

## **XVI. PLAN JURISDICTION**

**A. MANDATE:** The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990, Government Code Section 8670.23.1(c)(5) requires Harbor Safety Committees to include in their Harbor Safety Plans: "Suggested mechanisms to ensure that the provisions of the Plan are fully and regularly enforced."

**B. OVERVIEW:** The Committee developed guidelines for vessels operating in this region to ensure safe, reliable, and environmentally sound marine transportation. Although the Committee cannot enforce these guidelines under state, federal, or local law, they institutionalize sound marine operating practices as Standards of Care that responsible vessel operators follow voluntarily. The Committee depends on its members, local, state, and federal agencies and the maritime community to monitor compliance with the Standards of Care. Observed violations or deviations from this Plan should be referred to the Committee, Coast Guard, or State or local authorities for evaluation and possible enforcement under applicable federal and state law or regulation. If the Committee finds significant deviations, it will evaluate and may recommend more stringent enforcement, and, as appropriate, state, federal, or local rulemaking.

**C. SUMMARY OF PLAN PROVISIONS REQUIRING ENFORCEMENT AND ENFORCING AND MONITORING AGENCIES:** The following briefly summarizes Plan provisions requiring enforcement and the parties who directly monitor compliance. State and/or federal regulations or Port Tariffs cover some Plan sections discussed below, while others are guidelines.

- 1. Aids to Navigation (Chapter III):** Federal regulations control all Aids to Navigation. Report any problems to the Coast Guard.
- 2. Anchorages (Chapter IV):** Federal regulations control anchorages. Pilots, VTS, the Navy, and Coast Guard normally monitor compliance with anchorage requirements. Violations are to be reported to the Coast Guard.
- 3. Harbor Depths, Channel Design and Dredging (Chapter V):** Federal law and regulations govern the contents of Chapter V. Report any problems to the U.S. Army Corps of Engineers or port authorities.
- 4. Contingency Routing (Chapter VI):** Pilots, VTS and the Coast Guard monitor compliance, which the Coast Guard enforces. Violations are to be reported to the Coast Guard. This Chapter and Appendix D are placeholders for the Coast Guard directive for emergency dispersal.
- 5. History of Accidents and Near Misses in the Harbor (Chapter VII):** This chapter's provisions are maintained by the Coast Guard. Questions or concerns may be directed to them.
- 6. Communications (Chapter VIII):** This Chapter mandates that highest quality communications equipment be used in LA/LB Harbor. The Committee supports circuit-

discipline programs reducing congestion, interference, unnecessary/ excessive use of high power settings, and frequency misuse. All radio users in the harbor area, as well as Committee members, can help the Coast Guard, VTS, the Southern California Marine Radio Council, the State Lands Commission, the California Department of Fish and Wildlife, and the Federal Communications Commission (FCC) monitor these standards. Violations are to be reported to the FCC and to the Harbor Safety Committee.

- 7. Bridges (Chapter IX):** Federal regulations govern bridge operations. Improper bridge management incidents are to be reported to the Coast Guard.
- 8. Small Craft (Chapter X):** The main small vessel safety problem is violation of the U.S. Inland Navigation Rules (1980), Rule 9: impeding the progress of large vessels within channels. Pilots, the Coast Guard, and VTS monitor compliance with Rule 9. Recreational boat navigation violations are to be reported to the Coast Guard or any readily available local law enforcement authority including the Los Angeles Port Police, Long Beach Harbor Patrol or Long Beach Police Department.
- 9. Vessel Traffic Service (Chapter XI):** VTS operates under state law and regulations which requires mandatory reporting and fee payment by covered vessels. VTS also operates under federal VTS regulations. The Coast Guard uses VTS to help enforce Regulated Navigation Areas (RNA) rules (speed limits, minimum vessel separation, etc.) in the LA/LB Harbor approaches. The VTS User's Manual (Appendix B), is available from the Marine Exchange, details these requirements. VTS watchstanders monitor compliance, but anyone observing a violation of VTS or RNA requirements should report it directly to VTS/Coast Guard.
- 10. Tug Escort/Assist for Tank Vessels (Chapter XII):** LA/LB Harbor follows state regulations governing tug escort requirements for oil tankers and oil barges. Chapter XII reflects recommendations for applying state regulations. Pilots monitor compliance and report violations to OSPR. However, anyone may report infractions to OSPR for enforcement.
- 11. Pilotage (Chapter XIII):** Pilots should remain in service on outbound vessels until outside the breakwater. VTS and pilots monitor compliance. Report any deviations from the standard procedures or Standards of Care of this Plan made by pilots or other vessel operators to the Committee or Coast Guard.

Vessels moving between the two harbors without engaging a pilot shall report to the pilot stations in each harbor before and during the move. Additionally, port tariffs require that vessels without a pilot report to the appropriate pilot station(s) when entering, leaving, or shifting within a port. Violations are to be reported to the pilot stations, Los Angeles Port Police, and Long Beach Harbor Patrol. By agreement between the Coast Guard and the pilot organizations, vessels moving between the two harbors and with a licensed pilot shall have that pilot's services for the entire transit. Violations are to be reported to the Coast Guard.

**12. Under-keel Clearance and Inclement Weather (Chapter XIV & XVII):** Pilots to monitor for compliance. Violations are to be reported directly to the Coast Guard. Report violations regarding reduced visibility to USCG and VTS.

**D. ENFORCEMENT AUTHORITIES:** The Committee formally requests that its members, as well as all agencies with enforcement and monitoring authority within the scope of the Plan, monitor compliance with Plan guidelines and provisions. Furthermore, it is very important that members of the local maritime community, who regularly conduct business in the harbor area and have the strongest presence, assist in monitoring by acting as the eyes and ears of the Committee. Please report infractions of Plan guidelines, violations of state and federal regulations and any unsafe practices to the following bodies, as appropriate:

- 1. The Coast Guard - 24/7 Command Duty Officer - (310) 521-3801:** violations of federal regulations or Plan guidelines, and unsafe practices;
- 2. VTS - Marine Exchange and Coast Guard - (310) 832-6411:** violations of federal regulations or VTS User's Manual provisions;
- 3. The Los Angeles Port Police (310) 732-3500:** violations of the Los Angeles Port Tariff or Plan guidelines;
- 4. POLB Harbor Patrol (562) 590-4185:** violations of the Long Beach Port Tariff or Plan guidelines;
- 5. California Department of Fish and Wildlife (562) 342-7212: NON- EMERGENCY** notifications for violations of state regulations;
- 6. California State Lands Commission (562) 499-6348:** violations of state law governing oil transfers at marine facilities;
- 7. Long Beach Police Department (562) 435-6711:** violations of state laws, local ordinances, or Port of Long Beach Tariff No.4.

The Committee encourages the local maritime community and agencies that monitor regulatory compliance to notify the Committee of marine safety and environmental concerns by telephone, in writing, or at the regular monthly meetings.

Should the Committee find that Plan guidelines are not routinely followed, it will evaluate more-stringent approaches to enforcement, including, as appropriate, state, federal, and local rulemaking.