

WSR 21-15-016
PROPOSED RULES
PARKS AND RECREATION
COMMISSION

[Filed July 9, 2021, 9:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-17-010 and 21-08-079.

Title of Rule and Other Identifying Information: Chapter 352-66 WAC, Uniform waterway marking system; chapter 352-60-080 WAC, Fire extinguishers; and chapter 352-60-030 WAC, Personal flotation devices required.

Hearing Location(s): On September 16, 2021, at 9:00 a.m., at City of Richland City Hall, Council Chambers, 625 Swift Boulevard, Richland, WA 99352.

Date of Intended Adoption: September 16, 2021.

Submit Written Comments to: Rob Sendak, 1111 Israel Road S.W., Olympia, WA 98504, email rob.sendak@parks.wa.gov, fax 360-586-6603, by September 10, 2021.

Assistance for Persons with Disabilities: Contact Becki Ellison, phone 360-902-8502, fax 360-586-0355, TTY 1-800-833-6388, email becki.ellison@parks.wa.gov, by September 3, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: 33 C.F.R. Part 60 establishes the requirements and use of United States Aids to Navigation. This update is necessary to ensure that Washington state statute is consistent [consistent] with 33 C.F.R. Part 60. It is also necessary to ensure that state and local marine law enforcement and our citizens better understand the federal, state, local, and private aids to navigation within Washington state. The anticipated effects of these changes will be to clarify aids to navigation and to make the state system consistent with the federal system; thus, providing clarity and consistency to Washington state boaters.

C.F.R. 46 Part 160 governs the approval and labeling of personal flotation devices (PFD). C.F.R. 46 Part 160 has recently been updated by United States Coast Guard (USCG) to include a new PFD labeling procedure to provide consistency with Canada. This update is necessary to ensure that our state is adhering to the requirements of C.F.R. 46 Part 160. It is also needed to ensure that state and local marine law enforcement officers and our citizens better understand the new labeling authorization and labeling requirements.

46 C.F.R. Part 30-20 establishes the requirements for marine use fire extinguishers. This update is necessary to ensure that state statute is consistent with the current regulations under C.F.R. It is also necessary to ensure that state and local law enforcement and our citizens better understand the federal, state, and local requirements for required equipment fire extinguisher.

Reasons Supporting Proposal: Washington state waters include those waters under sole state jurisdiction as well as waters under concurrent jurisdiction with the United States government. Those concurrent waters are governed by rules established by the USCG and are codified under C.F.R. As part of these federal rules and statutes, USCG has been tasked with establishing a uniformed Aids to Navigation System to assist mariners with navigation. Currently, chapter 352-66 WAC, Uniformed waterway marking system, is not consistent with the United States Aids to Navigation System. WAC uses terms and color con-

figurations that are inconsistent and thus cause confusion among the boating public. The recommended changes will bring WAC into compliance and consistency with the federal Aids to Navigation System. The recommended changes will also provide clarity and uniformity for the boating public in Washington state.

Additionally, WAC 352-60-030 and 352-60-080 are not consistent with new labeling standards as set forth in 46 C.F.R. Part 160, Personal Flotation labeling, and Part 30-20, Fire Extinguisher labeling. The revisions to the WAC are needed to create consistency with C.F.R. and state statutes. They are also needed to ensure our citizens understand the requirements when boating in Washington state.

Statutory Authority for Adoption: RCW 79A.60.500, 79A.60.110, 79A.60.140.

Statute Being Implemented: Chapter 352-66 WAC; and WAC 352-60-030 and 352-60-080.

Rule is necessary because of federal law, 33 C.F.R. Parts 60, 160, 30-20.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The changes to the WAC are necessary to update statutory language that comply and provide consistency with federal statutes.

Name of Proponent: Washington state parks and recreation commission, governmental.

Name of Agency Personnel Responsible for Drafting: Rob Sendak, 11834 Tilley Road S.W., Olympia, WA, 360-628-1879; Implementation and Enforcement: Matt Stowers, 11834 Tilley Road S.W., Olympia, WA, 360-791-4668.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. There are no costs involved as changes are for clarification purposes only.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted: 33 C.F.R. Part 60.

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

July 9, 2021
Valeria Veasley
Management Analyst

OTS-3145.1

AMENDATORY SECTION (Amending WSR 94-16-027, filed 7/25/94, effective 8/25/94)

WAC 352-60-030 Personal flotation devices required. No person shall operate or permit the operation of a vessel on the waters of the state unless the vessel has on board United States Coast Guard approved personal flotation devices as follows:

(1) Vessels less than sixteen feet (4.9 meters) in length, and canoes and kayaks of any length, must have one Type I, II, or III PFD, or one wearable with a buoyancy of 50, 70, 100, 150, or 275 newtons and is of the proper size for each person on board.

(2) Vessels sixteen feet (4.9 meters) or more in length, except a canoe or kayak, must have one Type I, II, or III wearable PFD, or a wearable PFD with a buoyancy of 50, 70, 100, 150, or 275 newtons of the proper size for each person on board and, in addition, one Type IV, or a throwable PFD.

(3) Alternate PFD requirement. A United States Coast Guard approved Type V PFD may be carried in lieu of any required PFD under this section if it is approved for the activity in which the vessel is engaged in and used in compliance with requirements on the approval label.

(4) Stowage and condition.

(a) All personal flotation devices required by this section shall be readily accessible to all persons on board and be in good and serviceable condition. All Type IV or throwable personal flotation devices must be immediately available.

(b) All devices shall be approved by the United States Coast Guard and marked in compliance with Coast Guard standards.

(c) No PFD may exhibit deterioration that could diminish the performance of the PFD, including:

(i) Metal or plastic hardware used to secure the PFD on the wearer that is broken, deformed, or weakened by corrosion;

(ii) Webbing and straps used to secure the PFD on the wearer that are ripped, torn, or which have become separated from the attachment point on the PFD; or

(iii) Any rotted or deteriorated structural component that fails when tugged.

(d) In addition to meeting the requirements of this section, no inherently buoyant PFD, including the inherently buoyant components of a hybrid inflatable PFD, may exhibit:

(i) Rips, tears, or open seams in the fabric or coating that are large enough to allow the loss of buoyant material;

(ii) Buoyant material that has become hardened, nonresilient, permanently compressed, waterlogged, oil-soaked, or which shows evidence of fungus or mildew; or

(iii) Loss of buoyant material or buoyant material that is not held in place.

(e) Except as provided in this section, a properly armed inflation mechanism, complete with a full inflation medium cartridge and all status indicators showing that the inflation mechanism is properly armed, must also have:

(i) Inflatable chambers that are all capable of holding air;

(ii) Oral inflation tubes that are not blocked, detached, or broken;

(iii) A manual inflation lanyard or lever that is not inaccessible, broken, or missing; and

(iv) Inflator status indicators that are not broken or otherwise nonfunctional.

(f) All devices shall be approved by the United States Coast Guard or Underwriters Laboratory and marked in compliance with United States Coast Guard Standards.

(5) Exemptions. Racing shells, rowing sculls and racing kayaks are exempt from the requirements of this section provided they are manually propelled, recognized by a national or international racing association and designed solely for competitive racing.

[Statutory Authority: RCW 43.51.400, 88.12.065, 88.12.125, 88.12.245 and chapter 33, C.F.R. Part 175.15. WSR 94-16-027, § 352-60-030, filed 7/25/94, effective 8/25/94. Statutory Authority: RCW 43.51.400. WSR 84-11-057 (Order 79), § 352-60-030, filed 5/18/84.]

AMENDATORY SECTION (Amending WSR 94-16-027, filed 7/25/94, effective 8/25/94)

WAC 352-60-080 Fire extinguisher required. (1) Every vessel with a motor, except vessels with an outboard motor, less than twenty-six feet (7.9 meters) in length and of open construction, shall carry on board, fully charged and in serviceable condition the following hand portable United States Coast Guard, for vessels manufactured prior to August 22, 2016, or Underwriters Laboratory for vessels manufactured after August 22, 2016, approved fire extinguishers:

(a) Motorboats with no fixed fire extinguishing system in the machinery space and which are:

(i) Less than twenty-six feet (7.9 meters) in length - One extinguisher;

(ii) Twenty-six feet (7.9 meters) but less than forty feet (12 meters) in length - Two extinguishers;

(iii) Forty feet (12 meters) or longer in length - Three extinguishers.

(b) Motorboats with a fixed extinguishing system in the machinery space and which are:

(i) Less than twenty-six feet (7.9 meters) - No hand portable extinguisher required;

(ii) Twenty-six feet (7.9 meters) or longer in length, but less than forty feet (12 meters) in length - One extinguisher;

(iii) Forty feet (12 meters) or longer in length - Two extinguishers.

(2) The fire extinguishers required by this section are Class B-I for vessels manufactured prior to August 22, 2016, or are 5-B for vessels manufactured after August 22, 2016, as described in Title 46, Code of Federal Regulations, ((25.30)) Part 34 and Title 46, Code of Federal Regulations, Part 25, 30-20, however, one Class B-II described in that regulation may be substituted for two Class B-I extinguishers. One UL 20-B may be substituted for two 5-B extinguishers.

[Statutory Authority: RCW 43.51.400, 88.12.065, 88.12.125, 88.12.245 and chapter 33, C.F.R. Part 175.15. WSR 94-16-027, § 352-60-080, filed 7/25/94, effective 8/25/94. Statutory Authority: RCW 43.51.400. WSR 84-11-057 (Order 79), § 352-60-080, filed 5/18/84.]

OTS-9828.4

Chapter 352-66 WAC
(~~(UNIFORM WATERWAY MARKING)~~) UNITED STATES AIDS TO NAVIGATION SYSTEM

AMENDATORY SECTION (Amending WSR 90-07-051, filed 3/19/90, effective 4/19/90)

WAC 352-66-010 Purpose. (~~((1))~~) The purpose of this chapter is to establish a uniform waterway marking system of aids to navigation, including regulatory markers compatible with (~~(the United States lateral system of buoyage)~~) Title 33, Code of Federal Regulations, Part 62, United States Aids to Navigation System, to which all waterway markers owned by state, local government, or private parties shall conform. The (~~(uniform waterway marking)~~) United States Aids to Navigation System is designed to assist the recreational boater in safe navigation and to allow the state and its political subdivisions to provide uniform regulatory information regarding vessel operation on the waters of Washington state not serviced by a marking system administered by the federal government.

[Statutory Authority: RCW 43.51.040. WSR 90-07-051, § 352-66-010, filed 3/19/90, effective 4/19/90.]

AMENDATORY SECTION (Amending WSR 90-07-051, filed 3/19/90, effective 4/19/90)

WAC 352-66-020 Definitions. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Aid to navigation" means any device external to the vessel intended to assist the navigator to determine position or safe course or to warn of dangers or obstructions.

(2) "Beacons" are aids to navigation structures permanently attached to the earth's surface. Lighted beacons are called lights; unlighted beacons are called day beacons.

(3) "Buoyage" means a system of buoys.

(4) "Buoys" (~~(is)~~) are any waterway markers designed to float on the water while anchored in a fixed position so as to be clearly visible to operators of an approaching vessel and used to convey an official message.

(~~((2))~~) (5) "Lateral system" is a system of waterway markers prescribed in Title 33, Code of Federal Regulations, Part 62, employing an arrangement of shapes, colors, numbers, and light characteristics to indicate to a vessel operator the preferred direction of travel for safe passage. They may be either beacons or buoys.

(~~((3))~~) "Sign" is any device designed to carry an official message which is attached to another object, such as a piling, buoy, pier, or the land itself.

(4) "Uniform state waterway marking system (USWMS)") (6) "Navigable waters of the United States." The term navigable waters of the

United States is defined in Title 33, Code of Federal Regulations, Part 62 means:

(a) Territorial seas of the United States;

(b) Internal waters of the United States that are subject to tidal influences that: Are or have been used, or are or have been susceptible for use, by themselves or in connection with other waters, as highways for substantial interstate or foreign commerce, notwithstanding natural or man-made obstructions that require portage.

(7) "United States Aids to Navigation System (USATONS)" means the system of aids to navigation including regulatory markers, buoys, and signs prescribed in Title 33, Code of Federal Regulations, ((subpart 66.10)) Part 62, which are used to provide vessel operators guidance for safe navigation and to identify water areas where vessel operation is restricted or controlled.

~~((5))~~ (8) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane or swim toy.

~~((6))~~ (9) "Waters of Washington state" means any waters within the territorial limits of Washington state.

[Statutory Authority: RCW 43.51.040. WSR 90-07-051, § 352-66-020, filed 3/19/90, effective 4/19/90.]

AMENDATORY SECTION (Amending WSR 90-07-051, filed 3/19/90, effective 4/19/90)

WAC 352-66-030 General regulations. (1) On the navigable waters of Washington state, marking to assist navigation is accomplished by a lateral system of buoyage for use with nautical charts. The lateral system is used by the United States Coast Guard in the marking of navigable waters of the United States as determined by the United States Coast Guard Commandant. The lateral system may be also used by the state and subdivisions thereof for private aids to navigation only when all applicable permits for private aids to navigation have been approved by the United States Coast Guard and other federal, state, or local authorities.

(2) The ~~((USWMS))~~ USATONS has been developed to provide a system of visual, audible, and electronic signals which are designed to assist the prudent mariner in the process of navigation. They have been established to provide a means to convey to the ((small)) recreational vessel operator((, in particular,)) adequate guidance to indicate safe boating channels by indicating the presence of either natural or artificial obstructions or hazards, marking restricted or controlled areas, and providing directions. The ~~((USWMS))~~ USATONS is suited to use on all waters of Washington state and is designed to satisfy the needs of all types of ~~((small))~~ recreational vessels. ~~((It supplements and is generally compatible with the Coast Guard lateral system of aids to navigation.~~

~~(3) The USWMS consists of two categories:~~

~~(a) A system of regulatory markers; and~~

~~(b) A system of aids to navigation.)~~

(3) The U.S. Aids to Navigation System is primarily a lateral system which employs a simple arrangement of colors, shapes, numbers, and light characteristics to mark the limits of navigable routes. This

lateral system is supplemented by nonlateral aids to navigation where appropriate.

(4) Generally, lateral aids to navigation indicate on which side of a vessel an aid to navigation should be passed when the vessel is proceeding in the conventional direction of buoyage. Normally, the conventional direction of buoyage is the direction in which a vessel enters navigable channels from seaward and proceeds towards the head of navigation. In the absence of a route leading from seaward, the conventional direction of buoyage generally follows a clockwise direction around land masses.

(5) Although aids to navigation are maintained to a reasonable degree of reliability, the rigors of the marine environment and various equipment failures do cause discrepancies on occasion.

[Statutory Authority: RCW 43.51.040. WSR 90-07-051, § 352-66-030, filed 3/19/90, effective 4/19/90.]

NEW SECTION

WAC 352-66-045 Beacons and buoys. Beacons and buoys indicate to a vessel operator the existence of dangerous areas, as well as those areas which are restricted or controlled, such as speed zones and areas dedicated to a particular use, or to provide general information and directions:

(1) Aids to navigation are placed on shore or on marine sites to assist a navigator to determine his position or safe course. They may mark limits of navigable channels, or warn of dangers or obstructions to navigation. The primary components of the U.S. Aids to Navigation System are beacons and buoys.

(2) Beacons are aids to navigation structures which are permanently fixed to the earth's surface. They range from large lighthouses to small, single-pile structures and may be located on land or in the water. Lighted beacons are called lights; unlighted beacons are called day beacons.

(3) Beacons exhibit a daymark. For small structures these are colored geometric shapes which make an aid to navigation readily visible and easily identifiable against background conditions. Generally, the daymark conveys to the mariner, during daylight hours, the same significance as does the aid's light or reflector at night. The daymark of large lighthouses and towers, however, consists of the structure itself. As a result, these daymarks do not infer lateral significance.

(4) Vessels should not pass beacons close aboard due to the danger of collision with riprap or structure foundations, or the obstruction or danger that the aid marks.

(5) Buoys are floating aids to navigation used extensively throughout U.S. waters. They are moored to the seabed by sinkers with chain or other moorings of various lengths.

(6) The daymark of a buoy is the color and shape of the buoy and, if so equipped, of the top mark.

(7) Can buoys have a cylindrical shape. Nun buoys have a tapered, conical shape.

(8) Pillar buoys have a wide cylindrical base supporting a narrower superstructure. They may be surmounted by colored shapes called top marks.

(9) Spherical buoys have a round shape.

(10) Mariners attempting to pass a buoy close aboard risk collision with a yawing buoy, the buoy's mooring, or with the obstruction which the buoy marks.

(11) Mariners should not rely on buoys alone for determining their positions due to factors limiting their reliability. Prudent mariners will use bearings or angles from beacons or other landmarks, soundings, and various methods of electronic navigation. Buoys vary in reliability because:

(a) Buoy positions represented on nautical charts are approximate positions only, due to practical limitations in positioning and maintaining buoys and their sinkers in precise geographical locations.

(b) Buoy moorings vary in length. The mooring lengths define a "watch circle," and buoys can be expected to move within this circle. Actual watch circles do not coincide with the dots or circles representing them on charts.

(c) Buoy positions are normally verified during periodic maintenance visits. Between visits, environmental conditions, including atmospheric and sea conditions, and seabed slope and composition, may shift buoys off their charted positions. Also buoys may be dragged off station, sunk, or capsized by a collision with a vessel.

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NEW SECTION

WAC 352-66-055 Lateral marks. (1) Lateral marks define the port and starboard sides of a route to be followed. They may be either beacons or buoys.

(2) Side marks are lateral marks which advise the mariner to stay to one side of the mark. Their most frequent use is to mark the sides of channels; however, they may be used individually to mark obstructions outside of clearly defined channels. Side marks are not always placed directly on a channel edge and may be positioned outside the channel as indicated on charts and nautical publications.

(3) Port hand marks indicate the left side of channels when proceeding in the conventional direction of buoyage. Beacons have green square daymarks, while buoys are green can or pillar buoys.

(4) Starboard hand marks indicate the right side of channels when proceeding in the conventional direction of buoyage. Beacons have red triangular daymarks, while buoys are red nun or pillar buoys.

(5) Preferred channel marks indicate channel junctions or bifurcations and may also mark wrecks or obstructions which the mariner, after consulting a chart to ascertain the location of the obstruction relative to the aid, may pass on either side. Preferred channel marks have red and green horizontal bands with the color of the topmost band indicating the preferred channel. If the topmost band is green, the mark serves as a port hand mark for vessels following the preferred channel proceeding in the conventional direction of buoyage, and as a starboard hand mark for the other channel. Beacons would have square daymarks, while buoys would be can or pillar buoys. If the topmost band is red, the mark serves as a starboard hand mark for vessels following the preferred channel proceeding in the conventional direction of buoyage, and a port hand mark for the other channel. Beacons would have triangular daymarks, while buoys would be nun or pillar buoys.

(6) The color schemes in this section apply to IALA Region B (Washington state).

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NEW SECTION

WAC 352-66-065 Safe water marks. Safe water marks indicate that there is navigable water all around the mark. They are often used to indicate fairways or mid channels, or the seaward end of channels. Safe water marks are colored with red and white vertical stripes. Beacons have an octagonal daymark; red and white buoys are spherical or display a red spherical top mark.

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NEW SECTION

WAC 352-66-075 Isolated danger marks. Isolated danger marks indicate an isolated danger which may be passed on all sides. As these marks are erected or moored on or near dangers, they should not be approached closely without special caution. These marks are colored black with one or more broad horizontal red bands and are equipped with a top mark of two black spheres, one above the other.

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NEW SECTION

WAC 352-66-085 Special marks. Special marks are not primarily intended to assist safe navigation, but to indicate special areas or features referred to in charts or other nautical publications. They may be used, for example, to mark anchorages, cable or pipeline areas, traffic separation schemes, military exercise zones, ocean data acquisition systems, etc. Special marks are colored solid yellow.

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NEW SECTION

WAC 352-66-095 Inland waters obstruction mark. (1) On inland waters designated by the commandant as state waters in accordance with 33 C.F.R., Part 66 and on nonnavigable internal waters of a state which have no defined head of navigation, a buoy showing alternate vertical black and white stripes may be used to indicate to a vessel operator that an obstruction to navigation extends from the nearest shore to the buoy.

(2) The black and white buoy's meaning is "do not pass between the buoy and the shore." The number of white and black stripes is dis-

cretionary, provided that the white stripes are twice the width of the black stripes. Prior to December 31, 2003, this aid shall not be used on a waterway which has a red and white striped obstruction marker defined in 33 C.F.R., Part 66 of that chapter, unless all obstruction markers are replaced.

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NEW SECTION

WAC 352-66-105 Information and regulatory marks. (1) Information and regulatory marks are used to alert the mariner to various warnings or regulatory matters. These marks have orange geometric shapes against a white background. The meanings associated with the orange shapes are as follows:

- (a) A vertical open-faced diamond signifies danger;
 - (b) A vertical diamond shape having a cross centered within indicates that vessels are excluded from the marked area;
 - (c) A circular shape indicates that certain operating restrictions are in effect within the marked area;
 - (d) A square or rectangular shape will contain directions or instructions lettered within the shape.
- (2) When a buoy is used as an information or regulatory mark it shall be white with two horizontal orange bands placed completely around the buoy circumference. One band shall be near the top of the buoy body, with a second band placed just above the waterline of the buoy so that both bands are clearly visible.

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NEW SECTION

WAC 352-66-115 Mooring buoys. (1) Mooring buoys are white with a blue horizontal band. This distinctive color scheme is recommended to facilitate identification and to avoid confusion with aids to navigation.

(2) A lighted mooring buoy shall normally display a slow flashing white light. When its location in a waterway is such that it constitutes an obstruction to a vessel operated during hours of darkness, it shall display a quick flashing white light.

(3) A mooring buoy shall bear ownership identification provided that the manner and placement of the identification does not detract from the meaning intended to be conveyed by the color scheme or identification letter when assigned.

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NEW SECTION

WAC 352-66-125 Lighthouses. Lighthouses are prominent beacons of varying size, color, and appearance employed to mark headlands,

landfalls, harbor entrances, channel edges, hazards, and other features. While normally identified by their distinctive appearance, some lighthouses display diamond shaped, checkered daymarks to facilitate recognition.

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NEW SECTION

WAC 352-66-130 Large navigational buoys. Large navigational buoys (LNBS) may be considered floating lighthouses. They generally provide light, sound, and radio beacon signals, and some are equipped with radar beacons (racons). LNBS are red in color, have a forty-foot diameter hull, and a tower approximately forty feet in height.

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NEW SECTION

WAC 352-66-140 Ranges. Ranges are aids to navigation systems employing dual beacons which, when the structures appear to be in line, assist the mariner in maintaining a safe course. The appropriate nautical chart must be consulted when using ranges to determine whether the range marks the centerline of the navigable channel and also to ascertain what section of the range may be safely traversed. Ranges are generally, but not always, lighted, and display rectangular daymarks of various colors.

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NEW SECTION

WAC 352-66-150 Numbers and letters. (1) All solid red and solid green aids are numbered, with red aids bearing even numbers and green aids bearing odd numbers. The numbers for each increase in the conventional direction of buoyage. Numbers are kept in approximate sequence on both sides of the channel by omitting numbers where necessary.

(2) Only side marks are numbered. However, aids other than those mentioned in (1) of this section may be lettered to assist in their identification, or to indicate their purpose. Side marks may carry letters in addition to numbers to identify the first aid to navigation in a waterway, or when new aids to navigation are added to channels with previously completed numerical sequences. Letters on side marks will follow alphabetical order from seaward and proceeding toward the conventional direction of buoyage and will be added to numbers as suffixes.

(3) Aids to navigation may be fitted with light-reflecting material to increase their visibility in darkness. The colors of this material may convey the same significance as the aid except that letters and numbers may be white.

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NEW SECTION

WAC 352-66-160 Light characteristics. (1) Lights on aids to navigation are differentiated by color and rhythm. Lighthouses and range lights may display distinctive light characteristics to facilitate recognition. No special significance should be attached to the color or rhythm of such lights. Other lighted aids to navigation employ light characteristics to convey additional information.

(2) When proceeding in the conventional direction of buoyage, aids to navigation, if lighted, display light characteristics as follows:

(a) Green lights mark port (left) sides of channels and locations of wrecks or obstructions which are to be passed by keeping these lights on the port (left) hand of a vessel. Green lights are also used on preferred channel marks where the topmost band is green.

(b) Red lights mark starboard (right) sides of channels and locations of wrecks or obstructions which are to be passed by keeping these lights on the starboard (right) hand of a vessel. Red lights are also used on preferred channel marks where the topmost band is red.

(3) The purpose of aids exhibiting white or yellow lights may be determined by their shape, color, letters or numbers, and the light rhythm employed.

(4) Light rhythms, are employed as follows:

(a) Aids with lateral significance display regularly flashing or regularly occulting light rhythms. Ordinarily, flashing lights (frequency not exceeding thirty flashes per minute) will be used.

(b) Preferred channel marks display a composite group flashing light rhythm (groups of two flashes followed by one flash).

(c) Safe water marks display a white morse code "A" rhythm (short-long flash).

(d) Isolated danger marks display a white group flashing two.

(e) Special marks display yellow lights with fixed or slow flashing rhythm preferred.

(f) Mooring buoys and information and regulatory marks display white lights of various rhythms.

(g) For situations where lights require a distinct cautionary significance, as at sharp turns, sudden channel constrictions, wrecks, or obstructions, a quick flashing light rhythm (sixty flashes per minute) may be used.

(h) Occasionally lights use sectors to mark shoals or warn mariners of other dangers. Lights so equipped show one color from most directions and a different color or colors over definite arcs of the horizon as indicated on the appropriate nautical chart. These sectors provide approximate bearing information since the observer should note a change of color as the boundary between the sectors is crossed. As sector bearings are not precise, they should be considered a warning only and not used to determine exact bearing to the light.

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NEW SECTION

WAC 352-66-170 Sound signals. (1) Often sound signals are located on or adjacent to aids to navigation. When visual signals are obscured, sound signals warn mariners of the proximity of danger.

(a) Sound signals are distinguished by their tone and phase characteristics.

(b) Tones are determined by the devices producing the sound (i.e., diaphones, diaphragm horns, reed horns, sirens, whistles, bells, and gongs).

(c) Phase characteristics are defined by the signal's sound pattern, i.e., the number of blasts and silent periods per minute and their durations.

(2) Where no live watch is maintained, sound signals are normally operated continuously. Mariners should not rely solely on sound signals to determine their positions for the following reasons:

(a) Distance cannot be accurately determined by sound intensity.

(b) Occasionally sound signals may not be heard in areas close to their location.

(c) As previously noted, buoy positions are not always reliable. Therefore, their sound signals cannot be assumed to be emanating from a fixed position.

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NEW SECTION

WAC 352-66-180 Racons. (1) Aids to navigation may be enhanced by the use of radar beacons (racons). Racons, when triggered by a radar signal, will transmit a coded reply to the interrogating radar. This reply serves to identify the aid station by exhibiting a series of dots and dashes which appear on the radar display in a line emanating radially from just beyond the echo of the aid station. Although racons may be used on both laterally significant and nonlaterally significant aids alike, the racon signal itself is for identification purposes only, and therefore carries no lateral significance.

(2) Racons are also used as bridge marks to mark the best point of passage.

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NEW SECTION

WAC 352-66-190 Ownership identification. Ownership identification on private or state aids to navigation is permitted so long as it does not change or hinder an understanding of the meaning of the aid to navigation.

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NEW SECTION

WAC 352-66-200 Maritime radio beacons. (1) Maritime radio beacons operate during specific intervals as published in *Coast Guard Light Lists*. For station identification, simple characteristics consisting of combinations of dots and dashes are used. The transmitted power of maritime radio beacons is adjusted to provide a usable signal at the service range which meets the operational requirement.

(2) Carrier type operation. Radio beacons superimpose the characteristic code on a carrier frequency which is on continuously during the period of transmission. This extends the usefulness of maritime radio beacons to aircraft and ships employing automatic direction finders

(3) Special calibration radio beacons, as listed in the current editions of the *Coast Guard Light Lists*, will broadcast continuously for the purpose of enabling vessels to calibrate their direction finders upon request either to the cognizant district commander, or, if time does not permit, directly to the calibration station.

(4) Caution: A vessel steering a course for a radio beacon should observe the same precautions that apply when steering for a light or any other mark.

(5) Distance cannot be accurately determined by radio beacon signal. Mariners must exercise extreme caution when the aid to navigation which supports the radio beacon is not visible, and no other means of determining its distance is available.

(6) If the radio beacon is aboard a large navigational buoy (LNB) or on any marine site, particular care should be exercised to avoid the possibility of collision. In addition, caution should be exercised in using radio beacons aboard floating aids, because of the possibility that the aid could be off station.

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NEW SECTION

WAC 352-66-220 Procedure for reporting defects and discrepancies. (1) Mariners should notify the nearest Coast Guard facility immediately of any observed aids to navigation defects or discrepancies.

(2) The Coast Guard cannot monitor the many thousands of aids in the U.S. Aids to Navigation System simultaneously and continuously. As a result, it is not possible to maintain every aid operating properly and on its charted position at all times. Marine safety will be enhanced if persons finding aids missing, sunk, capsized, damaged, off station, or showing characteristics other than those advertised in the *Light List*, or other publication, promptly inform the Coast Guard.

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NEW SECTION

WAC 352-66-230 Placement to conform. No person, political subdivision, or agent of the state shall establish, erect, or place any new or replacement regulatory marker or aid to navigation after Janu-

ary 1, 1991, unless such device conforms to the provisions of this chapter.

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NEW SECTION

WAC 352-66-240 Abuse prohibited. (1) No person shall damage, remove, interfere with, moor to, or otherwise obstruct the purpose of any regulatory marker or aid to navigation.

(2) When a vessel is involved with a violation of this chapter, violators shall be subject to the penalties set forth in RCW 88.02.380.

(3) Other violations of this chapter shall subject the violator to the penalties set forth in RCW 79A.05.165.

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REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 352-66-040 Regulatory markers.
- WAC 352-66-050 Aids to navigation.
- WAC 352-66-060 Size, shape, material, and construction of waterway markers.
- WAC 352-66-070 Numbers, letters, or words on markers.
- WAC 352-66-080 Reflectors or reflective materials.
- WAC 352-66-090 Navigation lights.
- WAC 352-66-100 Mooring (anchor) buoys.
- WAC 352-66-110 Placement to conform.
- WAC 352-66-120 Abuse prohibited.