

**TITLE 14. NATURAL RESOURCES**  
**DIVISION 1. FISH AND GAME COMMISSION - DEPARTMENT OF FISH AND GAME**  
**SUBDIVISION 4. OFFICE OF SPILL PREVENTION AND RESPONSE**  
**CHAPTER 4. VESSEL REQUIREMENTS**  
**SUBCHAPTER 4. TANK VESSEL ESCORT REGULATIONS FOR HUMBOLDT BAY**

**ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS**

**§ 851.80. Purpose and Scope.**

The regulations in this subchapter set forth tank vessel escort requirements for tank vessels entering, shifting within, or leaving Humboldt Bay.

“Humboldt Bay” encompasses those harbor boundaries which include all submerged lands of Humboldt Bay (Inner Harbor); and the open water boundary defined as the area centered on the Humboldt Bay Sea Buoy and extending radially outward for a distance of one mile then landward to the perpendicular intersection with the north and south spits.

The escort tug requirements specify that tank vessels carrying as cargo a total volume of oil greater than or equal to 5,000 long tons or 5% of the vessel's deadweight tonnage, whichever is less, shall be escorted by a suitable escort tug(s).

The escort tug(s) shall be used to influence the speed and direction of travel of a tank vessel in the event of a steering or propulsion failure, thereby reducing the possibility of groundings or collisions and the risk of an oil spill from these tank vessels.

The Administrator shall review the tug/tank vessel matching criteria and other requirements of this subchapter within two years of the effective date of this subchapter. The review will include a survey of the tank vessel-related incidents in U.S. waters to determine the type of failures that have occurred, an assessment of tug technology and any advances made in design and power, and the escort tug-related rules and policies that are implemented by other coastal states and maritime organizations. At the conclusion of the review, the Administrator will determine whether it is necessary to modify the tug/tank vessel match criteria or any other requirements of this subchapter.

Note: Authority cited: Section 8670.17.2 and 8670.23.1, Government Code. Reference: Section 8670.17.2 and 8670.23.1, Government Code.

**§ 851.81. Definitions.**

In addition to the definitions found in Government Code Section 8670.3 and Chapter 1, Section 790 of this subdivision, the following definition shall apply to this subchapter. Where similar terms are defined, the following will supersede the definition in Chapter 1:

(a) “Bona fide sister tug” means a tug which has not had its bollard pull capabilities verified by a member of the International Association of Classification Societies, but is constructed and maintained with the same hull form, engines, type of propulsion, stability, maneuverability, speed, power, and endurance of a tested and certified escort tug.

Note: Authority cited: Section 8670.17.2 and 8670.23.1, Government Code. Reference: Section 8670.17.2 and 8670.23.1, Government Code.

### **§ 851.82. Escort Tug Requirements for Tank Vessels.**

(a) Escort tugs, alone or in combination, must have total ahead bollard pull in pounds greater than or equal to the tank vessel's deadweight tonnage. When required under this subsection and subsection 851.85(j)(2), additional escort tugs shall stand by during transit and be prepared to render assistance.

(b) All tankers transiting the waters of Humboldt Bay, carrying as cargo a total volume of oil greater than or equal to 5,000 long tons or 5% of the vessel's deadweight tonnage, whichever is less, shall use a minimum of one escort tug. For purposes of this subchapter, oil spill response vessels, and offshore supply vessels as defined in 46 USC 2101, are not required to engage escort tugs in accordance with this subchapter.

(c) All tank barges transiting the waters of Humboldt Bay, carrying as cargo a total volume of oil greater than or equal to 5,000 long tons or 5% of the vessel's deadweight tonnage, whichever is less, shall use at least one escort tug, in addition to the barge's line-haul tug. For purposes of this subchapter, oil spill response vessels, and offshore supply vessels as defined in 46 USC 2101, are not required to engage escort tugs in accordance with this subchapter.

Note: Authority cited: Section 8670.17.2 and 8670.23.1, Government Code. Reference: Section 8670.17.2 and 8670.23.1, Government Code.

### **§ 851.83. Requirements for Escort Tug Crew Members.**

Any escort tug used to comply with the requirements of this subchapter, must meet crew standards as follows:

(a) Escort tug operators shall, at a minimum, be duly licensed Operators of Uninspected Towing Vessels as set forth in Title 46, Code of Federal Regulations (CFR), Section 10.464.

(b) Escort tug crews shall have a minimum of two certified deck hands. An engineer, if employed, may not be included as a deck hand. This requirement does not preclude additional deck hands who are gaining experience for certification, but such deck hands cannot be used to meet the manning requirements of this section.

(c) Escort tug crews shall possess Coast Guard license(s)/document(s) appropriate for the escort tug and service.

Note: Authority cited: Section 8670.17.2 and 8670.23.1, Government Code. Reference: Section 8670.17.2 and 8670.23.1, Government Code.

### **§ 851.84. Requirements for Escort Tugs.**

All escort tugs approved for use under this subchapter shall be equipped with and shall maintain in good working order:

(a) Primary and secondary VHF radios;

(b) 300 feet of tag line;

(c) Power line-handling equipment fore and aft for rapid, mechanically assisted deployment of lines. The primary winch shall be in the position best suited for the design of the particular vessel in escort service;

(d) Tow line with a "safe working load" that is 2.5 times the certified bollard pull rating of the escort tug;

(e) One working radar;

(f) Fendering as follows:

(1) appropriate to absorb the impact inherent in hull-to-hull operations;

(2) located at both the bow and stern to act as pivot points when pulling away from the tank vessel;

(3) sufficient to assure that there are no exposed corners, large holes or metal parts which could inflict damage on the escorted vessel; and

(4) sufficient surface area to minimize sliding when working at an angle.

Note: Authority cited: Section 8670.17.2 and 8670.23.1, Government Code. Reference: Section 8670.17.2 and 8670.23.1, Government Code.

### **§ 851.85. Requirements During Tank Vessel Escorts.**

(a) Escort tugs shall maintain a station-keeping distance from the tank vessel being escorted of no further than 1,000 feet ahead or aside, or 500 feet astern of the tank vessel while engaged in the escort activity.

(b) An escort tug shall not simultaneously engage in the escort of more than one tank vessel.

(c) The speed or speeds selected for the transit must permit stationing the escort tug to allow the escort tug to effectively influence the tank vessel's movement in the event of a casualty.

(d) A tanker shall have sufficient and qualified line-handling-capable crew members standing by and available to immediately receive lines from each escort tug. In addition, the tanker shall comply with all applicable federal regulations relating to anchor readiness.

(e) The line-haul tug for a tank barge shall have sufficient and qualified line-handling-capable deck hands standing by available to receive lines from each escort tug. When the tank barge is fitted with an emergency tow wire or comparable, adequate mechanical device, or the escort tug is made fast to the tank barge, crew transfers shall not be required.

(f) Tank vessels shall have sufficient and qualified direct supervision of line-handling-crew operations. Supervisors shall have direct radio communication capability with the bridge of the tank vessel or vessel towing a barge.

(g) The master of any tank vessel shall maintain, at all times for which escort tug services are required, direct two way radio communications on VHF-FM with the master of the escort tug on a channel agreed to by both the master of the tank vessel and the master of the escort tug providing escort services.

(h) Notwithstanding any other provision of this subchapter, all escort tugs in Humboldt Bay which meet the requirements of this subchapter for the escort of tank vessels shall have their bollard pull (ahead and astern) measured, except as provided in (i) below.

(1) Bollard pull measurements shall be verified by a member of the International Association of Classification Societies.

(2) Bollard pull measurements verified by a member of the International Association of Classification Societies in other ports of the State shall meet the requirements of this section, provided that evidence of the results of these measurements are on file with the Humboldt Bay Harbor District.

(3) Escort tug companies shall provide the Humboldt Bay Harbor District with the results of the bollard pull measurements verified pursuant to the provisions of this subchapter.

(4) Escort tugs whose bollard pull has not been measured and verified or are not within the scope of the definition of “bona fide sister tug”, shall not be used for the escort of tank vessels in Humboldt Bay.

(i) An escort tug determined by the master/pilot to be a “bona fide sister tug” may be used with the same (ahead and astern) bollard pull as the certified sister tug.

(j) The braking force shall be re-measured after any modification and/or repairs to the main engines, hull, shaft-drive line, or steering, that could affect the bollard pull. The new measurements must be registered with the Humboldt Bay Harbor District.

(k) Escort tugs that submit to the Escort Tug Inspection Program, as described in Sections 851.8(a)(4)(B) and 851.23(a)(7)(B), can perform escort duties in any port in the state, if the tugs meet the requirements of the appropriate subchapter (i.e., Subchapter 1, San Francisco Bay Region; Subchapter 2, Los Angeles/Long Beach Harbor; Subchapter 3, Port Hueneme Harbor; Subchapter 4, Humboldt Bay; Subchapter 5, San Diego Harbor), of this Chapter 4 of the California Code of Regulations.

(l) Notwithstanding any other provision of this subchapter:

(1) The tank vessel master remains responsible for the safe navigation and maneuvering of the tank vessel in all circumstances. The requirements outlined in this subchapter are in addition to, and not a limitation of, any other responsibilities created by custom, law, or regulation.

(2) Where an emergency exists, the tank vessel master may adjust the minimum escort tug requirements contained in this subchapter. For purposes of this subchapter, an emergency is defined as any of, but is not limited to, the following:

(A) imminent and immediate danger to the tank vessel, its cargo or its crew;

(B) imminent and immediate danger to a marine terminal, service or escort tug;

(C) imminent and immediate danger to a vessel in the proximity of the escorted vessel; or

(D) any emergency declared by the United States Coast Guard Captain of the Port which would necessitate a modification to the provisions set forth in this subchapter.

Note: Authority cited: Section 8670.17.2 and 8670.23.1, Government Code. Reference: Section 8670.17.2 and 8670.23.1, Government Code.

### **§ 851.86. Remedies.**

(a) Nothing herein shall limit or prevent any action by any party in a court of competent jurisdiction.

(b) Any person who knowingly, intentionally or negligently violates any provision of this subchapter shall be subject to criminal, civil, and/or administrative civil actions as prescribed in Article 9, Government Code, beginning with Section 8670.57.

Note: Authority cited: Section 8670.17.2(d) and 8670.23.1(d), Government Code. Reference: Section 8670.17.2, 8670.23.1 and 8670.57, Government Code.