

***United States Coast Guard Auxiliary  
District 1SR***

**Private Aids to Navigation  
Training Guide**

**D R A F T**

28 November, 2009

# PRIVATE AIDS TO NAVIGATION

## Introduction

Two of the primary responsibilities of the Auxiliary Private Aid to Navigation Program are the reporting of discrepancies observed on Private Aids to Navigation (PATONs), and the verification of PATONs. The Auxiliary works with the Coast Guard to accomplish this important mission in a partnership that is focused on assisting the Coast Guard in backwater and areas where the most of the private aids are normally deployed.

This Guide explains the Federal Regulations for private aids and for reporting observations of any discrepancies to the local C.G. Units.

## Verification vs Checking an Aid

**Observing** or checking is the process of reviewing an aid to navigation for potential discrepancies. Every Auxiliarist, while underway on an OPFAC, is encouraged to observe every aid to navigation (both Federal and Private) that they pass, but report only observed discrepancies to the Coast Guard.

**Verification** of a private aid is reserved for certified and qualified AV — Aid Verifiers who perform verifications at the request of the Coast Guard. A verification is a complete review of the aid, comparing it against the Light List, NOAA chart and Coast Pilot, along with verifying its position via GPS. A verification report is always submitted to the Coast Guard, even when the aid is found “watching properly.”

## 33 CFR, PART 66--PRIVATE AIDS TO NAVIGATION

This is great background material to help you understand the rules and regulations associated with the Private Aid to Navigation program. Read it carefully. 33cfr66 is the section of the Code of Federal Regulations that covers the Coast Guard’s PATON program.

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### **66.01-1 Basic Provisions for PATONs**

Unless otherwise noted, no person, public body or instrumentality not under the control of the Commandant, exclusive of the Armed Forces, shall establish and maintain, discontinue, change or transfer ownership of any aid to maritime navigation, without first obtaining permission to do so from the Commandant of the Coast Guard.

For purposes of clarification, the term “private aids to navigation” includes all marine aids to navigation operated in the navigable waters of the United States other than those operated by the Federal Government or those operated in State waters as private aids to navigation.

Coast Guard authorization of a private aid to navigation does not authorize any invasion of private rights, nor grant exclusive privileges, nor does it obviate the necessity of complying with any other Federal, State or local laws or regulations.

With the exception of radar beacons (RACONS) and shore based radar stations, operation of electronic aids of navigation as private aids will not be authorized.

### **66.01-3 PATON authority is delegated to the District Commander.**

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The Commandant of the Coast Guard delegates to the District Commanders within the confines of their respective districts the authority to grant permission to establish and maintain, discontinue, change or transfer ownership of private aids to maritime navigation and to administer the requirements of this program.

The decisions of the District Commander may be appealed within 30 days from the date of the decision. The decision of the Commandant in any case is final.

### **66.01-5 PATON Application Procedure**

Application to establish and maintain, discontinue, change or transfer ownership to a private aid to navigation shall be made to the Commander of the Coast Guard District in which the private aid is or will be located. Application form (CG-2554) will be provided upon request. The applicant shall complete all parts of the form applicable to the aid to navigation concerned, and shall forward the application in triplicate to the District Commander.

The following information is required:

- (a) The proposed position of the aid to navigation by two or more horizontal angle, or bearings and distance from charted landmarks. A section of chart or sketch showing the proposed location of the aid to navigation shall 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 maintain the aid to navigation.
- (d) The time and dates which it is proposed to operate the aid.
- (e) The necessity for the aid.
- (f) For lights: The color, characteristic, height above water, and description of illuminating apparatus.
- (g) For fog signals: Type (whistle, horn, bell, etc.) and characteristic.

- (h) For buoys or daybeacons: Shape, color, number, or letter, depth of water in which located or height above water.
- (i) For RACONS: Manufacturer and model number of RACON, height above water of desired installation, and requested coding characteristic. Equipment must have FCC authorization.

### **66.01-15 Processing of Applications by the Coast Guard**

The District Commander receiving the PATON application shall review it for completeness and will assign the aid one of the following classifications:

**Class 1** – Aid to navigation on marine structures or other works which the owner(s) are legally obligated to establish, maintain and operate by the Coast Guard.

**Class II** – Aids to navigation, exclusive of Class I, located in waters used by general navigation.

**Class III** – Aids to Navigation exclusive of Class I, located in waters not ordinarily used by general navigation.

Upon approval by the District Commander, a signed copy of the application will be returned to the applicant. Approval for the operation of radar beacons (RACONS) will be affective for an initial two year period, then subject to annual review without submission required of the owner,

### **66.01-20 Inspection of Private Aids**

All classes of private aids to navigation shall be maintained in proper operating condition. They are subject to inspection by the Coast Guard at any time and without prior notice.

### **66.01-25 Discontinuance and removal of Private Aids.**

No person, public body or instrumentality shall change, move or discontinue any authorized private aid to navigation required by statute or

regulation without first obtaining permission to do so from the District Commander.

Any authorized private aid to navigation not required by statute or regulation (Classes II and III) may be discontinued and removed by the owner after 30 days' notice to the District Commander to whom the original request for authorization for establishment of the aid was submitted.

Private aids to navigation which have been authorized by the District Commander shall be discontinued and removed without expense to the United States by the person, public body or instrumentality establishing or maintaining such aids when so directed by the District Commander.

**66.01-30 Corps of Engineers approval required for fixed aids..**

Before any private aid to navigation consisting of a fixed structure is placed in the navigable waters of the United States, authorization to erect such structure shall first be obtained from the District Engineer, U.S. Army Corps of Engineers in whose district the aid will be located.

The application to establish any private aid to navigation consisting of a fixed structure shall show evidence that the required permit has been issued by the Corps of Engineers.

**66.01-40 Exemptions.**

Nothing in the preceding sections shall be construed to interfere with, or nullify the requirements of existing laws and regulations pertaining to the marking of structures, vessels and other obstructions sunken in waters subject to the jurisdiction of the United States, the marking of artificial islands and structures which are erected on or over the seabed and subsoil of the Outer Continental Shelf, or the lighting of bridges over navigable waters of the United States.

**66.01-45 Penalties for establishment without a CG Permit.**

Any person, public body or instrumentality, excluding the armed forces, who shall establish, erect or maintain any aid to maritime navigation without first obtaining authority to do so from the Coast Guard, or who shall violate the regulations relative thereto issued in this part, is subject to the provisions of 14 U.S.C. 83.

**66.01-50 Protection afforded to owners of private aids to navigation.**

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

**66.01-55 Transfer of PATON ownership.**

When any private aid to navigation authorized by the District Commander, or the essential real estate or facility with which the aid is associated, is sold or transferred, both parties to the transaction shall submit application to the Commander of the Coast Guard District in which the aid is located requesting authority to transfer responsibility for maintenance of the aid.

The party relinquishing responsibility for maintenance of the private aid to navigation shall indicate on the application form (CG-2554) both the discontinuance and the change of ownership of the aid sold or transferred.

The party accepting responsibility for maintenance of the private aid to navigation shall indicate on the application form (CG-2554) both the establishment and the change of ownership of the aid sold or transferred.

In the event the new owner of the essential real estate or facility with which the aid is associated

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refuses to accept responsibility for maintenance of the aid, the former owner shall be required to remove the aid without expense to the United States. This requirement shall not apply in the case of any authorized private aid to navigation required by statute or regulation (Class I) which shall be maintained by the new owner until the conditions which made the aid necessary have been eliminated.

### **State Aids to Navigation**

#### **66.05-1 Purpose.**

The purpose of the regulations in this subpart is to prescribe the conditions under which state governments may regulate aids to navigation owned by state or local governments, or private parties. Aids to navigation must be in accordance with the United States Aids to Navigation System.

#### **66.05-5 Definitions.**

The term State waters for private aids to navigation means those navigable waters of the United States which the Commandant, upon request of a State Administrator, has designated as waters within which a State government may regulate the establishment, operation, and maintenance of marine aids to navigation, including regulatory markers. The Commandant will entertain requests to make such designations with respect to navigable waters of the United States not marked by the Federal government. These designations when approved will be set forth in separate sections by States in this subpart and will briefly describe or identify waters so designated.

The term Uniform State Waterway Marking System (USWMS) means the system of private aids to navigation which may be operated in State waters.

The term State Administrator means the official of a State having power under the law of the State to regulate, establish, operate or maintain

maritime aids to navigation on waters over which the State has jurisdiction.

The term State aids to navigation means all private marine aids to navigation operated in State waters for private aids to navigation, whether owned by a State, political subdivisions thereof or by individuals, corporations, or organizations.

The term regulate State maritime aids to navigation means to control the establishment, disestablishment, operation and maintenance of State aids to navigation.

#### **66.05-10 State waters for private aids to navigation; designations; revisions, and revocations.**

A State Administrator who desires to regulate State maritime aids to navigation in the navigable waters of the United States not marked by the Federal Government, shall request the Commandant to designate the specific bodies of water involved as State waters for private aids to navigation.

The request shall be forwarded to the District Commander in whose district the bodies of water are located. The request shall give the name and description of the waterway; the extent of use being made of the waterway for marine navigation, in general terms; an appropriate chart or sketch of the area; and a general outline of the nature and extent of the State aids to navigation which the Administrator plans to establish in the waterway.

The District Commander shall review the request and consult with the State Administrator concerning the terms of an initial agreement to be entered into under specific provisions. When they have arrived at terms of an agreement satisfactory to both, the District Commander shall forward the request to the Commandant with his recommendations and the terms of agreement mutually settled upon. If they cannot reach such agreement, the District Commander

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shall forward the request with his recommendations and a statement of the points agreed upon and the points remaining at issue.

Upon receipt of the request, the Commandant will determine whether or not approval of the request is in the public interest and will inform the State Administrator and the District Commander of the Coast Guard's decision. If the request is approved, the designation by the Commandant of the waters in question as State waters for private aids to navigation will be also defined and described in this subpart.

The Commandant may, upon his own initiative or upon request, revoke or revise any designations of State waters for private aids to navigation previously made by him. Written notice shall be given the State Administrator of the action contemplated by the Commandant. The State Administrator will be afforded a period of not less than 30 days from the date of the notice in which to inform the Commandant of the State's views in the matter before final action is completed to revoke or revise such designation.

### **66.05-20 - Coast Guard-State agreements.**

The District Commander in whose District a waterway is located may enter into agreements with State Administrators permitting a State to regulate aids to navigation, including regulatory markers, in State waters for private aids to navigation, as, in the opinion of the District Commander, the State is able to do in a manner to improve the safety of navigation. When a waterway is located within the area of jurisdiction of more than one Coast Guard District, the District Commander in whose District the State capital is located shall execute the agreement in behalf of the Coast Guard. All such agreements shall reserve to the District Commander the right to inspect the State aids to navigation without prior notice to the State. They shall stipulate that State aids to navigation will conform to the Uniform State Waterway marking

System or to the U.S. Aids to Navigation System and that the State Administrator will modify or remove State aids to navigation without expense to the United States when so directed by the District Commander, subject to the right of appeal on the part of the State Administrator to the Commandant.

A Coast Guard-State agreement shall become effective when both parties have signed the agreements. In lieu of the procedure prescribed in Sec. 66.01-5, the agreement shall constitute blanket approval by the Commandant, of the State aids to navigation, including regulatory markers, established or to be established in State waters for private aids to navigation designated or to be designated by the Commandant.

In addition to the matters set forth in the first paragraph of this section, Coast Guard-State agreements shall cover the following points, together with such other matters as the parties find it desirable to include:

(1) A description, in sufficient detail for publication in Notices to Mariners, of all aids to navigations under State jurisdiction in navigable waters of the United States in existence prior to the effective date of the agreement which have not been previously approved under procedures of Sec. 66.01-5.

(2) Procedures for use by the State administrator to notify the District Commander of changes made in State aids to navigation, as required by Sec. 66.05-25.

(3) If prior to December 21, 2003, specification of the marking system to be used, whether the U.S. Aids to Navigation System or the Uniform State Waterway Marking System.

(4) Specification of standards as to minimum size and shape of markers, the use of identifying letters, the use of reflectors or retroreflective materials, and any other similar standards so as to enable Coast Guard inspectors to determine compliance with Statewide standards.

**66.05-25 Change and modification of State aids to navigation.**

Wherever a State Administrator shall determine the need for change in State aids to navigation, he shall inform the District Commander of the nature and extent of the changes as soon as possible, preferably not less than 30 days in advance of making the changes.

**66.05-30 Notice to Mariners.**

The District Commander may publish information concerning State aids to navigation, including regulatory markers, in the Coast Guard Local Notices to Mariners as he deems necessary in the interest of public safety.

Notices to Mariners which concern the establishment, disestablishment, or change of State aids to navigation, including regulatory markers, may be published whenever the aids to navigation concerned are covered by navigational charts or maps issued by the National Ocean Service or the U.S. Army Corps of Engineers.

**66.05-35 Private aids to navigation other than State owned.**

No person, public body or other instrumentality not under control of the Commandant or the State Administrator, exclusive of the Armed Forces of the United States, shall establish, erect or maintain in State waters for private aids to navigation any aid to navigation without first obtaining permission to do so from the State Administrator. Discontinuance of any State aids to navigation may be affected by order of the State Administrator.

**66.05-40 Corps of Engineers' approval.**

In each instance where a regulatory marker is to be established in navigable waters of the United States which have been designated by the Commandant as State waters for private aids to navigation, the State Administrator is responsible

for obtaining prior permission from the District Engineer, U.S. Army Corps of Engineers concerned, authorizing the State to regulate the water area involved, or a statement that there is no objection to the proposed regulation of the water area. A copy of the Corps of Engineers permit or letter of authority shall be provided by the Administrator to the District Commander upon request.

Similarly, where an aid to navigation is to be placed on a fixed structure or a mooring buoy is to be established in State waters for private aids to navigation, the State Administrator shall assure that prior permission or a statement of no objection to the structures or mooring buoys proposed is obtained from the District Engineer concerned. A copy of the permit or letter is not required by the District Commander.