

**CALIFORNIA CODE OF REGULATIONS
TITLE 14, DIVISION 1, SUBDIVISION 4,
OFFICE OF SPILL PREVENTION AND RESPONSE
CHAPTER 4. VESSEL REQUIREMENTS
SUBCHAPTER 5. ESCORT TUG REGULATIONS
FOR SAN DIEGO HARBOR, SECTIONS 852 - 852.6**

**Approved September 15, 2006
Effective October 15, 2006**

852. Purpose and Scope.

The regulations in this subchapter set forth tank vessel escort requirements for the San Diego Harbor. Escort tugs shall be available to influence the speed and direction of travel of a tank vessel in the event of a casualty, or a steering or propulsion failure, thereby reducing the possibility of a grounding or collision and the risk of an oil spill.

The Administrator shall periodically 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.

Authority: Sections 8670.17.2 and 8670.23.1, Government Code.

Reference: Section 8670.17.2 and 8670.23.1, Government Code.

852.1. Definitions.

Definitions governing the construction of this subchapter can be found in Government Code Section 8670.3, and in Chapter 1, Section 790 of this Subdivision.

Authority: Sections 8670.17.2 and 8670.23.1, Government Code.

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

852.2. Minimum Requirements for Escort Tugs.

- (a) Only tugs meeting the requirements set forth in this subchapter shall be allowed to provide escort services.
- (b) The owner/operator of any tug offering escort services to tank vessels shall submit the tug to bollard pull testing before providing escort services. See Section 852.3 of this subchapter for testing requirements.
- (c) A tug must demonstrate a minimum ahead bollard pull of 10 tons to qualify for escort service.

- (d) In order to escort tankers over 20,000 deadweight tons, a tug must demonstrate a minimum ahead bollard pull of 18 tons.
- (e) The tug(s) assigned to a tank vessel shall be capable of providing a combined total ahead bollard pull of no less than 2 pounds of thrust per deadweight ton of assigned tank vessel.
- (f) An escort tug's primary assist lines must have a specified breaking strength not less than 1.5 times the tug's maximum bollard pull.
- (g) For any transit between Ballast Point and sea that requires an escort tug(s), a tank vessel shall have at least one escort tug which is adequately equipped to perform in open ocean conditions.
- (h) Escort tugs must have the capability to communicate with the tank vessel by primary and secondary VHF-FM radios.
- (i) Escort tugs shall be fendered as appropriate to absorb the impact of normal skin-to-skin operations, protecting both the tank vessel and the escort tug from metal to metal contact. To the extent possible, the fendering shall have a surface which minimizes sliding when the escort tug is working at an angle to the tank vessel.
- (j) Any tugs working beyond the Line of Demarcation must have crews that are certified in accordance with the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers 95 (STCW)

Authority: Sections 8670.17.2 and 8670.23.1, Government Code.

Reference: Sections 8670.17.2 and 8670.23.1, Government Code.

852.3. Testing Requirements for Escort Tugs.

- (a) All testing shall be conducted under the supervision of the American Bureau of Shipping (ABS) standards and practices, or other classification society recognized by the International Association of Classification Societies (IACS) at the expense of each owner/operator. Alternatively, a building certificate of bollard pull for the class will be accepted.
- (b) A copy of the test certificate and tug specifications are to be provided by the tug owner/operator, in writing, to the United States Coast Guard Captain of the Port and the San Diego Harbor Safety Committee before providing escort services.
 - (1) Tug specifications shall include, but are not limited to, the following:
 - (A) tug name;
 - (B) tug owner/operator;
 - (C) tug length;

- (D) for tractor tugs, bollard pull ahead;
 - (E) for conventional tugs, bollard pull ahead and astern;
 - (F) type and configuration of the propulsion system;
 - (G) type and configuration of the steering system;
 - (H) type and configuration of ocean towing equipment.
- (c) 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 the bollard pull. A copy of the bollard pull test certificate and tug specifications are to be provided by the tug owner/operator, in writing, to the United States Coast Guard Captain of the Port and the San Diego Harbor Safety Committee before providing escort services.
- (d) 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.

Authority: Sections 8670.17.2 and 8670.23.1, Government Code.

Reference: Sections 8670.17.2 and 8670.23.1, Government Code.

852.4. Minimum Escort Tug Requirements for Tankers.

Only those tankers designed or modified to carry 5,000 long tons or more of oil or petroleum products as cargo are required to engage escort tugs in accordance with this subchapter except as provided in (i) below.

- (a) Each tanker shall engage escort services as follows:
 - (1) for inbound transits prior to passing between buoys 5 and 6, escort tug(s) shall remain with the tanker until it is properly berthed or anchored;
 - (2) for outbound transits from the berth or anchorage, escort tug(s) shall remain with the tanker until either safely at sea or after passing between buoys 5 and 6;
 - (3) while shifting from one location to another within the harbor.
- (b) Before commencing an escorted transit, the pilot or master of the tanker shall initiate communications with the escort tug. During this pre-escort communication, all parties shall plan and discuss the details of the escorted transit including, but not limited to, the following:

- (1) the intended route;
 - (2) the intended destination;
 - (3) the speed of the tanker;
 - (4) the positioning of the tug(s) relative to the tanker being escorted;
 - (5) the manner in which an emergency connection would be made between the tug(s) and tanker;
 - (6) radio communications, including primary and secondary frequencies; and
 - (7) anticipated weather, tidal, and sea conditions.
- (c) Except as provided in (i) below, each tanker shall engage escort services as required by this subchapter whether laden or unladen.
- (d) Each tanker shall have a minimum of one escort tug, except as stated in (e) and (i) below.
- (e) All tankers over 20,000 deadweight tons shall have a minimum of two escort tugs.
- (f) Escort tug(s) shall maintain an optimum station-keeping position as directed by the pilot or tanker master so as to best render assistance if needed. In any case, the escort tug(s) shall stay within 1/8 mile of the tanker while providing escort services.
- (g) Tankers requiring escort services shall proceed at a safe speed which shall not exceed 10 knots or the speed at which their escort tug(s) can render assistance, whichever is less. Safe speed shall also take into consideration other factors, including but not limited to, depth of water, visibility, wind conditions, tidal currents, escort tug wakes, other traffic, and vessels at anchor.
- (h) All tugs engaging in escort services for a tanker shall have multiple main propulsion systems.
- (i) Exemptions:
- (1) Where an emergency or extraordinary circumstances exist to threaten public safety, the environment, and/or the vessel, its crew or cargo, the pilot or master of a tanker is authorized to override this section consistent with provisions of the Inland Navigational Rules Act (33 USC 2001 et seq.) for same or similar circumstances. The pilot or master shall report any such event to the U.S. Coast Guard Captain of the Port. For purposes of this section, an emergency or extraordinary circumstances shall include, but not be limited to, any of the following:
 - (A) imminent and immediate danger to the 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 U.S. Coast Guard Captain of the Port.
- (2) A tanker shall not be required to engage escort services when it is carrying %5 of the vessel's deadweight tonnage, or 5,000 long tons, whichever is less, of oil or petroleum products as cargo, and is in ballast and inert or gas free.
- (3) This subchapter shall not apply to tankers with double hulls, as that term is defined in 33 CFR Section 157.03, when the tanker also has fully redundant steering and propulsion systems. To be considered fully redundant, a steering and propulsion system shall include at least the following:
- (A) two propellers with an engine dedicated to each; and
 - (B) two rudders with separate steering motors; and
 - (C) an operating bow thruster with a dedicated power source.

Authority: Sections 8670.17.2 and 8670.23.1, Government Code.

Reference: Section 8670.17.2, 8670.23.1, Government Code.

852.5. Minimum Escort Tug Requirements for Barges.

Only those barges designed or modified to carry 5,000 long tons or more of oil or petroleum products as cargo, and which are laden with 5% or more of the vessel's deadweight tonnage in oil or petroleum products, shall be required to engage escort tug(s) in accordance with this subchapter.

- (a) Each barge shall engage escort services as follows:
- (l) for inbound transits prior to passing between buoys 5 and 6, escort tug(s) shall remain with the barge until it is properly berthed or anchored;
 - (2) for outbound transits from the berth or anchorage, escort tug(s) shall remain with the barge until either safely at sea or after passing between buoys 5 and 6;
 - (3) while shifting from one location to another within the harbor.
- (b) Before commencing an escorted transit, the pilot or master of the dedicated tug of a barge shall initiate communications with the escort tug. During this pre-escort communication, all parties shall plan and discuss the details of the escorted transit including, but not limited to, the following:
- (1) the intended route;
 - (2) the intended destination;

- (3) the speed of the barge;
 - (4) the positioning of the tug(s) relative to the barge being escorted;
 - (5) the manner in which an emergency connection would be made between the tug(s) and barge;
 - (6) radio communications, including primary and secondary frequencies; and
 - (7) anticipated weather, tidal, and sea conditions.
- (c) Barges shall have a minimum of one escort tug in addition to their dedicated tug.

(d) Exemption:

Where an emergency or extraordinary circumstances exist to threaten public safety, the environment, and/or the vessel, its crew or cargo, the pilot or master of the dedicated tug of a barge is authorized to override this section consistent with provisions of the Inland Navigational Rules Act

(33 USC 2001 et seq.) for same or similar circumstances. The pilot or master shall report any such event to the United States Coast Guard Captain of the Port. For purposes of this section, an emergency or extraordinary circumstances shall include, but not be limited to, any of the following:

- (1) imminent and immediate danger to the vessel, its cargo or its crew;
- (2) imminent and immediate danger to a marine terminal, service or escort tug;
- (3) imminent and immediate danger to a vessel in the proximity of the escorted vessel; or
- (4) any emergency declared by the U.S. Coast Guard Captain of the Port.

Authority: Sections 8670.17.2 and 8670.23.1, Government Code.

Reference: Section 8670.17.2 and 8670.23.1, Government Code.

852.6. 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 of Chapter 7.4, Division 1, Title 2 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, 8670.23.1, 8670.57 and 8670.67, Government Code.