



## Proposed Changes to U.S. Automatic Identification System (AIS) Regulations

The following is not all encompassing nor verbatim of our proposed rule published December 16th, 2008 at 73 FR 76295

Please read the full proposal at [www.regulations.gov](http://www.regulations.gov), docket USCG-2005-21896

Cite	Current Requirement	Proposed Changes
33 CFR 164.46(a)(1)	Per SOLAS Regulation V/19.2.4, all tankers, passenger vessels >150 gross tonnage, and, other vessels >300 gross tonnage, on international voyage.	Unchanged, but, adds domestic vessels >500 gross tonnage and accompanying SOLAS provisions for interfacing with GPS, gyro, and, rate of turn indicator.
33 CFR 164.46(a)(1)	Self-propelled commercial vessels >65 ft on international voyage except those in innocent passage or fishing boats & small passenger vessels (<149 passengers for hire).	Unchanged
33 CFR 164.46(a)(2)	The following vessels while navigating a Vessel Traffic Service areas denoted in 33 CFR 161.12(c) must have a type-certified Class A AIS:	Expanded to all U.S. navigable waters & requires a 'properly installed, operational' USCG type-approved Class A or Class B (with caveats) AIS.
	<ul style="list-style-type: none"> <li>Commercial towing vessels &gt;26 ft &amp; &gt;600 hp,</li> </ul>	Unchanged
	<ul style="list-style-type: none"> <li>Self-propelled commercial vessels &gt;65 ft other than fishing boats &amp; small passenger vessels (&lt;149 passengers), and,</li> </ul>	Reinstates fishing boats & small passenger vessels.
	<ul style="list-style-type: none"> <li>Passenger vessels certified to carry &gt;150 passengers for hire.</li> </ul>	<ul style="list-style-type: none"> <li>Commercial vessels carrying &gt;50 passengers or &gt;12 passengers for hire at &gt;30 kts.</li> </ul>
33 CFR 164.46(b)	Cites & makes applicable Vessel Bridge-to-Bridge Radiotelephone requirements regarding: <ul style="list-style-type: none"> <li>- use by master or pilot (33 CFR §26.05),</li> <li>- English communication (33 CFR §26.07),</li> <li>- frequencies (33 CFR §26.04(a)), and,</li> <li>- maintaining unit in "effective operating condition" (33 CFR §26.06); and,</li> <li>- includes the accurate input &amp; upkeep of AIS data fields.</li> </ul>	Spells out that 'effective operating conditions' includes the: <ul style="list-style-type: none"> <li>- ability to reinitialize the AIS (i.e. knowledge of system password),</li> <li>- ability to access AIS information from conning position,</li> <li>- accurate broadcast of an official MMSI,</li> <li>- accurate input &amp; upkeep of all AIS data fields including 'system updates', and,</li> <li>- continual operation of AIS &amp; its associated devices when underway, at anchor, or moored in or near a channel/fairway; except when its use would compromise safety or security (which must be logged &amp; reported to the USCG).</li> </ul> <ul style="list-style-type: none"> <li>• AIS text messaging must be conducted in English &amp; solely to exchange or communicate navigation safety information.</li> <li>• AIS is primarily intended for use of the master or person directing the movement of the vessel, who must maintain a periodic watch for AIS information.</li> <li>• Spells out that use of AIS does not relieve the vessel of Navigation Rules duties regarding sound, lights or shapes nor Bridge-to-Bridge radiotelephone requirements.</li> </ul>
	33 CFR 164.46(c)	Portable AIS are permissible, as long as only one is used for transmitting & it does not affect the proper function of on board navigation & communication equipment.
33 CFR 164.46(d)	AIS Pilot Plug required on vessel over 1,600 gross tons, on international voyage; easily accessible at the conning position & near an AC outlet.	Expanded to include any vessel subject to pilotage (regardless of tonnage) & limits the distance between it & an AC power outlet to no more than 3 feet.
33 CFR 164.55	Owners of AIS equipped vessels may request a deviation from these rules as set forth in 33 CFR 164.55.	Yearly deviations permissible, but, only on those vessels that operate solely within a very confined area (e.g., less than a one nautical-mile radius, shipyard, fleeting area), or on short & fixed schedules (e.g., a bank-to-bank river ferry service), or that otherwise are not likely to encounter another AIS user.

## PROPOSED RULEMAKING [USCG-2003-21869]

On December 16<sup>th</sup>, 2008 (73 FR 78295)—in an effort to improve navigation safety, enhance the ability to identify and track vessels, heighten our overall maritime domain awareness, and thus help us address threats to maritime transportation safety and security and mitigate the possible harm from such threats—the Coast Guard published and solicited comments on a proposed rule that would expand the applicability of AIS requirements beyond Vessel Traffic Service areas to all U.S. navigable waters and require AIS carriage by most commercial vessel, which states:

### § 164.46 Automatic Identification System (AIS)

(a) Definitions. As used in this section—

*Automatic Identification Systems* or AIS means a maritime navigation safety communications system standardized by the International Telecommunication Union (ITU), adopted by the International Maritime Organization (IMO), that—(1) Provides vessel information, including the vessel's identity, type, position, course, speed, navigational status and other safety-related information automatically to appropriately equipped shore stations, other ships, and aircraft; (2) Receives automatically such information from similarly fitted ships; monitors and tracks ships; and (3) Exchanges data with shore-based facilities.

*Gross tonnage* means tonnage as defined under the International Convention on Tonnage Measurement of Ships, 1969.

*International voyage* means a voyage from a country to which the present International Convention for the Safety of Life at Sea (SOLAS), 1974 applies to a port outside such country, or conversely.

*Properly installed, operational* means an Automatic Identification System (AIS) that is installed and operated using the guidelines set forth by the International Maritime Organization (IMO) Safety of Navigation Circulars (SN/Circ.) 227, 236, 244, and 245, and Resolution A.917(22)(Incorporated by reference, see § 164.03).

(b) AIS carriage. The following vessels must have onboard a properly installed, operational, Coast Guard type-approved Automatic Identification System (AIS):

- (1) A self-propelled vessel of 65 feet or more in length, engaged in commercial service;
- (2) A towing vessel of 26 feet or more in length and more than 600 horsepower, engaged in commercial towing;
- (3) A self-propelled vessel carrying 50 or more passengers, engaged in commercial service;
- (4) A vessel carrying more than 12 passengers for hire and capable of speeds in excess of 30 knots;
- (5) A dredge or floating plant engaged in or near a commercial channel or shipping fairway in operations likely

to restrict or affect navigation of other vessels except for an unmanned or intermittently manned floating plant under the control of a dredge; and

(6) A self-propelled vessel carrying or engaged in the movement of certain dangerous cargoes as defined in § 160.202 of this subchapter.

Note to paragraph (b): Except for those vessels denoted in paragraph (c) of this section, use of Coast Guard type-approved AIS Class B is permissible, however, not well-suited, on vessels that are highly maneuverable, navigate at high speed, or routinely operate on or near very congested waterways or in close-quarter situations with other AIS equipped vessels.

(c) SOLAS provisions. The following self-propelled vessels must comply with International Convention for Safety of Life at Sea (SOLAS), as amended, Chapter V, regulation 19.2.1.6, 19.2.4 (AIS Class A), and 19.2.3.5 or 19.2.5.1 as applicable (Incorporated by reference, see § 164.03):

- (1) A vessel of 500 gross tonnage or more;
  - (2) A vessel of 300 gross tonnage or more, on an international voyage; and
  - (3) A vessel of 150 gross tonnage or more, when carrying more than 12 passengers on an international voyage.
- (d) Operations. The requirements in this paragraph are applicable to any vessel equipped with AIS.

(1) Use of AIS does not relieve the vessel of the requirements to sound whistle signals or display lights or shapes in accordance with the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), 28 U.S.T. 3459, T.I.A.S. 8587, or Inland Navigation Rules, 33 U.S.C. 2001 through 2073; nor of the radio requirements of the Vessel Bridge-to-Bridge Radiotelephone Act, 33 U.S.C. 1201-1208, part 26 of this chapter, and 47 CFR part 80.

(2) AIS must be maintained in effective operating conditions which includes the:

- (i) ability to reinitialize the AIS should the need arise (this could require access and knowledge of the AIS power source and password);
- (ii) ability to access AIS information from the primary conning position of the vessel;
- (iii) accurate broadcast of a properly assigned Maritime Mobile Service Identity (MMSI) number;
- (iv) accurate input and upkeep of all AIS data and system updates; and
- (v) continual operation of AIS, and its associated devices (e.g., GPS, gyro, converters), at all times the vessel is underway, at anchor, or moored in or near a commercial channel or shipping fairway in operations likely to restrict or affect navigation of other vessels, except--

(A) When use of AIS would compromise the safety or security of the vessel or a security incident is imminent.

(B) The AIS should be returned to continuous operation as soon as the compromise has been mitigated or the security incident has passed. At that time, those vessels denoted in paragraph (b), must report to the nearest U.S. Captain of the Port or Vessel Traffic Center, and record in the ship's official log, the AIS operational interruption and the reason for the interruption.

(3) AIS messaging must be conducted in English and solely to exchange or communicate navigation safety information (for example, SECURITE). Although not prohibited, it should not be relied upon as the primary means for broadcasting distress or urgent communications (for example, MAYDAY or PAN PAN). (47 CFR 80.1109, Distress, urgency, and safety communications).

Note to paragraph (d): AIS devices must be able to broadcast vessel position, course, and speed, and may require the input of an external positioning device (e.g., DGPS) to do so. Although of great benefit, the integration of existing, or installation of, other external devices or displays (e.g., transmitting heading device, gyro, rate of turn indicator, ECDIS/ECS, and radar) is highly recommended but is not currently required except as denoted in § 164.46(c).

(e) Watchkeeping. AIS is primarily intended for use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who must maintain a periodic watch for AIS information.

(f) Portable AIS. The use of a portable AIS is permissible only to the extent that electromagnetic interference does not affect the proper function of existing navigation and communication equipment on board and such that only one AIS unit may be in operation at any one time.

(g) Pilot Port. The AIS Pilot Port, on any vessel subject to pilotage, must be readily available and easily accessible from the primary conning position of the vessel and within at least 3 feet of a 120-volt 50/60 Hz AC power receptacle.

(h) Exceptions. Only those vessels that operate solely within a very confined area (e.g., less than a one nautical-mile radius, shipyard, fleeting area), or on short and fixed schedules (e.g., a bank-to-bank river ferry service), or that otherwise are not likely to encounter another AIS equipped vessel, may request a yearly deviation from this section as set forth in § 164.55.

(i) Implementation date. Those vessels identified in paragraph (b) of this section that were not previously subject to AIS carriage must install AIS no later than [date of the first day of the seventh month after publication of the final rule to be inserted].

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The Coast Guard may make changes to this proposed regulation in view of comments filed at [www.regulations.gov](http://www.regulations.gov). For additional AIS information visit [www.navcen.uscg.gov/enav/ais](http://www.navcen.uscg.gov/enav/ais) or mail us at [cgnav@uscg.mil](mailto:cgnav@uscg.mil).

