



Commander
United States Coast Guard
Atlantic Area
Pacific Area

431 Crawford Street,
Portsmouth, VA 23704-5004
Staff Symbol: (LANT-3P1)
Phone: (757) 398-7787
Fax: (757) 398-6503

LANT/PACAREAINST 16710.2
MAY 24 2011

ATLANTIC/PACIFIC AREA INSTRUCTION 16710.2

Subj: UNINSPECTED PASSENGER VESSEL EXAMINATION PROGRAM

Ref: (a) COMDT COGARD Washington DC 231938Z Apr 10/ALCOAST 206/10, CG-54,
COMDTNOTE 16710

1. PURPOSE. This instruction establishes Atlantic Area (LANTAREA) and Pacific Area (PACAREA) policy for consistent implementation of the voluntary Uninspected Passenger Vessel (UPV) Examination Program. This instruction applies to vessels less than 100 gross tons that carry at least one, but not more than six passengers “for hire” and are equipped with propulsion machinery of any type (mechanical propulsion; not sail or paddles). Vessels over 100 gross tons but less than 300 gross tons that carry at least one, but not more than 12 passengers “for hire” must meet additional requirements not covered by this instruction. Under no circumstance is a vessel of 300 gross tons or greater considered an Uninspected Passenger Vessel.
2. ACTION.
 - a. Coordination for the execution and measurement of this plan will be the responsibility of the Atlantic Area Prevention Division (LANT-54) and Pacific Area Prevention Branch (PAC-54). LANT-54 / PAC-54 shall promote voluntary dockside examinations at all levels, and issue updates and guidance as needed. The desired outcome is to increase participation in the UPV Examination Program.
 - b. Commanding Officers, Officers-in-Charge, LANTAREA Prevention staff and PACAREA Prevention staff elements shall ensure compliance with the requirements of this instruction and its Enclosures. Law enforcement efforts shall follow the guidance provided in Reference (a).
 - c. Any directives affecting the UPV Program shall be coordinated with LANT-54 / PAC-54.
3. DIRECTIVES AFFECTED. None.

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4. DISCUSSION. LANTAREA's / PACAREA's goal for the UPV Program is to improve safety, increase compliance with the regulations, and thereby save lives and reduce Coast Guard operational resource hours spent in response to UPV incidents.
 - a. This will be accomplished primarily through voluntary dockside examinations. To ensure Coast Guard wide consistency, examiners shall use Enclosure (1) as a guide to conduct voluntary dockside examinations and Enclosure (2) as a booklet for recording voluntary examinations during dockside examinations and any underway boarding. This will assist in uniform interpretation of policy and regulations Coast Guard wide.
 - b. Additionally, education and outreach efforts will continue to focus on making the UPV industry aware of the benefits of participating in the program.
5. PROCEDURE.
 - a. Voluntary Dockside Examinations.
 - (1) Voluntary dockside examinations are the critical element of the UPV Program. UPVs desiring an exam will be examined by a qualified Coast Guard Examiner and, if the vessel passes the examination, it will receive a Decal valid for one year (see Enclosure 3). The Decal validity for D17 AOR inspections will be 2 years due to the extent of travel required to reach inspection sites. Receiving a Decal indicates the vessel and its owner/operator have achieved a high level of compliance with the regulations. To the extent practicable, the examiner shall affix the Decal to the vessel's superstructure (pilothouse).
 - (2) If, however, the examiner discovers an extremely hazardous condition posing a threat to the vessel, its crew or the environment, the examiner shall immediately contact the Captain of the Port (COTP) to request vessel movement controls and/or assistance from qualified Marine Inspectors.
 - (3) These examinations will be conducted with the express understanding between the examiner and vessel representative that a civil penalty will not be levied against any responsible party for equipment discovered to be missing or not operating properly during the examination. However, the vessel representative shall be advised that a civil penalty for any safety violations may be issued if the vessel is observed underway in a substandard condition.
 - (4) All UPV examinations shall be recorded in MISLE using the UPV MISLE USER GUIDE (see Enclosure 4). For Auxiliary members who conduct examinations, but do not have access to MISLE, another person with access shall be designated to enter the required information. The designated person should ensure the Auxiliary member receives credit in MISLE for the examinations conducted, as well as in the Auxiliary Data Base (AUXDATA).
 - (5) Due to active duty resource constraints, Districts are encouraged to maximize the use of the Coast Guard Auxiliary to conduct UPV dockside examinations. The Auxiliary is a force multiplier for critically understaffed, yet important, safety initiatives. Other Coast Guard personnel may also conduct routine dockside examinations, but only as resources permit.

b. Outreach and Education.

- (1) Each district can make a significant contribution to the UPV Program by publicizing the dockside examination program and encouraging owners/operators within their area of responsibility to undergo UPV dockside examinations.
- (2) Education of Coast Guard personnel, the UPV industry, and the general public is important to the successful implementation of the program. Examiners are the critical link in educating UPV owners/operators about the value of the Program. These "front line" individuals must be provided with command support, tools (training, job aids, etc.), and opportunities to build positive relationships with the UPV Industry.

c. Underway Boardings. The following enforcement policy applies for underway boardings:

- (1) Display of an Uninspected Passenger Vessel Safety Examination Decal is not intended to preclude boardings for law enforcement (LE) reasons. However, vessels which display a valid Decal shall be considered low priority safety boarding targets, unless visible indications of unsatisfactory conditions dictate otherwise. In the case where a boarding unit has numerous targets to choose from, all other things being equal, the display of a current Decal should be taken into consideration, and should lessen the probability of boarding. In addition, vessels which are boarded for LE purposes can expedite the safety aspects of the boarding process by displaying an examination Decal, and presenting the vessel's copy of the completed dockside examination booklet.
- (2) If the Boarding Officer identifies an extremely hazardous condition that poses a threat to the vessel, its crew or the environment, the Boarding Officer shall request termination of vessel operations and, if needed, immediate COTP assistance through the chain of command.
- (3) In addition to providing expertise in regulatory interpretation, the COTP has the authority, under 33 CFR Part 160, to direct the movement of all vessels within the COTP zone and can issue an order to limit vessel operation until the extremely hazardous condition is corrected. Terminating or limiting the operation of a commercial vessel can have a significant financial impact on the vessels owner/operator and Boarding Officers should be prepared to provide a detailed description of the extremely hazardous condition(s) observed in support of their recommendation.
- (4) Boarding Officers have the authority to initiate civil penalty proceedings for violations discovered during underway boarding.
- (5) All appeal cases shall be forwarded to Coast Guard Headquarters Hearing Offices thru LANT-54 / PAC-54.

6. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations were examined and have been determined not to be applicable.

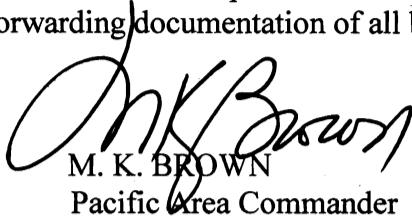
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7. FORMS/REPORTS.

All boardings shall be entered in MISLE by the boarding officer with the "Open in Progress" status, and then Control and Ownership shall be transferred to the processing center. LANTAREA Districts and units shall forward the Control and Ownership of such cases to LANTAREA 4100 Processing Center (Procen) and PACAREA units shall forward such cases to the respective "District Case Managers". Follow current guidance for retention or forwarding documentation of all boardings.



R. C. PARKER
Atlantic Area Commander



M. K. BROWN
Pacific Area Commander

- Enclosures: (1) Requirements for UPVs
(2) UPV Safety Examination Booklet
(3) UPV Decal
(4) UPV MISLE User Guide