

**CALIFORNIA CODE OF REGULATIONS
TITLE 14, DIVISION 1**

**SUBDIVISION 4, OFFICE OF SPILL PREVENTION AND RESPONSE
CHAPTER 4. VESSEL REQUIREMENTS
SUBCHAPTER 2. TANK VESSEL ESCORT PROGRAM FOR
THE LOS ANGELES/LONG BEACH HARBOR
SECTIONS 851.20 - 851.32**

Effective August 11, 2012

851.20. Purpose and Scope.

This subchapter sets forth tank vessel escort requirements for tank vessels underway in the Los Angeles/Long Beach Harbor and their approaches. These requirements specify that tank vessels carrying 5,000 or more metric tons of oil in bulk as cargo shall be escorted by a suitable escort tug or tugs. When required, the escort tug(s) shall take action under the direction of the tank vessel master or pilot, to influence the speed and direction of travel of the tank vessels in the event of a casualty, steering or propulsion failure, thereby reducing the possibility of groundings or collisions and the risk of an oil spill from these tank vessels.

This subchapter establishes the criteria for matching tugs to tankers and barges. Tankers will be matched according to a matrix that correlates a tanker's displacement (in metric tons) with the braking force of a tug(s). Barges with a displacement tonnage less than or equal to 20,000 metric tons shall be matched based on the aggregate displacement tonnage of both the primary towing vessel and the tank barge. Barges with a displacement tonnage greater than 20,000 metric tons require a tethered escort and a one-to-one correlation between the sum of the total displacement tonnage of the primary towing vessel and its barge, and the escort tug(s).

The Administrator shall periodically review the matching criteria, other program elements and enforcement mechanisms. The program 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, the tug escort-related rules and policies that are implemented by other coastal states and maritime organizations, and any changes to bathymetry in the Harbor. At the conclusion of the review, the Administrator will determine whether it is necessary to modify the tug/tank vessel matching criteria or any other provision of the program requirements.

Authority: Sections 8670.17.2, and 8670.23.1, Government Code.
Reference: Section 8670.17.2, Government Code

851.21. Definitions.

Definitions governing the construction of this subchapter can be found in Chapter 1, Section 790 of this subdivision.

Authority: Sections 8670.3, 8670.17.2 and 8670.23.1, Government Code.

Reference: Sections 8670.17.2, Government Code.

851.22. Applicability.

(a) This subchapter shall apply to all laden tank vessels when they are:

- (1) Inbound from the seaward limits of the applicable escort zone, as described in Subsections (c) and (d) below, to anywhere inside the Federal Breakwater;
- (2) transiting anywhere inside the Federal Breakwater (from dock to anchor, anchor to dock and shifting between docks); and/or
- (3) outbound from dock or anchor to the Federal Breakwater.

(b) This subchapter shall apply to all escort tugs being used to escort tank vessels during transits described in Subsection (a), above.

(c) Three tank vessel escort zones are established as follows:

- (1) Zone 1: All waters within 2.0 nautical miles to seaward of the Federal Breakwater;
- (2) Zone 2: All waters in the approaches to the Port of Long Beach within 3.5 nautical miles to seaward of the Federal Breakwater;
- (3) Zone 3: All waters in the approaches to the Port of Los Angeles within 4.0 nautical miles to seaward of the Federal Breakwater.

(d) Tank vessels to which this subchapter applies (as described in Subsection (a) above) required to have escorts under this subchapter shall be escorted in the applicable escort zones as specified below:

- (1) Zone 1: Escort tugs are required for all tank vessels;
- (2) Zone 2: Escort tugs are required for all tankers with a static deep draft that is more than 16.5 meters (54' 01.6");
- (3) Zone 3: Escort tugs are required for all tankers with a static deep draft that is more than 14.0 meters (45' 11.2");

(e) For the purpose of these regulations, "static deep draft" is the vessel's deepest draft in still-water conditions.

(f) This subchapter (except for this Subsection (f)) shall not apply to tankers with double hulls, as that term is defined in 33 CFR 157.03, when the tanker also has fully redundant steering and propulsion systems; as well as integrated navigation systems to minimally include:

(1) Redundant propulsion and steering systems:

(A) two independent propellers each with a dedicated engine (or motor), propulsion system (electrical generation system) electrical system (including the switchboard), fuel system, lube oil system; and any other system required to provide the vessel with independent means of propulsion; and

(B) two independent rudders each with separate steering systems; and

(C) the propulsion and steering components, as described in subsections (A) and (B), above, shall be arranged in separate spaces, such that a fire or flood in one space will not affect the equivalent system in other space(s); and

(D) a bow thruster with an assigned power source.

(2) A navigation system in compliance with the federal navigational equipment requirements set forth in 33 CFR Sections 164.35, 164.37, 164.38(b), 164.40, 164.41, 164.42, and 164.43.

(3) No exemption to this subchapter shall be allowed for a tanker requesting a U.S. Coast Guard Captain of the Port letter of deviation, pursuant to 33 CFR Sections 164.51, 164.53, and 164.55.

(4) The Administrator may require tankers that are exempt from this subchapter under the conditions outlined in Subsection (e f) above to periodically demonstrate the tank ship and crew's ability to maneuver in response to a partial or total loss of propulsion and/or steering at a level of safety at least equal to that of an escorted tanker.

(g) This subchapter shall not apply to purely dedicated response vessels.

(h) Nothing in these regulations shall prohibit the master or pilot from taking any action necessary to maximize the safety of the transit and/or avoid:

(1) a collision or grounding; and/or

(2) damage to the tank vessel or escort tug and/or its crew and/or cargo.

(i) The tank vessel master remains responsible for the safe navigation and maneuvering of the tank vessel in all circumstances.

(j) The requirements outlined in this section are in addition to, and not a limitation of, any other responsibility created by custom, law, or regulation.

Authority: Sections 8670.17.2 and 8670.23.1, Government Code.
Reference: Section 8670.17.2, Government Code.

851.23. Requirements for Escort Tugs ; Bollard Pull Testing and Certification, Equipment Requirements, Crew and Training Standards.

(a) Bollard Pull Testing Requirements.

- (1) All escort tugs in the Los Angeles/Long Beach Harbor used for escorting tank vessels, shall have their static bollard pull (ahead and astern) measured for determining their forces in kips.
- (2) Static bollard pull measurements shall be verified by a member of IACS, and in accordance with the following standards:
 - (A) The measurement shall be taken with the escort tug's trim and/or displacement corresponding to applicable loadline requirements or letter of stability.
 - (B) Auxiliary equipment (such as pumps and generators) which is driven from the main engine(s) or propeller shaft(s) in normal operation of the escort tug shall be connected during the measurement process.
 - (C) All bollard pull measurements shall be derived solely on the basis of the escort tug's capabilities. No outside assistance shall be allowed.
 - (D) The propeller(s) blades fitted during the measurement shall be the same as those used when the escort tug is in normal operation.
 - (E) Water depth shall be a minimum of 45 feet (not underwater clearance).
 - (F) Water current shall not exceed 1.0 knot.
 - (G) Wind velocity shall not exceed 10 knots.
 1. Measurements of water current and wind velocity shall be provided to the classification society surveyor by the escort tug owner's representative.
 - (H) Towline length shall be a minimum of 300 feet.
 - (I) The strain cell used for the measurements shall have been calibrated within the past 12 months. The classification surveyor shall verify this fact. The accuracy of the strain cell shall be +/-2% within a temperature range of -40° and 104°F.

- (J) Instruments providing both a continuous read-out and the bollard pull graphically as a function of the time, shall be connected to the strain cell.
- (K) The surveyor for the classification society shall:
 - 1. be aboard the escort tug during the measurement process to verify that the bollard pull report is correct;
 - 2. determine the escort tug's static bollard pull capacity by averaging the forces recorded (without any significant tendency of decline) for a period of at least 15 minutes while maintaining a fixed reading with the engine(s) operating at the manufacturer's recommended continuous output;
 - 3. sign the completed BOLLARD PULL REPORT of the Los Angeles/Long Beach Harbor Safety Committee; and
 - 4. sign and issue a BOLLARD PULL CERTIFICATE.
- (3) Escort tug companies shall provide the Los Angeles/ Long Beach Harbor Safety Committee with the results of the static bollard pull tests performed measurements taken pursuant to the provisions of this subchapter.
- (4) Results of any and all static bollard pull measurements shall be inventoried and published by the Marine Exchange.
- (5) Escort tugs which do not have current bollard pull certifications on file with the Marine Exchange and the Harbor Safety Committee or which do not meet the requirements for alternative compliance for bollard pull measurements, cannot be used for the escort of tank vessels in the Los Angeles/Long Beach Harbor.
- (6) The braking force shall be re-measured after any modifications and/or repairs to the main engines, hull, shaft-drive line, or steering, that could affect bollard pull. The new measurements must be reported to the Los Angeles/Long Beach Harbor Safety Committee and on file with the Marine Exchange.
- (7) Any escort tug used to comply with the requirements of this subchapter shall also meet one of the following:
 - (A) the escort tug shall have its braking force re-measured within 3 years of its last bollard pull test, or;
 - (B) the escort tug shall submit to an Escort Tug Inspection Program, as follows:
 - 1. Escort tugs 150 gross tons or greater, and classed escort tugs shall be made available for inspection by the Administrator twice in five years

during their dry dock examination. The period between inspections shall not exceed three years.

2. Escort tug maintenance records shall be made available for inspection by the Administrator.
3. If dry dock examination extensions are necessary, escort tugs shall comply with the direction of the cognizant Officer in Charge, Marine Inspection, or American Bureau of Shipping principal surveyors' direction.
4. For classed escort tugs, a copy of the Class Surveyor's report confirming that the condition of the drive train (shafts, propellers, nozzles or other type drive) and main engines are in the same state as when the builder's or last bollard pull certificate was issued, shall be forwarded to the Administrator.
5. Escort tug companies shall participate and have a certificate of compliance from one of the following Management Systems:
 - i. American Waterways Operators Responsible Carrier Program;
 - ii. International Safety Management;
 - iii. ISO 9000 (quality management).
6. Escort tugs of less than 150 gross tons shall be made available for inspection by the Administrator once in five years during their dry dock examination. These escort tugs shall use a certified Marine Surveyor and shall comply with subsections 2, 3, and 4, above.

(C) Escort tugs that submit to the Escort Tug Inspection Program, as described above, 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.

(b) Equipment Requirements for Escort Tugs.

All escort tugs used to escort tank vessels shall be equipped with and shall maintain in good working order:

- (1) primary and secondary VHF radios; and
- (2) fendering appropriate to absorb the impact inherent in hull-to-hull operations; and

- (3) power line handling equipment fore and aft to mechanically assist in the deployment and/or retrieval of tow lines.
 - (A) Tow lines provided by tank vessels and/or escort tugs shall:
 - 1. be maintained in sufficient number, length, condition and strength to assure effective control of the intended vessel maneuver, based on weather conditions, the tank vessel's size, and the escort tug's certified static bollard pull or alternative model forces;
 - 2. have a certified strength of at least 1.5 times the escort tug's certified static bollard pull or the alternative model forces found in Section 851.29 of this subchapter.
- (c) Any escort tugs used to comply with the requirements of this subchapter shall meet crew standards as follows:
 - (1) Federal regulations regarding hours of work apply to licensed and unlicensed crew members. According to these regulations, working hours shall include any administrative duties associated with the tug whether underway or at the dock. Hours of rest shall be in accordance with Part A, Chapter 8, Section A-VIII/1, paragraphs 1-4, of the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978, as amended in 95 (STCW) standard , which is incorporated by reference.
 - (2) An escort tug, during escort and assist operations required by this subchapter, shall have a minimum of three crewmembers on board ready to respond at the tug master's discretion during an escort transit. At least one crewmember shall be capable of resolving mechanical difficulties aboard an escort tug in the event of an emergency.
 - (3) The Administrator may review the equipment and crew on an escort tug to assure compliance with this subsection.
- (d) Training requirements for the crew of any escort tug used to comply with the requirements of this subchapter shall include, but are not limited to:
 - (1) In addition to demonstrable skills that satisfy federal requirements (46 CFR, Section 10.464) for towing vessel licensure, the following training elements are required (with refresher training every 5 years):
 - (A) Masters/Mates:
 - *1. Bridge management training;
 - *2. Radar training;

3. Navigation/boat handling training or proficiency evaluation, including Rules of the Road refresher training;
 4. Company policy and procedure orientation, including review of international, federal and state requirements;
 - *5. Marine firefighting/fire prevention;
 - *6. Personal safety, including:
 - i. First aid and CPR certification;
 - ii. Confined space hazard awareness;
 - iii. Injury prevention;
 - iv. Cargo knowledge/hazard awareness.
 - *7. Responsibility and authority of master including supervisory skills training;
 - *8. Currency of knowledge, as required by federal law (46 CFR 15.812) to serve as pilot on non-self propelled tank vessels;
 - *9. Knowledge of local geography:
 - i. Terminal location and approaches;
 - ii. Anchorages;
 - iii. Tanker routes.
- (B) Crew members, other than masters/mates:
1. Deck equipment operations and safety training;
 2. Company policy and procedure orientation, which shall include a review of applicable international, federal and state requirements;
 - *3. Vessel firefighting/fire prevention;
 - *4. Personal safety, including:
 - i. First aid and CPR certification;
 - ii. Confined space hazard awareness;
 - iii. Injury prevention;
 - iv. Lock-out/tag-out procedure.
 5. Marine diesel operations training, including engine room equipment and alarms.

In addition to the subjects listed above within this Subsection (B) crew members, other than masters and mates, shall demonstrate their ability to operate the vessel in place of the master/mate in an emergency situation, when the master/mate is unable for any reason to operate in his/her capacity.

(C) All crew members:

1. Employee orientation, including:
 - i. Drug and alcohol policy;
 - ii. Safety as a condition of employment;
 - iii. Vessel layout/deck operations;
 - iv. Required safety gear;
 - v. Job responsibilities.

- *2. Emergency procedures orientation:
 - i. Fire;
 - ii. Collision/allision;
 - iii. Sinking;
 - iv. Grounding;
 - v. Man overboard;
 - vi. Personal injury;
 - vii. Oil spill reporting.

- 3. Knowledge and use of tug escorts:
 - i. How to use an escort tug to reduce the risk of grounding or collision of an escorted vessel;
 - ii. The roles of the tug (as servant of the vessel) and the pilot during escorts;
 - iii. The primacy of safety of life and the escort tug;

- 4. Capabilities and performance limitations of the escort tug, including but not limited to:
 - i. Handling and performance characteristics of escort tugs (e.g., stability, hydrodynamics, tripping, etc.);
 - ii. Propulsion type;
 - iii. Force capabilities;
 - iv. Line and connection system integrity;
 - v. Navigation systems.

- (2) Training required as a condition of U. S. Coast Guard licensure (e.g., firefighting) may be used to satisfy the training specifications listed in Subsection (d)(1) above, as appropriate.

- (3) Compliance with the crew training and qualification requirements listed in Subsection (d)(1) above shall be verified as follows:
 - (A) Companies that comply with the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW) certification and have a Safety Management System (SMS) in place shall provide internal audit reports and STCW training certificates to the Administrator upon request; or
 - (B) Companies that are not STCW certified, but which have a SMS in place shall request approval from the Administrator by providing all of the following:
 - 1. Details of their training program; and
 - 2. Certified audit reports; and
 - 3. Demonstration of proficiency of the crew in the training elements prior to approval when deemed necessary by the Administrator.

*Federal requirements

Authority: Sections 8670.17.2 and 8670.23.1, Government Code.

Reference: 8670.17.2 and 8670.23.1, Government Code.

851.24. Pre-Escort Conference.

- (a) Prior to commencing an escorted transit, the tank vessel master/pilot shall:
- (1) contact the escort tug master, mate or officer in charge of the watch, to confirm the number and position of the escort tug(s); and
 - (2) establish the radio frequency to be used for communications; and
 - (3) establish the anticipated direction of movement and destination of the tank vessel; and
 - (4) communicate any other pertinent information that the master/pilot and escort tug master, mate or officer in charge of the watch deem necessary to facilitate operations in the case of an unplanned event.

Authority: Sections 8670.17.2 and 8670.23.1, Government Code.

Reference: Section 8670.17.2, Government Code.

851.25. Speed Limits for Tankers.

(a) Tankers transiting between the seaward limits of the tank vessel escort zones, as described in Section 851.22 (c), and anywhere inside the Federal Breakwater shall restrict their speed as follows:

- (1) eight (8) knots for vessels with displacements less than 60,000 metric tons;
- (2) six (6) knots for vessels with displacements of 60,000 metric tons and more.

(b) The maximum speed limits contained in Subsections (a)(1) and (a)(2) reflect favorable circumstances and conditions and shall be adjusted for safety based on weather and tidal conditions and the proximity of other vessel traffic.

Authority: Sections 8670.17.2 and 8670.23.1, Government Code.

Reference: Sections 8670.17.2, Government Code.

851.26. General Escort Tug Requirements for Tankers.

(a) The master/pilot of inbound tankers shall confirm by VHF contact with the required escort tugs(s), that the tug(s) is/are stationed at the seaward limit of the applicable tank vessel escort zone (as described in Section 851.22(c)) prior to the tankers reaching the seaward limit of the applicable tank vessel escort zone.

(b) Tanker Crew Requirements.

(1) a tanker shall have:

- (A) sufficient and qualified line handling capable crew members standing by and available to immediately receive lines from each escort tug. The crew shall not be assigned duties that would interfere with their ability to immediately respond to an emergency situation;
- (B) its anchors ready for letting go prior to entering the applicable tank vessel escort zone (inbound tankers only);
- (C) sufficient and qualified supervisors to provide direct supervision of line handling crew operations for tankers. Supervisors shall have direct radio communication capability with the bridge of the tanker.

(c) Tanker Equipment Requirements:

- (1) each tanker shall have appropriate and suitably maintained bitts and chocks that are of sufficient size, strength, and number to accommodate the anticipated forces of the escort tug(s);
- (2) the tanker tank ship owner/operator shall indicate the location of the appropriate bitts and chocks, as well as the safe working loads, on the ships general arrangement plan for each tanker. This information shall also be communicated to the pilot during the pre-escort conference required by Section 851.24 of this subchapter.

(d) Notwithstanding any other provision of this subchapter:

- (1) any additional requirements for tug escort as deemed necessary by the U.S. Coast Guard shall supersede the requirements of this subchapter;
- (2) during a non-emergency situation the master/pilot, may only adjust the minimum escort requirements contained in this subchapter with the concurrence of the Coast Guard Captain of the Port.

Authority: Sections 8670.17.2 and 8670.23.1, Government Code.

Reference: Section 8670.17.2, Government Code.

851.27. Tanker Force Selection Matrix.

- (a) The tug(s) used for the escorted vessel movements described in Section 851.22, Subsections (a) and (b), shall provide forces equivalent to those delineated in the following Tanker Force Selection Matrix. No more than two escort tugs may be used to meet the “Forces For Tug(s)” requirements in the Tanker Force Selection Matrix, except as provided in Sections 851.22(h) and 851.27(e).

TANKER FORCE SELECTION MATRIX	
Tanker Displacement	Forces For Tug(s) Tethered at the Stern (See Notes Below)
Metric Tons	Short Tons
0 to < 60,000	10
60,000 to < 100,000	20
100,000 to < 140,000	30
140,000 to < 180,000	40
180,000 to < 220,000	50
220,000 to < 260,000	62
260,000 to < 300,000	75
300,000 to < 340,000	87
340,000 to < 380,000	105
380,000 to < 420,000	128

Note 1: Ahead forces for tugs using stern lines (e.g., Voith-Schneider propeller - VSP tugs). Astern forces for tugs using headlines (e.g., azimuth stern drive – ASD tugs)

Note 2: The “Forces For Tugs” described in the Tanker Force Selection Matrix were evaluated in a water depth equal to 1.2 times the tanker's deep draft for tankers with a displacement of less than 260,000 metric tons, and in a water depth equal to 1.1 times the tanker's deep draft for tankers with a displacement equal to or greater than 260,000 metric tons.

- (b) Only tractor type tugs may be employed to meet the requirements of this subchapter.
- (c) Any escort tug(s) employed to meet the “Forces For Tug(s)” requirements in the Tanker Force Selection Matrix shall have a pulling power as follows:
 - (1) Laden tankers with displacements less than 180,000 metric tons must employ at least one tractor tug that has sufficient power to satisfy the “Forces For Tug(s)” requirements in the Tanker Force Selection Matrix.
 - (2) Laden tankers with displacements equal to or greater than 180,000 metric tons may employ two tugs that have sufficient combined power to satisfy the “Forces For Tug(s)” requirements in the Tanker Force Selection Matrix, provided that:
 - (A) both tugs have bollard pull ratings of 45 short tons or more, and
 - (B) a team towing configuration is used. A “team towing configuration” is the practice of running two tugs in tandem on aft leads.

(d) All required escort tugs shall be tethered on the tanker’s stern.

(e) The force requirements contained in this subchapter reflect favorable circumstances and conditions. The tanker master/pilot shall arrange for additional escort tug(s) should adverse weather conditions, unusual port congestion, the contemplated movement of the vessel or other conditions or circumstances so require.

Authority: Sections 8670.17.2 and 8670.23.1, Government Code.

Reference: Section 8670.17.2, Government Code.

851.27.1. Tank Barge and Tug Matching Criteria, Tethering, Stationing and Equipment Requirements

(a) The tug(s) used to escort a tank barge must be able to provide sufficient braking force to stop the tank barge.

- (1) The braking force shall be measured either as:
 - (A) the escort tug's ahead static bollard pull for tractor tugs using stern lines (VSP); or (B) astern static bollard pull for tractor tugs using headlines (ASD); or
 - (C) astern static bollard pull for conventional tugs;
- (2) At the appropriate seabouy:
 - (A) tethered escort tug(s) are required for all tank barges and their primary towing vessels whose aggregate displacement tonnage exceeds 20,000;
 - (B) the escort tug(s) shall have the minimum individual or aggregate braking force, when tethered or untethered, as specified in Subsection (3) A. and B. below:
- (3)

Total Displacement Tonnage of the Barge and the Primary Towing Tug in Metric Tons	Minimum Required Escort Tug(s) Static Bollard Pull in Short Tons	
	<i>Tethered Escort Tug(s)</i>	<i>Untethered Escort Tug(s)</i>
A. 0 to = 20,000 metric tons	10 short tons	15 short tons
B. >20,000 metric tons	<i>Tethered Escort Tug(s)</i>	
	A total astern static bollard pull (in pounds) equal to or greater than the sum of both the primary towing tug's and barge's total displacement tonnage in metric tons. (E.g., where the total towing tug and barge displacement is 25,000 metric tons, the escort tug(s)' astern static bollard pull shall be at least 25,000 pounds or 12.5 short tons.)	

- (4) A tank barge must be accompanied by a sufficient number, but no more than two tugs to provide the braking force specified in this section.
 - (5) The towing tug which provides the power to push or tow a tank barge shall not become an escort tug during the course of a transit unless the towing tug has been relieved of its duties as the primary towing vessel, and replaced with another tug that serves as the primary towing vessel.
 - (A) Any towing tug that does become the escort tug after being relieved of all towing duties must meet all the requirements for escort tugs as specified in this subchapter.
 - (6) The primary towing vessels for tank barges transiting between the seaward limits of the pilot operating areas and anywhere inside the Federal Breakwater shall restrict their speed to four (4) knots.
- (b) Stationing Requirements.
- (1) The primary towing tug master or mate shall confirm by VHF contact with the required escort tugs(s), that the tug(s) is/are stationed at the seaward limit of the applicable tank vessel escort zone (as described in Section 851.22(c) prior to the tank barge reaching the seaward limit of the applicable tank vessel escort zone.
- (c) Equipment Requirements.
- (1) Each tank barge shall have deck chocks and bitts that are of sufficient size, strength and number to accommodate the anticipated forces of the escort tug(s) as stated in subsection (a)(3) above;
 - (2) The tank barge owner/operator shall illustrate the location of the bitts and chocks, and any other locations on the hull, which are capable of withstanding the forces exerted by the escort tug(s), within documentation kept on file with the Marine Exchange, and onboard the towing tug.

Authority: Sections 8670.17.2 and 8670.23.1, Government Code.

Reference: Section 8670.17.2, Government Code.

851.28. General Requirements for Tank Vessels.

- (a) All laden, inbound tank vessels engaged in movements described in Section 851.22, Subsections (a) and (b), shall:

- (1) comply with the escort requirements specified in Section 851.27, or its alternatives found in Section 851.29; and
- (2) report their displacement and their static deep draft upon arrival and departure to the Vessel Traffic Service/Marine Exchange; and
- (3) either through the tank vessel owner/operator or the agent acting on their behalf, provide the accurate displacement and static deep draft of the tank vessel when ordering tug escort services from the tug provider(s); and
- (4) be met by the required escort tug(s) at the seaward limit of the applicable tank vessel escort zone; and
- (5) not proceed closer than the seaward limit of the applicable tank vessel escort zone unless the required escort tug(s) is in position at the seaward limit of the applicable tank vessel escort zone.

Authority: Sections 8670.17.2 and 8670.23.1, Government Code.

Reference: Section 8670.17.2, Government Code.

851.29. Alternative to Section 851.27 Requirements for Matching Escort Tugs to Tank Vessels.

- (a) Measurement methodologies other than those used to establish the requirements in Section 851.27 may be used instead of, or in addition to, that section as follows:
 - (1) Escort tug operators may propose an alternate method for measuring the forces of any escort tug (in kips) than the static bollard pull measurement indicates. An alternate measurement may be submitted only once in any 12 month period and shall comply with the following:
 - (A) The owner/operator shall assure that the following are included when developing a methodology for calculating alternate forces for a given escort tug:
 1. the alternate measurement is conducted from a starting speed of six (6) knots;
 2. the escort tug is not required to exceed the limits of its ability to generate the forces, and in no instance submerges the deck edge to achieve the alternate measurement;
 3. the escort tug operates all its equipment at or below the manufacturer's recommended guidelines for its safe working load;

4. unless demonstrated otherwise by full scale testing, all machinery shall be assumed to operate at or below performance levels published by the manufacturer;
 5. any current bollard pull values registered with the Marine Exchange shall be utilized where appropriate in any formulas or models;
 6. any known condition that would impair the escort tug's ability to perform shall be included in the calculation.
- (B) The measurement must be conducted by a naval architect or licensed marine engineer approved by the Administrator:
1. the escort tug operator shall submit the name of the naval architect or licensed marine engineer to the Administrator for approval prior to having that individual or his/her company conduct an alternate measurement.
 2. the Administrator shall approve a naval architect or licensed marine engineer if that person has demonstrated the education, knowledge and experience necessary to conduct the testing and modeling of escort tug capabilities and forces.
- (C) The alternate model and the resultant measurements shall be approved by the Administrator before the alternate model may be used to match a tank vessel to an escort tug or tugs. The Administrator shall approve the alternate model if:
1. it provides at least the same level of protection as the forces established in Section 851.27; and
 2. can be achieved using no more than two escort tugs as required by this subchapter.
- (D) After an alternate model is approved, the Administrator shall provide the Los Angeles/Long Beach Harbor Safety Committee with a list of the escort tug combinations which correspond to the tank vessel displacements (in metric tons) and speeds under the approved alternate methodology.
- (2) Tank vessel operators may develop a model for the vessels in their fleet relative to the steering and braking demands of the vessels. The steering and braking demands established by the alternate model may be used to match escort tugs to tank vessels in lieu of those specified in Section 851.27. An alternate compliance model may be submitted only once in any 12 month period and shall comply with the following:
- (A) The measurement must be conducted by a naval architect or licensed marine engineer approved by the Administrator.

1. The tank vessel operator shall submit the name of the marine architect or licensed marine engineer to the Administrator for approval prior to having that individual or his/her company conduct an alternate model.

2. The Administrator shall approve a naval architect or licensed marine engineer if that person has demonstrated the education, knowledge and experience necessary to conduct the testing and modeling of escort tug capabilities and forces.

(B) The alternate model and the resultant measurements shall be approved by the Administrator before the alternate model may be used to match a tank vessel to an escort tug or tugs. The Administrator shall approve the alternate model if:

1. it provides at least the same level of protection as the forces established in Section 851.27; and

2. can be achieved using no more than two escort tugs as required by this subchapter.

(C) After an alternate model is approved, the Administrator shall provide the Marine Exchange and the Los Angeles/Long Beach Harbor Safety Committee with the tank vessel demand in kips which corresponds to the tank vessel's displacement (in metric tons) and speed under the approved alternate model.

Authority: Sections 8670.17.2, and 8670.23.1, Government Code.

Reference: Section 8670.17.2, Government Code

851.30. Reporting.

Anyone may report violations of the provisions of this subchapter to:

(a) the Office of Spill Prevention and Response; or

(b) the United States Coast Guard Captain of the Port.

Authority: Sections 8670.17.2, and 8670.23.1, Government Code.

Reference: Section 8670.17.2, Government Code

851.31. Compliance Monitoring and Notification.

Compliance monitoring of these regulations shall be accomplished by the procedures specified in either subsection (a) or (b), below:

(a) The development of a compliance monitoring program(s) or process(es) designed by the Port of Los Angeles and the Port of Long Beach (Ports), or their designees.

(1) The program(s) or process(es) shall specify how the Ports will provide the Administrator, or his designee, with notification of a violation(s) to the regulations; and or

- (2) that the vessel, under normal, not exigent circumstances, is to be detained until the requirements of this subchapter have been fully met.
- (A) The program and/or process shall be submitted to the Administrator for his/her review and approval no later than 120 days from the effective date of this regulation.
- (B) The Administrator shall have 60 days within which to review and either approve, conditionally approve or disapprove the Ports' submittal. Upon termination of this time line the Administrator shall:
1. Fully approve the proposed program and/or process provided by the Ports and provide written confirmation of this approval.
 2. Conditionally approve the proposal(s). The Administrator shall provide a written explanation for the conditional approval and state the objectionable items contained in the proposal. The Ports shall be given 30 days from the date of their receipt of the Administrator's explanation, to resubmit a proposal which will either excise or mitigate, with an explanation, the Administrator's objections. The Administrator shall have 30 days from the date of receipt of the Ports' amended proposal, and shall either fully approve or fully disapprove this document.
 3. Disapprove the Ports' proposals.
- (b) If either of the Ports' program(s) and/or process(es) is/are disapproved, or if either of the ports fail to submit a program, the Administrator shall implement the compliance monitoring provisions of this subchapter by the adoption of further regulations. These regulations may include the establishment of a Clearing House function within the Marine Exchange or through any other legal means deemed appropriate by the Administrator.

Authority: Sections 8670.17.2, and 8670.23.1, Government Code.

Reference: Sections 8670.17.2 and 8670.67(b), Government Code

851.32. 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 an administrative civil penalty as prescribed in Article 9 of the Government Code beginning with Section 8670.57.

Authority: Sections 8670.17.2, and 8670.23.1, Government Code.

Reference: Sections 8670.17.2 and 8670.67(b), Government Code