

CALIFORNIA CODE OF REGULATIONS
TITLE 14, DIVISION 1
SUBDIVISION 4. OFFICE OF OIL SPILL PREVENTION AND RESPONSE
CHAPTER 4. VESSEL REQUIREMENTS

SUBCHAPTER 6. VESSEL TRAFFIC INFORMATION SERVICE FOR THE
PORTS OF LOS ANGELES AND LONG BEACH

SECTIONS 852.20 - 852.30

ARTICLE 1
GENERAL REQUIREMENTS

JANUARY 9, 1997

"852.20 EFFECTIVE DATE OF REGULATIONS"

This subchapter shall be effective May 1, 1995, and shall remain in effect no longer than five years from the effective date unless extended, amended or otherwise replaced by subsequent regulations. Any such amendment or replacement of these regulations shall provide for the best achievable protection of the marine waters of California.

Note: Authority: Section 8670.21 of the Government Code.

Reference: Section 11346.1 of the Government Code.

"852.21 PURPOSE AND SCOPE"

This subchapter sets forth reporting, fee and payment requirements for certain vessels using the Vessel Traffic Information Service (VTIS) for the Ports of Los Angeles and

Long Beach. The regulations specify the amount of the fee to be imposed on covered vessels and the method of payment. State law, Section 445 et. seq., of the Harbors and Navigation Code, requires certain vessels to report to the VTIS when navigating within the area of coverage as specified in Section 852.24, of this subchapter. By reporting to the VTIS, covered vessels, and other vessels using waters within the VTIS area, will be provided with

information to reduce the possibility of groundings or collisions and the risk of oil or fuel spills from such events.

Note: Authority: Section 8670.21, Government Code.

Reference: Section 8670.21, Government Code; and Division 3, Chapter 1, Article 4, Harbors and Navigation Code.

"852.22 DEFINITIONS"

In addition to the definitions in Chapter 1, Section 790 of this Subdivision, the following definitions shall govern the construction of this subchapter. Where similar terms are defined, the following will supersede the definition in Chapter 1:

- (a) "Covered vessel" means any of the following:
 - (1) Every power-driven vessel of 40 meters (approximately 131 feet) or more in length, while navigating.
 - (2) Every towing vessel of 8 meters (approximately 26 feet) or more in length, while navigating. "Towing vessel," as used in this subchapter, means any commercial vessel engaged in towing another vessel astern or alongside or by pushing it ahead.
 - (3) Every vessel issued a certificate to carry 50 or more passengers for hire, when engaged in trade.
 - (4) Covered vessel does not include military or public vessels of the United States, or vessels transiting the VTIS area as described in Section 852.24 which are engaged in innocent passage as defined in Article 19, Convention on the Law of the Sea.
- (b) "Fee" means the fee assessed pursuant to Section 852.28 of this subchapter and deposited in the Vessel Safety Account of the Oil Spill Prevention and Administration Fund in the State Treasury.
- (c) "Marine Exchange" means the Marine Exchange of Los Angeles-Long Beach Harbor, Inc., a corporation organized under the Non-Profit Mutual Benefit Corporation Law, (Part 3 (commencing with Section 7110) of Division 2 of Title 1 of the Corporations Code.
- (d) "Operator" is the person defined in Section 651(q) of the Harbors and Navigation Code.
- (e) "Ports" means the Ports of Los Angeles and Long Beach.

- (f) "VTIS area" means the Designated Reporting Area specified in Section 852.24 of this subchapter.

Note: Authority: Section 8670.21, Government Code.

Reference: Section 8670.21, Government Code; and Division 3, Chapter 1, Article 4, Harbors and Navigation Code.

"852.23 APPLICABILITY"

- (a) This subchapter shall apply to all covered vessels as defined in Section 852.22 of this subchapter and, in part, to those vessels found in subsection (b), below.
- (b) Vessels described in this subsection shall comply with the requirements of Section 447.5 of the Harbors and Navigation Code:
 - (1) Every power-driven vessel of 20 meters or more in length.
 - (2) Every vessel of 100 gross tons or more carrying one or more passengers for hire.
 - (3) Every dredge and floating plant.

Note: Authority: Section 8670.21, Government Code.

Reference: Section 8670.21, Government Code; and Division 3, Chapter 1, Article 4, Harbors and Navigation Code.

"852.24 DESIGNATED REPORTING AREA"

- (a) The VTIS area includes the waters of San Pedro Bay, San Pedro Channel, and Santa Monica Bay and navigable waters seaward of the breakwaters that are encompassed by the arc of a circle having its center at Point Fermin Light, with a radius of twenty-five (25) nautical miles drawn from a position on the shore in the vicinity of Laguna Beach, clockwise to a point on the shore approximately midway between Santa Monica and Malibu.

- (b) The VTIS area does not include any waters inland from the lines of demarcation, as specified in Title 33 Code of Federal Regulations, Section 80.1114.

Note: Authority: Section 8670.21, Government Code.

Reference: Section 8670.21, Government Code; and Division 3, Chapter 1, Article 4, Harbors and Navigation Code.

"852.25 REPORTING REQUIREMENTS"

- (a) No person shall operate, navigate or transit within the VTIS area with a covered vessel unless the operator of such covered vessel complies with reporting requirements specified in Section 446 of the Harbors and Navigation Code, the Tariff Rules of the applicable port, and pays the fee as prescribed by Local Tariff Rule or Section 852.28 of this subchapter.
- (b) No person shall operate, navigate or transit within the VTIS area with a vessel described in subsection 852.23(b) of this subchapter, unless the operator of such vessel complies with the reporting requirements specified in Section 447.5 of the Harbors and Navigation Code, and the Tariff Rules of the applicable port.
- (c) Vessels moving from an anchorage area within the VTIS area shall report to the Marine Exchange at least 15 minutes, but no more than 1 hour, prior to getting underway.
- (d) In addition to information required by Section 446 of the Harbors and Navigation Code, the operator of a covered vessel shall also report the vessel's LOA, as defined, and whether or not any dangerous cargo, as listed in 33 Code of Federal Regulations Part 160, Subpart C, is on board the vessel or its tow.
- (e) A covered vessel operating within the harbor complex inland of the lines of demarcation, as specified in Section 852.24 (b) of this subchapter, and not engaging a pilot, shall report to the appropriate pilot station in accordance with the Tariff Rules of each of the ports.
- (f) All communication with the VTIS required by this section shall be

conducted in accordance with applicable Federal regulations which have been incorporated in the VTIS Operations Manual developed by the Marine Exchange.

Note: Authority: Section 8670.21, Government Code.

Reference: Section 8670.21, Government Code; and Division 3, Chapter 1, Article 4, Harbors and Navigation Code.

"852.26 DUTIES OF THE MARINE EXCHANGE AND THE ADMINISTRATOR"

- (a) The Administrator shall enter into an agreement with the Marine Exchange which shall operate the VTIS in accordance with Section 8670.21 of the Government Code, and Division 3, Chapter 1, Article 4 of the Harbors and Navigation Code. The Administrator shall direct the Marine Exchange to perform the following duties:
 - (1) facilitate the safe transit of vessel traffic to prevent collisions, rammings, groundings, and environmental damage through aiding navigation by providing information regarding ship locations and traffic; and

- (2) receive notification of a covered vessel's arrival and movement as required under Section 446 of the Harbors and Navigation Code prior to the entry of such vessels into the VTIS area; and
 - (3) monitor compliance with the requirements of this subchapter and report all violations to the Office of Oil Spill Prevention and Response and the Harbor Safety Committee for the Los Angeles/Long Beach Region; and
 - (4) act as an agent of the Administrator for the collection of the fee as prescribed in Section 852.27 of this subchapter. The requirements of this subchapter create no other agency relationship, express or implied, between the Administrator and the Marine Exchange.
- (b) The Administrator shall ensure that the duties of the Marine Exchange in the operation of the VTIS are performed in an effective and impartial manner.
- (c) The Administrator shall convene, as appropriate, the Los Angeles/Long Beach Harbor Safety Committee, established pursuant to Section 8670.23 of the Government Code, to provide a public forum for oversight of the VTIS operation. Any recommendation or finding of the Harbor Safety Committee shall be forwarded to the Administrator according to the schedule set forth in Section 8670.23(k) of the Government Code or at any other time deemed appropriate by the Harbor Safety Committee.

Note: Authority: Section 8670.21, Government Code.

Reference: Section 8670.21, and 8670.23(k) Government Code; and Division 3, Chapter 1, Article 4, Harbors and Navigation Code.

"852.27 COLLECTION AND PAYMENT OF FEE"

- (a) In the event that the Ports of Los Angeles and/or Long Beach fail to impose a fee in accordance with Section 446.5 of the Harbors and Navigation Code and Section 8670.21(e) (2) of the Government Code that the Administrator deems sufficient to pay the cost of operating the

vessel traffic service, the Administrator shall assess a VTIS reporting fee as set forth in Section 852.28. The fee shall be collected by the Marine Exchange, acting for the Administrator for fee collection purposes only.

- (b) The fee shall be imposed on all covered vessels whenever transiting through or navigating within the VTIS area.

Note: Authority: Section 8670.21, Government Code.

Reference: Section 8670.21, Government Code; and Division 3, Chapter 1, Article 4, Harbors and Navigation Code.

"852.28 FEE DETERMINATION"

(a) On behalf of the Ports or the Administrator, the Marine Exchange shall collect from every covered vessel, a fee for each entry to the harbor complex, according to the following schedule:

(1)	Each Vessel Over	But Not Over	Fee
	0 Meters	150 Meters LOA	\$180.00
	150 Meters	190 Meters LOA	\$200.00
	190 Meters	230 Meters LOA	\$230.00
	230 Meters	270 Meters LOA	\$270.00
	270 Meters	310 Meters LOA	\$300.00
	310 Meters	-	\$340.00

(A) Exceptions to this requirement are as follows:

1. Any covered vessel for hire operating in a scheduled passenger or freight service between the mainland California coast and Santa Catalina Island which traverses the VTIS area, shall pay a fee of \$300.00 per month, per covered vessel during the months of June, July and August and \$150.00 per month, per covered vessel during all other months of the year.
2. Any covered vessel engaged in commercial rescue or emergency assistance service for hire, primarily to recreational boaters, which traverses the VTIS area, shall pay a fee of \$25.00 per month per covered vessel.
3. Any covered vessel for hire, engaged in off shore oil well maintenance and service, or any vessel engaged in construction projects when such vessel is navigating

between points in the California mainland coast range, from Point Dume south to Dana Point and including Santa Catalina Island or a designated dumping area for dredging spoils, which traverses the VTIS area, shall pay a fee of \$300.00 per month per covered vessel.

- (2) The fees prescribed in this subsection may be collected in combination with any other fees collected by the Marine Exchange, provided that the Marine Exchange maintains records of such collections. If the Marine Exchange chooses to collect fees in combination with other fees, all records shall be made available to the Administrator upon request, for accounting purposes.

- (b) Upon written request of the Marine Exchange, the Administrator shall review the fee schedule to determine if adjustments may be necessary according to the costs incurred by the Marine Exchange, and the projected revenues for the upcoming State fiscal year. Any adjustment to the fee schedule shall be made in consultation with the Ports.

Note: Authority: Section 8670.21, Government Code.

Reference: Section 8670.21, Government Code; and Division 3, Chapter 1, Article 4, Harbors and Navigation Code.

"852.29 FEE USAGE"

The fee collected on behalf of the Administrator by the Marine Exchange shall be deposited in the Vessel Safety Account of the Oil Spill Prevention and Administration Fund in the State Treasury. Money in this account shall be used only for the following purposes:

- (a) to establish and fund the operation of a VTIS for the Ports;
- (b) to reimburse the U.S. Coast Guard for the cost of assigning Coast Guard personnel to the VTIS;
- (c) to reimburse the Marine Exchange for actual costs incurred in the collection of fees pursuant to this subchapter;
- (d) to repay any loans made to establish and operate the VTIS;
- (e) to provide a reasonable reserve for contingencies.

Note: Authority: Section 8670.21, Government Code.

Reference: Section 8670.21, Government Code; and Division 3, Chapter 1,
Article 4, Harbors and Navigation Code.

"852.30 PENALTIES"

Any person who intentionally or negligently violates any provision of this subchapter shall be liable for an administrative civil penalty as prescribed in Government Code Section 8670.67(b).

Note: Authority: Section 8670.21, Government Code.

Reference: Sections 8670.21 and 8670.67(b), Government Code; and Division 3, Chapter 1, Article 4, Harbors and Navigation Code.