



3500
CG-543 Policy Letter
10-01

From: Eric P. Christensen, CAPT
COMDT (CG-543)

A handwritten signature in blue ink, appearing to read "Eric P. Christensen".

MAR - 4 2010

To: Distribution

Subj: USE OF SINGLE VOYAGE LOAD LINE AUTHORIZATIONS

Ref: (a) 46 CFR § 42.03-30(f)
(b) CIM 16000.7A (Marine Safety Manual, Vol. II)
(c) CIM 16000.9 (Marine Safety Manual Vol. IV)

1. Purpose. The purpose of this policy letter is to provide clarification on the issuance of single voyage load line authorizations, particularly regarding what is meant by the term "exceptional circumstances" as used in ref (a).

2. Action. Sector Commanders and OCMI's shall ensure compliance with the provisions of this policy letter and bring this policy to the attention of appropriate individuals within the marine industry.

3. Directives Affected. None.

4. Background.

- a. Ref (a) provides that a vessel that does not usually engage on domestic voyages by sea but that, in exceptional circumstances, is required to undertake a single such voyage between two ports is –
 - i. Subject to 46 U.S.C. 5101-5116 and the applicable regulations of this subchapter; and
 - ii. Issued a single voyage load line authorization by the Commandant that states the conditions under which the voyage may be made and any additional safety measures required for a single voyage.
- b. As originally written in 1969, the "single voyage" authorization did not have the "exceptional circumstance" language; this phrase was added in 1973 without any explanation or discussion as to what constituted "exceptional circumstances."
- c. The Coast Guard Authorization Act of 1993 (Pub. L. 103-206) provided, in part, that certain unmanned seagoing barges are exempt from inspection. This was done with the understanding that the Coast Guard considered a load line "survey to be a sufficient safety check for these unmanned seagoing barges" (see Senate Report No. 103-198).

5. Discussion.

- a. At present, despite extensive guidance in both references (b) and (c), units are not employing use of the single voyage load line authorization in a consistent manner nationally. Additionally, over time, the use of the single voyage load line authorization has become commonplace and, in many cases, it has been used for vessels that should have been required to obtain a load line or, at a minimum, a “provisional” load line.
- b. At the heart of the matter is the lack of guidance as to what constitutes “exceptional circumstances.” This need not be the case. Back in 1962, and again in 1975, the (then) Chief Counsel provided four examples of “exceptional circumstances” to the (then) Chief of Merchant Marine Safety but it appears these examples were not incorporated into policy. After discussions with both the Office of Maritime and International Law (CG-0941) and the Office of Commercial Regulations and Standards, Naval Architecture Division (CG-5212), we identified an additional example (for a total of five) to clarify the meaning of “exceptional circumstances” as it pertains to the issuance of single voyage load line authorizations:
 - i. Where the owner changes the location of his or her business operations, and desires merely to move his or her craft to the new base of operations and not in fulfillment of any contract;
 - ii. Where the owner sells his or her business or one of his or her vessels to another and it is necessary to move the vessel or vessels to the location specified by the new owner;
 - iii. Where a voyage is necessary to deliver a new vessel to its owner at a port other than where the craft was constructed;
 - iv. Where a voyage is made to another port for the purpose of making repairs or alterations; and
 - v. Where a vessel that is not otherwise subject to the load line provision (because it operates exclusively inside the Boundary Line) must make a single transit outside the Boundary Line to reach a new location for operations exclusively inside the Boundary Line.
- c. Because this clarification will likely result in a change in the issuance of single voyage load line authorizations, I urge each Sector Commander and OCMI to take steps to inform the public and the marine industry of this policy. My office will take steps to engage the various associations that would be affected by this change including the American Waterways Operators and Dredging Contractors of America.
- d. This clarification of “exceptional circumstances” does not change the applicability of load line regulations for types of vessels that are currently exempt from such requirements (such as a small passenger vessel on a domestic voyage). Sectors and OCMI's are urged to consult 46 U.S.C. 5102 for applicability of load lines as the regulations found in 46 CFR Subchapter “E” are not current with regard to applicability. We anticipate that this

clarification will primarily affect barges and some dredges that operate beyond the Boundary Line.

- e. To facilitate dissemination of this clarification, both internally and externally, I have enclosed a two-page quick reference that discusses issuance of both certificates of inspection and single voyage load line authorizations.
- f. A table of required load lines for U.S. vessels can be found as Figure 1-1 on page 1-3 in CG-5212's Load Line Policy Notes. Currently, this document can be found online at: <http://www.uscg.mil/hq/cg5/cg5212/docs/LLPN.pdf>. It provides appropriate load line types for international voyages, domestic voyages, Great Lakes voyages, and other types of voyages and for certain routes encompassed by those voyages.

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Enclosure: COI and Load Line or Draft / Voyage Requirements for Certain Vessels

Distribution: All Area/District (p) offices
All Sectors/MSUs/MSDs

COI and Load Line or Draft / Voyage Requirements for Certain Vessels

Vessel service See note 1.	Vessel Particulars	COI needed / cite	Load Line needed / cite	Draft / Voyage Requirements needed / cite
Seagoing barge See note 2.	Barge of 150 grt / 79' or more; Unmanned and No Haz Mat or Oil or Flam. / Combustible carried.	N/A 46 USC 3302	YES 46 USC 5102	N/A (Issued load line)
Seagoing barge See note 2.	Barge of 150 grt / 79' or more; Manned or Carrying Haz Mat or Oil or Flammable / Combustible.	YES 46 USC 3301 & 3302	YES 46 USC 5102	N/A (Issued load line)
Non-seagoing barge See note 3.	Barge of 150 grt / 79' or more; Change of Employment (COE) (part of trip is beyond Boundary Line) Unmanned and No Haz Mat or Oil carried.	N/A 46 USC 3302	N/A 46 USC 5102	YES MSM Vol. II, Page B4-30 and Vol. IV, pgs 6-92 & 6-94
Non-seagoing barge See note 3.	Barge of 150 grt / 79' or more; COE (part of trip is beyond Boundary Line); Manned or Carrying Haz Mat or oil	YES 46 USC 3301 & 3302	N/A 46 USC 5102	YES MSM Vol. II, Page B4-30 and Vol. IV, pgs 6-92 & 6-94
Seagoing motor vessel See note 2.	Vsl 300 grt or more; 79' or more.	YES 46 USC 3301	YES 46 USC 5102	N/A (Issued load line)
Non-seagoing motor vessel See note 3.	Vsl 300 grt or more; 79' or more; COE (part of trip is beyond Boundary Line)	YES 46 USC 3301	N/A 46 USC 5102	YES MSM Vol. IV, pages 6-92 & 6-94
Non-seagoing motor vessel See note 3.	Vessel less than 300 grt but greater 150 grt or 79' or more; COE (part of trip is beyond Boundary Line).	N/A 46 USC 3301	N/A 46 USC 5102	YES MSM Vol. IV, pages 6-92 & 6-94
Non-seagoing motor vessel	Vessel less than 150 grt or less than 79'; COE (part of trip beyond Boundary Line).	N/A 46 USC 3301	N/A 46 USC 5102	N/A (Not issued load line)

NOTES:

1. All vessels in this table are commercial vessels conducting domestic voyages.
2. "Seagoing" means voyages beyond the boundary line in the course of normal employment.
3. "Non-seagoing" means the vessel cannot operate beyond the Boundary Line without CG authorization.
4. Acceptable types of load lines for a given voyage can be found in Figure 1-1, Load Line Policy Notes.

COI and Load Line or Draft / Voyage Requirements for Certain Vessels

“Change of Employment” may necessitate issuance of a Certificate of Inspection. Issuance of a COI depends upon several case-specific circumstances:

- (1) Will the vessel cross the Boundary Line during the course of the voyage?
 - i. If no, then a COI is not needed.
 - ii. If yes, then go to question #2.
- (2) In crossing the Boundary Line, does the vessel now meet a definition of one of the vessels identified for inspection for certification in 46 USC 3301 (e.g., seagoing motor vessel)?
 - i. If no, then a COI is not needed.
 - ii. If yes, then a COI is needed.

A “positioning voyage” may necessitate issuance of a Load Line or draft limitations or other “specific voyage requirements” to provide for the safety of vessel as it moves from one operating location to another. It also depends upon case-specific circumstances.

- (1) Barges that regularly move along the coast under normal operations or the routine employment of the vessel require a Load Line. Vessels that routinely move from port-to-port to conduct business require a Load Line.
- (2) Vessels that do not operate beyond the Boundary Line (such as a “non-seagoing barge or motor vessel”), but due to “exceptional circumstances” (see below) must voyage beyond the Boundary Line, do not require a Load Line but may be required to meet specific voyage requirements (such as draft limitations).

46 CFR 42.03-30(f) “exceptional circumstances” where a voyage is not under normal operations include:

- (1) Where the owner changes the location of his business operations, and she/he desires merely to move his craft to the new base of operations and not in fulfillment of any contract;
- (2) Where the owner sells her/his business or one of her/his vessels to another and it is necessary to move the vessel or vessels to the location specified by the new owner;
- (3) Where the voyage is necessary to deliver a new vessel to its owner at a port other than where the craft was constructed; and
- (4) Where a voyage is made to another port for the purpose of making repairs or alterations.
- (5) Where a vessel that is not otherwise subject to the load line provision (because it operates exclusively inside the Boundary Line) must make a single transit outside the Boundary Line to reach a new location for operations exclusively inside the Boundary Line.

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MSM Volume IV excerpt (6.F.3.c.(2); pages 6-92 and 6-94):

Issuance of Coastwise / Great Lakes Single Voyage Load Line Authorization Letter.

“For a vessel that does not normally engage in coastwise or Great Lakes voyages, which must make a single voyage for delivery, change in employment, or drydocking, the OCMI may issue a single-voyage load line authorization in accordance with 46 CFR 42.03-30(f) (emphasis added). This authorization should take the form of a Coastwise Load Line Certificate, with the conditions under which the voyage may be made stated on the front including a statement specifying the ports of departure and arrival (emphasis added). Normally, the vessel should not be permitted to carry passengers or cargo. The extent of the survey required to issue a single voyage Load Line Certificate should be limited to that necessary to ensure that the vessel will make the voyage safely, and need not follow the exact survey requirements found in 46 CFR, Subchapter E (emphasis added). Nevertheless, the OCMI should be guided by the general elements of seaworthiness found in the regulations. Any specific requirements for the voyage should be listed on the certificate. Figure 6-23 provides a sample single-voyage Coastwise Load Line Certificate.”

MSM Volume II excerpt (4.E.4.d; page B4-30):

4. Non-self-propelled Harbor Dredges and Barges; Change Places of Employment.

d. Load Lines.

“See Volume IV of this manual. When such vessels are not required to have a load line, the inspector shall ensure that there are adequate closures to maintain watertight integrity for the duration of the voyage. Draft limitations may be imposed as a prerequisite to obtaining a COI if the OCMI judges them to be necessary for the safety of life and property. Non-self-propelled dredges may carry spare parts for their own machinery without having them considered as cargo, if the OCMI judges the quantity and weight of such spare parts to be reasonable.”