

INDEX

4287

TO REGULATE NAVIGATION IN THE PORT OF SAN JUAN

		PAGE
Section 1	Legal Authority	1
Section 2	Short Title	1
Section 3	Definitions	1 - 3
Section 4	Scope	3
Section 5	Purpose	3 - 4
Section 6	Administration	4
Section 7	Delegation of Power	4
Section 8	Monitoring of Vessel Movements	4 - 5
Section 9	Clearance	5
Section 10	Approach to the port	5
Section 11	Docking or Anchoring Permit	5 - 6
Section 12	Vessel Bridge - to - Bridge Radiotelephone Regulations	6 - 8
Section 13	Port Operations and Commercial Radio Telephone - (Inter-Ship and to Coast Regulations	8 - 9
Section 14	Colregs Demarcation Lines	9
Section 15	Overloaded Vessels or Without Load Lines	10
Section 16	Identification of Vessel	10 - 11
Section 17	Responsibilities Assumed upon Entrance to Port	11
Section 18	Closing of Port and Restrictions to Navigation	11
Section 19	Speed	11
Section 20	Anchoring and Docking Prohibited in Certain Areas	12
Section 21	Person in Charge of the Vessel	12

FOR OFFICIAL USE
NO FEES COLLECTED

TO REGULATE NAVIGATION IN THE PORT OF SAN JUAN

Section 22	Change or Shift of Vessel	12
Section 23	Obstruction to Traffic Prohibited	12
Section 24	Report of Collision or Accident	12 - 13
Section 25	Removal of Sunken or Abandoned Vessels	13 - 14
Section 26	Control over Traffic of Vessels and Temporary Measures	14
Section 27	Penalties for Violation of these Regulations	14 - 15
Section 28	Administrative Fines	15
Section 29	Publication	15
Section 30	Repeal clause	15
Section 31	Separability and Amendments	15 - 16
Section 32	Effectiveness	16

NO FEE FOR OFFICIAL USE
COPIES COLLECTED

No. 4287
December 2 1992 2:30 p.m.
Date: SALVADOR M. PADILLA, Ph.D.
Approved: Secretary of State
By: Assistant Secretary of State

COMMONWEALTH OF PUERTO RICO
PUERTO RICO PORTS AUTHORITY

REGULATIONS NO.

TO REGULATE NAVIGATION
IN THE PORT OF SAN JUAN

Section 1. Legal Authority

The Board of Directors of the Puerto Rico Ports Authority approves these Regulations for the Puerto Rico Ports Authority, pursuant to the authority conferred upon it by the following Acts: Dock and Harbor Act of Puerto Rico of 1968 (Act No. 151 of June 28, 1968, as amended, 23 LPRA sec. 2101 et.seq.); the Puerto Rico Ports Authority Act (Act No. 125 of May 7, 1942, as amended, 23 LPRA sec. 331 et.seq.); and by Act No. 65 of August 17, 1989.

Section 2. Short Title

These regulations shall be known and may be cited as "Regulations Relating to Navigation in the Port of San Juan."

Section 3. Definitions

For the purposes of these regulations the following terms shall have the meaning hereinafter stated, and the use of the term in the singular shall include the plural, and vice versa:

- (a) "Dock and Harbor Act" means the Dock and Harbor Act of Puerto Rico of 1968, Act No. 151, of June 28, 1951.
- (b) "Puerto Rico Ports Authority Act" means the Puerto Rico Ports Authority Act, Act No. 125 of May 7, 1942, as amended.
- (c) "Board of Directors shall mean the Board of Directors of the Puerto Rico Ports Authority in accordance with the provisions of Article 4 of Act 65 of August 17, 1989.

- (d) "Director" means the Executive Director of the Puerto Rico Ports Authority in accordance with the Puerto Rico Ports Authority Act as amended by Act No. 65 of August 17, 1989.
- (e) "The Authority" means the Puerto Rico Ports Authority in accordance with the Puerto Rico Ports Authority Act, as amended by Act 65 of August 17, 1989.
- (f) "Port", unless otherwise provided, shall mean the "Port of San Juan", including the waters within the bay of San Juan, its terrestrial maritime zone and its port facilities.
- (g) "Unmanned Barges" shall mean barges registered under the authority of the United States Coast Guard, and classified by the American Bureau of Shipping, or any other foreign or domestic, recognized classification society, that has issued documents registering or classifying the barge as unmanned.
- (h) "Pilot Advisory Board" shall mean the advisory board designated by the Director in conformity with the provisions of Regulations Number , approved by the Board of Directors for the regulation of pilot service in the ports of Puerto Rico.
- (i) "Port Communications Center" means the communication center located on "Isla de Cabras", at one half mile west from the entrance of the port .
- (j) "Coast Guard Service" means the branch of the Armed Forces of the United States in accordance with Title 14, Part II, Section 701 of U.S.C.A.
- (k) "Puerto Rico", "Ship" "Vessel", "Navigable Waters of Puerto Rico", "Dock", "Navigation", "Terrestrial Maritime Zone", "Person", "Ship Owner", "Ship Captain", "Agent", "Port Pilot", and "Pilot Service" shall have the same meaning as that appearing in Article 1, Section 1.03 of the Dock and Harbor Act.

The terms "Ship and Vessel" shall include the ship's owner, her captain and the agent of any or both of them. The term "Dock" shall include the term "Port Facilities", and vice versa, both having the same meaning.

Section 4. Scope

These regulations shall apply to the Port of San Juan, as this term is defined in Section 3 (f) above, and to the navigable waters of Puerto Rico located north of the Port of San Juan, but the laws of the United States which have been enacted for the protection and improvement of the navigable waters and the preservation of the interests of navigation and commerce, and which are applicable in Puerto Rico, are not affected hereby.

Section 5. Purpose

The purpose of these regulations is to monitor the traffic of vessels entering, leaving or moving within the Port of San Juan in order to:

- (a) Prevent or minimize deaths, personal injuries, and property loss or damage associated with vessels engaged in commercial, pleasure, scientific, or exploratory activities and prevent damage to shore facilities and marine environment;
- (b) Safeguard the port facilities, vessels, persons, and property in the vicinity of the port, from accidental or intentional destruction, damage, loss, or injury;
- (c) Protect the navigable waters and adjacent shore area of the port and adjacent natural resources from environmental harm;
- (d) Prevent pollution of the marine environment resulting from accidental or intentional discharges of oil, hazardous substances, dredged spoils, sewage and waste from vessels; and

- (e) Protect and promote navigation, commerce, general prosperity and welfare.

Section 6. Administration

The Authority shall be in charge of the execution and administration of these regulations. For this purpose, the Director shall have the powers and exercise the duties which may be necessary in accordance with their provisions.

Section 7. Delegation of Powers

The Director may delegate and assign to the Pilot Advisory Board, and to officers and employees of the Authority, the powers and duties conferred upon him by these regulations, except as otherwise herein provided, or prohibited by law.

Section 8. Monitoring of Vessel Movements

- (a) The Authority shall maintain continuous communication with vessels entering or leaving port. The Port Communications Center of the Port of San Juan is hereby directed to coordinate all vessel movements with the pilot on duty. To this end, the Authority shall maintain day and night port communications service or services such as radiotelephone communication in the English language, to coordinate the movement of vessels entering or leaving port.
- (b) The radiotelephone communication established in this section shall be compulsory for all vessels who, due to their draft, can navigate only within a channel or fairway.
- (c) All vessels equipped with radiotelephone, when approaching to enter the port shall, at a safe distance not less than 3 miles north of the sea buoy, use the call and reply VHF-FM Channel 16 (156.800 MHZ) and the working Channel 14 (156.700 MHZ) to call the Port Communications Center and obtain clearance to proceed inside the harbor.

- (d) Vessels ready to leave their berths and proceed out to sea or to shift berths, prior to getting underway, shall call the Port Communications Center on the regular call and reply channel, then switch over to the working channel to obtain clearance to depart.
- (e) All vessels, particularly tugs with a tow, are cautioned to closely follow the procedure provided in the above items (c) and (d).
- (f) The communication system established in this section shall take effect on the date designated for such purpose by the Director, who shall fix the same after the expiration of at least thirty (30) days from the date on which notice of it is given through "Notice to Mariners" served by the Coast Guard, and, whenever possible, directly to the owners and agents of vessels with offices in Puerto Rico.

Section 9. Clearance

- (a) No vessel covered by Section 8 of these regulations may enter or leave the port until she has received the clearance signal, as provided in said section.
- (b) The Port Communications Center shall give clearance to the nearest inbound vessel unless a vessel showing a distress signal is in sight. Passenger vessels shall have preference over other vessels.

Section 10. Approach to the port

Every vessel covered by Section 8 of these regulations and intending to enter the port shall approach it keeping herself three miles seaward of buoy number one, and shall not approach to a lesser distance until the San Juan Port Communications Center has given her permission to enter port.

Section 11. Docking or Anchoring Permit

- (a) No vessel covered by Section 8 of these regulations shall enter or approach the port at a distance less

than three miles outside buoy number one if the vessel or her agent lacks a docking or an anchoring permit (as required under 33 C.F.R. 110.240) the former issued by the Authority, and the latter issued by the Authority and the Coast Guard, except as provided in paragraph (b) below.

- (b) The Port Communications Center shall not give clearance to any vessel not having either one of such two permits, except in cases of emergency where otherwise the safety of the vessel or persons aboard may be endangered.
- (c) All vessels of five hundred (500) gross tons or less may enter the port without having a docking permit or anchoring permit and may proceed to the anchoring area designated in the nautical chart of the port, or to the berths designated by the Authority for said vessels. The Director shall inform about the designation of these berths by means of a "Notice to Mariners" served through the Coast Guard and, whenever possible, directly to the owners and agents of vessels with offices in Puerto Rico.
- (d) This section shall not apply to vessels owned or operated by the U.S. Government entering the port for the exclusive service of said U.S. Government.

Section 12. Vessel Bridge-to-Bridge Radiotelephone
Regulations

- (a) The purpose of this section is to implement the provisions of the vessels Bridge-to-Bridge Radiotelephone Act (Part 26, Title 33, Code of Federal Regulations). This part requires the use of the vessel bridge-to-bridge radiotelephone on the designated frequency (156.650 MHZ Channel 13) to transmit and confirm, when necessary, the intentions of vessels. The Federal Communications Commission's

FOR OFFICIAL USE
NO FEE COLLECTED

regulations limit the transmitter power for VHF-FM to 25 watts for vessels, and also requires the capability to reduce transmitter power to no more than one watt for short range communications (Port of San Juan and approaches).

- (b) The Port Communications Center shall request and receive all information of an operational nature in VHF Channel 14, exclusively, before clearing a vessel to enter or leave port.
- (c) The Port Communications Center shall remind the master or person in charge of piloting or directing the movement of a vessel, of the requirements of the Vessel Bridge-to-Bridge Radiotelephone Act after clearing the vessels to enter or depart the port. To that end, the following statement shall be transmitted on Channel 14 by the Port Communications Center:

"NAME OF VESSEL". "You are reminded to use the vessel bridge-to-bridge radiotelephone to transmit and confirm the intentions of your vessel and any other information necessary for safe navigation. The frequency designated for the use of bridge-to-bridge radiotelephone stations is Channel 13".

- (d) Prior to commencing a movement, the person directing the movement of a vessel shall make a security broadcast to advise mariners of the intended transit, whether inbound, outbound or shifting berths in the harbor.
- (e) The security broadcast, beginning with the word SECURITY (repeated three times) shall be transmitted on the designated frequency (Channel 13). The security broadcast usually includes the following:
 1. The Safety Signal "SECURITY" (repeated three times).

2. The words ALL STATIONS (spoken once).
3. The words THIS IS (spoken once).
4. The safety message stating intentions of the vessel.
5. Repeat the Radio Call Sign.
6. The word OUT.

Example:

"SECURITY - SECURITY - SECURITY - ALL STATIONS-
THIS IS - BLUE DUCK - WA 1234
PROCEEDING INBOUND SAN JUAN HARBOR
WA 1234 - OUT".

Section 13. Port Operations and Commercial Radio
Telephone (Inter-Ship and Ship to Coast)
Regulations

The purpose of this section is to include a listing of frequencies available and an explanation of the use of the various channels, with suggestions on the selection of channels for commercial vessels. Caution must be exercised in using channels in accordance with their authorized purposes as set out in the following table:

CHANNEL

NUMBER

INTENDED USE

- | | |
|-----|---|
| 6 | INTERSHIP SAFETY. Required for all VHF-FM equipped vessels. Must not be used for non-safety communications. |
| 7 A | COMMERCIAL SAFETY (INTERSHIP AND SHIP-TO-COAST). A working channel for commercial vessels to fulfill a wide scope of business and operational needs, such as communications to and from pilots docking ships. |
| 8 | COMMERCIAL (INTERSHIP). Same as Channel 7 A except limited to intership communications. |
| 9 | COMMERCIAL AND NON-COMMERCIAL (Intership and ship-to-Coast). Same as Channel 7 A. |

- 10 COMMERCIAL (INTERSHIP AND SHIP-TO-SHIP-COAST).
Same as Channel 7 A.
- 11 COMMERCIAL (INTERSHIP AND SHIP-TO-COAST). Same
as Channel 7 A.
- 13 NAVIGATIONAL (SHIP'S) BRIDGE TO (SHIP'S)
BRIDGE.
- 14 PORT OPERATIONS (INTERSHIP AND SHIP-TO-COAST).
Port traffic monitor advisory channel.
- 16 DISTRESS, SAFETY AND CALLING (INTERSHIP AND
SHIP-TO-COAST).
- 18 A COMMERCIAL (INTERSHIP AND SHIP-TO-COAST). Same
as Channel 7 A.
- 19 A COMMERCIAL (INTERSHIP AND SHIP-TO-COAST). Same
as Channel 7 A.
- 22 A COAST GUARD LIAISON. Used for communications
with U.S. Coast Guard after first establishing
communications on Channel 16.

The Federal Communications Commission regulations limiting
transmitter power shall apply.

Section 14. COLREGS Demarcation Lines

- (a) The purpose of this section is to implement the
provisions of Part 80, Title 33, Code of Federal
Regulations. The regulations in this section estab-
lish the line of demarcation delineating those
waters upon which mariners shall comply with the
International Regulations for Preventing Collisions
at Sea, 1972 (72 COLREGS) and those waters upon
which mariners shall comply with the Inland Naviga-
tion Rules.
- (b) The line of demarcation for the port of San Juan is
the waters inside of a line drawn from Puerto San
Juan Light Harbor to Cabras Island Light across the
entrance of San Juan Harbor. The waters within this
line are governed by the Inland Rules.

Section 15. Overloaded Vessels or Without Load Lines

- (a) No overloaded vessel, or vessel lacking the load line marks required by the laws of the United States or the International Load Line Convention, shall enter or approach the port less than three miles seaward of buoy number one.
- (b) Whenever the Authority may have reason to believe that a vessel has entered the port overloaded or loaded in violation of the laws of the United States or of the International Load Line Convention, in a manner that her movement constitutes a serious danger to the safety of the port, it shall immediately detain her, giving written notice to the captain of the vessel, to the Coast Guard Captain of the Port and to U.S. Customs; said detention order shall remain in effect until set aside by the U.S. Coast Guard.

Section 16. Identification of Vessel

- (a) Every vessel approaching the port, shall do so in compliance with Section 10, and shall identify herself and request from the Port Communications Center a port Pilot, if not previously requested, and the vessel is bound to take such pilot pursuant to the Act or, if not so bound, may request and take a port pilot whenever she desires to receive such service.
- (b) The identification of the vessel and the request for a pilot shall be done by radio or using the International Code of Signals. In the latter case, the pilot shall be requested by displaying the letter "G".
- (c) Except under extraordinary conditions, the Port Communications Center will not give a signal nor message of a ship's entrance or departure unless

said vessels have a pilot aboard in accordance with the guidelines established in the Regulations to Regulate Pilot Service in the Ports of Puerto Rico.

Section 17. Responsibilities Assumed upon Entrance to Port

The entrance to the port shall constitute an acceptance of the provisions of these regulations and shall evidence that the vessel represents having complied with their provisions and assumed the obligation to comply with them and to abide by the Dock and Harbor Act and any other regulations applicable thereto, as well as with the responsibility for paying the pilot fees, tariffs, fees, rents and other charges and fines which may be applicable pursuant to the Dock and Harbor Act and applicable regulations.

Section 18. Closing of Port and Restrictions to Navigation

- (a) The Director may order the temporary closing of the port for the entrance and departure of vessels whenever, in his judgment, the safety of vessels and of the port so require. To that same end he may also temporarily prohibit or restrict the navigation within the port or the use of its facilities. The Director may not delegate the powers herein conferred upon him, except in cases of extreme emergencies when immediate action is required.
- (b) The Director shall give notice of the orders issued under paragraph (a) of this section by means of Coast Guard "Notice to Mariners" and, if possible, directly to the owners and agents of vessels with an office in Puerto Rico.

Section 19. Speed

Every vessel shall at all times navigate at a safe speed in accordance with the circumstances in order to prevent risk of damage to other vessels or to the port facilities.

Section 20. Anchoring and Docking Prohibited in
Certain Areas

No vessel shall be anchored in the fairways channels or turning basins of the port, nor land at a dock which has not been assigned to her, except in cases of extreme emergency.

Section 21. Person in Charge of the Vessel

While in the port, every vessel shall at all times have on board a person in charge and enough crew for the protection of the vessel and prevention of damages to other vessels and to the port facilities.

When an unmanned barge is coming within the confines of the Port of San Juan, and the provisions of these regulations govern its navigation, the Master of the tug towing said barge, upon arrival in the Port, shall notify the Authority of its presence. During the whole period of time that the barge remains within the confines of the Port of San Juan, should any emergency arise concerning said barge, it shall be the responsibility of the tug to protect the barge and prevent damage to other vessels and port facilities.

Section 22. Change or Shift of Vessel

No ship anchored or docked in the port may move, change or shift its position without a previous permit of the Authority, except in cases of emergency.

Section 23. Obstruction to Traffic Prohibited

No vessel shall anchor, dock or proceed at any moment in such a manner as to obstruct traffic in the port, or the signals for guiding or monitoring such traffic.

Section 24. Report of Collision or Accident

(a) The captain, or the pilot, or the person directing the movements of the vessel, on board of any vessel which runs aground or has a collision with another vessel, or with a dock, shall immediately give an oral notice to the Port Communications Center, and submit to the Director a written report on the collision or accident.

In the event of a minor collision where no repairs are involved and the ship is sailing out to continue the trip, the captain may send said notice by mail from the next port at which the vessel calls.

- (b) The duty imposed in paragraph (a) of this section on the pilot, or person directing the movements of the vessel, to give such notice, is in addition to the same duty also imposed on the captain of the vessel. When the captain also acts as pilot, he will have to submit only one written notice, reporting such fact.

Section 25. Removal of Sunken or Abandoned Vessels

- (a) Every vessel sunken, grounded or abandoned at the entrance of the port, or within the port, shall be removed by her owner, captain or agent. If she is not so removed within the reasonable time set forth in a written notice given by the Director to the owner, captain or agent of the ship, or by affixing said notice to the vessel or by serving it through the United States Coast Guard's "Notice to Mariners", and if none of aforesaid persons is found, the Authority may remove the vessel at the owner's expense.
- (b) Without impairing the right of the Authority to collect by other means the cost of the removal of the vessel, it may recover said cost by the exercise of a maritime lien authorized for this purpose and seizing the ship, and selling her at public auction, as provided in Section 5.17 of the Dock and Harbor Act. To such end the Director shall give notice of the seizure and of the sale at public auction, in the manner provided in paragraph (a) above, and also by publishing a notice to such effect, in at least one newspaper of general circulation in Puerto Rico. The notice shall state the date, time and place of

the auction and the name of the person representing the Authority who shall carry out such auction.

- (c) The Authority shall collect, out of the proceeds of the auction, any amounts due to it by the ship under the provisions of the Dock and Harbor Act and its regulations, and the expenses incurred in the removal of the ship and resulting from the procedure of the sale at public auction. The surplus, if any, shall be delivered to the person entitled to receive it.

Section 26. Control over Traffic of Vessels and Temporary Measures

The Authority shall at all times monitor and direct the traffic of vessels in the port entering or leaving it, and shall issue and enforce such legal temporary measures which may be reasonable under the circumstances in order to prevent substantial damages or serious interruptions to navigation, commerce or traffic in the port.

Section 27. Penalties for Violation of these Regulations

- (a) Pursuant to the provisions of Article 8 of the Dock and Harbor Act and Sections 3.02, 4.08, 5.03 and 6.05 thereof, every person violating any of said sections when infringing upon these Regulations, shall be guilty of a misdemeanor for each violation, punishable by imprisonment for a maximum term of six (6) months, or a maximum fine of five hundred (\$500) dollars, or both penalties.
- (b) Pursuant to the provisions of Article 8 of the Dock and Harbor Act and of Section 4.18 thereof, every captain of a vessel who violates said section when infringing upon these Regulations, shall be guilty of a misdemeanor for each violation punishable by imprisonment for a maximum term of six (6) months,

or a maximum fine of five hundred (\$500) dollars, or both penalties.

Section 28. Administrative Fines

The Authority shall levy and collect on each vessel or person violating these Regulations an administrative fine of not less than one hundred (\$100.00) dollars nor more than one (\$1,000.00) dollars, for each violation, which shall be fixed according to the seriousness of the violation and previous offenses, if any. The owner of the vessel, her captain and the agent of any of them, shall be jointly liable for the payment of every administrative fine levied on the vessel under these regulations.

Section 29. Publication

The Director shall have these Regulations printed and published in the manner he may deem proper in order to expedite their divulgation and compliance, in addition to the manner established in Act No. 170 of August 12, 1988, as amended, known as the "Commonwealth of Puerto Rico Uniform Administrative Procedure Act".

Section 30. Repeal clause

Upon taking effect, these regulations will supersede all of the provisions of Regulations No. 2 approved on July 8, 1971 by the Board of Directors of the Puerto Rico Ports Authority. Any other regulation contrary to what is hereby established is also expressly repealed.

Section 31. Separability and Amendments

- (a) If any rule, paragraph, clause, section or portion of a rule of these Regulations is held unconstitutional or void by a court of competent jurisdiction, said judgement will not affect, damage or annul the remainder of these rules nor the rule to which said paragraph, clause, section or portion thereof corresponds, but said effects will be limited to the

rule, paragraph, clause, section or part of the rule so declared.

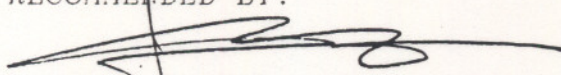
- (b) Any section of these regulations may be amended or repealed and additional provisions may be adopted following corresponding procedures of law.

Section 32. Effectiveness

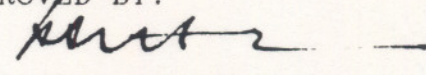
These Regulations shall take effect thirty (30) days after they are filed with the office of the Secretary of State, in accordance with the Commonwealth of Puerto Rico Uniform Administrative Procedure Act, Act No. 170 of August 12, 1988, as amended.

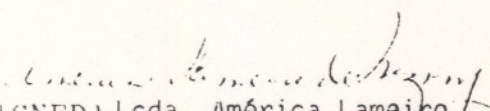
Approved by the Board of Directors this day of
November 18, 1992

RECOMMENDED BY:


(SIGNED) José A. Buitrago
Executive Director

APPROVED BY:


(SIGNED) Hermenegildo Ortiz
President
Board of Directors


(SIGNED) Lcda. América Lameiro
Assistant Secretary
Board of Directors