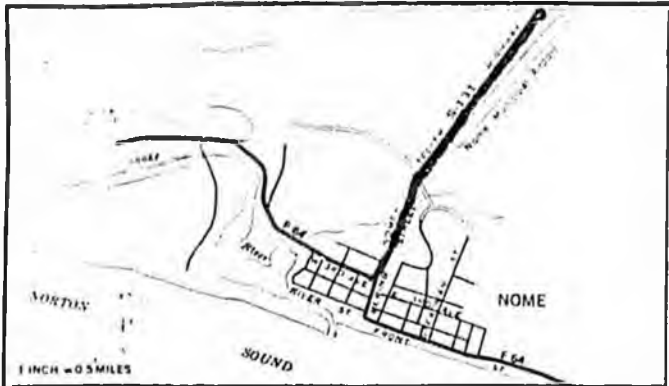
POSED  
FEATURE



13 Mt. MCGHAN

C H U G A C H N A





**LEGEND**

- AIR ROUTE
- FERRY ROUTE
- AS ROUTE
- AS FERRY ROUTE
- AIR SYSTEM ROUTE
- AIR ROUTE
- CITY STREET

**FEDERAL AID HIGHWAY SYSTEMS 1976**

PREPARED BY THE  
STATE OF ALASKA  
DEPARTMENT OF HIGHWAYS  
MAPPING SECTION  
IN COOPERATION WITH  
U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**





# CITY OF NOME

*Send to  
June*

P.O. BOX 281 - NOME, ALASKA 99762  
TELEPHONE (907) 443-5242

October 5, 1990

Senator Al Adams  
Box 333  
Kotzebue, Alaska 99752

Dear Al,

Enclosed please find City of Nome Resolution No. R-91-9-7, " A Resolution Endorsing the Renaming of the Nome-Teller Highway to the BOB BLODGETT NOME-TELLER HIGHWAY". This resolution was adopted unanimously by the Nome Common Council at their September 24, 1990 regular meeting.

Thank you for your plan to introduce legislation naming the road in memory of Bob. It is a fitting memorial to a man who served the Seward Peninsula for many years.

Sincerely yours,

*Linda E. Conley*

Linda E. Conley  
City Clerk

cc: Representative Richard Foster  
Mrs. Robert Blodgett

Presented By:  
Councilman Adams  
Action Taken:  
Yes    No   

CITY OF NOME, ALASKA

RESOLUTION NO. R-91-9-7

A RESOLUTION ENDORSING THE RENAMING OF THE  
NOME-TELLER HIGHWAY TO THE BOB BLODGETT NOME-TELLER HIGHWAY

WHEREAS, the expansion of road systems on the Seward Peninsula has always been instrumental in encouraging economic development; and,

WHEREAS, the Nome-Teller Highway is a valuable transportation route for the cities of Nome and Teller which allows ease of trade and better access to medical facilities; and,

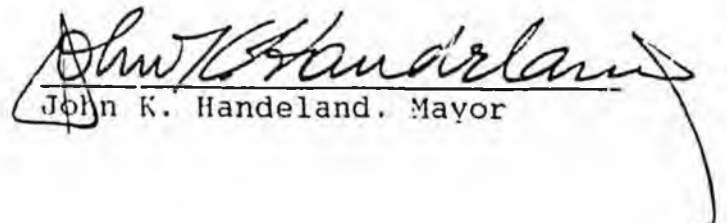
WHEREAS, R.R. "Bob" Blodgett was elected as a State Representative from the local area during the First Session of the First State Legislature in 1958 and he continued to serve in that capacity through the Third State Legislature in 1964, at which time he was elected to the State Senate and served through the Sixth State Legislature ending in 1970; and,

WHEREAS, the contributions of Senator Bob Blodgett to the local area and the state as a whole should fittingly be remembered by a dedication to his name; and,

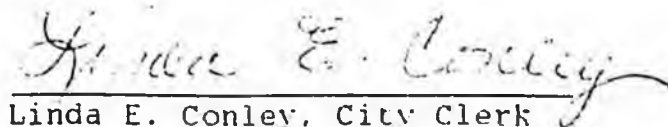
WHEREAS, Senator Blodgett was instrumental in developing and securing funding for the construction of the Nome-Teller Highway,

NOW, THEREFORE, BE IT RESOLVED by the Nome Common Council that in recognition of his commitment and dedication to the residents of Nome and Teller, the City of Nome endorses efforts to rename the Nome-Teller Highway to the BOB BLODGETT NOME-TELLER HIGHWAY.

APPROVED and SIGNED this 24 day of September, 1990.

  
John K. Handeland, Mayor

ATTEST:

  
Linda E. Conley, City Clerk



## KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA 99669  
PHONE (907) 262-4441

DON GILMAN  
MAYOR

RECEIVED  
JUN 13 1988

June 8, 1988

COMMISSIONER'S OFFICE  
COMMUNITY & REGIONAL AFFAIRS

Alaska State Geographic  
Names Board  
P.O. Box B  
Juneau, AK 99811

Dear Sirs:

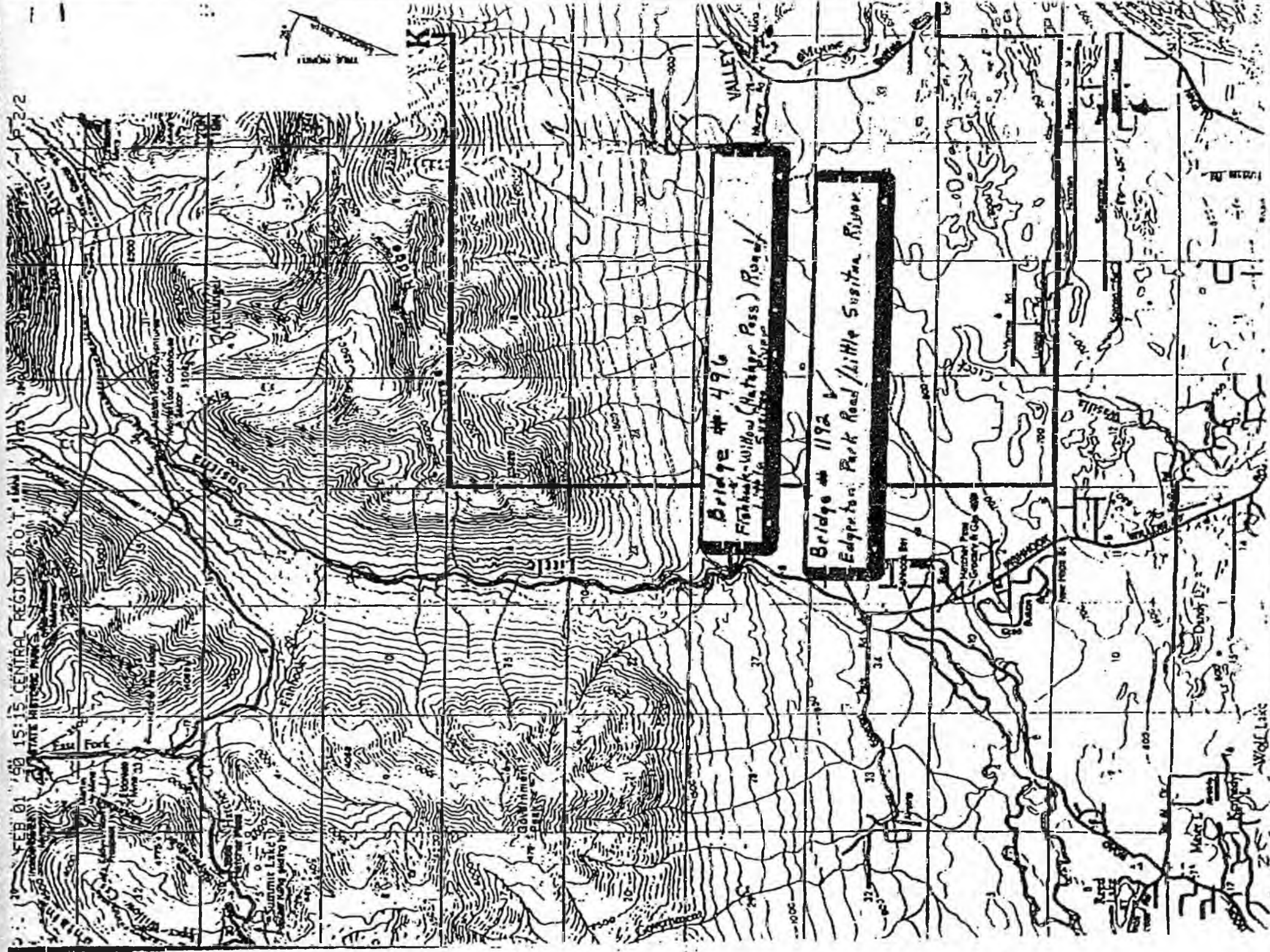
On June 7, 1988, the Kenai Peninsula Borough approved a motion to forward a letter of non-objection to the naming of a mountain at Latitude 60°26'0" North; Longitude 149°33'30" East, Section 13, Township 4N, Range 2W, Seward Meridian located on the north shore of Kenai Lake and the south shore of Crescent Lake. The mountain is currently unnamed based on the section map - Seward B-7 quadrangle.

Debra A. McGhan has requested the mountain be named in memory of her deceased husband - Mt. McGhan.

If we may be of further assistance, please contact the Borough Clerk's Office, 262-4441 ext. 220/221.

Very truly yours,

Joanne Brindley, CMC  
Kenai Peninsula Borough Clerk



Bridge # 496  
Fishhook-Widow (Hatcher Pass) Road  
Little Susitna River

Bridge # 1192 ✓  
Edgerton Park Road / Little Susitna River

Wolf Lake

ALVIN JOHNSTON  
P.O. BOX 6  
PALMER, AK. 99645  
(907) 745-3531

September 29, 1989

Rep. Curt Menard  
351 W. Swanson Ave., Ste. 1  
Wasilla, Ak. 99687

RE: The Naming of a Bridge; i.e., Johnston Bridge

Greetings:

The family and friends of Ina Johnston request a memorial for Ina, who died in March 1939.

We have talked this over and there is a bridge near the Johnston home which has been a very definite part of our lives. The bridge does not as yet have a name. It was started in March 1963 and completed in November 1963. The materials were funded by the state, however the construction was completed by volunteer work from neighbors. The meals during this construction were served by Ina.

We have researched the project and the following is the information we have found:

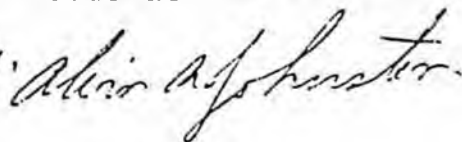
Edgerton - Parks Road  
State #57062  
Federal #BR-OS-1(44)

Susitna River - Hatcher Pass Road  
State #57340  
Federal #BR-580(18)

Ina loved this valley and she gave generously of her time with much love as she worked at the Valley Hospital and was always ready to be a friend to her neighbors.

Your considerations and assistance will be greatly appreciated.

Sincerely,



Alvin Johnston,  
family and friends

P.S. If we do not hear from you we will write again during the session in Juneau.

Ria Cottini  
H C 01 Box 6755  
Palmer - Ak. 99645

Feb. 5 - 1990

Rep. Curt Menard  
Juneau Ak.

Re: Johnston Bridge

Dear Mr. Menard

I wish to advise that  
I knew Ina Johnston when  
she first came to Alaska as a  
neighbor and a friend she  
was always near when anyone  
needed her

I sincerely appreciate the  
consideration of this memorial  
of naming the bridge

Sincerely,

Ria Cottini

Rep. Curt Menard  
Box 1  
Juneau, Alaska

Feb 5-1990

Re: Inmate request for  
memorial bridge

Dear Curt -

Per your office request, I am happy  
to advise that I've known the family  
for many years and they enjoy a very  
fine reputation.

As for Inna's activities - she  
was very well acknowledged as  
a special person. At her funeral,  
there was a standing-room only.  
I believe that stays a great deal  
for a person in our busy world.

Whatever support you can  
give to this cause will be  
appreciated by her husband,  
family and friends.



My personal regards to you  
and your family -

Sincerely,  
Barbara Loxton

Box 547,  
Palmer, AK  
99645



Debra McGhan

## He wasn't a politician

### State rejects widow's plea to name mountain

By SUSAN MORGAN HOWK  
Frontiersman staff

Mount McGhan.

Wasilla resident Debra McGhan had hoped by now that a mountain near Cooper Landing would bear that name in honor of her late husband. This month, however, she says she was told that Bruce McGhan just wasn't important enough to the state of Alaska to warrant naming a mountain after him.

Soon after Bruce, a life-long Alaskan, was killed in a construction accident Nov. 26, 1986, Debra realized she wanted a permanent reminder of her husband of 13 years.

Someone suggested naming a star for him, but she decided on one of the unnamed mountains on the Kenai Peninsula instead. "A star just seemed too far away," she says. "I wanted something more tangible."

Debra began plowing through all the required paperwork and regulations; the state told her she needed.

She collected signatures on peti-

tions, talked about her dream with politicians in the Kenai Peninsula Borough and traveled with her two young children to meetings in the area. She never doubted that her husband was worthy of a mountain.

"Bruce lived and breathed Alaska. This was home," she says. "I just always saw him go out of his way to help the state as a private citizen."

Bruce and Debra married shortly after both graduated from Diamond High School in 1972. Bruce owned his own construction business in Wasilla. He was killed when the walls of a sewer ditch collapsed on him.

Debra says her husband was an adventurer and recalls the time they spent camping and hiking on "their mountain" fondly. "Just to be in the heart of that beautiful country was great," she says. "It was our favorite place."

After collecting 1,200 signatures of support, Debra's application to name Mount McGhan was finally approved by the Kenai

Borough last June.

She then packaged up all the information and supporting data and mailed it to the Commissioner of Regional Affairs in Juneau for final approval. A phone call from someone in the office in August told her the application looked "really good" and said approval would probably be just a formality.

On Feb. 9, however, she was told the state had refused her request.

"They said they didn't feel that Bruce had given the state of Alaska a substantial enough contribution," Debra says. "I said, 'What exactly are you looking for' and she said, 'Well, like somebody who held a political office or something.'"

Debra said Bruce made more than his share of contributions to Alaska. He designed a bear-proof trashcan still in use in state parks and took pride in installing sewer systems that wouldn't pollute the environment.

"His whole thing was, 'I'm going to be here forever and my

children are going to be here forever,' so he wanted to take care of the state," she says. "But they didn't think that was enough."

She admits to feeling bitter. "Do they think that somebody who puts on a white shirt and lobbies in Juneau makes more of a contribution than Bruce did?" she asks. "This is what Alaska is all about, we're the people who live here and work here."

Now, Debra says, she's beginning the appeal process. Juneau will need more supportive information and reasons to consider naming Mount McGhan.

Meanwhile, a bronze plaque, installed by Debra, marks the 4,730-foot-high mountain that he husband loved. After his death Debra scattered his ashes over the peak and says she and the children can feel his presence when they visit.

"It's like when you get there he's really there," Debra says. "It's so quiet, it's like being in the middle of a picture. It's like heaven and it feels like he's really happy there."



## Basic System Of Throughways In Alaska Illustrated 'Before And After' By Sen. Gruening

Proposals of Senator Ernest Gruening (D-Alaska) for construction of a basic system of throughways in Alaska is seen in the accompanying photographs.

The first shows the existing road system in Alaska. In the second, the senator points out how the system would be expanded under his program.

Senator Gruening has proposed that the Public Works Committee of the Senate visit Alaska after adjournment this year to study Alaska's highway needs. He has received encouraging support from Majority Leader Lyndon Johnson (D-Tex.), Senator Dennis Chavez (D-N.M.), chairman of the Public Works Committee, and Senator Pat McNamara (D-Mich.), chairman of the Public Roads Subcommittee.

The main elements of the Gruening highway plan are as follows:

(1) Completion of the Copper River Highway from Cordova via Chitina to McCarthy and its extension to a junction with the Alaska Highway;

(2) Construction of a road paralleling the Alaska Railroad from Nenana via McKinley Park to Talkeetna and Willow, so as to provide

AFTER

a junction with Highway Yukuk;

(8) Closing of the Eag link;

(9) Extension of the road Nabesna to a junction with the Alaska Highway;

(10) Completion of a cutoff of the Glenn Highway to the De Highway via Lake Louise;

(11) Building of a highway across Baranof Island from Sitka to Wrangell Springs Bay so that Sitka may be tied into the ferry system;

(12) Completion of the Hydaburg-Craig-Hollis road so that the west coast of Prince of Wales Island may be linked with the ferry;

(13) Building of roads from southeastern Alaska cities (all depending upon Canadian cooperation in construction on their side of the border), so as to connect Skagway with Carcross, Juneau with Atlin, Petersburg and Wrangell with Telegraph Creek and Ketchikan with an extension of the "A" Route northward from Hazelton, B.C.

Senator Gruening advocates this construction over the next 10 years to correct a situation which leaves Alaska unique among the states in that few of its cities are connected with others by road.

a second through route from Fairbanks to Anchorage;

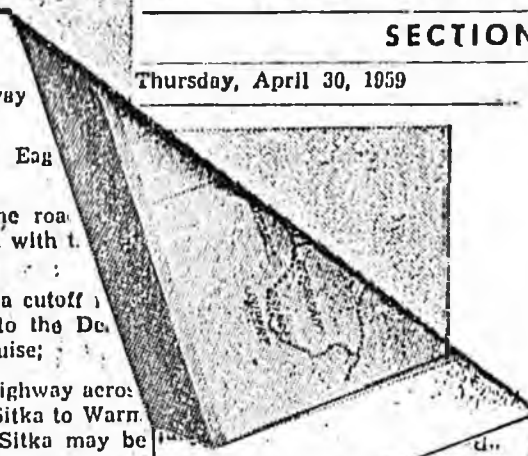
(3) Completion of Highway 97 from Fairbanks to Nome and Teller;

(4) Provision of a road from Talkeetna via McGrath to a junction with Highway 97 at Ruby, so as to give Anchorage access to northwestern Alaska;

(5) Provision of a southeastern Alaska ferry system on a fast and frequent schedule linking Prince Rupert with Haines and with stops at Ketchikan, Wrangell, Petersburg, Juneau and Skagway;

(6) Construction of a road from McGrath to Dillingham to tie Bristol Bay into the rest of the state overland;

(7) Construction of a road from Unalakleet to the Yukon River and



the proven immunity of Salk vaccine," Couch declared.

The Northern Alaska chapter cooperating with the State and Federal Medical Association in urging every person to obtain the Salk vaccine shots at their earliest possible convenience. There are several general ways in which the immunity of Salk vaccine may be obtained.

"You may obtain the vaccine shot from your family physician in his office, at your convenience. All children through age 18 and expectant mothers may obtain the Salk vaccine at the Fairbanks Health Center, during the weekly shot clinic each Friday.

RE. CHANGE IN PRESENT METHOD OF ALLOCATING GASOLINE TAX FUNDS

Fairbanks Daily News-Miner - March 21, 1959  
Anchorage Times March 21, 1959  
Nome Nugget March 23, 1959

Anchorage Times  
Mar 21 '59

Mon Mar 23  
Nome Nugget

Fairbanks Daily News-Miner, Saturday, March

# or Highw Government Would OK Planned Split, He

JUNEAU, March 21, (AP) — A Federal Bureau of Public Roads official yesterday voiced strong opposition to a bill to change Alaska's present method of allocating gasoline tax funds and require equal distribution among the state's four major districts.

After the hearing before the Senate, in session as a committee of the whole, the bill was retained on the calendar but appeared in line for amendment before final action.

Strongest support for the measure has come from northwestern Alaska senators who seek a road connecting Nome with other parts of the state. The measure, which had been saved from defeat several times, appeared headed for passage before yesterday's hearing.

E. H. Swick of Juneau, regional engineer for the BPR, told senators he felt it would be impractical to split off available highway funds in the method proposed under the bill. And he added the federal agency would not be agreeable to administering federal matching funds on such a basis.

"It's my personal opinion that the Legislature would not be wise to program a highway fund. For the first few years

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State Highway  
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Alaska now  
13 1/2 million  
federal highw  
Along with  
funds, the to  
able to Alas  
grams amou  
million dolla

## Opposition To Gas Tax Measure From Fed. Roads Bureau

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"It's my personal opinion that the Legislature would not be wise to program a highway fund. For the next few years at least, you should permit the state Highway Department to come up with a program and then you can see how it is doing," he said.

"I can't see how you can decide that any one area is going to have so much money and still come up with anything that makes sense."

Alaska now receives about 13 1/2 million dollars a year in federal highway aid, he said. Along with state matching funds, the total amount available to Alaska for road programs amounts to about 15 million dollars a year.

# I Oppo

## Proposal Impractical, Swick States

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SB

146

**HOUSE COMMITTEE REPORT**

(7)

Date Referred: May 13, 1991

FURTHER REFERRALS:

State Affairs  
Judiciary

Date of Committee Action: 3/10/92

The TRANSPORTATION Committee considered:

CSSB 146(JUD)

CS FOR SENATE BILL NO. 146 (JUDICIARY)

LIMITED PRIVILEGES FOR REVOKED LICENSES

"An Act relating to limited driving privileges for a person whose driver's license is suspended for failure to have motor vehicle liability insurance."

**RECOMMENDATIONS:**

be replaced with \_\_\_\_\_  the same title

have attached amendments(s)  a new title

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

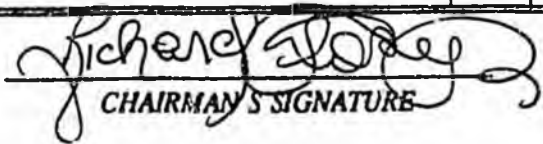
fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Richard Spady	*				
Bill Hulse	✓				
Edward G. Kupcia	✓				
Robert A. Lemmon	✓				
Gail Phillips	✓				

  
 CHAIRMAN'S SIGNATURE

**FISCAL NOTE**

**STATE OF ALASKA  
1992 LEGISLATIVE SESSION**

**BILL NO. CSSB 146(JUD)**

Revision Date: 3/10/92 Department Affected: Public Safety  
 Title: An Act relating to limited driving BRU: Motor Vehicles  
privileges Component: Driver Services  
 Sponsor: Senator Menard  
 Requestor: House Transportation COMPONENT SERIAL NO. 

	5	0	0
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**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: None

**ANALYSIS: (Attach a separate page if necessary.)**

No fiscal impact anticipated.

Prepared By: Juanita Hensley Phone: 465-4335  
 Division: Motor Vehicles Date: 3/10/92  
 Approved by Commissioner: Richard L. Burton *J.A. Hensley*  
 Agency: Department of Public Safety Date: 3/10/92

Distribution: (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

*Phub*  
*3/10/92*

Changes in CSSB-146 (STA.)

No.                     

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

have no fiscal impact. This  
fiscal note is appropriate.  
3/13/91 date W.A.S. Comte Aide (initial)

(S) Publish Date: 3/14/91

Revision Date:                       
Title: An Act relating to limited driving privileges.

DEPARTMENT AFFECTED: Public Safety  
BRU: Motor Vehicles  
Component: Driver Services

Sponsor:                       
Requestor:                     

COMPONENT SERIAL NO. 

	5	0	0
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EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not Included)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact None

Changes in CSSB-146 (STA.)  
have no fiscal impact. This  
fiscal note is appropriate.

ANALYSIS: (Attach a separate page if necessary)  
  
No fiscal impact anticipated.

4-15-91 date W.A.S. Comte Aide (initial)

Changes in                     

Prepared by: Juanita Hensley, Chief  
Division: Division of Motor Vehicles  
Approved by Commissioner: Richard E. Burton  
Agency: Department of Public Safety

Phone: 465-4335  
Date: 3/4/91  
Date: 3/4/91

Distribution (by preparer): L                      OMB; & Impacted Agency(ies).



# Alaska State Legislature

Senator Curt Menard



While in  
Session:  
P.O. Box V  
Juneau, Alaska  
99811  
(907)465-2679

Interim:  
165 E. Parks  
Highway  
Wasilla, Alaska  
99687  
(907)373-2878

Senate  
District  
E

DATE: April 8, 1991

TO: Senator Rick Halford, Chair  
Senate Judiciary Committee

FROM: Senator Curt Menard

RE: SB 146, relating to limited driving privileges  
for a person whose driver's license is  
suspended for failure to have motor vehicle  
liability insurance.

The above referenced bill has been referred to Senate Judiciary. I am writing to request that it be scheduled for hearing at your earliest convenience.

The bill allows the Department of Motor Vehicles an important additional factor to be considered in granting limited licenses to persons whose license has been suspended for failure to have liability insurance. SB 146 adds medical purposes as a reason for which a limited license may be granted. Current law allows a limited license for work purposes only.

This legislation applies only to licenses suspended for failure to have motor vehicle liability insurance. It does not apply to license revocation or suspension for any other offense, such as accumulation of points, DWI, or failure to provide proof of financial responsibility.

Although the legislation provides an additional purpose for which a limited license may be granted, the same restrictions remain:

- . Proof that insurance has been obtained (SR 22) and
- . The license has not been suspended two or more times in the preceding 10 years.

Thank you for your consideration of my request. If you have any questions please give me a call. I would appreciate your favorable consideration on this measure.

CS FOR SENATE BILL NO. 146 (JUDICIARY)  
 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/17/91  
 Referred: Rules

Sponsor(s): SENATOR MENARD

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to limited driving privileges for a person whose driver's license is  
 2 suspended for failure to have motor vehicle liability insurance."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 \* Section 1. AS 28.22.041(c) is amended to read:

5 (c) The department may grant limited license privileges only for medical care or for  
 6 work purposes [ONLY] to a person whose license has been suspended under this section if

7 (1) the person has filed proof of financial responsibility for the future as required  
 8 by AS 28.22.061;

9 (2) the person's license has not been suspended two or more times under this  
 10 section or former AS 28.22.240 in the preceding 10 years;

11 (3) the department determines that the person's or the person's dependent's  
 12 medical care needs cannot be met or the person's ability to earn a livelihood would be  
 13 severely impaired unless [IF] a limited license privilege is [NOT] granted; and

14 (4) ~~the~~ department determines that a limitation can be placed on the license that

added  
↓

1 will enable the person or the person's dependent to receive medical care or the person to earn  
2 a livelihood without excessive danger to the public.

SENATE BILL NO. 146  
 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR MENARD

Introduced: 2/27/91  
 Referred: State Affairs and Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to limited driving privileges for a person whose driver's license is  
 2 suspended for failure to have motor vehicle liability insurance."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 \* Section 1. AS 28.22.041(c) is amended to read:

5 (c) The department may grant limited license privileges only for medical reasons, ~~or~~

6 *delete* ~~or~~ family hardship or for work purposes [ONLY] to a person whose license has been  
 7 suspended under this section if

8 (1) the person has filed proof of financial responsibility for the future as required  
 9 by AS 28.22.061;

10 (2) the person's license has not been suspended two or more times under this  
 11 section or former AS 28.22.240 in the preceding 10 years;

12 (3) the department determines that the person's medical needs cannot be met,  
 13 *delete* ~~that severe hardship on the person's family cannot be avoided,~~ the person's ability to earn  
 14 a livelihood would be severely impaired unless [IF] a limited license privilege is [NOT] granted;

1 and

2 (4) the department determines that a limitation can be placed on the license that  
3 will enable the person to receive medical care, ~~avoid family hardship,~~ or earn a livelihood  
4 without excessive danger to the public.

BILL NO: CSSB 146 (SA)

DATE: 4/9/91

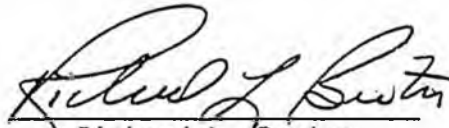
TITLE: Limited Licenses for  
Mandatory Insurance

CONTACT: Juanita Hensley  
465-4335

DEPARTMENT OF  
PUBLIC SAFETY

This bill requires the Department to issue a "limited license" to persons whose licenses are suspended for not having motor vehicle liability insurance. Under this bill, limited licenses could be issued for "medical reasons, or for work purposes".

The Department of Public Safety supports CSSB 146 (SA).



Richard L. Burton  
Commissioner

POSTED IN PUBLIC AREA

BILL NO: SB 146

DATE: 3/6/91

TITLE: Limited Licenses for  
Mandatory Insurance

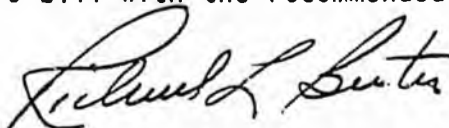
CONTACT: Juanita Hensley  
465-4335

DEPARTMENT OF  
PUBLIC SAFETY

This bill requires the Department to issue a "limited license" to persons whose licenses are suspended for not having motor vehicle liability insurance. Under this bill, limited licenses could be issued for "medical reasons, to avoid family hardship, or for work purposes".

The Department's position is that the wording "to avoid a family hardship" is too broad, and should be deleted. The bill does not give any guidance as to what "a family hardship" is. Any family which would be inconvenienced by losing the services of an adult driver would feel that they are experiencing a hardship. Suspension of a drivers license is a punitive sanction, imposed because the motorist violated state law. There isn't much point in suspending a driver's license for not having motor vehicle insurance if an individual can be issued a limited license to drive for any reason.

The Department supports this bill with the recommended amendment.



Richard L. Burton  
Commissioner

POSTMASTER / RETURN TO: DEPARTMENT OF PUBLIC SAFETY



# Palmer Police Department

423 SOUTH VALLEY WAY  
PALMER, ALASKA 99643



RONALD L. OTTE  
CHIEF OF POLICE

PHONE: (907) 743-4811

TO: Senator Curt Menard

FROM: Ron Otte  
Chief of Police - Palmer

DATE: March 4, 1991

RE: SB 146  
"Limited driving privileges for a person whose driver's  
license is suspended for failure to have liability insurance."

ATTENTION: Iola Young

I have reviewed the proposed amendments to AS 28.22.041 (c). I have no objections and, in fact, would support the concept of allowing limited driving privileges for medical reasons to avoid family hardship once a person has filed proof of financial responsibility. SB 146 provides balance and common sense when legitimate human needs dictates.

\*\*\*\*\* TRANSMITTAL MEMO \*\*\*\*\*

TO: Sen. Menard

DEPT: \_\_\_\_\_ FAX #: 416-3756

FROM: Palmer PD PHONE: 743-4011

CO: R. L. Otte EXT: 746-9314

Post-it brand program is memo 787

NO. OF PAGES
1

3-2-91

To Whom it May Concern:

I support the new bill Curt Menard has introduced.

I am a single father (7 years) of an 11 year old boy. I lost my license because of an uninsured accident, which was not my fault.

I received a limited license to go to and from work. However, this license does not permit me to go to the store, post office or bank.

Because I live in the Mat-Su Valley, where city transit is non-existent and postal service is not available, not to mention grocery stores which are 5 miles away, I have no choice but to break this law nearly daily.

I was stopped recently by the Alaska Troopers coming from the post office. I was ticketed for violation of my limited license. Now I face a mandatory 10 days in jail and another years suspension. When I get out I'm sure I will be ticketed again.

The law, the way it stands, has made a common criminal out of me.

Sincerely,  
Craig S. Ness

S B

165

**HOUSE COMMITTEE REPORT**

(7)

Date Referred: May 13, 1991

FURTHER REFERRALS:

Finance

Date of Committee Action: 5/14/91

The TRANSPORTATION Committee considered:

CSSB 165(TRA)

CS FOR SENATE BILL NO. 165 (TRANSPORTATION)

FERRIES WITH OIL SPILL RESPONSE ABILITY

"An Act relating to acquisition of vessels of the Alaska marine highway system having the capacity to assist in responding to spills of oil and hazardous substances."

**RECOMMENDATIONS:**

be replaced with \_\_\_\_\_  the same title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

fiscal impact D.O.T

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Alvin Kukuna</i>	X	<i>Spit Phillips - Question using 470 funds</i>		X	
<i>Bill Hulse</i>	X	<i>Dorow J. Demant</i>		✓	
<i>Richard [Signature]</i>	*				
<i>[Signature]</i>	*				

*Richard [Signature]*  
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. SB 165

Revision Date: \_\_\_\_\_  
 Title: AMHS vessels with  
Spill response capabilities  
 Sponsor: Senator Jay Kerttula  
 Requestor: \_\_\_\_\_

Department Affected: DEC  
 BRU: Environmental Quality  
 Component: EQ Projects

COMPONENT SERIAL NO. 

1	1	0	1	1	6
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						0.0
TEMPORARY						

Estimate of current year impact: NONE

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Janice Adair  
 Division: Commissioner's Office

Phone: 465-2600  
 Date: \_\_\_\_\_

Approved by Commissioner: *Michael S. ...*  
 Agency: Dept. of Environmental Conservation

Date: 3/18/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

Revision Date:  
Title: Ferries with Oil Spill Response Ability

Department Affected: DOT&PF  
BRU:

Sponsor:  
Requestor:

Component:  
Component Serial Number:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY92	FY93	FY94	FY95	FY96	FY97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING:</b>	0	0	0	0	0	0

CAPITAL	500.0	14,500.0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	500.0	14,500.0*	0	0	0	0
<b>TOTAL FUNDING:</b>	500.0	14,500.0	0	0	0	0

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary)

In FY92, \$0.5 million would be appropriated from the oil and hazardous response fund to the Alaska Marine Highway System for preliminary engineering to develop plans for both a new vessel and modifications to one or more vessels currently in the fleet. In FY93, \$14.5 million would be appropriated to the AMHS Vessel Replacement Fund to finance new ship construction and/or modifications to one or more vessels of the fleet.  
\*The actual cost may be less depending on final results of reconnaissance and engineering.

Prepared by: John Halterman

Phone: 465-3900

Division: Alaska Marine Highway System

Date: April 1, 1991

Approved by Commissioner:   
Frank G. Furpin

Phone: 465-3900

Agency: Department of Transportation and Public Facilities

Date: April 1, 1991

Distribution By Preparer: Legislative Finance, Legislative Sponsor, Requestor, OMB, Impacted Agency(ies).

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811  
(907) 465-3867 or 465-2450  
FAX (907) 465-2029

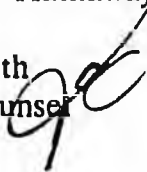
Deliveries to: 240 Main Street  
Court Plaza, Room 500  
Mail Stop 3101

### MEMORANDUM

April 4, 1991

**SUBJECT:** Is language in AS 46.08 relating to the establishment of "emergency response depots" sufficient to authorize the development of depots aboard vessels of the Marine Highway System?

**TO:** Senator Jay Kerttula  
ATTN: Kathy Hathaway

**FROM:** Jack Chenoweth  
Legislative Counsel 

AS 46.08.120 provides:

The division [of emergency services, Department of Military and Veterans' Affairs] shall maintain emergency response depots in areas of the state determined in the plans prepared under AS 46.04.200 - 46.04.210 to be potential sites of releases or threatened releases of oil or hazardous substances. The depots shall be equipped and staffed in a manner that ensures prompt response when containment and cleanup actions are necessary.

You have asked whether the requirement authorizes the development of vessels as emergency response depots or the placement of emergency response depots on state vessels.

AS 46.08.190(2) offers a definition of the term "depot," but the definition is not helpful for our purposes.

I understand from Terri Lauterbach, who handled ch. 190, SLA 1990, the source of the language of the first sentence of the quoted material, that the drafting history of the provision sheds no light on whether the legislature contemplated vessel-based depots.

Senator Jay Kerttula

April 4, 1991

Page 2

A common dictionary definition of the term "depot" seems to presume a land-based place for storage of material. Webster's New World Dictionary, Second College Edition, in use in our offices, defines "depot" as "a storehouse [or] warehouse; a storage place for supplies." Citing specific cases in which the term is used and defined, Black's Law Dictionary describes a "depot" as "[a] place for the deposit of goods; a warehouse or storehouse," again implying a location on land. (However, one standard reference, Webster's Third New International Dictionary, expands upon the definition to include reference to storage or maintenance of "military or naval supplies," opening the door to use of supply or storage ships for support of marine activities.)

However, the use of the term "depot" in context would seem to preclude the state from developing marine depots aboard one or more vessels of the Marine Highway System without specific statutory authority to do so. The substantive element of the provision quoted requires that the emergency response depots be "in areas of the state determined in the plans prepared . . . to be potential sites of releases or threatened releases of oil or hazardous substances." In implementing that requirement, the plan developer must take into consideration the factors bearing upon development and implementation of the state master plan in AS 46.04.200. AS 46.04.200(b)(5) directs that the state master plan must "designate the locations where oil and hazardous substance emergency response depots should be established . . ." The reference in subsection (b)(5) to "the locations" seems to me to contemplate placing depots at fixed shore-based sites rather than aboard marine response vessels that are a part of the Marine Highway System.

JC:gc

91-186.glc



*Department of Transportation  
and Public Facilities*

# POSITION PAPER

BILL NO: SB 165

APPROVED:

A handwritten signature in cursive, appearing to read "J. D. Murrin", written over a horizontal line.

TITLE: Ferries with Oil Spill Response Ability      DATE: April 1, 1991

Senate Bill 165 authorizes the Commissioner of the Department of Transportation and Public Facilities, subject to legislative appropriation, to either design and construct a vessel of the Alaska Marine Highway System which is capable of assisting in the clean-up of spills of oil and hazardous substances into the marine waters of the state. Alternatively, the legislation would also allow the modification of existing vessels in the fleet to achieve the same purpose. The discussion below outlines in general terms the operational and spill response capabilities which would be considered in designing a new vessel, or modifying existing vessels, which would meet the needs contemplated in the legislation.

The legislation also authorizes the payment of partial expenses required to keep vessels in operation so as to be available to respond to a release of oil or hazardous substances. It is estimated that the annual operating and overhaul costs of this vessel, chargeable to the fund, would be approximately \$500 thousand dollars. These expenses would be for annual training, as well as overhaul of the spill response equipment. The direct expenses incurred in responding to a spill would also be paid by the fund. A new or modified vessel is not expected to be in service until after fiscal year 1997.

## General Requirements

All Alaska Marine Highway System vessels must have unrestricted highway vehicle and passenger carrying capacity - as the highway function is the basic mission of the Alaska Marine Highway System. The vessel must provide safe, comfortable accommodations for passengers,

BILL NO: SB 165

DATE: April 1, 1991

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with reasonable priced meals and lodging. The vessel must be family oriented, with special accommodations for children and for the physically challenged. The Alaska Marine Highway System must further provide passengers the benefit of riding a vessel with excellent safety equipment for fire fighting and damage control, including a state of the art sprinkler system throughout the vessel, and an enclosed method of safely evacuating the vessel in case of emergency.

Should a new vessel be constructed, regulatory concerns dictate that it must be American flagged, inspected by the U.S. Coast Guard, and operated by American crews. A vessel must be designed for a 50 or 60 year life, through the use of planned refurbishments. It is not contemplated that all or even 50% of the costs of a new vessel would be allocated to the fund. The State would defray most costs through other means.

#### **Southwest System Specific Requirements**

The S.W. System must be serviced by a vessel that is ocean rated and must be able to transit the Gulf of Alaska year round. This vessel must have a vehicle transfer system that will enable it to service docks with no transfer ramps, and have a stern car door. The vessel length is constrained to a length no greater than 400 ft, due to the confined harbors it must serve; preferably the length should be no greater than 380 ft.

#### **Southeast System Specific Requirements**

The S.E. Mainline System is optimally served by a vessel with a forward car door, at main deck height. All other S.E. needs are met by the general and S.W. requirements.

#### **Oil Spill Response Requirements**

Members of the legislature and the public have identified the importance of the state having an emergency response capability for containing, and cleaning up oil spills as a result of the Exxon Valdez experience. Therefore, a new mainline vessel or modified vessel from the existing fleet should be able to respond to the oil spills in the following capacities:

BILL NO: SB 165

DATE: April 1, 1991

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- A. Communication/Command Center
- B. Work/Machine Shop for Equipment Repair
- C. Room and Board for Spill Response Team
- D. Helicopter Support
- E. Boom Deployment
- F. Loading/Storage Spill Response Material
- G. Storage of Liquids, Dispersant/Oil
- H. Training Center

### New Vessel Description

The list of mission requirements above, and the conceptual design work done for the Tustumena replacement project in 1982, provides enough data to assemble the major characteristics of a mainline vessel that would meet the above requirements.

A new vessel would be a steel displacement vessel, 380 feet in length by 65 feet in beam, designed and constructed in the United States. The vessel would carry approximately 450 people, 75 standard vehicles, and 100 berths. The vessel would be diesel-powered with twin controllable pitch propellers. Propulsion machinery would be augmented by the addition of bow thrusters and fin stabilizers. This vessel should have a large vehicle elevator/transfer system located near the stern. This vessel would also have a stern door and stern ramp, and a crane above the stern door for handling the rescue boat and emergency stores or gear. Emergency evacuation would occur through covered lifeboats, boarded from inside the boat deck. The vessel would have a sprinkler system throughout.

A new mainline vessel would be well suited to oil spill response efforts, as it could respond anywhere in the Pacific Ocean in a matter of days. The bridge of the vessel would have the necessary electronic gear to act as a control/command center. The vessel would have the unique ability to travel to any dock and load containerized vans full of response gear, without assistance. The vessel's machine shop, adequate working space, and accommodations would be available for use by the clean-up crew. The aft upper-most deck could support a helicopter pad. The stern ramp would

BILL NO: SB 165

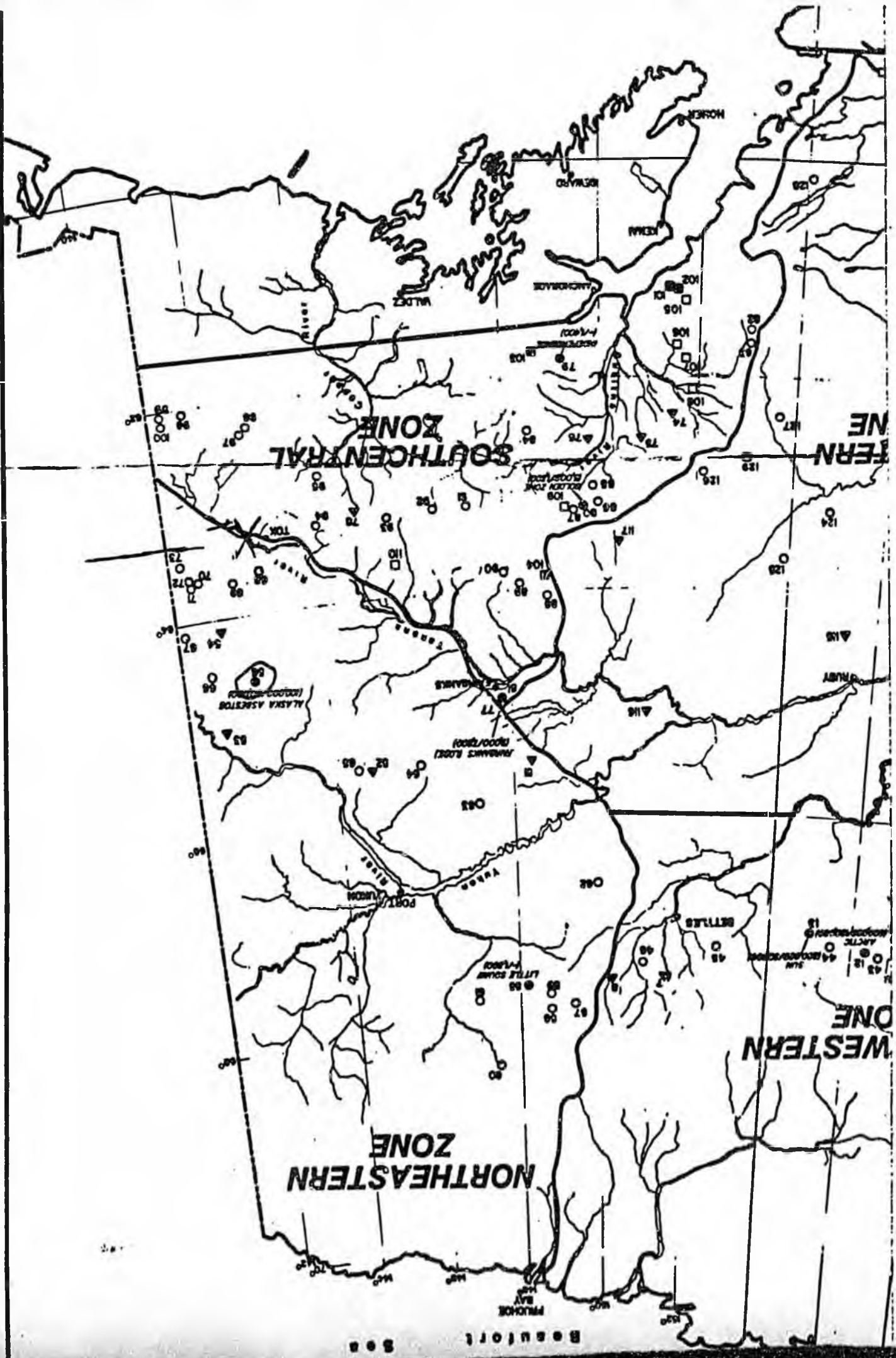
DATE: April 1, 1991

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be easily converted to deploy oil containment booms underway, or act as a small vessel dock when anchored. The crane above the ramp could be used to move gear from the vessel to boats moored off the stern. The vessel would have large integral tanks able to hold spill response chemicals or recovered oil.

### **Vessel Design and Construction**

To obtain a new vessel or perform necessary refurbishments to one or more existing vessels, the Alaska Marine Highway System must go through three design phases: conceptual, preliminary, and construction. Design time would be on the order of 18-24 months for a new vessel and from 6-12 months for modifications to an existing ship. Construction time would be on the order of 30-36 months for new construction and 6-12 months for major modification to an existing ship.





# Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

907-463-3366  
Fax 907-463-3312

## SB165 -- Ferries with Oil Response Capabilities 5/14/91

**The Alaska Environmental Lobby supports the concept embodied in SB165.**

SB165 enables vessels of the Alaska Marine Highway System to be equipped for oil spill response. In addition to providing the usual freight and passenger services, ferries would have the capability to assist in containment and clean-up of oil and other hazardous materials spilled in marine waters.

In case of a major spill, there must be sufficient oil response equipment available for containment and clean-up. Ferries daily ply the very waters that are at high risk for such a spill, so they are logical candidates to provide timely assistance. During the Exxon *Valdez* clean-up, Alaskan ferries played a supporting role by supplying housing, transportation, and communications facilities. However, the ferries were hampered by their lack of oil response equipment. SB165 ameliorates this deficiency.

Ferry vessels capable of spill containment and clean-up will aid in the timely remediation of marine spills. By operating in the waters of southwest, southeast, and southcentral Alaska, ferries are ideally located to assist swiftly in the event of a spill. It is necessary to acquire and maintain sufficient equipment to be ready to battle a major spill; equipping Alaska's ferries to provide aid in such situations is a reasonable extension of the state's capabilities.

Funding for the construction of new vessels and retrofitting of old vessels would come from the Oil and Hazardous Substance Release Response Fund. Since the purpose of this fund is to supply money for response to oil and hazardous substance spills, we support its use to pay for SB165.

prepared by Mollie TeVrucht

ALASKA CENTER FOR THE ENVIRONMENT • ALASKA OUTDOOR COUNCIL • ALASKA FRIENDS OF THE EARTH  
ANCHORAGE ALTERNATIVES • ARCTIC ALTERNATIVES • COASTAL COMMUNITIES • DENALI FRIENDS AND SOCIETY  
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STATE OF ALASKA  
THE LEGISLATURE

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Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*House Transportation 5-14-91*



# House Transportation Committee

DATE:

5/14/91

PLACE:

Room 17

SUBJECT OF MEETING:

SB 165

HCR 31

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Mollie TeVrucht	Alaska Environ. Lobby	Po Box 2151 Juneau 99801	99802	3338327	4633766	<input checked="" type="radio"/>	N	SB165
Juanita Hensley	DPS/DMV	Box 11 Juneau	99811		5-9335	Y	N	HB 320/ SB Q.
Kathy Hathaway	Sen. Cottola					<input checked="" type="radio"/>	N	SB 165
Phil Holdsworth	AMA	326 4th Street Juneau 99801		556-1383		<input checked="" type="radio"/>	N	HCR 31
Pat Swanson	self	113 5th St Juneau, AK 99801		586-3896		<input checked="" type="radio"/>	N	HCR 31
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

S B

3 2 4

**FISCAL NOTE**

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. SB 324

Revision Date: 2/6/92  
Title: An act relating to a report on earnings of the Alaska marine highway system fund.  
Sponsor: Senate Finance Committee  
Requestor: Senator Duncan

Department Affected: Revenue  
BRU: Operations  
Component: Treasury Management

Component Serial No.

0	1	2	1
---	---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>	0	0	0	0	0	0
----------------	---	---	---	---	---	---

<b>REVENUE</b>						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND/Unrestricted						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

**ANALYSIS:**

Prepared by: Brian C. Andrews  Phone: 465-2350

Division: Treasury Date: February 6, 1992

Approved by Commissioner:  \_\_\_\_\_

Agency: Revenue

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).



# Alaska State Legislature

SENATOR JIM DUNCAN


COMMITTEES:

VICE CHAIR –  
FINANCE

VICE CHAIR –  
STATE AFFAIRS  
RULES

BUDGET & AUDIT  
ETHICS REFORM

To: Representative Richard Foster  
Chair, House Transportation Committee

From: Senator Jim Duncan 

Subject: Hearing for CSSB 324 (Finance)

Date: May 5, 1992

I request the earliest possible hearing for Senate Bill 324 by the House Transportation Committee.

This legislation requires the Department of Revenue to submit reports to the Legislature no later than the tenth day of each regular legislative session on the Alaska Marine Highway System and Vessel Replacement Funds.

Section 1 asks the Department for a report on the earnings on gross revenue of the Alaska Marine Highway System that were deposited into the Alaska Marine Highway System Fund during the prior fiscal year. Projected earnings to be deposited into the fund for the current and next fiscal years are also required in this report.

Section 2 calls for a report on the earnings during the prior fiscal year and projected earnings for the current and next fiscal year of the Alaska Marine Highway System Vessel Replacement Fund.

It is imperative that the Legislature have a formal and full accounting of these funds. The reports required by the Department of Revenue that are stipulated in this legislation will provide this necessary accounting.

Your consideration of my request is appreciated.

Attachments

## CSSB 324 (FINANCE) SECTIONAL ANALYSIS

### Section 1

Requires the Department of Revenue to submit a written report to the Legislature no later than the tenth day of each regular legislative session on the earnings on gross revenue of the Alaska Marine Highway System that was deposited into the Alaska Marine Highway System Fund during the prior fiscal year and projected earnings to be deposited into the fund for the current and next fiscal years.

### Section 2

Requires the Department of Revenue to submit a written report to the Legislature no later than the tenth day of each regular legislative session on the earnings of the Alaska Marine Highway System Vessel Replacement Fund during the prior fiscal year and projected earnings for the current and next fiscal year.

S B

3 5 8

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

Version: SB 358

(S) Publish Date: 2-18-92

Revision Date: \_\_\_\_\_ Department Affected: Public Safety

Title: "An Act making the theft of certain BRU: Fish & Wildlife Protection

equipment theft in the second degree." Component: Enforcement & ISU

Sponsor: Senator Eliason

Requestor: Senate Judiciary

COMPONENT SERIAL NO. 

4	9	0
---	---	---

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
FEDERAL FUNDS						
OTHER FUND SOURCE:						
<b>TOTAL</b>	0	0	0	0	0	0

POSITIONS:

FULL-TIME	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated.

Changes in SB 358 (JUD) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.

2/14/92 Re  
date Comte Aide (initial)

Prepared By: Captain Conrad G. Seibel Phone: 269-5509

Division: Fish & Wildlife Protection Date: 2/1/92

Approved by Commissioner: *Richard L. Burton* Richard L. Burton

Agency: Department of Public Safety Date: 2/3/92

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

No. 2  
Bill Version: SB 358  
(S) Publish Date: 2-18-92

Revision Date: \_\_\_\_\_  
Title: "An Act making the theft of certain safety and survival equipment from a commercial fishing vessel theft in the second degree."  
Sponsor: Eliason  
Requestor: Senate Judiciary

Department Affected: Administration  
BRU: Public Defender Agency  
Component: Public Defender Agency

COMPONENT SERIAL NO. 

1	6	3	1
---	---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0

REVENUE FUND SOURCE:	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)  
(See attached.)

Changes in SB 358 (JUD) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.  
2/14/92 RC  
date Comte Aide (initial)

Prepared by: John Salemi, Public Defender  
Division: Public Defender Agency

Phone: 279-7541  
Date: January 27, 1992

Approved by Commissioner: Nancy Bear Usura  
Agency: Administration

Date: 2/3/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. SB 358

ANALYSIS: (continued)

Normally in order to be charged with the crime of theft in the second degree, one must steal property which has the value of more than \$500. This proposal expands the definition of Theft in the Second Degree to include Theft of Safety and Survival Equipment from a Commercial Fishing Vessel regardless of its value.

This bill, if passed into law, will have no fiscal impact on the Public Defender Agency.

FISCAL NOTE

No. 1

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

Version: SB 358

(S) Publish Date: 2-18-92

Revision Date: \_\_\_\_\_ Department Affected: Department of Law  
 Title: "...making the theft of...survival BRU: Prosecution  
equipment theft in the second degree." Component: All  
 Sponsor: Senator Eliason  
 Requestor: Senate Judiciary Committee COMPONENT SERIAL NO. 

--	--	--	--

85 through 91

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS. CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Changes in SB 358 (JUD) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.

2/14/92 RV  
date Comte Aide (initial)

Prepared By: Richard I. Pegues, Director Phone: 465-3672

Division: Administrative Services Date: February 3, 1992

Approved by Commissioner: Charles E. Cole, Attorney General

Agency: Department of Law Date: February 3, 1992

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 358

This bill amends AS 11.46.130 to provide that a person commits the crime of theft in the second degree if the property is vessel safety or survival equipment and the property is taken from a licensed commercial fishing vessel or a vessel used exclusively for commercial salmon fishing that has been exempted from state licensing requirements under AS 16.05.495. The bill also amends AS 16.05.710(b) to provide that when a person is convicted of this crime a court shall, in addition to the penalty imposed by law, suspend one or more of the person's commercial fishing privileges or licenses for one year for a first conviction, and suspend their privileges for two years for a second or subsequent conviction. Theft in the second degree is a class C felony.

The Department of Law does not anticipate a fiscal impact because many safety and survival devices have a value that exceeds the \$500 threshold for theft in the second degree.

ALASKA STATE LEGISLATURE SENATE

SENATOR RICHARD I. ELIASON

PRESIDENT OF THE SENATE  
LABOR & COMMERCE COMMITTEE  
RESOURCES COMMITTEE  
RULES COMMITTEE  
CHAIRMAN SPECIAL COMMITTEE ON  
DOMESTIC & INTERNATIONAL  
COMMERCIAL FISHERIES



P O BOX 143  
SITKA ALASKA 99835

P O BOX V  
JUNEAU ALASKA 99811  
(907) 465-4916

FAX (907) 465-4928

1/29/92

TESTIMONY OF SEN. DICK ELIASON, PRIME SPONSOR, REGARDING SB 358,  
"An Act making the theft of certain safety and survival equipment form a  
commercial fishing vessel theft in the second degree."

The U. S. Coast Guard, in the course of implementing provisions of the Commercial Fishing Industry Vessel Safety Act of 1988, has issued regulations which include requirements for the safety and survival equipment aboard uninspected commercial fishing vessels. The regulations went into effect in late 1991, although some provisions have a delayed effective date. The purpose of the regulations is to prevent unnecessary loss of life, and the Coast Guard believes they will also result in fewer pollution incidents arising from vessel loss.

Alaska fishermen are required to make substantial expenditures on safety and survival equipment in order to comply with these regulations, and more vessels than ever before are equipped with survival suits, EPIRBs (Emergency Position Indicating Locator Beacons), and fire fighting equipment. This is good news, especially in light of the fact that commercial fishing is considered one of the most dangerous occupations.

Unfortunately, there have been increasing problems with theft of safety equipment from fishing vessels. The repercussions of such a theft can be disastrous. At the top of the list is the horrible possibility that lives would be lost due to an emergency at sea, the very thing the new Coast Guard regulations seek to prevent. The theft of equipment just prior to a fishing opening could result in the loss of the opportunity to fish, either because the theft was discovered and the vessel remained in port, or because the Coast Guard exercised its authority to compel the vessel to return to port immediately. Given the brevity of the fishing openings these days, an individual could miss an entire opening and be financially ruined as a result. In addition, the Coast Guard may impose stiff civil and criminal penalties for violations of the regulations.

Sponsor Statement

SB 358  
page two

Senate Bill 358 makes it a class C felony, rather than a class A misdemeanor, to steal certain safety and survival equipment from a commercial fishing vessel, whether or not the value of the property exceeds \$500. The safety and survival equipment is closely defined in the bill. The measure also includes a section to provide that if the offense is committed by a commercial fisherman, he or she stands to lose fishing licenses and privileges. This is consistent with penalties now on the books for theft of fishing gear.

The purpose of the legislation is to discourage the theft of safety equipment from commercial fishing vessels, and I strongly encourage its adoption.

**DIVISION OF LEGAL SERVICES**

**LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

240 Main Street, Suite 500  
Juneau, Alaska 99801-2101

MEMORANDUM

February 3, 1992

**SUBJECT:** CS to SB 358, adding theft of aircraft safety equipment and upgrading the crime to a class C felony

**TO:** Senator Rick Halford

**FROM:** Robert Glennon Casey *RGC*  
Legislative Counsel

A committee substitute has been prepared which adds "aircraft safety equipment" to the list of items whose theft would violate AS 11.46.130.

It would be much better, however, if the committee substitute defined aircraft safety equipment. That would follow the example of the original bill, which adds "vessel safety or survival equipment" as items whose theft would violate the statute and then goes on to define safety and survival equipment.

To further parallel the other items in the list, I have limited this to thefts from aircraft. Also, you requested that the status of the crime be upgraded to a class C felony. AS 11.46.130 is already a class C felony, so the committee substitute makes no change in that area.

RGC:gc  
92-093.glc

Enclosure

# Alaska Marine Safety Education Association

Box 2592, Sitka, Alaska 99835

(907) 747-3287

April 3, 1992

Senator Eliason  
Alaska State Legislature  
P.O. Box V (MS 3100)  
Juneau, Alaska 99811

Dear Senator Eliason:

This letter is in full support of your bill to make the theft of safety and survival equipment onboard boats and aircraft a felony (SB 358).

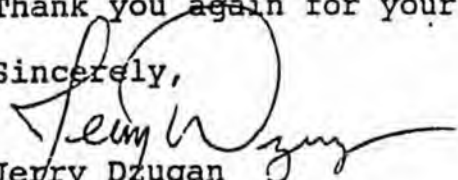
As you are well aware, recent requirements for survival equipment for commercial fishing vessels may cost some owners thousands of dollars. There has been and will be a strong temptation on the part of some people to "borrow" this equipment from owners who are in compliance with the law. This would place these owners at risk in an emergency since the survival gear they thought they had onboard would not be there.

AMSEA feels that the penalty for the theft of this equipment currently does not reflect the true nature of the seriousness of this act. Therefore, we fully support your bill to make the theft of this equipment a felony.

Please let us know if there is anything we can do to help this legislation along in the final days of the legislature.

Thank you again for your sponsorship of this bill.

Sincerely,



Jerry Dzugan  
Executive Director

c.c. Rep. Richard Foster, Chair House Transportation Committee

## MEMBER ORGANIZATIONS

Alaska Department of Health & Social Services,  
Emergency Medical Services Section  
Alaska Department of Public Safety  
Northstar Survival, Inc.  
Southeast Alaska Regional Health Corporation

Southeast Regional Emergency Medical Services Council  
United States Coast Guard  
University of Alaska Marine Advisory Program  
Alaska Department of Education  
Alaska Vocational Technical School (AVTEC)

# Alaska Marine Safety Education Association

Box 2592, Sitka, Alaska 99835

(907) 747-3287

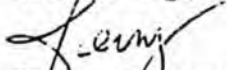
Oct. 30, 1991

Laura Fleming:

Enclosed is the whole 9 yards; Final Rule of the Commercial Fishing Vessel Safety Act, the USCG boarding officer's checklist, and a copy of N-VIC 12-91. The last page of 12-91 outlines the specific guidelines boarding officers will use to determine whether or not to terminate a F/V's voyage due to a potential or existing safety hazard.

Sorry I didn't include this with the original mailing. Please feel free to contact me if you have any other questions.

Sincerely,



Jerry Dzugan  
Director

#### MEMBER ORGANIZATIONS

Alaska Department of Health & Social Services,  
Emergency Medical Services Section  
Alaska Department of Public Safety  
Northstar Survival, Inc.  
Southeast Alaska Regional Health Corporation

Southeast Regional Emergency Medical Services Council  
United States Coast Guard  
University of Alaska Marine Advisory Program  
Alaska Department of Education  
Alaska Vocational Technical School (AVTEC)



# UNITED FISHERMEN OF ALASKA

211 4th Street, Suit 112  
Juneau, AK 99801  
907-586-2820  
Fax# 907-463-2545

February 4, 1992

## MEMBER ASSOCIATIONS

Alaska Crab Coalition  
Alaska Independent Fishermen's  
Marketing Association  
Alaska Longline Fisherman's  
Association  
Alaska Trollers Association  
Bering Sea Fishermen's Association  
Bristol Bay Driftnetters Association  
Concerned Area 'M' Fishermen  
Cook Inlet Aquaculture Association  
Copper River Fishermen's Cooperative  
Cordova District Fishermen United  
Kenai Peninsula Fishermen's Association  
North Pacific Fisheries Association  
Northern Southeast Regional  
Aquaculture Association  
Peninsula Marketing Association  
Petersburg Vessel Owners Association  
Prince William Sound  
Aquaculture Association  
Prince William Sound Seiners Association  
Seafood Producers Cooperative  
Southeast Alaska Seiners  
Southern Southeast Regional  
Aquaculture Association  
United Cook Inlet Drift Association  
United Southeast Alaska Gillnetters  
Western Alaska Cooperative  
Marketing Association

The Honorable Dick Eliason  
Alaska State Senate  
Post Office Box V  
Juneau, Alaska 99811

RE: Senate Bill 358

Dear Senator Eliason:

On behalf of the United Fishermen of Alaska, I would like to support the proposed amended language to AS 11.46.130(a) which would elevate the theft of certain safety and survival equipment from a commercial fishing vessel to theft in the second degree, as well as other proposed language under SB 358.

It has come to my attention, over the past several years, that theft of safety and survival equipment has become an increasing problem. Fortunately, at least in one instance of which I am aware, the theft of survival suits was discovered prior to an emergency situation. This equipment, for purposes of accessibility in time of distress, is often stored outside of a locked cabin or storage locker. This, unfortunately, also makes this equipment more readily accessible to theft. Also, life rafts and emergency locator beacons are installed in such a manner that they cannot be secured from theft.

Our organization wholeheartedly supports your sponsorship and efforts on behalf of this worthwhile legislation. It is our sincere hope that the proposed statutory change will act as a deterrent to those unscrupulous individuals who would thoughtlessly remove survival equipment from a commercial fishing vessel and jeopardize fishermen's lives.

Very truly yours,

Greg Seider  
Executive Director

GS:phl

✓ cc: Senator Rick Halford  
Senator Fred Zharoff

PUBLIC OPINION MESSAGE

DEAR: SENATOR ELIASON

NAME: GRANT H. TRASK  
TITLE: DIRECTOR, SEAFOOD PRODUCER'S CO-OP  
ADDRESS: BOX 400 SECOND STREET  
CITY: PETERESBURG ZIP: 99833  
PHONE: 772-3775

BILL NO: SB 358

SUBJECT: THEFT OF BOAT SAFETY/SURVIVAL EQUIP

MESSAGE: THANK YOU FOR YOUR BILL INTRODUCING PENALTIES FOR THE THEFT SURVIVAL AND SAFETY EQUIPMENT. THE 350 MEMBERS OF SEAFOOD PRODUCER'S CO-OPERATIVE SUPPORT YOU. OUR LIVELIHOOD AND PROFESSIONALISM DEPENDS ON KEEPING ALL ASPECTS OF OUR BUSINESSES INTACT AND THIS BILL SHOULD SERVE AS DETERRANT TO ANYONE INCLINED TO JEOPARDIZE THIS.

PC MID: 15103124  
DATE: 92/02/03  
TIME: 10:31:24  
LIONAME: PETERSBURG LIO

COPIES: REPRESENTATIVE SENATORS

TAYLOR

HALFORD  
ZHAROFF

Wednesday  
August 14 1991

ACTUAL REGS  
START ON PAGE 40396

46  
CFR  
PART  
160  
REGS

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**Part 16**

**Department of  
Transportation**

---

**Coast Guard**

---

**46 CFR Part 160**

**Commercial Fishing Industry Vessel  
Regulations; Final Rule**

# Commercial Fishing Vessel Safety Act

## THE FINAL RULE: A SUMMARY OF THE COMMERCIAL FISHING VESSEL SAFETY ACT

*NOTE: The following is a partial summary, for Alaska waters, of the regulations and is not all inclusive. Effective date is September 15, 1991 unless otherwise noted. We strongly recommend fishermen to review the regulations and the checklist themselves. In Alaska call the USCG F/V Safety Coordinator at 1-800-478-7369 and leave your name and address for a free copy of the regulations and boarding officer checklist.*

### REQUIREMENTS FOR ALL FISHING VESSELS

1. Immersion suit accessible and of an appropriate size for each person onboard. If beyond the Boundary Line retro-tape, PFD light and name (vessel, owner of device, or person assigned) must be on suit (after 9/1/92)
2. Ring Life Buoys (RLB) (orange, 24" diameter, with retro-tape and vessel name)
  - a. Vessels 16' to < 26': Bouyant cushion or RLB plus 60' line minimum.
  - b. Vessel 26' to < 65': RLB plus 60' line minimum.
  - c. Vessel  $\geq$  65': Minimum 3 RLBs one with a 90' line.
3. Survival craft required on documented vessels after 9/1/92 or on state registered vessels after 9/1/95 except those with less than 4 people within 12 miles of shore. Liferrafts with appropriate equipment packs and installed onboard before 9/15/91 are "grandfathered". Under limited conditions "auxiliary craft" may be substituted. F/V less than 36 ft. that have positive flotation and operate within 12 miles of shore are exempt. This section may be subject to future revision.
4. Distress flares if more than 3 miles from shore: 3 parachute flares; 6 handheld flares; 3 smoke flares. Lesser requirements if within 3 miles.
5. Injury placard posted.
6. 406 EPIRB if operating beyond 3 mile Territorial Sea Line. After 9/1/92 must be marked with vessel name.
7. Two fireman's outfits if more than 49 people on board.
8. Two SCBAs required with spare 30 minute bottles if ammonia refrigeration system on board.
9. First Aid book & equipment. First Aid training required by 9/1/93.
10. Guards for exposed hazards.
11. Unobstructed escape routes.
12. Relevant, up-to-date charts, Coast Pilot, light list, tide & current tables. Maintain charts using Local Notice to Mariners.
13. Compass, anchor, and radar reflector (for nonmetallic hull not providing a signature from 6 miles).
14. General alarm (after 9/1/92).
15. VHF Communication equipment to contact Coast Guard (SSB past 20 nautical miles). See Final Rule.
16. High water alarms if vessel 36 ft. or more, bilge pumps, piping & dewatering systems regardless of length.
17. F/V over 79 ft must have electronic position fixing device.
18. Monthly emergency instruction, drills & orientation.
19. Training in drill instruction. (effective 9/1/94).

### REQUIREMENTS FOR F/V WITH KEELS LAID OR CONVERTED AFTER 9/15/91

This section sets standards for the areas of liferaft launching, fire fighting systems, galley hoods, fuel systems, ventilation, electrical standards, radar and depth sounding equipment, deck rails, life lines, and grab rails. See Final Rule for details.

### REQUIREMENTS FOR STABILITY

Applies to F/Vs more than 79 ft. that has had keel laid or altered after 9/15/91. Sets standards and tests for these vessels. Future rule making will affect this section and smaller F/Vs. See Final Rule for details.

### REQUIREMENTS FOR DOCUMENTED VESSELS WITH MORE THAN 16 PEOPLE ON BOARD OR OPERATING BEYOND THE BOUNDARY LINE

1. Fire extinguisher(s).

*continued next page*

# Continued...

continued from page 5

## TRAINING REQUIREMENTS

Applies only to documented F/Vs beyond the boundary line or with more than 16 people onboard (POB).

### 1. First Aid & CPR (After September 1, 1993) Acceptable certification follows:

- First Aid:
1. American Red Cross
  2. OSHA
  3. USCG approved
- CPR:
1. American Red Cross
  2. American Heart Association
  3. USCG approved

- a. F/V with more than 2 POB must have one person trained in First Aid and CPR (can be same person).
- b. F/V with more than 16 POB needs two trained in First Aid/CPR.
- c. F/V with more than 49 POB needs 4 trained in First Aid/CPR.

### 2. Instruction, Drills and Safety Orientation:

Master will conduct drills and instruction once a month in the following:

- a. abandoning vessel.
- b. fighting a fire in different locations.
- c. recovering an individual in the water.
- d. minimizing the effects of flooding.
- e. launching survival craft.
- f. donning immersion suits and PFDs.
- g. donning fire clothing and SCBA (if so equipped).
- h. radio distress calls and visual distress signals.
- i. activating the general alarm.
- j. reporting inoperative alarm systems.

### 3. Drill Instruction. After Sept. 1, 1994 no person may conduct the drills or provide instruction without that person having been trained in the proper procedures for conducting the activity.

### 4. Safety Orientation. The master must insure that a safety orientation is given to each individual onboard that has not received the instruction or participated in the drill.

### 5. Emergency Instructions. Instructions must be posted or be kept readily available (F/V with less than 4 people) covering:

- a. survival craft embarkation stations.
- b. fire, emergency and abandon ship signal.
- c. location of immersion suits & illustration of donning procedure.
- d. procedures for making a distress call.
- e. essential action to be taken in an emergency.
- f. procedures for rough weather or conditions.
- g. procedures for anchoring.
- h. persons overboard procedures.
- i. fire fighting procedures.

### 6. Master must insure that lifesaving equipment is in good condition and readily available for immediate use.

## SPECIAL NOTES

Vessels whose liferafts qualify to be grandfathered should keep a copy of receipt with date of purchase onboard. *See Final Rule for details.*

Grandfathered liferafts must still follow the yearly repacking schedule and be repacked by a certified repacker (repacker must be certified by manufacturer of raft).

Be sure to do the following and record in your log book:

1. Monthly Drills.
2. Monthly EPIRB test.
3. Inspect all other survival gear regularly.

Refer to the Final Rule to clarify questions or call your local USCG Fishing Safety Coordinator. In Alaska call 1-800-478-7369.

.....



NOTE - LAST PAGE

COMDTPUB P16700.4  
NVIC 12-91

13 SEP 1991

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 12-91

Subj: Termination of Unsafe Operations Aboard Commercial Fishing Industry Vessels

1. PURPOSE. The purpose of this Circular is to provide guidance to commercial fishing industry vessel owners/operators and Coast Guard personnel on termination of unsafe operations on commercial fishing industry vessels.
2. BACKGROUND.
  - a. The Commercial Fishing Industry Vessel Safety Act of 1988, P.L. 101-424 (now codified as 46 U.S.C. Chapter 45), addresses safety of commercial fishing industry vessels in several ways. One of these ways is by addressing unsafe operations.
  - b. Title 46 U.S.C. Section 4505 states that a Coast Guard enforcement official "may direct the individual in charge to immediately take reasonable steps necessary for the safety of the individuals on board the vessel if the official observes the vessel being operated in an unsafe condition that the official believes (emphasis added) creates an especially hazardous condition."
  - c. Termination of unsafe operations may result in the master or individual in charge of a vessel being ordered to return the vessel to a mooring until the hazardous condition is corrected or to cease a specific operation until the especially hazardous condition is alleviated or corrected. It is emphasized that immediate return of a vessel to a mooring is only one of several options available to boarding officers. Other options include but are not limited to:

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	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
A																										
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NON-STANDARD DISTRIBUTION: (See Page 4.)

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 12-91  
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2. c. (1) Immediate correction of the hazardous condition;
- (2) Filing of a Report of Violation against the owner, master, individual in charge of the vessel;
- (3) Referral to the Marine Safety Office or Marine Inspection Office for investigation and possible Suspension and Revocation action against Coast Guard issued licenses.

3. DISCUSSION.

- a. This Circular does not replace or modify existing statutes or regulations, but provides guidance and illustrations of conditions under which a commercial fishing industry vessel may be subject to termination action under 46 U.S.C. 4505.
- b. Boardings of commercial fishing industry vessels are routinely conducted by the Coast Guard. One part of the boarding officer's responsibility is to assess whether a vessel may present an especially hazardous condition warranting termination action. This Circular is intended to provide guidance to all interested parties on conditions which may be deemed especially hazardous and enforcement action which may be appropriate.
- c. In evaluating the safety of a vessel, there are many considerations that bear upon the decision that an especially hazardous condition exists. It is impossible to list all of the variables that should be considered in evaluating the safety of a particular vessel. However, enclosure (1) lists some of the areas that have proven to be problems in past casualties and should be considered in evaluating a vessel's safety. This list is not all inclusive; it attempts to illustrate the general gravity of conditions which may warrant enforcement action.
- d. Decisions to terminate operations of fishing industry vessels are made by boarding officers in accordance with district policies. Once the decision has been made to terminate operations, the boarding officer will decide whether to remove individuals and whether to escort or tow a fishing industry vessel to a mooring. This decision will be based on the judgement of the Coast Guard boarding officer considering the particular

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3. d. (cont'd) circumstances at the time of the boarding. Consideration will be given to existing/future weather, sea conditions, the extent of the unsafe condition, the ability of the vessel to effect adequate temporary repairs, etc.
  - e. It is recognized that termination of commercial operations may have a serious economic impact on owners/operators. In all cases, the basis for termination will be the potential for loss of life or injury resulting when an especially hazardous condition exists.
  - f. It is the obligation of the owner and master to ensure that each vessel is properly maintained, equipped, and operated at all times. While at sea, the master has the responsibility to operate the vessel within the limits of its design capabilities.
4. PENALTIES. The owner, charterer, managing operator, agent, master, and individual in charge of a fishing industry vessel, which is operated in violation of the regulations prescribed under 46 U.S.C. Chapter 45, may each be assessed a civil penalty of up to \$5,000. Any vessel which is assessed a penalty under 46 U.S.C. 4507 is liable in rem for the penalty. A person willfully violating this chapter is subject to a fine of up to \$5,000 and imprisonment for up to one year. These penalties are in addition to termination of the operation and Suspension and Revocation proceedings against Coast Guard issued licenses.
5. IMPLEMENTATION.
    - a. District commanders are encouraged to give this NVIC wide dissemination.
    - b. This Circular is effective immediately.
    - c. District Fishing Vessel Safety Coordinators shall work closely with District Operational Law Enforcement staff by providing technical assistance to ensure uniform enforcement.

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 12-91.

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5. d. Owners and operators of commercial fishing industry vessels are encouraged to maintain and equip their vessels in a manner consistent with the regulations and good marine practice. Questions regarding this Circular should be addressed to the nearest Coast Guard District Office, Attn: Fishing Vessel Safety Coordinator.



D. H. WHITTEN  
ACTING CHIEF, OFFICE OF MARINE SAFETY,  
SECURITY AND ENVIRONMENTAL PROTECTION

Encl: (1) Termination of Unsafe Operations on Board Commercial Fishing Industry Vessels

Non-Standard Distribution:

C:e New Orleans (90); Baltimore (45); San Francisco (40); Philadelphia, Port Arthur, Honolulu, Puget Sound (35); Miami, Houston, Mobile, Los Angeles Long Beach, Morgan City (25); Hampton Roads, Jacksonville, Portland OR (20); Boston, Portland ME, Charleston, Anchorage (15); Cleveland (12); Louisville, Memphis, Paducah, Pittsburgh, St. Louis, Savannah, San Juan, Tampa, Galveston, Buffalo, Chicago, Detroit, Duluth, Milwaukee, San Diego, Juneau, Valdez (10); Providence, Huntington, Wilmington, Corpus Christi, Toledo, Guam (5).

C:m New York (70); St. Ignace (5); Sturgeon Bay (4).

D:d Except Baltimore, Monterey, Moriches.

D:l CG Liaison Officer MILSEALIFTCOMD (Code N-7CG), CG Liaison Officer RSPA (DHM-22), CG Liaison Officer MARAD (MAR-720.2), CG Liaison Officer JUSMAGPHIL (1).

NOAA Fleet Inspection Officer (1).

ABS (220).

TERMINATION OF UNSAFE OPERATIONS  
ON BOARD COMMERCIAL FISHING INDUSTRY VESSELS

The following practices are considered to be unsafe and may create especially hazardous conditions for individuals on board fishing industry vessels. A vessel found with one of these unsafe conditions, while operating (at sea), may be considered for termination by a Coast Guard boarding officer. Termination will result in ordering an individual in charge of a vessel to return the vessel to a mooring or dock until the hazardous condition is corrected, or ordering cessation of a specific operation until the especially hazardous condition is alleviated or corrected. This list does not exclude any other conditions which in the opinion of the boarding officer are especially hazardous.

These items are applicable to United States flag vessels that are commercial fishing, fish processing, or in a fish tendering operation. However, each item may not apply to all vessels. Certain regulations apply only to limited categories of vessels. In all cases, 46 CFR Subpart 28 should be referenced for specific applicability.

UNSAFE PRACTICES

1. Operation without sufficient lifesaving equipment on board. This may include:
  - a. No personal flotation devices (PFD's) or required immersion suits on board, insufficient quantity of PFD's or immersion suits, or PFD's and immersion suits which are unserviceable.
  - b. No survival craft on board, insufficient survival craft capacity for the number of persons on board, or a survival craft in an unserviceable condition.
2. Operation without either an operable Emergency Position Indicating Radio Beacon or radio communication equipment. Either or both may be required by the regulations. When both are required then one must be operable. The intent is that there be at least one means of communicating distress.
3. Operation without adequate firefighting equipment on board.

Enclosure (1) to Navigation and Vessel Inspection Circular No. 12-9

4. Excessive volatile fuel (gasoline or solvents) or volatile fuel vapors in bilges.
5. Instability resulting from overloading, improper loading or lack of freeboard.
6. Inoperable bilge system.
7. Intoxication of the operator, as defined in 33 CFR 95.020. Individuals operating vessels other than recreational vessels are considered to be intoxicated when they have an alcohol concentration of .04% by weight or more in their blood; or, the effect of the intoxicant(s) consumed by the individual on the person's manner, disposition, speech, muscular movement, general appearance or behavior is apparent by observation.
8. A total lack of operable navigation lights during periods of reduced visibility.
9. Watertight closures missing or inoperable.
10. Flooding or uncontrolled leakage.
11. Failure to have a currently endorsed Load Line Certificate, when required.

TO: LAURA FLEMING, SEN. SENATORS OFFICE  
FROM: JERRY DEUGAN, AMSON

Enclosure (1) to Navigation and Vessel Inspection Circular No. 12-91

TERMINATION OF UNSAFE OPERATIONS  
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The following practices are considered to be unsafe and may create especially hazardous conditions for individuals on board fishing industry vessels. A vessel found with one of these unsafe conditions, while operating (at sea), may be considered for termination by a Coast Guard boarding officer. Termination will result in ordering an individual in charge of a vessel to return the vessel to a mooring or dock until the hazardous condition is corrected, or ordering cessation of a specific operation until the especially hazardous condition is alleviated or corrected. This list does not exclude any other conditions which in the opinion of the boarding officer are especially hazardous.

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  - b. No survival craft on board, insufficient survival craft capacity for the number of persons on board, or a survival craft in an unserviceable condition.
2. Operation without either an operable Emergency Position Indicating Radio Beacon or radio communication equipment. Either or both may be required by the regulations. When both are required then one must be operable. The intent is that there be at least one means of communicating distress.
3. Operation without adequate firefighting equipment on board.

Enclosure (1) to Navigation and Vessel Inspection Circular No. 12-91

4. Excessive volatile fuel (gasoline or solvents) or volatile fuel vapors in bilges.
5. Instability resulting from overloading, improper loading or lack of freeboard.
6. Inoperable bilge system.
7. Intoxication of the operator, as defined in 33 CFR 95.020. Individuals operating vessels other than recreational vessels are considered to be intoxicated when they have an alcohol concentration of .04% by weight or more in their blood; or, the effect of the intoxicant(s) consumed by the individual on the person's manner, disposition, speech, muscular movement, general appearance or behavior is apparent by observation.
8. A total lack of operable navigation lights during periods of reduced visibility.
9. Watertight closures missing or inoperable.
10. Flooding or uncontrolled leakage.
11. Failure to have a currently endorsed Load Line Certificate, when required.

request such designation in writing. As a minimum the organization must verify that it—

(a) Publishes standards for vessel design and construction which are as widely available as and which are of similar content to the standards published by the ABS;

(b) Performs periodic surveys in a wide range of localities during and after construction to ensure compliance with published standards, including drydock examinations, in a manner similar to the ABS;

(c) Issues certificates testifying to compliance with the published standards;

(d) Has as its primary concern the survey and classification of vessels;

(e) Has no interest in owning or operating fishing, fish processing, or fish tender vessels; and

(f) Maintains records of surveys and makes such records available to the Coast Guard upon request in a manner similar to the ABS.

#### § 28.80 Report of casualty.

(a) Except for a casualty which is required to be reported to the Coast Guard on Form CG 2692 in accordance with part 4 of this chapter, the owner, agent, operator, master, or individual in charge of a vessel involved in a casualty must submit a report in accordance with paragraph (c) of this section, as soon as possible after the casualty, to the underwriter of primary insurance for the vessel or to an organization listed in paragraph (d) of this section whenever the casualty involves any of the following.

(1) Loss of life.

(2) An injury to an individual that causes that individual to remain incapacitated for a period in excess of 72 hours.

(3) Loss of a vessel.

(4) Damage to or by a vessel, its cargo, apparel or gear, except for fishing gear while not on board a vessel, or that impairs the seaworthiness of the vessel, or that is initially estimated at \$2,500.00 or more.

(b) Each underwriter of primary insurance for a commercial fishing industry vessel must submit a report of each casualty involving that vessel to an organization listed in paragraph (d) of this section within 90 days of receiving notice of the casualty and whenever it pays a claim resulting from the casualty. Initial reports must be in accordance with paragraph (c) of this section. Subsequent reports must contain sufficient information to identify the casualty and any new or corrected casualty data.

(c) Each report of casualty must include the following information:

(1) The name and address of the vessel owner and vessel operator, if different than the vessel owner;

(2) The name and address of the underwriter of primary insurance for the vessel;

(3) The name, registry number, call sign, gross tonnage, year of build, length, and hull material of the vessel;

(4) The date, location, primary cause, and nature of the casualty;

(5) The specific fishery, intended catch, and length of fishery opening when applicable;

(6) The date that the casualty was reported to the underwriter of primary insurance for the vessel, or to an organization acceptable to the Commandant;

(7) The activity of the vessel at the time of the casualty;

(8) The weather conditions at the time of the casualty, if the weather caused or contributed to the cause of the casualty;

(9) The damages to or by the vessel, its apparel, gear, or cargo;

(10) The monetary amounts paid for damages;

(11) The name, birth date, social security number, address, job title, length of disability, activity at the time of injury, type of injury, and medical treatment required for each individual incapacitated for more than 72 hours, or deceased as a result of the casualty;

(12) The name, registry number, and call sign of every other vessel involved in the casualty; and

(13) The monetary amount paid for an injury or a death.

(d) A casualty to a commercial fishing industry vessel must be reported to an organization that has knowledge and experience in the collection and processing of statistical insurance data and that has been accepted by the Commandant to receive and process casualty data under this part. The Commandant has accepted for this purpose:

(1) Marine Index Bureau, Inc., P.O. Box 1984, New York, NY 10158-0612.

(2) Reserved.

Note: The Coast Guard intends to treat information collected under this section from underwriters of primary insurance as exempt from disclosure under the Freedom of Information Act because it is commercial and financial information which, if disclosed, would be likely to cause substantial harm to the competitive position of the underwriter.

#### § 28.90 Report of injury.

Each individual employed on a commercial fishing industry vessel must notify the master, individual in charge of

the vessel, or other agent of the employer of each illness, disability, or injury suffered while in service to the vessel not later than seven days after the date on which the illness, disability, or injury arose.

#### § 28.95 Right of appeal.

Any person directly affected by a decision or action taken under this part, by or on behalf of the Coast Guard, may appeal therefrom in accordance with part 1, subpart 1.03 of this chapter.

#### Subpart B—Requirements For All Vessels

##### § 28.100 Applicability.

Each commercial fishing industry vessel must meet the requirements of this subpart, in addition to the requirements of parts 24, 25, and 26 of this chapter.

##### § 28.105 Lifesaving equipment—general requirements.

(a) In addition to the requirements of this subpart, each commercial fishing industry vessel must comply with the requirements of part 25 subpart 25.25 of this chapter.

(b) Except as provided in § 28.120(d), each item of lifesaving equipment carried on board a vessel to meet the requirements of this part must be approved by the Commandant. Equipment for personal use which is not required by this part need not be approved by the Commandant.

##### § 28.110 Life preservers or other personal flotation devices.

(a) Except as provided by § 28.305 of this chapter, after November 15, 1991, each vessel must be equipped with at least one immersion suit, exposure suit, or wearable personal flotation device of the proper size for each individual on board as specified in table 28.110 and part 25, subpart 25.25 of this chapter. Notwithstanding the provisions of paragraphs (c) and (d) of § 25.25-1 of this chapter, each commercial fishing industry vessel propelled by sail or a manned barge employed in commercial fishing activities must meet the requirements of this paragraph.

(b) Each wearable personal flotation device must be stowed so that it is readily accessible to the individual for whom it is intended, from both the individual's normal work station and berthing area. If there is no location accessible to both the work station and the berthing area, an appropriate device must be stowed in both locations.

TABLE 28.110.—PERSONAL FLOTATION DEVICES AND IMMERSION SUITS

Applicable waters	Vessel type	Devices required	Other regulations
Seaward of the Boundary Line and North of 32° N; or South of 32° S; or Great Lakes.	Documented vessels.....	Immersion suit or exposure suit <sup>1</sup> .....	28.135; 25.25-9(a); 25.25-13; 25.25-15.
Coastal waters or beyond cold waters (includes Great Lakes).	All vessels.....	.....do <sup>1</sup> .....	Do.
All other waters.....	40 feet (12.2 meters) or more in length....	Type I Type V commercial hybrid, immers on suit, or exposure suit <sup>2</sup> .	28.135; 25.25-5(e); 25.25-5(f); 25.25-9(a); 25.25-13; 25.25-15.
Do.....	Less than 40 feet (12.2 meters) in length.	Type I, Type II, Type III, Type V commercial hybrid immersion suit, or exposure suit <sup>2</sup> .	Do.

<sup>1</sup> Until September 1, 1995, individuals weighing less than 44 pounds (198 Newtons) may substitute an approved personal flotation device of the appropriate size for a required immersion suit or exposure suit.

<sup>2</sup> Certain Type V personal flotation devices are approved for substitution for Type I, II, or III personal flotation devices when used in accordance with the conditions stated in the Coast Guard approval label.

§ 28.115 Ring life buoys.

(a) Except as provided in paragraph (b) of this section and § 28.305, after November 15, 1991, each vessel must be equipped with a throwable flotation device or a ring life buoy as specified in table 28.115. If the vessel is equipped with a ring life buoy, at least one ring life buoy must be equipped with a line which is at least:

(1) 60 feet (18.3 meters) in length for a vessel less than 65 feet (19.8 meters) in length; or

(2) 90 feet (27.4 meters) in length for a vessel 65 feet (19.8 meters) or more in length.

(b) For each vessel less than 65 feet (19.8 meters) in length, an approved 20 inch (0.51 meters) or larger ring life buoy which is in serviceable condition and which was installed on board before September 15, 1991, may be used to meet the requirements of paragraph (a) of this section.

TABLE 28.115.—THROWABLE FLOTATION DEVICES

Vessel length	Devices required
Less than 16 feet (4.9 meters).	None.
16 feet (4.9 meters) or more, but less than 26 feet (7.9 meters).	1 buoyant cushion, or ring life buoy (Type IV PFD) meters).
26 feet (7.9 meters) or more, but less than 65 feet (19.8 meters).	1 ring life buoy approval number starting with 160.009 or 160.050; orange; at least 24 inch (0.61 meters) size.
65 feet (19.8 meters) or more.	3 ring life buoys, approval number 160.50; orange; at least 24 inch (0.61 meters) size.

Note: Certain Type V PFDs are approved for use in substitution for Type IV PFDs, when used in accordance with the conditions stated in the Coast Guard approval label.

§ 28.120 Survival craft.

(a) Except as provided in paragraphs (b) and (d) through (h) of this section, each vessel must carry the survival craft specified in table 28.120(a), table 28.120(b), or table 28.120(c), as appropriate for the vessel, in an aggregate capacity to accommodate the total number of individuals on board.

(b) The requirements of this section do not apply to a vessel with less than 4 individuals on board which operates within 12 miles of the coastline.

(c) Except as provided by § 28.305, compliance dates for the requirements for the number and type of survival craft in tables 28.120(a), 28.120(b), and 28.120(c) are:

(1) For a documented vessel that operates in the North Pacific Area, September 1, 1992;

(2) For a documented vessel that operates in the Great Lakes or in the Atlantic Ocean north and east of a line drawn at a bearing 150° true from Watch Hill Light, Rhode Island, September 1, 1993;

(3) For each other documented vessel, September 1, 1994; and

(4) For each other vessel, September 1, 1995.

(d) Each survival craft installed on board a vessel before September 15, 1991, may continue to be used to meet the requirements of this section provided the survival craft is:

(1) Of the same type as required in tables 28.120(a), 28.120(b), or 28.120(c), as appropriate for the vessel type; and

(2) Maintained in good and serviceable condition.

(e) Each inflatable liferaft installed on board a vessel before September 15, 1991, may continue to be used to meet the requirements for an approved inflatable liferaft, provided the existing liferaft is maintained in good and serviceable condition as required by table 28.140, and it is equipped with the equipment pack required by tables 28.120(a), 28.120(b), or 28.120(c), as appropriate for the vessel type. Where no equipment pack is specified in tables 28.120(a), 28.120(b), or 28.120(c), a coastal service pack is required.

(f) An approved lifeboat may be substituted for any survival craft required by this section, provided it is arranged and equipped in accordance with part 94 of this chapter.

(g) The capacity of an auxiliary craft carried on board a vessel which is integral to and necessary for normal fishing operations will satisfy the requirements of this section for survival craft, except for an inflatable liferaft, provided the craft is readily accessible during an emergency and is capable of safely holding all individuals on board the vessel. If the auxiliary craft is equipped with a Coast Guard required capacity plate, the boat must not be loaded so as to exceed the rated capacity.

(h) A vessel less than 36 feet in length which meets the positive flotation provisions of 33 CFR part 183 is exempt from the requirement for survival craft in paragraph (a) of this section for operation on the following waters:

(1) Within 12 miles of the coastline, any waters; and  
(2) Rivers

TABLE 28.120 (a).—SURVIVAL CRAFT FOR DOCUMENTED VESSELS

Area	Vessel type	Survival craft required
Beyond 50 miles of coastline.....	All	Inflatable liferaft with SOLAS A pack.
Between 20-50 miles of coastline, cold waters.....	All	Inflatable liferaft with SOLAS B pack.

TABLE 28.120 (a).—SURVIVAL CRAFT FOR DOCUMENTED VESSELS—Continued

Area	Vessel type	Survival craft required
Between 20-50 miles of coastline, warm waters.....	All.....	Inflatable liferaft.
Beyond Boundary Line, within 20 miles of coastline, cold waters.....	All.....	Inflatable liferaft.
Beyond Boundary Line within 20 miles of coastline, warm waters.....	All.....	Life float.
Inside Boundary Line, cold waters; or Lakes, bays, sounds, cold waters; or Rivers, cold waters.....	36 feet (11 meters) or more in length.....	Inflatable buoyant apparatus.
Do.....	Less than 36 feet (11 meters) in length.....	None.
Inside Boundary Line, warm waters; or Lakes, bays, sounds, warm waters; or Rivers, warm waters.....	All.....	None.
Great Lakes, cold waters.....	36 feet (11 meters) or more in length.....	Inflatable buoyant apparatus.
Do.....	Less than 36 feet (11 meters) in length.....	Buoyant apparatus.
Great Lakes, beyond 3 miles of coastline, warm waters.....	All.....	Buoyant apparatus.
Great Lakes, within 3 miles of coastline, warm waters.....	All.....	None.

Note: The hierarchy of survival craft in descending order is lifeboat, inflatable liferaft with SOLAS A pack, inflatable liferaft with SOLAS B pack, inflatable liferaft with coastal service pack, inflatable buoyant apparatus, life float, buoyant apparatus. A survival craft higher in the hierarchy may be substituted for any survival craft required in this table.

TABLE 28.120(b).—SURVIVAL CRAFT FOR UNDOCUMENTED VESSELS WITH NOT MORE THAN 16 INDIVIDUALS ON BOARD

Area	Vessel type	Survival craft required
Beyond 20 miles of coastline.....	All.....	Inflatable buoyant apparatus.
Beyond Boundary Line, within 20 miles of coastline, cold waters.....	All.....	Inflatable buoyant apparatus.
Beyond Boundary Line, within 20 miles of coastline, warm waters.....	All.....	Life float.
Inside Boundary Line, cold waters; or Lakes, bays, sounds, cold waters; or Rivers, cold waters.....	36 feet (11 meters) or more in length.....	Buoyant apparatus.
Do.....	Less than 36 feet (11 meters) in length.....	None.
Inside Boundary Line, warm waters; or Lakes, bays, sounds, warm waters; or Rivers, warm waters.....	All.....	None.
Great Lakes, cold waters.....	All.....	Buoyant apparatus.
Great Lakes, beyond 3 miles of coastline, warm waters.....	All.....	Buoyant apparatus.
Great Lakes, within 3 miles of coastline, warm waters.....	All.....	None.

Note: The hierarchy of survival craft in descending order is lifeboat, inflatable liferaft with SOLAS A pack, inflatable liferaft with SOLAS B pack, inflatable liferaft with coastal service pack, inflatable buoyant apparatus, life float, buoyant apparatus. A survival craft higher in the hierarchy may be substituted for any survival craft required in this table.

TABLE 28.120(c).—SURVIVAL CRAFT FOR UNDOCUMENTED VESSELS WITH MORE THAN 16 INDIVIDUALS ON BOARD

Area	Vessel type	Survival craft required
Beyond 50 miles of coastline.....	All.....	Inflatable liferaft with SOLAS A pack.
Between 20-50 miles of coastline, cold waters.....	All.....	Inflatable liferaft with SOLAS B pack.
Between 20-50 miles of coastline, warm waters.....	All.....	Inflatable liferaft.
Beyond Boundary Line, within 20 miles of coastline, cold water.....	All.....	Inflatable liferaft.
Beyond Boundary Line within 20 miles of coastline, warm waters.....	All.....	Life float.
Inside Boundary Line, cold waters; or Lakes, bays, sounds, cold waters; or Rivers, cold waters.....	36 feet 11 (meters) or more in length.....	Inflatable buoyant apparatus.
Do.....	Less than 36 feet (11 meters) in length.....	None.
Inside Boundary Line, warm waters; or Lakes, bays, sounds, warm waters; or Rivers, warm waters.....	All.....	None.
Great Lakes, cold waters.....	36 feet (11 meters) or more in length.....	Inflatable buoyant apparatus.
Do.....	Less than 36 feet (11 meters) in length.....	Buoyant apparatus.
Great Lakes, beyond 3 miles of coastline, warm waters.....	All.....	Buoyant apparatus.
Great Lakes, within 3 miles of coastline, warm waters.....	All.....	None.

Note: The hierarchy of survival craft in descending order is lifeboat, inflatable liferaft with SOLAS A pack, inflatable liferaft with SOLAS B pack, inflatable liferaft with coastal service pack, inflatable buoyant apparatus, life float, buoyant apparatus. A survival craft higher in the hierarchy may be substituted for any survival craft required in this table.

§ 28.125 Stowage of survival craft.

(a) Each inflatable liferaft required to be equipped with a SOLAS A or a SOLAS B equipment pack must be stowed so as to float free and automatically inflate in the event the vessel sinks.

(b) Each inflatable liferaft, inflatable buoyant apparatus, and any auxiliary craft used in their place, must be kept readily accessible for launching or be stowed so as to float free in the event the vessel sinks.

(c) Each hydrostatic release unit used in a float-free arrangement must be

approved under part 160, subpart 160.062 of this chapter.

(d) Each float-free link used with a buoyant apparatus or with a life float must be certified to meet part 160, subpart 160.073 of this chapter.

**§ 28.130 Survival craft equipment.**

(a) *General.* Each item of survival craft equipment must be of good quality, effective for the purpose it is intended to serve, and secured to the craft.

(b) *Inflatable liferafts.* Each inflatable liferaft must have one of the following equipment packs as shown by the markings on its container:

- (1) Coastal Service;
- (2) SOLAS B Pack (formerly "Limited Service"); or
- (3) SOLAS A Pack (formerly "Ocean Service").

(c) Each life float and buoyant apparatus must be fitted with a lifeline, pendants, a painter, and a floating electric water light approved under part 161 subpart 161.010 of this chapter.

(d) *Other survival craft.* A vessel must not carry survival craft other than inflatable liferafts, life floats, inflatable buoyant apparatus, or buoyant apparatus, such as lifeboats or rigid liferafts, unless the survival craft and launching equipment comply with the requirements for installation, arrangement, equipment, and maintenance contained in 48 CFR part 94.

**§ 28.135 Lifesaving equipment markings.**

(a) Except as provided in paragraph (d) of this section, after September 1, 1992, lifesaving equipment carried

aboard a vessel pursuant to the requirements of this subpart of part 25, subpart 25.25 of this chapter must be marked as specified in table 28.135.

(b) Lettering used in lifesaving equipment markings must be in block capital letters.

(c) Retroreflective markings required by this section must be with material approved under part 161, subpart 161.018 of this chapter. The arrangement of the retroreflective material must meet IMO Resolution A.658(16).

(d) A wearable personal flotation device must be marked with the name of either the vessel, the owner of the device, or the individual to whom it is assigned.

**TABLE 28.135.—LIFESAVING EQUIPMENT MARKINGS**

Item	Markings required, name of vessel	Retroreflective material
Wearable personal flotation device (Type I, II, III, or wearable Type V); immersion suit or exposure suit.	See § 28.135(d)	Type I or Type II.
Ring life buoy	X	Type II.
Inflatable liferaft	See note	See note.
Inflatable buoyant apparatus	See note	See note.
Life float	X	Type II.
Buoyant apparatus	X	Type II.
Auxiliary craft	X	Type II.
EPIRB	X	Type II.

**Note:** No marking other than that provided by the manufacturer and the servicing facility is required.

**§ 28.140 Operational readiness, maintenance, and inspection of lifesaving equipment.**

(a) The master or individual in charge of a vessel must ensure that each item of lifesaving equipment must be in good working order, ready for immediate use, and readily accessible before the vessel

leaves port and at all times when the vessel is operated.

(b) Except for an inflatable liferaft or an inflatable buoyant apparatus less than two years of age, each item of lifesaving equipment, including unapproved equipment, must be maintained and inspected in accordance with:

- (1) Table 28.140;

(2) The servicing procedure under the subpart of this chapter applicable to the item's approval; and

(3) The manufacturer's guidelines.  
(c) An inflatable liferaft or inflatable buoyant apparatus must be serviced at a facility specifically approved by the Commandant.

(d) An escape route from a space where an individual may be employed or an accommodation space must not be obstructed.

**TABLE 28.140.—SCHEDULED MAINTENANCE AND INSPECTION OF LIFESAVING EQUIPMENT**

Item	Interval		Regulation
	Monthly	Annually	
Inflatable wearable personal flotation device (Type V commercial hybrid).		Servicing	28.140
Personal flotation devices, exposure suits and immersion suits.		Inspect, clean and repair as necessary	23.140
Buoyant apparatus and life floats		Inspect, clean and repair as necessary	28.140
Inflatable liferaft		Servicing	28.140
Inflatable buoyant apparatus		Servicing	28.140
Hydrostatic release		Servicing	28.140
Disposable hydrostatic release		Replace on or before expiration date	28.140
Undated batteries		Replace	28.140
Dated batteries <sup>1</sup> and other items		Replace on or before expiration date	25.26-5, 28.140
EPIRB	Test		25.26-5

<sup>1</sup> Water activated batteries must be replaced whenever they are used.

**§ 28.145 Distress signals.**

Except as provided by 28.305, after November 15, 1991, each vessel must be equipped with the distress signals specified in table 28.145.

**TABLE 28.145.—DISTRESS SIGNALS**

Area	Devices required
Ocean, more than 50 miles from coastline.	3 parachute flares, approval series 46 CFR 160.136; plus 6 hand flares, approval series 46 CFR 160.121; plus 3 smoke signals, approval series 46 CFR 160.122.
Ocean, 3-50 miles from the coastline; or more than 3 miles from the coastline on the Great Lakes.	3 parachute flares, approval series 46 CFR 160.136, or 160.036; plus 6 hand flares, approval series 46 CFR 160.121 or 160.021; plus 3 smoke signals, approval series 46 CFR 160.122, 160.022, or 160.037.

**TABLE 28.145.—DISTRESS SIGNALS—  
Continued**

Area	Devices required
Coastal waters, excluding the Great Lakes; or within 3 miles of the coastline on the Great Lakes.	Night visual distress signals consisting of one electric distress light, approval series 46 CFR 161.013 or 3 approved flares; plus Day visual distress signals consisting of one distress flag, approval series 46 CFR 160.072, or 3 approved flares, or 3 approved smoke signals. <sup>1</sup>

<sup>1</sup> If flares are carried, the same 3 flares may be counted toward meeting both the day and night requirement.

**§ 28.150 Emergency position indicating radio beacons (EPIRBs).**

Each vessel must be equipped with an emergency position indicating radio beacon (EPIRB) as required by 46 CFR part 25, subpart 25.28.

Note: Each vessel which uses radio communication equipment must have a Ship

Radio Station License issued by the Federal Communications Commission, as set forth in 47 CFR part 80.

**§ 28.155 Excess fire detection and protection equipment.**

Installation of fire detection and protection equipment in excess of that required by the regulations in this subchapter is permitted provided that the excess equipment does not endanger the vessel or individuals on board in any way. The excess equipment must, at a minimum, be listed and labeled by an independent, nationally recognized testing laboratory and be in accordance with an appropriate industry standard for design, installation, testing, and maintenance.

**§ 28.160 Portable fire extinguishers.**

(a) Each vessel must meet the requirements of part 25, subpart 25.30 of this chapter.

(b) Each vessel 65 feet (19.8 meters) or more in length must be equipped with the minimum number, location, and type of portable fire extinguishers specified in table 28.160.

**TABLE 28.160.—PORTABLE FIRE EXTINGUISHERS FOR VESSELS 65 FEET (19.8 METERS) OR MORE IN LENGTH**

Space	Classification	Quantity and location
Safety areas, communicating corridors	A-II	1 in each main corridor not more than 150 feet (45.7 meters) apart. (May be located in stairways.)
Pilothouse	C-I	2 in vicinity of exit.
Service spaces, galleys	B-II or C-II	1 for each 2,500 square feet (269.1 sq. meters) or fraction thereof suitable for hazards involved.
Paint lockers	B-II	1 outside space in vicinity of exit.
Accessible baggage and storerooms	A-II	1 for each 2,500 square feet (269.1 sq. meters) or fraction thereof located in the vicinity of exits, either inside or outside the space.
Work shops and similar spaces	A-II	1 outside the space in vicinity of exit.
Machinery spaces; internal combustion propelling machinery.	B-II	1 for each 1,000 brake horsepower or fraction thereof but not less than 2 nor more than 6.
Electric propulsion motors or generator unit of open type	C-II	1 for each propulsion motor generator unit.
Auxiliary spaces	B-II	1 outside the space in the vicinity of exit.
Internal combustion machinery	B-II	1 outside the space in the vicinity of exit.
Electric emergency motors or generators	C-II	1 outside the space in the vicinity of exit.

**§ 28.165 Injury placard.**

Each vessel must have posted in a highly visible location accessible to the crew a placard measuring at least 5 inches by 7 inches (127 millimeters by 178 millimeters) which reads:

**Notice**

**Report All Injuries**

United States law, 46 United States Code 10003, requires each seaman on a fishing vessel, fish processing vessel, or fish tender vessel to notify the master or individual in charge of the vessel or other agent of the employer regarding any illness, disability, or injury suffered by the seaman when in service to the vessel not later than seven days after the date on which the illness, disability, or injury arose.

**Subpart C—Requirements for Documented Vessels That Operate Beyond the Boundary Lines or With More Than 16 Individuals On Board**

**§ 28.200 Applicability.**

Each documented commercial fishing industry vessel that operates beyond the Boundary Lines or that operates with more than 16 individuals on board must meet the requirements of this subpart in addition to the requirements of subparts A and B of this part.

**§ 28.205 Fireman's outfits and self-contained breathing apparatus.**

(a) Each vessel that operates with more than 49 individuals on board must be equipped with at least two fireman's

outfits stowed in widely separated locations.

(b) Each vessel that uses ammonia as a refrigerant must be equipped with at least two self-contained breathing apparatuses.

(c) A fireman's outfit must consist of one self-contained breathing apparatus with lifeline attached, one flashlight, a rigid helmet, boots, gloves, protective clothing, and one fire axe.

(d) At least one spare air bottle must be provided for each self-contained breathing apparatus.

(e) Each self-contained breathing apparatus must be approved by the Mine Safety and Health Administration (MSHA) and by the National Institute for Occupational Safety and Health

(NIOSH), have as a minimum a 30 minute air supply, and a full facepiece.

**§ 28.210 First aid equipment and training.**

(a) Each vessel must have on board a complete first aid manual and medicine chest of a size suitable for the number of individuals on board in a readily accessible location.

(b) *First aid and cardiopulmonary resuscitation (CPR) course certification.* Certification in first aid and CPR must be as described in this paragraph.

(1) First aid—a certificate indicating completion of a first aid course from:

(i) The American National Red Cross "Standard first Aid and Emergency Care" or "Multi-media Standard First Aid" course; or

(ii) A course approved by the Coast Guard under § 10.205(h)(1)(ii) of this chapter.

(2) CPR—A certificate indicating completion of course from:

(i) The American National Red Cross; or  
(ii) The American Heart Association;

or  
(iii) A course approved by the Coast Guard under § 10.205(h)(2)(iii) of this chapter.

(c) After September 1, 1993, each vessel that operates with more than 2 individuals on board must have at least 1 individual certified in first aid and at least 1 individual certified in CPR. An individual certified in both first aid and CPR will satisfy both of these requirements.

(d) After September 1, 1993, each vessel that operates with more than 16 individuals on board must have at least 2 individuals certified in first aid and at least 2 individuals certified in CPR. An individual certified in both first aid and CPR may be counted against both requirements.

(e) After September 1, 1993, each vessel that operates with more than 49 individuals on board must have at least 4 individuals certified in first aid and at least 4 individuals certified in CPR. An individual certified in both first aid and CPR may be counted against both requirements.

**§ 28.215 Guards for exposed hazards.**

(a) Each space on board a vessel must meet the requirements of this section.

(b) Suitable hand covers, guards, or railing must be installed in way of machinery which can cause injury to personnel, such as gearing, chain or belt drives, and rotating shafting. This is not meant to restrict necessary access to fishing equipment such as winches, drums, or gurdies.

(c) Each exhaust pipe from an internal combustion engine which is within

reach of personnel must be insulated or otherwise guarded to prevent burns.

**§ 28.225 Navigational information.**

(a) Each vessel must have at least the following navigational information on board:

(1) Marine charts of the area to be transited, published by the National Ocean Service, Defense Mapping Agency Hydrographic/Topographic Center, U.S. Army Corps of Engineers, or a river authority that—

(i) Are of a large enough scale and have enough detail to make safe navigation of the area possible; and  
(ii) Are currently corrected.

(2) For the area to be transited, a currently corrected copy of, or applicable currently corrected extract from, each of the following publications:

(i) U.S. Coast Pilot; and  
(ii) Coast Guard Light List.

(3) For the area to be transited, the current edition of, or applicable current extract from, each of the following publications:

(i) Tide tables published by the National Ocean Service; and  
(ii) Tidal current tables published by the National Ocean Service, or river current publication issued by the U.S. Army Corps of Engineers or a river authority.

(b) Each vessel of 39.4 feet (12 meters) or more in length that operates shoreward of the COLREG Demarcation Lines, as set forth in 33 CFR part 80, must carry on board and maintain for ready reference a copy of the Inland Navigation Rules, as set forth in 33 CFR chapter I, subchapter E.

**§ 28.230 Compasses.**

Each vessel must be equipped with an operable magnetic steering compass with a compass deviation table at the operating station.

**§ 28.235 Anchors and radar reflectors.**

(a) Each vessel must be fitted with an anchor(s) and chain(s), cable, or rope appropriate for the vessel and the waters of the intended voyage.

(b) Except for a vessel rigged with gear that provides a radar signature from a distance of 6 miles, each nonmetallic hull vessel must have a radar reflector.

**§ 28.240 General alarm system.**

(a) Except as provided in paragraph (f) of this section, after September 1, 1992, each vessel with an accommodation space or a work space which is not adjacent to the operating station, must have an audible general alarm system with a contact-maker at the operating station suitable for

notifying individuals on board in the event of an emergency.

(b) The general alarm system must be capable of notifying an individual in any accommodation space or work space where they may normally be employed.

(c) In a work space where background noise makes a general alarm system difficult to hear, a flashing red light must also be installed.

(d) Each general alarm bell and flashing red light must be identified with red lettering at least ½ inch (13 millimeters) high as follows:

**Attention**

**General Alarm—When Alarm Sounds Go to Your Station.**

(e) A general alarm system must be tested prior to operation of the vessel and at least once each week thereafter.

(f) A public address system or other means of alerting all individuals on board may be used in lieu of a general alarm system provided it complies with paragraphs (b), (c), and (e) of this section and can be activated from the operating station.

**§ 28.245 Communication equipment.**

(a) Except as provided in paragraphs (b) through (e) of this section, each vessel must be equipped as follows.

(1) Each vessel must be equipped with a VHF radiotelephone capable of transmitting and receiving on the frequency or frequencies within the 156–162 MHz band necessary to communicate with a public coast station or U.S. Coast Guard station serving the area in which the vessel is operating.

(2) Each vessel that operates more than 20 miles from the coastline, in addition to the VHF radiotelephone required by paragraph (a)(1) of this section, must be equipped with a radiotelephone transceiver capable of transmitting and receiving on frequencies in the 2–4 MHz band necessary to communicate with a public coast station or U.S. Coast Guard station serving the area in which the vessel is operating.

(3) Each vessel that operates more than 100 miles from the coastline, in addition to the communication equipment required by paragraph (a)(1) of this section must be equipped with a radiotelephone transceiver capable of transmitting and receiving on frequencies in the 2–27.5 MHz band necessary to communicate with a public coast station or U.S. Coast Guard station serving the area in which the vessel is operating.

(4) Each vessel that operates in waters contiguous to Alaska where no public coast station or U.S. Coast Guard

station is within communications range of a VHF radio transceiver operating on the 150-162 MHz band or the 2-4 MHz band, in addition to the VHF radio communication equipment required by paragraph (a)(1) of this section, must be equipped with a radiotelephone transceiver capable of transmitting and receiving on frequencies in the 2-27.5 MHz band necessary to communicate with a public coast station or a U.S. Coast Guard station serving the area in which the vessel is operating.

(b) A single radio transceiver capable of meeting the requirements of paragraphs (a)(2) and (3), or paragraphs (a)(2), (3), and (4) of this section, is acceptable.

(c) Satellite communication capability with the system servicing the area in which the vessel is operating is acceptable as an alternative to the requirements of paragraphs (a)(2), (a)(3), or (a)(4) of this section.

(d) A cellular telephone capable of communicating with a public coast station or a U.S. Coast Guard station serving the area in which the vessel is operating is acceptable as an alternative to the requirements of paragraphs (a)(2), (a)(3), or (a)(4) of this section.

(e) A radiotelephone transceiver installed on board a vessel before September 15, 1991, capable of transmitting and receiving on frequencies on the 4-20 MHz band may continue to be used to satisfy the requirements of paragraphs (a)(3) and (a)(4) of this section.

(f) The principle operating position of the communication equipment must be at the operating station.

(g) Communication equipment must be installed to ensure safe operation of the equipment and to facilitate repair. It must be protected against vibration, moisture, temperature, and excessive currents and voltages. It must be located so as to minimize the possibility of water intrusion from windows broken by heavy seas.

(h) Communication equipment must comply with the technical standards and operating requirements issued by the Federal Communications Commission, as set forth in 47 CFR part 80.

Note: Each vessel which uses radio equipment to meet the communication requirements of this section must have a Ship Radio Station License issued by the Federal Communications Commission, as set forth in 47 CFR part 80.

(i) All communication equipment must be provided with an emergency source of power that complies with § 23.375.

#### § 28.250 High water alarms.

On a vessel 36 feet (11.8 meters) or more in length, a visual and audible

alarm must be provided at the operating station to indicate high water level in each of the following normally unmanned spaces:

(a) A space with a through-hull fitting below the deepest load waterline, such as the lazarette;

(b) A machinery space bilge, bilge well, shaft alley bilge, or other space subject to flooding from sea water piping within the space; and

(c) A space with a non-watertight closure, such as a space with a non-watertight hatch on the main deck.

#### § 28.255 Bilge pumps, bilge piping, and dewatering systems.

(a) Each vessel must be equipped with a bilge pump and bilge piping capable of draining any watertight compartment, other than tanks and small buoyancy compartments, under all service conditions. Large spaces, such as engine rooms must be fitted with more than one suction line.

(b) In addition to the requirements of paragraph (a) of this section, a space used in the sorting or processing of fish in which water is used must be fitted with dewatering system capable of dewatering the space under normal conditions of list and trim at the same rate as water is introduced. Pumps used as part of the processing of fish do not count for meeting this requirement. The dewatering system must be interlocked with the pump(s) supplying water to the space, so that in the event of failure of the dewatering system, the water supply is inactivated.

(c) Except as provided by paragraph (f) of this section, each vessel 79 feet (24 meters) or more in length must be equipped with a fixed, self-priming, powered, bilge pump connected to a bilge manifold.

(d) If a bilge pump required by paragraph (a) of this section is portable, it must be provided with a suitable suction hose of adequate length to reach the bilges of each watertight compartment; it must serve and with a discharge hose of adequate length to ensure overboard discharge. A portable pump must be capable of dewatering each space it serves at a rate of at least 2 inches (51 millimeters) of water depth per minute.

(e) Except for a fire pump required by § 28.315, a bilge pump may be used for other purposes.

(f) Except where an individual pump is provided for a separate space or for a portable pump, each individual bilge suction line must be led to a manifold. Each bilge suction line must be provided with a stop valve at the manifold and a check valve at some accessible point in

the bilge line to prevent unintended flooding of a space.

(g) Each bilge suction line and dewatering system suction must be fitted with a suitable strainer to prevent clogging of the suction line. Strainers must have an open area of not less than three times the open area of the suction line.

(h) Each vessel must comply with the oil pollution prevention requirements of 33 CFR parts 151 and 155.

#### § 28.260 Electronic position fixing devices.

Each vessel 79 feet (24 meters) or more in length must be equipped with an electronic position fixing device capable of providing accurate fixes for the area in which the vessel operates.

#### § 28.265 Emergency instruction.

(a) Except as provided in paragraphs (b) and (c) of this section, each vessel must have emergency instructions posted in conspicuous locations accessible to the crew.

(b) The instructions identified in paragraphs (d)(6), (d)(7), (d)(8), and (d)(9) of this section, may be kept readily available as an alternative to posting.

(c) On a vessel which operates with less than 4 individuals on board, the emergency instructions may be kept readily available as an alternative to posting.

(d) The emergency instructions required by this section must identify at least the following information, as appropriate for the vessel:

(1) The survival craft embarkation stations aboard the vessel and the survival craft to which each individual is assigned;

(2) The fire and emergency signal and the abandon ship signal;

(3) If immersion suits are provided, the location of the suits and illustrated instructions on the method for donning the suits;

(4) Procedures for making a distress call, such as:

(i) Make sure your communication equipment is on.

(ii) Select 156.3 MHz (VHF channel 16), 2182 kHz, or other distress frequency used in your area of operation. Note: VHF channel 16 and 2182 kHz on SSB are for emergency and calling purposes only.

(iii) Press microphone button and speaking slowly—clearly—calmly say: "Mayday—Mayday—Mayday"

(iv) Say: "This is the M/V (Insert name of your vessel), (Insert name of your vessel), (Insert name of your vessel), Over."

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Mary Van Nimwegen

*House Transportation 4-14-92*