



Recommendations to Enhance and Improve Safety for All Users of the Chicago River

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After several years of extensive dialogue with Chicago Harbor Safety Committee (CHSC) stakeholders, waterway users and governmental authorities, comprehensive research, observation and assessment of the Chicago River and its users, the CHSC Board of Directors has identified and developed recommendations that will improve operational safety and promote and sustain the goals of marine safety for all users of the Chicago River.

These recommendations are provided to assist users of the navigable waters in the Chicago harbor and river system as best practices. They do not affect applicable laws or regulations. All vessel operators remain obligated to familiarize themselves with and follow applicable laws and regulations as they are in force at the time the vessel is operated. The Chicago Harbor Safety Committee provides references to laws and regulations as a convenience and does not provide legal advice.

ALL VESSELS/GENERAL

Rules and Regulations

- All vessels should displace a minimum wake at all times where practicable (with the exception of responding to an emergency) and shall comply with 10-40-261 of the Municipal Code of Chicago¹
- All vessel operators shall comply with U.S. Coast Guard (USCG) Navigation Rules-Inland²
 - All vessels shall so far as practicable avoid crossing traffic lanes, but if obliged to do so shall cross as nearly as practicable at right angles to the general direction of traffic flow
 - No vessel shall overtake another vessel unless acknowledged and confirmed by VHF marine radio or whistle signal
- All vessels must carry at least one USCG-approved Type I, II or III PFD for each person on board and must be of the appropriate size of the wearer³

¹ City of Chicago, *Municipal Code of Chicago Restrictions on Wake of Vessels* (Added Coun. J. 12-10-97, p.59008; Amend Coun. J. 7-29-98, p. 75119; Amend Coun. J. 11-8-12, p. 38872, § 193), <http://chicagocode.org/10-40-261>

² U.S. Department of Homeland Security, *USCG Navigation Rules International-Inland*, COMDTINST M16672.2D, <http://www.navcen.uscg.gov/pdf/navrules/navrules.pdf>

³State of Illinois, *Illinois Compiled Statutes (625 ILCS 45/)* *Boat Registration and Safety Act*, <http://ilga.gov/legislation/ilcs/ilcs4.asp?DocName=062500450HArt.+II&ActID=1826&ChapterID=49&SeqStart=700000&SeqEnd=1300000>

- Persons riding on the decking over the bow or stern, gunwale or tops of seat backs of a motorized vessel while underway unless within guard rails is prohibited ⁴
- All persons operating vessels shall comply with 46 USC §2302(a)⁵ (Monetary penalties are subject to Federal Civil Penalties Inflation Adjustment Act of 1990.) which states:
 - A person operating a vessel in a negligent manner or interfering with the safe operation of a vessel, so as to endanger the life, limb or property of a person is liable to the United States Government for a civil penalty of not more than \$5,000 in the case of a recreational vessel, or \$25,000 in the case of any other vessel.
- No person shall operate a vessel while under the influence of alcohol or a dangerous drug⁶
 - No person under the age of 21 shall be permitted to purchase or consume alcohol on board any vessel
 - Illegal drugs are prohibited on all vessels

Communications

- All businesses should establish a dedicated direct phone number to be shared with other businesses and waterway users
- All persons operating a vessel, or group leader in the case of a HPC group, should carry a VHF marine radio and understand its proper use including the following: monitoring channel 16; hailing a vessel on channel 16; switching to a working channel to converse; and accurate communication of security calls including name of vessel, group or company, location and direction
- Mobile devices should not be used by persons operating vessels while underway except in the event of an emergency

Navigation

- All vessels should keep clear of other vessels exiting and entering the Chicago Lock
- USACE Chicago Lock tenders should announce to inbound boaters that: *“In accordance with 10-40-261 of the Municipal Code of Chicago, the Chicago River is a no wake zone and is patrolled by the Chicago Police Marine Unit.”*

⁴ State of Illinois, *Illinois Compiled Statutes (625 ILCS 45/5-21) Boat Registration and Safety Act*, <http://www.ilga.gov/legislation/ilcs/documents/062500450K5-21.htm>

⁵ United States Government Publishing Office, *Code of Federal Regulations Title 46-Shipping Chapter 23 §2302*, <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title46/pdf/USCODE-2011-title46-subtitle11-partA-chap23-sec2302.pdf>

⁶ United States Government Publishing Office, *Code of Federal Regulations Title 33- Navigation and Navigable Waters Chapter I Subchapter F §95*, <http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=33:1.0.1.6.46>

Other

- Proposed new operations that may affect navigation should make a presentation to the Committee to be reviewed for safety concerns before submitting permit applications under the Regional Permit Program and the City of Chicago Harbor Permit Program
- Swimming should not be permitted in the Chicago River where there is commercial navigation

BAREBOAT CHARTERS

Rules and Regulations

- Entities conducting bareboat charter operations shall comply with the requirements of the Passenger Vessel Safety Act of 1993⁷
- All persons operating vessels shall comply with 46 USC §2302(a)⁸ (Monetary penalties are subject to Federal Civil Penalties Inflation Adjustment Act of 1990.) which states:

A person operating a vessel in a negligent manner or interfering with the safe operation of a vessel, so as to endanger the life, limb or property of a person is liable to the United States Government for a civil penalty of not more than \$5,000 in the case of a recreational vessel, or \$25,000 in the case of any other vessel.
- All vessels shall comply with 33 CFR Parts 175 thru 187⁹
- All vessels shall be in compliance with State of Illinois registration, licensing and inspection requirements in 625 ILCS 45¹⁰ and Administrative Rule 2080¹¹
- All vessels shall be in compliance with the Illinois Boat Registration and Safety Act 625 ILCS 45¹²
 - No person shall operate a vessel while under the influence of alcohol or a dangerous drug
 - Illegal drugs are prohibited on all vessels
 - All vessels must carry at least one USCG-approved Type I, II or III PFD for each person on board and must be of the appropriate size of the wearer

⁷ United States Coast Guard, *NVIC 7-94 Guidance on the Passenger Vessel Safety Act of 1993*, September 30, 1994, <http://www.uscg.mil/hq/cg5/nvic/pdf/1994/n7-94.pdf>

⁸ United States Government Publishing Office, *Code of Federal Regulations Title 46-Shipping Chapter 23 §2302*, <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title46/pdf/USCODE-2011-title46-subtitleII-partA-chap23-sec2302.pdf>

⁹United States Government Publishing Office, *Code of Federal Regulations Title 33- Navigation and Navigable Waters Chapter I Subchapter S §175-187*, <http://www.ecfr.gov/cgi-bin/text-idx?SID=1a91c0f98b72c6f86937e8240b27ec04&mc=true&tpl=/ecfrbrowse/Title33/33CISubchapS.tpl>

¹⁰State of Illinois, *Illinois Compiled Statutes (625 ILCS 45/) Boat Registration and Safety Act*, <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1826&ChapterID=49>

¹¹ State of Illinois, *17 Illinois Administrative Code Chapter I, Sec. 2080 Operation of Watercraft Carrying Passengers for Hire on Illinois Waters*, August 24, 2006, <https://www.dnr.illinois.gov/adrules/documents/17-2080.pdf>

¹² State of Illinois, *Illinois Compiled Statutes (625 ILCS 45/) Boat Registration and Safety Act*, <http://ilga.gov/legislation/ilcs/ilcs4.asp?DocName=062500450HArt.+II&ActID=1826&ChapterID=49&SeqStart=700000&SeqEnd=1300000>

- All children under the age of 13 must *wear* a PFD on vessels less than 26 feet in length when underway, unless they are below decks in an enclosed cabin
- Persons under the age of 10 may not operate any motorized vessel, including personal watercraft

Other

- Bareboat charters must be legally authorized by the USCG, Chicago Park District, City of Chicago and/or the Illinois Department of Natural Resources where applicable
- Documentation that there is a legal agreement between the charterer and the bareboat charter company should be made available to law enforcement entities upon request
- All vessels shall display appropriate Livery License and/or Boat Rental decal

COMMERCIAL VESSELS

Rules and Regulations

- Certain Commercial Towing Vessels shall comply with 46 CFR Parts 136 thru 144 (Subchapter M) where applicable (currently NPRM)¹³
- Credentialed mariners and crewmembers are subject to 46 CFR Part 16- Chemical Testing¹⁴ and 46 CFR Part 4, Subpart 4.06- Mandatory Chemical Testing Following Serious Marine Incidents Involving Vessels in Commercial Service¹⁵
- USCG inspected small passenger vessels shall be in compliance with 46 CFR Parts 90 thru 139 (Subchapter K); 46 CFR Parts 166 thru 199 (Subchapter T); or 46 CFR Parts 70 thru 89 (Subchapter H) where applicable¹⁶
- Certain vessels and facilities shall comply with the Maritime Transportation Security Act of 2002¹⁷ where applicable

¹³ U.S. Department of Homeland Security, *Federal Register*, Vol. 76, No. 155, August 11, 2011, <http://www.uscg.mil/hq/cg5/TVNCOE/Documents/SubM/NPRM.pdf>

¹⁴ United States Government Publishing Office, *Code of Federal Regulations Title 46-Shipping Chapter I Subchapter B §16 Chemical Testing*, <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr;sid=de2439b0a1fb0c273b34d232e95630f8;rgn=div5;view=text;node=46:1.0.1.2.16;idno=46;cc=ecfr>

¹⁵ United States Government Publishing Office, *Code of Federal Regulations Title 46-Shipping Chapter I Subchapter B §4.06 Mandatory Chemical Testing Following Serious Marine Incidents Involving Vessels in Commercial Service*, http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=46:1.0.1.1.4#sp46.1.4.4_106

¹⁶ United States Government Publishing Office, *Code of Federal Regulations Title 46-Shipping Chapter I Volumes 3, 4 and 7*, http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title46/46tab_02.tpl

¹⁷ U.S. Department of Homeland Security, *Maritime Transportation Security Act of 2002 Public Law 107-295*, November 25, 2002, <http://www.gpo.gov/fdsys/pkg/PLAW-107publ295/pdf/PLAW-107publ295.pdf>

- USCG inspected small passenger vessels shall be in compliance with State of Illinois registration, licensing and inspection requirements in 625 ILCS 45¹⁸ and Administrative Rule 2080¹⁹
- Uninspected commercial vessels shall be in compliance with State of Illinois registration, licensing and inspection requirements in 625 ILCS 45²⁰ and Administrative Rule 2080²¹ and 46 CFR Subchapter C Uninspected Vessels²²

Construction, Maintenance and Special Purpose Vessels

- Operators of construction, maintenance and special purpose vessels (tugs, hopper barges, platform barges, skiffs, jumbo tank barges, performance stages, recreational platforms and the like) shall obtain proper permits prior to locating vessels in the Chicago River when there may be an impact on navigation
- Proposed operations should work with the CHSC to determine safety concerns before submitting permit applications
- Any project or operation on the Chicago River should be listed in the USCG Ninth District Local Notice to Mariners
- Construction and maintenance vessels should not constrict the width of the Chicago River by more than 50% of the available width of the river or less than 100 feet accounting for bridge structures and dolphins. Projects are reviewed by the USCG on a case by case basis to determine navigational risk
- Operators of vessels used to move or maneuver barges at construction sites should monitor VHF channel 16 and make appropriate security call prior to any movement
- The operator of construction, maintenance or special purpose vessels for shore side projects that may have an impact on navigation should notify the CHSC prior to transiting or mooring in the Chicago River
- If the movement of a construction, maintenance or special purpose vessel will significantly impact navigation on the river, a Broadcast Notice to Mariners should be generated

¹⁸State of Illinois, *Illinois Compiled Statutes (625 ILCS 45/) Boat Registration and Safety Act*, <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1826&ChapterID=49>

¹⁹ State of Illinois, *17 Illinois Administrative Code Chapter I, Sec. 2080 Operation of Watercraft Carrying Passengers for Hire on Illinois Waters*, August 24, 2006, <https://www.dnr.illinois.gov/adrules/documents/17-2080.pdf>

²⁰State of Illinois, *Illinois Compiled Statutes (625 ILCS 45/) Boat Registration and Safety Act*, <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1826&ChapterID=49>

²¹ State of Illinois, *17 Illinois Administrative Code Chapter I, Sec. 2080 Operation of Watercraft Carrying Passengers for Hire on Illinois Waters*, August 24, 2006, <https://www.dnr.illinois.gov/adrules/documents/17-2080.pdf>

²² United States Government Publishing Office, *Code of Federal Regulations Title 46-Shipping Chapter I Subchapter C §24 Uninspected Vessels*, <https://www.gpo.gov/fdsys/pkg/CFR-2011-title46-vol1/pdf/CFR-2011-title46-vol1-chapI-subchapC.pdf>

- Construction companies should establish a dedicated direct phone number to be shared with other businesses and waterway users
- All projects that may affect marine navigation should coordinate with the CHSC before permits are issued
- A manned rescue boat should be used for any project on the waterway. Boat should not impede navigation.
- Permitting agencies should send a copy of permit the CHSC to be posted on the website
- Contractors should receive a copy of these guidelines

Other

- Small passenger vessels should maintain a following distance of approximately 200' where practicable, while underway

EMERGENCY RESPONSE

- USCG, Illinois Department of Natural Resources and Chicago Police & Fire Departments will work with the CHSC to create a list of areas accessible for emergency response throughout the Chicago River for all types of vessels
- A call for more proactive patrolling of the Chicago River
- All hourly rental operations should have a safety/rescue vessel at the ready to tend to their own disabled vessels or non-life threatening issues

HOURLY RENTALS- HUMAN-POWERED CRAFT (HPC)

Rules and Regulations

- All vessels shall be in compliance with State of Illinois registration, licensing and inspection requirements in 625 ILCS 45²³ and Administrative Rule 2080²⁴
- All vessels shall be in compliance with 33 CFR Parts 175 thru 187²⁵
- Each vessel engaged in hourly rental should prominently display company name and IDNR identification number (where applicable) on the port and starboard sides of the vessel.
- State-issued water usage stickers may be kept at the rental facility if they do not properly adhere to the vessel.

²³ State of Illinois, *Illinois Compiled Statutes (625 ILCS 45/)* Boat Registration and Safety Act, <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1826&ChapterID=49>

²⁴ State of Illinois, *17 Illinois Administrative Code Chapter I, Sec. 2080 Operation of Watercraft Carrying Passengers for Hire on Illinois Waters*, August 24, 2006, <https://www.dnr.illinois.gov/adrules/documents/17-2080.pdf>

²⁵ United States Government Publishing Office, *Code of Federal Regulations Title 33- Navigation and Navigable Waters Chapter I Subchapter S §175-187*, <http://www.ecfr.gov/cgi-bin/text-idx?SID=1a91c0f98b72c6f86937e8240b27ec04&mc=true&tpl=/ecfrbrowse/Title33/33CsubchapS.tpl>

- All vessels must carry at least one USCG-approved Type I, II or III PFD for each person on board and must be of the appropriate size of the wearer

Alcohol Use

- Alcohol should not be permitted on HPC rentals

Competency and Training

- All hourly HPC rental operations will work with CHSC to develop standardized training which shall be provided to renters, operators and staff
- All persons renting craft on an hourly basis should demonstrate operational competency of the vessel and equipment after receiving standardized training before being allowed to leave the immediate vicinity of the respective access point
- All HPC group leaders/guides should have a general understand of the proper use of the VHF marine radio including the following: monitoring channel 16; hailing a vessel on channel 16; switching to a working channel to converse; and accurate communication of security calls including name of vessel, group or company, location and direction
- Group leaders/guides of hourly HPC rental craft must know the designated safe crossing points, once established, on the Chicago River
- HPC group leader/guide should give a security call on the VHF marine radio channel 16 to request a safe crossing or passing of commercial passenger docks

Compliance

- All hourly renters of HPC should be directed to read, understand and agree to 46 USC§2302²⁶
- The following placard should be prominently displayed at the rental premises or written text should be included in rental waiver, by businesses renting HPC to the general public on an hourly basis, either to individuals or groups:

46 USC §2302(a) A person operating a vessel in a negligent manner or interfering with the safe operation of a vessel, so as to endanger the life, limb or property of a person is liable to the United States Government for a civil penalty of not more than \$5,000 in the case of a recreational vessel, or \$25,000 in the case of any other vessel.

²⁶ United States Government Publishing Office, *Code of Federal Regulations Title 46-Shipping Chapter 23 §2302*, <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title46/pdf/USCODE-2011-title46-subtitleII-partA-chap23-sec2302.pdf>

Navigation

- HPC rental operations should cap the number of vessels in a group or pod at 24 with a 6:1 vessel to leader/guide ratio. In the case of a special event which may require a deviation from the cap, the operator should notify all CHSC members in a timely manner
- It is critical that HPC rental group leaders/guides actively manage large groups and avoid long strings in front of boat docks
- Hourly HPC rentals should not use the Chicago Lock
- All hourly rental craft should stay to the far right side of the channel with the exception of high-traffic locations such as barge facilities, water taxi and tour boat docks, hourly rental craft facilities or marinas
- Hourly HPC rental operations should establish designated safe crossing points
- Hourly group HPC rentals should cross the river at designated crossing points unless another crossing point is agreed upon on the marine radio
- Hourly HPC rental group leaders/guides should keep group in as tight a formation as possible
- CHSC will work with USCG to establish local OCMI-approved standard navigational lighting for use on all HPC rentals operating at night

Operational

- HPC renters may not stop or linger in front of boat docks or access points. All HPC users stopping to rest must do so as far to the right as possible and away from boat docking points so as to not inhibit or interfere with other users of the waterway.
- No nighttime HPC individual rentals. Guided tours only.
- A weapons policy should be considered

HOURLY RENTALS- POWERED

Rules and Regulations

- Entities conducting hourly rental operations shall comply with the requirements of the Passenger Vessel Safety Act of 1993²⁷
- All hourly rental craft shall be in compliance with State of Illinois registration, licensing and inspection requirements in 625 ILCS 45²⁸ and Administrative Rule 2080²⁹

²⁷ United States Coast Guard, *NVIC 7-94 Guidance on the Passenger Vessel Safety Act of 1993*, September 30, 1994, <http://www.uscg.mil/hq/cg5/nvic/pdf/1994/n7-94.pdf>

²⁸ State of Illinois, *Illinois Compiled Statutes (625 ILCS 45/)* Boat Registration and Safety Act, <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1826&ChapterID=49>

²⁹ State of Illinois, *17 Illinois Administrative Code Chapter I, Sec. 2080 Operation of Watercraft Carrying Passengers for Hire on Illinois Waters*, August 24, 2006, <https://www.dnr.illinois.gov/adrules/documents/17-2080.pdf>

- Each vessel engaged in hourly rental should prominently display company name and IDNR identification number (where applicable) on the port and starboard sides of the vessel
- All persons operating vessels shall comply with 46 USC §2302(a)³⁰ (Monetary penalties are subject to Federal Civil Penalties Inflation Adjustment Act of 1990.) which states:
 - A person operating a vessel in a negligent manner or interfering with the safe operation of a vessel, so as to endanger the life, limb or property of a person is liable to the United States Government for a civil penalty of not more than \$5,000 in the case of a recreational vessel, or \$25,000 in the case of any other vessel.
- All vessels shall be in compliance with the Illinois Boat Registration and Safety Act 625 ILCS 45³¹
 - No person shall operate a vessel while under the influence of alcohol or a dangerous drug
 - Illegal drugs are prohibited on all vessels
 - All vessels must carry at least one USCG-approved Type I, II or III PFD for each person on board and must be of the appropriate size of the wearer
 - All children under the age of 13 must *wear* a PFD on vessels less than 26 feet in length when underway, unless they are below decks in an enclosed cabin
 - Persons under the age of 10 may not operate any motorized vessel, including personal watercraft
- All vessels shall be in compliance with 33 CFR Parts 175 thru 187³²

Alcohol Use

- Hard liquor should not be permitted on board hourly powered rental craft
- The renter/operator of a powered hourly rental craft shall be deemed the “designated driver” and shall not be permitted to consume alcohol while on board. The “designated driver” must wear an orange wristband identifying them as such.
- Beer and wine may be consumed by the “guests” of the renter however quantity should be limited to 2 beers per person per hour or 1/3 bottle of wine per person per hour

³⁰ United States Government Publishing Office, *Code of Federal Regulations Title 46-Shipping Chapter 23 §2302*, <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title46/pdf/USCODE-2011-title46-subtitleII-partA-chap23-sec2302.pdf>

³¹State of Illinois, *Illinois Compiled Statutes (625 ILCS 45/) Boat Registration and Safety Act*, <http://ilga.gov/legislation/ilcs/ilcs4.asp?DocName=062500450HArt.+II&ActID=1826&ChapterID=49&SeqStart=700000&SeqEnd=1300000>

³²United States Government Publishing Office, *Code of Federal Regulations Title 33- Navigation and Navigable Waters Chapter I Subchapter S §175-187*, <http://www.ecfr.gov/cgi-bin/text-idx?SID=1a91c0f98b72c6f86937e8240b27ec04&mc=true&tpl=/ecfrbrowse/Title33/33CISubchapS.tpl>

Competency and Training

- All hourly rental craft operations will work with CHSC to develop standardized training which shall be provided to renters, operators and staff
- All persons renting craft on an hourly basis should demonstrate operational competency of the vessel and equipment after receiving standardized training before being allowed to leave the immediate vicinity of the respective access point
- All persons operating a rental craft should have a general understand of the proper use of the VHF marine radio including the following: monitoring channel 16; hailing a vessel on channel 16; switching to a working channel to converse; and accurate communication of security calls including name of vessel, group or company, location and direction
- Renters must yield at all times to oncoming traffic and cross the river at right angles and should not linger in the middle of the waterway
- Operator of powered hourly rental craft should give a security call on VHF marine radio channel 16 to request a safe crossing when necessary

Compliance

- All hourly renters should be directed to read, understand and agree to 46 USC§2302³³
- The following placard should be prominently displayed at the rental premises and on each vessel and written text should be included in rental waiver, by businesses renting vessels to the general public on an hourly basis, either to individuals or groups:
46 USC §2302(a) A person operating a vessel in a negligent manner or interfering with the safe operation of a vessel, so as to endanger the life, limb or property of a person is liable to the United States Government for a civil penalty of not more than \$5,000 in the case of a recreational vessel, or \$25,000 in the case of any other vessel.

Navigation

- Renters should not use the Chicago Lock unless the vessel is operated by an appropriately credentialed USCG licensed mariner
- All hourly rental craft shall stay to the far right side of the channel with the exception of high-traffic locations such as barge facilities, water taxi and tour boat docks, hourly rental craft facilities or marinas
- Hourly rental craft operations should establish designated safe crossing point
- Hourly rental craft should cross the river only at designated crossing points
- Hourly rental craft should travel single file.

³³ United States Government Publishing Office, *Code of Federal Regulations Title 46-Shipping Chapter 23 §2302*, <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title46/pdf/USCODE-2011-title46-subtitleII-partA-chap23-sec2302.pdf>

- CHSC will work with USCG to establish local OCMI-approved standard navigational lighting for use on all HPC rentals operating at night

Operational

- Hourly renters may not stop anywhere except designated locations on the Riverwalk
- Hourly rental craft may not stop along its route to pick up additional passengers or alcohol.
- A weapons policy should be considered

RECREATIONAL VESSELS

Rules and Regulations

- All vessels should displace a minimum wake at all times where practicable (with the exception of responding to an emergency) and shall comply with 10-40-261 of the Municipal Code of Chicago³⁴
- All vessel operators shall comply with U.S. Coast Guard (USCG) Navigation Rules-Inland³⁵
 - All vessels shall so far as practicable avoid crossing traffic lanes, but if obliged to do so shall cross as nearly as practicable at right angles to the general direction of traffic flow
 - No vessel shall overtake another vessel unless acknowledged and confirmed by VHF marine radio or whistle signal
 - All vessels shall so far as practicable avoid crossing traffic lanes, but if obliged to do so shall cross as nearly as practicable at right angles to the general direction of traffic flow (USCG Navigation Rule 10)
- All persons operating vessels shall comply with 46 USC §2302(a)³⁶ (Monetary penalties are subject to Federal Civil Penalties Inflation Adjustment Act of 1990.) which states:
A person operating a vessel in a negligent manner or interfering with the safe operation of a vessel, so as to endanger the life, limb or property of a person is liable to the United States Government for a civil penalty of not more than \$5,000 in the case of a recreational vessel, or \$25,000 in the case of any other vessel.

³⁴ City of Chicago, *Municipal Code of Chicago Restrictions on Wake of Vessels* (Added Coun. J. 12-10-97, p.59008; Amend Coun. J. 7-29-98, p. 75119; Amend Coun. J. 11-8-12, p. 38872, § 193), <http://chicagocode.org/10-40-261/>

³⁵ U.S. Department of Homeland Security, *USCG Navigation Rules International-Inland*, COMDTINST M16672.2D, <http://www.navcen.uscg.gov/pdf/navrules/navrules.pdf>

³⁶ United States Government Publishing Office, *Code of Federal Regulations Title 46-Shipping Chapter 23 §2302*, <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title46/pdf/USCODE-2011-title46-subtitle11-partA-chap23-sec2302.pdf>

- All vessels shall be in compliance with the Illinois Boat Registration and Safety Act 625 ILCS 45³⁷
 - No person shall operate a vessel while under the influence of alcohol or a dangerous drug
 - Illegal drugs are prohibited on all vessels
 - All vessels must have at least one USCG-approved Type I, II or III PFD for each person on board and of the proper size for the intended wearer
 - All children under the age of 13 must *wear* a PFD on vessels less than 26 feet in length when underway, unless they are below decks in an enclosed cabin
 - Persons under the age of 10 may not operate any motorized vessel, including personal watercraft

ROWING AND INDIVIDUAL HPC

Rules and Regulations

- All vessels must have at least one USCG-approved Type I, II or III PFD for each person on board and of the proper size for the intended wearer³⁸
- Watercraft propelled by muscular power when underway shall carry on board from sunset to sunrise, but not fixed to any part of the boat, a lantern or flashlight capable of showing a white light visible all around the horizon at a distance of 2 miles or more, and shall display such lantern in sufficient time to avoid collision with another watercraft.³⁹

Other

- Chase boats accompanying rowing shells should carry a sufficient number of appropriately sized, USCG-approved PFDs for every person on board the rowing shell and chase boat⁴⁰
- Rowing shells on the Main Branch of the Chicago River between the Lake Shore Drive Bridge (mile marker 326.9) and the Franklin Street Bridge (mile marker 325.7) should be limited to the hours of 5:00am-10:00am

³⁷State of Illinois, *Illinois Compiled Statutes (625 ILCS 45/)* Boat Registration and Safety Act, <http://ilga.gov/legislation/ilcs/ilcs4.asp?DocName=062500450HArt.+II&ActID=1826&ChapterID=49&SeqStart=700000&SeqEnd=1300000>

³⁸ State of Illinois, *Illinois Compiled Statutes (625 ILCS 45/)* Boat Registration and Safety Act, <http://ilga.gov/legislation/ilcs/ilcs4.asp?DocName=062500450HArt.+II&ActID=1826&ChapterID=49&SeqStart=700000&SeqEnd=1300000>

³⁹State of Illinois, *Illinois Compiled Statutes (625 ILCS 45/4-1)* Boat Registration and Safety Act, <http://ilga.gov/legislation/ilcs/ilcs4.asp?DocName=062500450HArt.+IV&ActID=1826&ChapterID=49&SeqStart=760000&SeqEnd=8900000>

⁴⁰ Willie Black, "PFDs and Rowing" *U.S. Rowing* (April 2011), http://www.usrowing.org/news/details/11-04-06/PFDs_and_Rowing.aspx

DEFINITIONS

Bareboat Charter Unless a vessel is Coast Guard Inspected and Certified, it may only carry 6 passengers, no matter the size of the vessel. In the event of a 'Bareboat Demise Charter Contract', the limit is 12 passengers. Per the Coast Guard, there are many stringent aspects of an acceptable 'Bareboat Demise Contract', some of which are very difficult to accomplish. Briefly, they are:

- The charter takes complete possession of the vessel, operating it as if it were their own.
- The charterer becomes the owner for most legal purposes, such as the vessel's seaworthiness.
- Assumes nearly total liability for the vessel's operation.
- Charter must provide a qualified Captain/crew
- Responsibility for pollution cleanup, and any other liability normally flowing to a vessel owner.

Guest may NOT pay individually or contribute by 'paying for gas', bring food, etc.

A valid bareboat charter is one where the incidents of ownership have been transferred to the charterer. When necessary to determine if a valid bareboat charter exists, the OCMI should discuss the vessel's operations with the vessel owner and make a determination if the vessel's charter is a valid bareboat charter. The elements listed below are indicative but not conclusive of a valid bareboat charter arrangement. Conversely, a valid bareboat charter may exist where one or more of the listed elements is not met. In any particular case, each arrangement must be evaluated on its own merits.⁴¹

1. The charterer must have the option of selecting the crew. Although a master or crew may be furnished by the owner, full possession and control must be vested in the charterer. This does not preclude the charterer from taking advice from the master and crew regarding hazardous conditions such as, inclement weather, navigational obstructions, etc.
2. The master and crew are paid by the charterer.
3. All food, fuel, and stores are provided by the charterer.
4. All port charges and pilotage fees, if any, are paid by the charterer.
5. Insurance is obtained by the charterer, at least to the extent of covering liability not included in the owner's insurance. A greater indication of full control in the charterer is shown if all insurance is carried by the charterer (of course, the owner retains every right to protect his or her interest in the vessel).

⁴¹ United States Coast Guard, *NVIC 7-94 Guidance on the Passenger Vessel Safety Act of 1993*, September 30, 1994, <http://www.uscg.mil/hq/cg5/nvic/pdf/1994/n7-94.pdf>

6. The charterer may discharge, for cause, the master or any crew member without referral to the owner.

7. The vessel is to be surveyed upon its delivery and return.

Any provision that tends to show retention of possession or control of the vessel such as the owner of the vessel being aboard during the charter of the vessel contradicts the claim that a valid bareboat charter exists.⁴²

Construction, Maintenance and Special Purpose Vessels are vessels that are used for construction or maintenance of seawalls, break walls, shore side facilities, bridges, buildings or other infrastructure. Special purpose vessels are vessels that are engaged in diving, surveying, dredging or emergency towing of other vessels.

Federal Navigable Waterway Navigable waters of the United States are those waters that are subject to the ebb and flow of the tide and/ or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity.⁴³

Hourly Rental Craft are vessels designated by license and authorized by the State of Illinois to be rented out to members of the general public on an hourly basis only on bodies of water designated on the license.⁴⁴

Human-Powered Craft are watercraft propelled by human power. These include oared, rowing and paddling craft such as sculls, skiffs, row boats, canoes, kayaks, dragon boats, dinghies, racing shells, dories and paddleboards.

Recreational vessel means a vessel meeting the definition in 46 U.S.C. 2101(25) that is then being used only for pleasure. A recreational vessel is any vessel manufactured or used primarily for non-commercial use; or leased, rented or chartered to another for the latter's non-commercial use. It does not include a vessel engaged in carrying paying passengers.⁴⁵

⁴² Jason Neubauer, Captain U.S. Coast Guard, *Guidance on Small Passenger and Charter Vessel Operations*, December 11, 2013.

⁴³ United States Government Publishing Office, *Code of Federal Regulations Title 33- Navigation and Navigable Waters Volume 3 §329 Definition of Navigable Water of the United States*, <https://www.gpo.gov/fdsys/pkg/CFR-2011-title33-vol3/pdf/CFR-2011-title33-vol3-part329.pdf>

⁴⁴ State of Illinois, *17 Illinois Administrative Code Chapter I, Sec. 2080 Operation of Watercraft Carrying Passengers for Hire on Illinois Waters*, August 24, 2006, <https://www.dnr.illinois.gov/adrules/documents/17-2080.pdf>

⁴⁵ United States Government Publishing Office, *Code of Federal Regulations Title 46-Shipping Part A Chapter 21 §2101(25)*, <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title46/pdf/USCODE-2011-title46-subtitleI-partA-chap21-sec2101.pdf>

Small Passenger Vessel means a vessel of less than 100 gross tons that carries more than 6 passengers, including at least one passenger for hire; is chartered with a crew provided or specified by the owner or the owner's representative and is carrying more than 6 passengers; is chartered with no crew provided or specified by the owner or the owner's representative and is carrying more than 12 passengers; or is a ferry carrying more than 6 passengers⁴⁶

Towing Vessel means a commercial vessel engaged in or intending to engage in the service of pulling, pushing, or hauling alongside, or any combination of pulling, pushing, or hauling alongside.⁴⁷

Uninspected Passenger Vessel generally means operations that carry 6 or fewer passengers for hire are referred to as Uninspected Passenger Vessels (UPV), 6 Passenger (pax), or 6 Pack operations. These are your typical charter boat fishing guide or tour boat operations that may use a state numbered boat. UPV operations traveling on navigable waters of the United States under U.S. Coast Guard jurisdiction are not required to be inspected by the Coast Guard. They must comply with minimal federal standards for safety, navigation, pollution prevention and the vessel operator must hold an Operator Uninspected Passenger Vessel (OUPV) license issued by the Coast Guard.⁴⁸

⁴⁶ United States Government Publishing Office, *Code of Federal Regulations Title 46-Shipping Chapter I Volumes 3, 4 and 7*, http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title46/46tab_02.tpl

⁴⁷ United States Government Publishing Office, *Code of Federal Regulations Title 46-Shipping Part A Chapter 21 §2101(40)*, <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title46/pdf/USCODE-2011-title46-subtitleI-partA-chap21-sec2101.pdf>

⁴⁸ U.S. Department of Homeland Security, *USCG Passenger Vessel Safety Program- Uninspected Passenger Vessel*, <http://www.uscg.mil/pvs/UPV.asp>

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