

## CHAPTER 4

## Private Aids to Navigation

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## 4-1 AUTHORIZING ESTABLISHMENT, DISCONTINUANCE, OR CHANGE

## 4-1-1 General—

A. No person, public body, or instrumentality not under the control of the Commandant, exclusive of the Armed Forces, shall establish, erect, or maintain in the navigable waters of the United States any aid to marine navigation without first obtaining permission to do so from the Commandant, nor shall any person, public body, or instrumentality change, move, or discontinue any private aid to navigation so authorized without first obtaining permission to do so from the Commandant.

B. Private parties, public bodies and instrumentalities are required to mark structures and other works in navigable waters of the United States when they constitute obstructions to general navigation. Such markings are treated as private aids to navigation unless they are otherwise prescribed by law.

C. The Federal Government desires to encourage private industry, municipal, State and other Federal Government agencies to establish and maintain aids to navigation in Federal waters at the expense of the petitioner when these aids are used exclusively by the petitioner and not for general navigation.

In this connection requests for aids to navigation should be considered from the standpoint of use to general navigation. If it is determined upon investigation that the aid or aids requested are to be used exclusively by a company, corporation, or municipality, the petitioner should be advised that the aid or aids may be established as private aids according to the Rules and Regulations Governing Private Aids to Navigation, as noted on the reverse side of form 2554. (See figs. 4-1 and 4-2.)

## 4-1-5 Function of the Coast Guard—

A. The functions of the Coast Guard with respect to private aids to navigation come under two categories:

(1) Determining the need for marking structures and other works in navigable waters of the United States, *and where required*, prescribing lights and signals which shall be established and maintained thereon for the safety of marine navigation.

(2) Authorizing the establishment, change, or discontinuance of markings in the navigable waters of the United States as private aids to navigation when such is desired, for private use or special purpose, by persons, corporations, or agencies exclusive of the Armed Forces.

B. Coast Guard duty with regard to private aids to navigation is to protect the safety of marine navigation. Its jurisdiction in this respect is governed by certain factors upon which prescribing of aids in accordance with paragraph A (1) above, and approval or disapproval of private aids in accordance with paragraph A (2) above are based.

These factors are:

(1) Necessity, suitability, and adequacy of lights or signals or both to mark *as obstructions*, structures and other works in navigable waters of the United States for the safety of navigation.

(2) No tendency to mislead navigation.

(3) No interference or conflict in any way with the United States aids to navigation system maintained by or under authority of the Coast Guard.

(4) Proper operation.

C. The characteristics of private aids to navigation should conform to the standard United States system of characteristics.

D. Private parties may, without formal permission from the Coast Guard, establish bushes, stakes, and similar markings in shallow and little-used

channels that are not marked by the Coast Guard, provided they will not be mistaken for Federal aids.

E. In general, the establishment of private aids to navigation to mark channels already marked by Coast Guard aids will not be authorized when such private aids are intended to expand or improve the Coast Guard system. The establishment of private aids to mark privately owned structures or obstructions (see par. 4-1-10 (a) below) or to mark privately maintained channels will be authorized.

F. When a channel not used by general navigation is marked by private aids and such channel subsequently becomes used by general navigation to the extent that the establishment of Coast Guard aids would be justified, it is considered proper for the Coast Guard to mark such channels.

(1) If the owner should decline to transfer ownership of existing private aids, or if they should be considered unsatisfactory for Coast Guard use, the owner can be required to remove the aids, at no expense to the government, and the Coast Guard can establish such aids as may be deemed necessary.

(2) Authority to assume ownership and maintenance of a private aid, or authority to require the discontinuance and removal of a private aid and the establishment of a Coast Guard aid shall be obtained from the Commandant. Full justification of the proposal shall be given as well as a report of the condition of the private aids involved and an estimate of all costs.

#### 4-1-10 Function of the Corps of Engineers—

A. Authorization for the erection of any structure in navigable waters of the United States is under the jurisdiction of the Department of the Army. Authority to erect any structure in navigable waters is granted in the form of a permit or other instrument of authority issued by the Corps of Engineers, except for those cases given in paragraphs (B) and (C) below. The Corps of Engineers' permit or other instrument of authority contains the following clause: "That if the display of lights and signals on any work hereby authorized is not otherwise prescribed by law, such lights and signals as may be prescribed by the Coast Guard shall be installed and maintained by and at the expense of the owner."

B. The captain of the port of New York, subject to the approval of the District Engineer, Corps of Engineers, is authorized to issue permits for maintaining mooring buoys in certain New York area anchorages.

C. It has been established through precedent and recently informally confirmed by the Office of the Chief of Engineers, that a Corps of Engineers' permit or other instrument of authority is not required for buoys intended as aids to marine navigation which are established by the Coast Guard or are approved by it as private aids to navigation. Therefore, the Commander of a Coast Guard District may recommend approval or disapproval of the establishment of buoys as private aids to navigation for the purpose stated above. A Corps of Engineers' permit or other instrument of authority is a requirement for the

establishment of buoys *not intended* as aids to marine navigation. The District Commander shall coordinate his action in this matter with cognizant Federal and local government agencies as necessary, and hold public hearings when the need is indicated.

D. The clause in the Corps of Engineers' permit, quoted in paragraph (A) above, is the only basis by which the Coast Guard may require a structure to be marked. It applies with equal force to fixed structures or to buoys not intended as aids to navigation. Not all such structures may require marking. Only those lights or signals (includes coloring of buoys) shall be prescribed which are necessary to mark the structure as *an obstruction* for the safety of navigation.

#### 4-1-15 Procedure—

A. Request for authority to establish, discontinue, or change a private aid to navigation is made on Form CG-2554: Private Aid to Navigation Application. This form, executed by the person, company, corporation, or municipality at whose expense the aid is to be maintained, is submitted to the appropriate District Commander, and forwarded by him for indorsement to Headquarters.

(1) The following information is required:

(a) The proposed position of the aid to navigation by two or more horizontal angles, or bearings and distance from charted landmarks. A section of chart showing the proposed location of the aid to navigation should be included.

(b) The name and address of the person at whose expense the aid will be maintained.

(c) The name and address of the person who will have direct charge of the aid to navigation.

(d) Period aid will be operated (throughout each year; annually from ----- to -----; temporarily until -----).

(e) The necessity for the aid.

(f) For lights: the kind of lantern, characteristic, intensity, illuminant, color, height above water, and visibility in miles.

(g) For fog signals: type (whistle, horn, bell, etc.) and characteristic.

(h) For buoys and daybeacons: shape, color, number, or letter, depth of water in which located or height above water.

(2) If approved, this form serves a similar purpose as Form CG-3213: Aids to Navigation Operation Request, serves for Coast Guard aids to navigation. It is followed by the issuance of the usual Notice to Mariners when appropriate. Private aids to navigation are usually listed in the official Light Lists, the fact of their private maintenance being noted therein. (See par. 4-1-20 (A) below for specific data of which types of aids are listed.)

B. Form CG-2554: Private Aid to Navigation Application, is a document of record between the applicant and the Coast Guard. It describes the aid or aids involved and sets forth the terms and conditions which apply. In the case of marine structures, including buoys *not intended* as aids to navigation, form CG-2554 constitutes a directive as to prescribing the lighting and display of signals

on an obstruction to navigation and is not authority to establish, change, or discontinue the obstruction itself.

In the case of structures or other obstructions to be established under the authority of a Corps of Engineers' permit, the District Engineer notifies the District Commander of the application. He, in turn, comments to the District Engineer as to what marking, if any, will be required and requests that the permittee be so advised and directed to contact the District Commander relative to application for marking.

C. The application, when acted upon by the Coast Guard, becomes a document which has the effective force of a directive or a permit, depending on the circumstances in each particular case. When forwarding an application to Headquarters, the District Commander's indorsement shall recommend the effective force of the completed document by indicating his opinion of the classification to be assigned the aid or aids involved. (See par. 4-1-20 (A) below.)

#### 4-1-20 Classification of Private Aids—

A. Classifications to be assigned for the purposes of indicating the effective force of an application for a private aid to navigation are:

(1) *Class I.*—Aids to navigation on marine structures or other works which the owners are legally obligated to establish, maintain, and operate as prescribed by the Coast Guard. The aid or aids will be publicized in Notice to Mariners. Unless marking oil drilling structures and if of a permanent nature, these aids will be listed in Coast Guard Light Lists. Aids marking oil well structures will not be listed in the Light List for the present. The document has the effective force of a directive.

(2) *Class II.*—Aids to navigation exclusive of class I located in waters used by general navigation. The aid or aids will be publicized in Notice to Mariners. Unless marking oil drilling structures and if of a permanent nature, these aids will be listed in Coast Guard Light Lists. The document has the effective force of a permit.

(3) *Class III.*—Aids to navigation exclusive of class I located in waters not ordinarily used for general navigation. They may be publicized in Notice to Mariners but generally will not be listed in Coast Guard Light Lists. In general, lights and signals on ferry slips and piers available only to certain vessels will come within this classification. The document has the effective force of a permit.

#### 4-1-25 Use of Coast Guard Facilities Prohibited—

A. The Coast Guard is not authorized to establish, operate, or maintain private aids to navigation for other than other Federal Government agencies in which cases the work may be performed on a reimbursable basis.

#### 4-1-30 Inspection—

A. As of 1 June 1951, there were 2,771 private aids to navigation specifically authorized by the Coast Guard. These aids, intermingled as they are with Coast Guard aids, must not interfere or conflict with the United States system of aids to navigation maintained by or under the authority of the Coast Guard. To this end, they must be inspected periodically to see that they are maintained as authorized.

B. Classes I and II private aids to navigation (see par. 4-1-20 (A) above) shall be inspected at least once each year. Class III aids shall be inspected at least once every 3 years.

C. The Coast Guard does not inspect the unimportant nonstandard aids described in paragraph 4-1-5 (D) above.

#### 4-1-35 Lighting of Bridges—

A. The subject of bridge lighting is covered in considerable detail in Part 68 of Aids to Navigation Regulations.

B. *Inspections.*—Annual inspection of bridges constitutes an important part of the operational inspection duty of each district, especially in districts where there are many bridges over navigable streams. The lights on about 2,000 bridges in the United States over navigable streams must be operationally inspected. Of these the Second Coast Guard District has almost 500 to inspect and the problem is complicated in some regions due to the great range between low and high water of the Mississippi River system. The program of operational inspection is differently planned in each district and the work of inspection is often distributed to qualified officers and personnel who cover the territory in connection with other operational duties. Bridge light inspection is often delegated to officers in charge of tenders, light stations, minor lights, aids to navigation depots, and patrol vessels. See Form CG-2541 reproduced herein.

TREASURY DEPARTMENT  
U. S. COAST GUARD  
CG-2554 (Rev. 12-52)

PRIVATE AID TO NAVIGATION APPLICATION

(Applicant Complete and Submit in Quadruplicate)

APPLICATION IS MADE TO  ESTABLISH AND MAINTAIN  CHANGE  MOVE OR  DISCONTINUE THE FOLLOWING DESCRIBED PRIVATE AID(S) TO NAVIGATION ON \_\_\_\_\_ IN ACCORDANCE WITH REGULATIONS ON REVERSE SIDE OF THIS APPLICATION. (Day Month Year)

1. GENERAL LOCALITY \_\_\_\_\_

2. ANGLES OR BEARING AND DISTANCE FROM CHARTED LANDMARKS (Include Chart Section or Sketch) \_\_\_\_\_

3. AID(S) WILL BE OPERATED (Complete one)  THROUGHOUT EACH YEAR  ANNUALLY FROM \_\_\_\_\_ (Day Month) TO \_\_\_\_\_  TEMPORARILY UNTIL \_\_\_\_\_ (Day Month Year)

4. NECESSITY FOR THIS APPLICATION \_\_\_\_\_

5. LIGHT			7. BUOY		
<input type="checkbox"/> FIXED <input type="checkbox"/> FLASHING <input type="checkbox"/> OCCULTING	COLOR	ILLUMINAT (Gas, oil, electric, etc.)	<input type="checkbox"/> NUN <input type="checkbox"/> CAN <input type="checkbox"/> SPAR <input type="checkbox"/> BARREL <input type="checkbox"/> OTHER (Describe)	COLOR	REFLECTOR COLOR
	HEIGHT (In ft.) ABOVE WATER			NO. OR LETTER	MOORED IN Ft. (L. W. D.)
(Check one) <input type="checkbox"/> LENS <input type="checkbox"/> GLOBE  (Inside diameter)	CANDLEPOWER (If known)	LIGHT CHARACTERISTIC: FLASH _____ sec. ECLIPSE _____ sec. FLASH _____ sec. ECLIPSE _____ sec.	8. DAYBEACON OR LIGHT STRUCTURE		
WATTAGE			COLOR	NO. OR LETTER	SHAPE
			HEIGHT ABOVE		DEPTH OF WATER
			<input type="checkbox"/> GROUND _____ Ft.		_____ Ft. (L. W. D.) (If on Marine Site)
			<input type="checkbox"/> WATER _____ Ft.		
6. FOG SIGNAL			9. DAYMARK OR TARGET		
<input type="checkbox"/> BELL <input type="checkbox"/> HORN <input type="checkbox"/> SIREN <input type="checkbox"/> OTHER (Describe)	SOUND CHARACTERISTIC: ____ STROKES EVERY _____ sec. (or) BLAST _____ sec., SILENT _____ sec.		COLORING	SHAPE (Square, Diamond, Circle, Triangle, etc.)	

10. CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY AUTHORIZED THIS STRUCTURE BY  PERMIT  LETTER DATED \_\_\_\_\_

NAME OF PERSON OR CORP. AT WHOSE EXPENSE AID IS MAINTAINED	NAME OF PERSON IN DIRECT CHARGE OF AID
POST OFFICE ADDRESS	POST OFFICE ADDRESS
SIGNATURE AND TITLE OF OFFICIAL SIGNING	DATE OF APPLICATION
	TELEPHONE NUMBER

From: Commander \_\_\_\_\_ Coast Guard District  
To: Commandant (OAN) \_\_\_\_\_

Forwarded in triplicate, with section of chart or sketch. The action described above  is  is not recommended, as Class \_\_\_\_\_. Notice to Mariners  will  will not be issued. Aid(s)  should  should not be (listed) (changed) (deleted) in/from light list. Chart(s) affected \_\_\_\_\_ Name(s) with light list reference: \_\_\_\_\_

(By direction)

From: Commandant (OAN)  
To: Commander \_\_\_\_\_ Coast Guard District (°)

Returned in duplicate, one copy to be mailed to applicant. Authority  is  is not granted to  establish and maintain  change  moved or  discontinue the above described aids as recommended. Exceptions: \_\_\_\_\_

(By direction)

PREVIOUS EDITIONS OF THIS FORM MAY BE USED.

1853 Treasury CGHQ Wash., D. C.

FIGURE 4-1.—Form CG-2554: Private Aid to Navigation Application.

## RULES AND REGULATIONS GOVERNING PRIVATE AIDS TO NAVIGATION

*(From Code of Federal Regulations, Title 33, Chapter 1, Part 66)*

1. No person, public body or instrumentality not under control of the Commandant, U. S. Coast Guard, exclusive of the Armed Forces, shall establish, erect, or maintain in the navigable waters of the United States any aid to maritime navigation without first obtaining permission to do so from the Commandant, U. S. Coast Guard, nor shall any person, public body or instrumentality, change, move, or discontinue any private aid to navigation so authorized without first obtaining permission to do so from the Commandant, U. S. Coast Guard.

2. Coast Guard authorization of a private aid to navigation does not authorize any invasion of private rights, nor grant any exclusive privileges, nor does it obviate the necessity of complying with any other federal, state, or local laws or regulations. It is an instrument of record which concerns the public rights and benefits derived from the aids to navigation system of the United States.

3. Private aids to navigation which may have been authorized by the Commandant, U. S. Coast Guard, shall be removed without expense to the United States by the person, company, corporation, or municipality establishing or maintaining such aids to navigation when so directed by the Commandant, U. S. Coast Guard.

4. The characteristics of a private aid to navigation shall conform to the standard United States system of aids to navigation characteristics.

5. Any person violating the above or not complying with these rules and regulations shall be deemed guilty of a misdemeanor and be subject to a fine not to exceed the sum of \$100 for each offense, and each day

during which such violation shall continue shall be considered as a new offense.

6. Private aids to navigation lawfully maintained under these regulations are entitled to the same protection against interference or obstructions as is afforded by law to Coast Guard aids to navigation. If interference or obstruction occurs, a prompt report containing all evidence available shall be made to the Commander of the Coast Guard District in which the aids are situated or to the Commandant, U. S. Coast Guard.

7. No authority will be granted for a private aid to navigation to mark fixed structures, including mooring buoys, in navigable waters of the United States or to mark the excavating or depositing material therein before authorization for such work is first obtained from the Corps of Engineers, Department of the Army as prescribed in Code of Federal Regulations, Title 33, Part 209.130. Evidence of such authority is required when making application for private aids to navigation to mark such work.

8. These regulations do not apply to, nor shall they be construed to interfere with or nullify the requirements of existing laws and regulations pertaining to the lighting of bridges over navigable waters of the United States (see Code of Federal Regulations, Title 33, Part 68), aids to navigation marking floating moorings (see Code of Federal Regulations, Title 33, Part 201.13), aids to navigation marking fishing structures (see Code of Federal Regulations, title 33, Part 209, 130 (q)), or aids to navigation marking wrecks sunk in navigable waters of the United States (see Code of Federal Regulations, Title 33, Part 64).

## INSTRUCTIONS

1. Application to establish, maintain, move, change or discontinue a private aid to navigation shall be forwarded in quadruplicate to the Commander of the Coast Guard District in which the private aid to navigation is or will be located. A section of chart or sketch showing the work proposed shall accompany each application. This application form shall be completed for all parts applicable to the aid to navigation concerned and shall be forwarded to the appropriate District Commander in sufficient time to permit that officer to issue a Notice to Mariners 30 days in advance of the proposed action.

2. The District Commander receiving the application form will forward it in triplicate to the Commandant, U. S. Coast Guard, with a recommendation and will assign the aids to navigation involved one of the following classifications:

*CLASS I: Aids to navigation on marine structures or other works which the owners are legally obligated to establish, maintain, and operate as prescribed by the Coast Guard.*

*CLASS II: Aids to navigation, exclusive of Class I, located on waters used by general navigation.*

*CLASS III: Aids to navigation, exclusive of Class I, located on waters not ordinarily used by general navigation.*

All classes of private aids to navigation shall be maintained in proper condition as authorized. They are subject to inspection by the Coast Guard at any time and without prior notice to the maintainer. Class I and II private aids to navigation will be inspected at least once each year. Class III private aids to navigation will be inspected at least once every 3 years.

FIGURE 4-2.—Reverse of Form CG-2554.

TREASURY DEPARTMENT  
U. S. COAST GUARD  
CG-2541 (REV. 5-50)

REPORT OF INSPECTION OF BRIDGE LIGHTS

Name of bridge \_\_\_\_\_ Group for inspection \_\_\_\_\_

Name of waterway \_\_\_\_\_

Miles above mouth of waterway \_\_\_\_\_ or mileage (2d Dist.) \_\_\_\_\_

Name of owner \_\_\_\_\_

Address of owner \_\_\_\_\_

Bridge type and channel data (check applicable square and complete for blank spaces):

- (A)  FIXED \_\_\_\_\_ spans with \_\_\_\_\_ channel spans (D)  PONTOON
- (B)  SWING \_\_\_\_\_ sides of center pier navigable (E)  BASCULE \_\_\_\_\_ lift span(s)
- (C)  SINGLE OPENING DRAW (F)  VERTICAL LIFT

Depth of water in channel at low water \_\_\_\_\_ ft. or below zero gage (2d District) \_\_\_\_\_ ft.

Approximate number of vessel passages in channel under bridge each week:  
Daytime \_\_\_\_\_ Between sunset and sunrise \_\_\_\_\_

Approximate number of times movable span(s) opened for navigation each week:  
Daytime \_\_\_\_\_ Between sunset and sunrise \_\_\_\_\_

Navigation season: Continuous  From \_\_\_\_\_ to \_\_\_\_\_

FILL OUT THE SECTION BELOW AND COMPLETE SKETCH ON REVERSE SIDE TO BEST DESCRIBE THIS BRIDGE

TYPE OF BRIDGE, ETC.		NUMBER OF LIGHTS	ARE LIGHTS OIL OR ELECTRIC?	ARE LIGHTS CORRECTLY PLACED? (Yes or No)	ARE LIGHTS OF PROPER KIND? (Yes or No)	ARE LIGHTS OF PROPER INTENSITY? (Yes or No)	STATE CONDITION OF LIGHTS
(A) FIXED BRIDGES	Channel center lights						
	Margin of channel lights						
	Channel-pier lights						
	Other pier lights						
	Protection-pier lights						
	Sheer-boom lights						
(B) SWING BRIDGES	Draw-pier lights						
	Pivot-pier lights						
	Swing-span lights						
	Protection-pier lights						
	Sheer-boom lights						
(C) and (D) SINGLE OPENING DRAW OR PONTOON BRIDGES	Draw-span lights						
	Pier or abutment lights						
	Protection-pier lights						
	Sheer-boom lights						
(E) and (F) BASCULE OR VERTICAL LIFT BRIDGES	Pier lights						
	Lift-span lights						
	Protection-pier lights						
	Sheer-boom lights						
ISOLATED OBSTRUCTIONS TO NAVIGATION. Such as piers, piling, etc.							

(Time and date of inspection)

(Inspecting Unit)

(Signature of Inspecting Officer)

INSTRUCTIONS

1. Prepare in duplicate for each inspection of a bridge over navigable waters in the United States. Submit original to district commander and retain copy for unit file. Show location of all bridge navigation lights according to directions on reverse side of report.
2. It is the duty of each district to ascertain if bridges over navigable waters within district boundaries are lighted as approved by the Coast Guard. Coast Guard units are authorized to make inspections of the lighting of bridges as directed by the district commander. A sketch showing approved lighting for each bridge requiring inspection shall be furnished to the inspecting unit by the district office. This report may be used for that purpose.
3. The district commander shall notify the owner to promptly correct any defects, irregularities, or deficiencies in the lighting of a bridge which are noted at the time of inspection. A second, and subsequent inspections as necessary shall be made after the owner advises corrective action has been taken. Commandant (OAN-L) shall be advised of full particulars for those cases where an owner fails or refuses to light a bridge according to regulations as approved, or having lighted a bridge, fails or refuses to correct defects, irregularities, or discrepancies in bridge lighting which have been brought to his attention for correction.
4. District commanders shall see that the lighting of bridges is given sufficient attention to assure the regulations for the lighting of bridges are being

obeyed. For the purpose of inspection, district commanders are authorized to divide bridges in three groups as follows:

GROUP 1—Bridges over important waterways which are required to be lighted as prescribed in regulations or modifications thereof (33 CFR 68.15-1 to 68.20-10). These bridges shall be inspected annually, or more often if necessary.

GROUP 2—Bridges over less important waterways which have been granted partial exemption from the regulations for lighting of bridges in accordance with 33 CFR 68.20-15. These bridges shall be inspected once every three (3) years, provided that additional inspections shall be made in the case of complaints regarding their lighting, or when more frequent inspections are found convenient in connection with other work.

GROUP 3—Bridges which are granted complete exemption from the regulations for the lighting of bridges. These bridges require no inspection except in the case of complaint or request for investigation as to lighting.

5. Removal, damage or change in construction of a bridge which affects the lighting of the bridge for navigation shall be reported promptly to the district commander by separate correspondence giving full details.

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FIGURE 4-3.—Form CG-2541: Report of Inspection of Bridge Lights.

Am. 1—March 1953

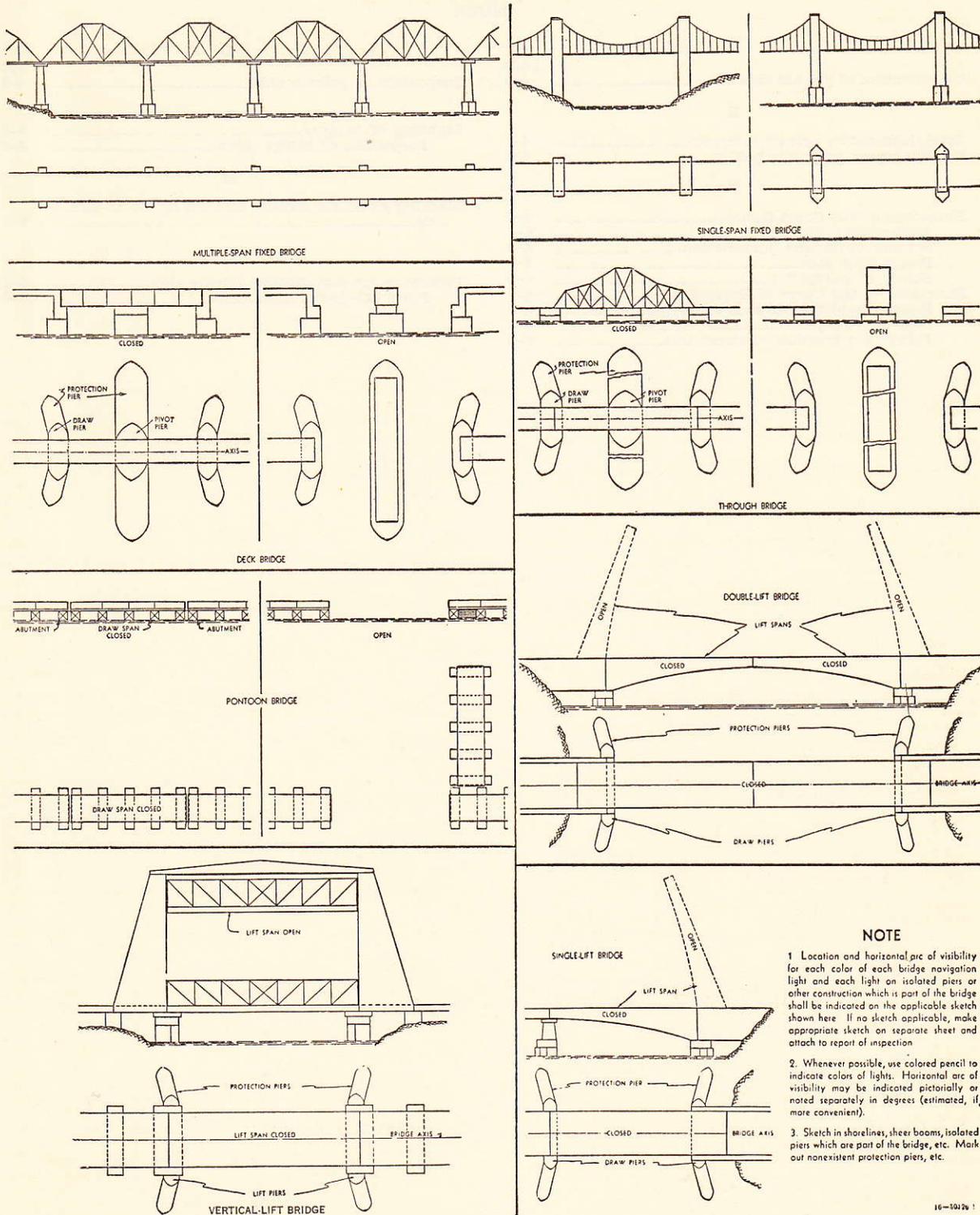


FIGURE 4-4.—Reverse of form CG-2541.

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