

**33 CFR—Navigation and Navigable Waters****PART 105—MARITIME SECURITY: FACILITIES**

■ 1. The authority citation for part 105 is revised to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. 70103; 50 U.S.C. 191; Sec. 811, Pub. L. 111–281, 124 Stat. 2905; 33 CFR 1.05–1, 6.04–11, 6.14, 6.16, and 6.19; Department of Homeland Security Delegation No. 0170.1.

**§ 105.200 [Amended]**

■ 2. Amend § 105.200 as follows:

■ a. In paragraph (b)(1), remove the words “security organizational structure” and add in their place the words “organizational structure of the security personnel” and remove the words “within that structure”;

■ b. In paragraph (b)(4), remove the text “an FSP” and add in its place the text “a Facility Security Plan (FSP)”;

■ c. In paragraph (b)(6) introductory text, remove the acronym “TWIC” and add in its place the words “Transportation Worker Identification Credential (TWIC)”;

■ d. In paragraph (b)(6)(i), after the words “FSP are permitted to” add the words “serve as an”;

■ e. In paragraph (b)(6)(ii), remove the word “should” and add in its place the words “in the event that”;

■ f. In paragraph (b)(6)(iii), remove the word “what”, and add in its place the word “which” and after the words “are secure areas and” add the words “which are”;

■ g. In paragraph (b)(9), remove the text “coordination of” and add in its place the text “implementation of a system, in accordance with § 105.237, coordinating” and remove the text “(including representatives of seafarers’ welfare and labor organizations)” and add in its place the text “, as described in § 105.237(b)(3)”;

■ h. In paragraph (b)(14), remove the text “TSA” and add in its place the text “Transportation Security Administration (TSA)”.

■ 3. Add § 105.237 to read as follows:

**§ 105.237 System for seafarers’ access.**

(a) *Access required.* Each facility owner or operator must implement a system by June 1, 2020 for providing access through the facility that enables individuals to transit to and from a vessel moored at the facility and the facility gate in accordance with the requirements in this section. The system must provide timely access as described in paragraph (c) of this section and incorporate the access methods

described in paragraph (d) of this section at no cost to the individuals covered. The system must comply with the Transportation Worker Identification Credential (TWIC) provisions in this part.

(b) *Individuals covered.* The individuals to whom the facility owner or operator must provide the access described in this section include—

(1) Seafarers assigned to a vessel at that facility;

(2) Pilots; and

(3) Representatives of seafarers’ welfare and labor organizations.

(c) *Timely access.* The facility owner or operator must provide the access described in this section without unreasonable delay, subject to review by the Captain of the Port (COTP). The facility owner or operator must consider the following when establishing timely access without unreasonable delay:

(1) Length of time the vessel is in port.

(2) Distance of egress/ingress between the vessel and facility gate.

(3) The vessel watch schedules.

(4) The facility’s safety and security procedures as required by law.

(5) Any other factors specific to the vessel or facility that could affect access to and from the vessel.

(d) *Access methods.* The facility owner or operator must ensure that the access described in this section is provided through one or more of the following methods:

(1) Regularly scheduled escort between the vessel and the facility gate that conforms to the vessel’s watch schedule as agreed upon between the vessel and facility.

(2) An on-call escort between the vessel and the facility gate.

(3) Arrangements with taxi services or other transportation services, ensuring that any costs for providing the access described in this section, above the service’s standard fees charged to any customer, are not charged to the individual to whom such access is provided. If a facility provides arrangements with taxi services or other transportation services as the only method for providing the access described in this section, the facility is responsible to pay any fees for transit within the facility.

(4) Arrangements with seafarers’ welfare organizations to facilitate the access described in this section.

(5) Monitored pedestrian access routes between the vessel and facility gate.

(6) A method, other than those in paragraphs (d)(1) through (5) of this section, approved by the COTP.

(7) If an access method relies on a third party, a back-up access method that will be used if the third party is unable to or does not provide the required access in any instance. An owner or operator must ensure that the access required in paragraph (a) of this section is actually provided in all instances.

(e) *No cost to individuals.* The facility owner or operator must provide the access described in this section at no cost to the individual to whom such access is provided.

(f) *Described in the Facility Security Plan (FSP).* On or before February 3, 2020, the facility owner or operator must document the facility’s system for providing the access described in this section in the approved FSP in accordance with § 105.410 or § 105.415. The description of the facility’s system must include—

(1) Location of transit area(s) used for providing the access described in this section;

(2) Duties and number of facility personnel assigned to each duty associated with providing the access described in this section;

(3) Methods of escorting and/or monitoring individuals transiting through the facility;

(4) Agreements or arrangements between the facility and private parties, nonprofit organizations, or other parties, to facilitate the access described in this section; and

(5) Maximum length of time an individual would wait for the access described in this section, based on the provided access method(s).

■ 4. Amend § 105.405 as follows:

■ a. In paragraph (a)(18), remove the text “part 105; and,” and add in its place “this part;”;

■ b. In paragraph (a)(21), remove the period at the end of the paragraph and add in its place “; and”; and

■ c. Add paragraph (a)(22).

The addition reads as follows:

**§ 105.405 Format and content of the Facility Security Plan (FSP).**

(a) \* \* \*

(22) System for seafarers’ access.

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Dated: March 27, 2019.

**Jennifer F. Williams,**

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