

SECTION G – Uninspected Passenger Vessel Examination Program

- References:
- (a) 46 Code of Federal Regulations Subpart C – Uninspected Vessels
 - (b) 46 Code of Federal Regulations Part 4, Marine Casualties
 - (c) 46 Code of Federal Regulations Part 15, Licensing
 - (d) 46 Code of Federal Regulations Part 16, Drug Testing
 - (e) 33 Code of Federal Regulations Part 95, Intoxication
 - (f) 33 Code of Federal Regulations Parts 151-159, Pollution
 - (g) COMDTINST 16796.7, Vessel Safety Check Program
 - (h) LANTAREAINST 16710

11-G-1 Purpose

- a. This instruction establishes the Uninspected Passenger Vessel (UPV) examination program for Sector Southeastern New England. This program complies with references (a) thru (h) and establishes training standards, tactics and procedures for Sector Active, Reserve, and most importantly Auxiliary to conduct and document courtesy examinations on the large charter boat fleet of uninspected passenger vessels in Sector Southeastern New England's Area of Responsibility (AOR). The goals of this program are to confirm that the vessel operators and crew members are in compliance with applicable requirements, to educate the uninspected passenger vessel industry on vessel safety, and to identify and correct any hazards that would endanger the safety of passengers.

11-G-2 Action

- a. Sector Auxiliary Liaison Officer: will assign at least two qualified Auxiliary members to serve as Program Managers of the Uninspected Passenger Vessel Inspection Program within Sector Southeastern New England's AOR.
- b. Program Managers: will elect a senior manager who will oversee the other managers and ensure consistency within the program. The Senior Program Manager will act as the program liaison with the Sector through the Sector Auxiliary Liaison Officer. The Program Managers will ensure that Auxiliary members participating in the program are fully trained on vessel examination procedures, documentation, drug testing and licensing requirements.
- c. Qualified UPV Auxiliary Examiners: will examine charter boats upon the request of vessel owners/operators and determine if a decal will be issued based on qualifying criteria per this instruction. The decal will be valid for a period of two years from time of successful completion of examination.

11-G-3 Background

- a. Over 350 charter vessels operate in Sector Southeastern New England's (SSENE) AOR, collectively carrying an estimated 100,000 passengers each season. The program promotes passenger safety through education and voluntary participation by charter boat operators.

11-G-4 Discussion

- a. In an effort to promote and ensure the safety of charter vessel passengers, the Coast Guard enforces the regulations applicable to UPV's. These regulations include: the equipment and operational requirements

of ref (a), the licensing requirements found in ref (c), the chemical testing requirements found in ref (d) and other pollution prevention requirements found in ref (f). The objective is to work towards 100% compliance. A key to encouraging Charter vessel owners/operators (CVO) to participate in this voluntary program is to offer those that successfully pass a UPV examination a reduced chance of having to undergo time intensive underway boardings while they have paying passengers on board. Coast Guard boarding officers will continue to conduct boardings in accordance with the Sector Commander's directives and Coast Guard District One and Headquarter policies. Enforcement actions will be used in cases where CVOs are substantially out of compliance or where material conditions exist that jeopardize the safety of persons and/or property. **Note: The UPV dockside examination program prohibits information received during examinations, except as noted in this instruction, from being used to target vessels.**

b. Eligible Vessels:

- 1) **Uninspected Passenger Vessels** (also known as UPV's, Charter Vessels or "Six Packs") are vessels that carry no more than six passengers, are for hire and operate on U.S. navigable waters. Vessels that operate exclusively on state waterways, which have not been federally designated as U. S. navigable waters, or vessels that do not have a motorized propulsion system or are over 100 gross tons are not included in this program.

c. Examination Types:

- 1) **Voluntary Dockside Examinations.** (UPVE) The UPVE is conducted when the CVO volunteers to receive a UPVE. As a result, this exam does not result in citations for noncompliance with regulations. The goal of this exam type is to strengthen compliance with the safety requirements through information and education. All voluntary exams will be conducted by qualified Auxiliary UPV Examiners within SENE. Small boat station boarding officers will participate in UPVE's for training purposes only and when accompanied by a qualified Auxiliary UPV Examiner.
- 2) **Drug and Alcohol Program Examinations.** To ensure that CVOs are in compliance with the random drug testing requirements, examiners shall determine if charter vessel captain(s) and crewmember(s) are enrolled in an approved drug program when conducting a UPVE. If not, a decal shall not be issued and the UPV examiner shall contact the Prevention Department via the Program Director to determine if Captain of the Port (COTP) action is necessary. The examiner will encourage the CVO to contact a Program Director for assistance in locating an acceptable drug and alcohol program testing facility that meets the requirements.
- 3) **Follow-Up Examinations.** CVO of vessels with discrepancies identified during a UPVE will be encouraged to contact an examiner to schedule a follow-up examination in order to qualify for a decal.

11-G-5 Training and Qualifications

- a. Program Directors will each be qualified UPV Examiners. They will ensure that all Auxiliary members participating in the UPV Examination Program are fully trained in applicable regulations, vessel examination procedures, vessel documentation requirements, drug testing, and licensing requirements. Program Directors will annually review this instruction and all enclosures for any updates required by changes in regulation of policy. At least one of the Directors should have held a Merchant Mariner License and have worked in the passenger vessel industry.

- b. UPV Examiners will meet all of the following elements for qualification:
- 1) Have at least 2 years experience as a qualified Vessel Safety Check Program Examiner (VSCP).
 - 2) Attend a local training course for UPV Examiners offered by a qualified UPV Instructor.
 - 3) Complete the UPV PQS (enclosure 5) under the supervision of a qualified examiner and forward to the Senior Program Director for forwarding as required.
 - 4) Successfully pass the UPV Exam Board conducted by at least two qualified UPV examiners one of which should be a Director or a UPV Instructor.
 - 5) Participate in at least three UPV Exams and one where they demonstrate their competency by leading the exam. Then conducting at least one exam under the supervision of a qualified Auxiliary UPV instructor or a Program Director.
 - 6) Complete all vessel examination forms and follow-up with the director(s) to ensure that the MISLE entries have been made.
 - 7) Following satisfactory completion of the training phase, the Senior Program Director shall draft and forward the UPV Examiner designation letter (enclosure 2) to the OCMI for his signature and approval. A copy will then be forwarded to the UPV Examiner Candidate, Senior Program Director, Prevention Department and the Cape Auxiliary Office for entry into the member's record.
 - 8) Maintaining Proficiency. All examiners must conduct at least five UPV exams in the past calendar year to maintain their qualification. Personnel who fail to conduct the minimum number of examinations will be required to demonstrate competency by conducting at least one UPV exam with a qualified UPV examiner. If there are extenuating circumstances, the senior Program Director may waive the refresher requirements. The Senior Program Director will be responsible for keeping track of auxiliary UPV examiners qualifications and currency requirements.
- c. Auxiliary UPV Instructor. Auxiliary examiners requesting the Auxiliary UPV Instructor designation shall submit a request with a recommendation from their Division Captain to the Senior Program Director. The Auxiliarist must meet the following minimum elements to qualify as an Auxiliary UPV Instructor:
- 1) Be certified as a Vessel Examiner in the VSC Program.
 - 2) Be a qualified UPV Examiner.
 - 3) Be an active member of the UPV Exam program for the preceding year.
 - 4) Have taught a local Training course for UPV examiners under the supervision of a UPV instructor
 - 5) Demonstrate their competence to mentor UPV examiners to a Program Director.
- d. The Senior Program Director will evaluate each request made by an Auxiliary examiner interested in becoming an instructor. Following approval, the Senior Program Director shall draft and forward the UPV Instructor designation letter (enclosure 3) to the UPV Candidate with copies to the OCMI. The

letter authorizes the UPV Instructor to conduct UPV examination training on behalf of the OCMI of SSENE. The Program Directors will keep a current list of qualified UPV Instructors generated by the Senior Program Director.

11-G-6 UPV Examiners

- a. The UPV examiners will ensure that results of each UPV exam (pass or fail) are entered into the MISLE database via the Program Directors or their designee. The Program Directors, or designee, will collect and assess exam information in order to measure the condition of the UPV program via the USCG Uninspected Passenger Vessel Safety Examination Results form (enclosure 4). The Program Directors shall be aware of all open UPV cases in MISLE for the Sector and try to resolve them.
- b. This safety program is voluntary. The goal of achieving 100% compliance is dependent upon the participation and cooperation of the charter vessel associations and its members. Each UPV examiner will ensure that the service they provide is prompt and professional.
- c. The uniform for examiners shall be the Operational Dress Uniform with a ball cap. Personnel may wear docksiders in lieu of steeled toed boots in order to reduce/prevent the marking of a vessel's decks. Coveralls or the Auxiliary jumpsuit may also be worn during a vessel examination.

11-G-7 Conducting Examinations

- a. All examiners will conduct themselves in a positive, polite and professional manner at all times.
- b. Only one examiner is necessary to conduct the UPV dockside exam, but it is encouraged that they be done with two UPV examiners. Each examiner will receive credit for the exam. UPV dockside exams are to be conducted with the CVO or his/her designated representative present.
- c. Examiners will make sure that the CVO fully understands the purpose and nature of the examination.
- d. Examiners shall complete the UPV Safety Exam Result sheet and the UPV check-off sheet (enclosure 4 & 1) when conducting a UPV exam. They must forward a copy to the Program Director within 5 days.
- e. Upon exam completion, the examiner will provide the CVO with a list of any deficiencies identified. The examiner shall fully explain the deficiencies and acceptable corrective actions to qualify for an UPV decal. The examiner shall also provide a means to re-contact the examiner for appropriate follow up examinations.
- f. The two year UPV examination decal will only be issued to vessels that have passed the examination and have no outstanding deficiencies. The UPV examiner will punch out the date of the exam on the decal and record the decal number. He will then observe the CVO place the decal on the port side of the vessel.
- g. Exam scheduling is generally coordinated through the Program Directors. This will include scheduling multiple examinations in one port (Port Blitzes) on the same day. When an exam is conducted impromptu or on short notice by an examiner, submittal of completed exam paperwork (enclosure 4) to the Program Director will serve as notice.

11-G-8 Procedures for Handling Deficiencies

- a. Follow up examinations should be limited to reviewing the previously identified discrepancies or documentation that corrective action has been taken if it has been within 30 days. Upon correction of the discrepancies, the examiner can issue the decal to the CVO and affix the decal and forward a copy of the UPV Safety Exam Result sheet to the Program Director within 5 days. If the follow up exam is beyond 30 days from the original UPCV exam, a full examination should take place again.
- b. In certain cases, a significant number of deficiencies may warrant contacting the Program Director for appropriate guidance. In these instances, the Program Director will coordinate with the Prevention Department via the Senior Program Director to determine if Captain of the Port (COTP) action is necessary. If the UPV Examiner cannot contact either the Program Director or Senior Program Director, he may contact the Prevention Duty Officer (PDO) via the Sector Command Center to coordinate the appropriate action.
- c. Enclosure (7) describes situations that require additional approval and guidance. The examiner should advise the CVO that carrying passengers with any of the noted deficiencies identified would place the CVO and his/her passengers safety at risk, as well as, be cause for voyage termination and subject him/her to civil penalties if found during an underway boarding.
- d. In rare circumstances, a COTP order may be necessary to cease commercial operations. COTP orders must be issued as quickly as possible following the discovery of any serious discrepancies. In these instances, the examiner will directly notify the Command Center.
- e. The Auxiliary examiner does not have law enforcement authority. When deemed necessary, the examiner will contact a Program Director, who will notify the Sector Command Duty Officer in the Command Center for assistance with law enforcement issues.
- f. Deficiencies identified and corrected during the exam should be documented on enclosure 4 as well as in the MISLE. A copy of the UPV Safety Exam Result sheet will be retained in the vessel files by the Program Directors.

11-G-9 Reports

- a. Exam documentation: Documentation should be sufficient to measure the level of participation and success in reducing deficiencies. Exam results should document deficiencies in order to assess program effectiveness. To facilitate program management, the following exam documentation program will be implemented as determined by the Senior Program Director.
- b. UPV dockside examiners will fill out all applicable sections of the examination form (enclosure 1). All deficiencies identified during the exam shall be noted for data collection purposes in complete detail even if they are corrected during the same exam.
- c. Examiners shall notify the Program Director verbally, by email or fax, the number and the type of vessel exams conducted within two working days following the exam(s). In addition, they will submit completed forms enclosure (4) to the Program Director within 5 working days following the exam. The data on the exam form will be entered into MISLE and used to document the UPVs operating in SSENE's AOR.
- d. The UPV Examination Result Sheet (enclosure 4) and be used to complete MISLE entries. The Program Directors or their designee are responsible for the entries into MISLE.

- e. Examiners are responsible for entering their UPV Examinations on the USCGAUX Form 7038 - enclosure (6) using OPCON: 01-37020
- f. It is suggested that prior to a scheduled UPV Exam, Examiners should request of the Program Director a copy of the MISLE history for the vessel.
- g. The MISLE database will be used for documentation management. At a minimum, the MISLE activity will include the following:
 - 1) Name of the vessel.
 - 2) Documentation or registration number.
 - 3) Address/phone number of the Owner.
 - 4) Address/phone number of the Operator (if different from the owner).
 - 5) Date/location/type of each UPV Examination.
 - 6) Number/type of deficiencies issued for each examination.
 - 7) Decal number, if applicable.
- h. If a COTP order is issued as part of the process to bring a UPV operator into compliance, or if a COTP order is rescinded, it will be noted in the vessel's activity. The order will remain with the file indefinitely.
- i. If a vessel is no longer used for chartering, the Program Director or designee will note such in the vessel's electronic files. A complete hardcopy of the vessel's file will be retained by the Program Directors in compliance with the records retention requirements of (5 years).
- j. The Program Directors will determine the extent of reporting for each of their areas, and should consider the following items for collection:
 - 1) Total number of vessels examined to include vessels new to the program.
 - 2) Total number of vessels displaying a valid decal.
 - 3) Total number of follow up visits performed.
 - 4) Total number of open cases
 - 5) Total number and type of deficiencies identified for:
 - (a) Initial exams.
 - (b) Follow up exams.
 - (c) Number of Training Sessions or presentations to the public (with an actual count or estimate of the number of people in attendance).

k. At the end of each calendar year, the Senior Program Director will submit the program's data to the CG Auxiliary Liaison Officer.

- Enclosures:
- (1) UPV Check-off Sheet
 - (2) Template letter of Designation as an Auxiliary UPV Examiner
 - (3) Template letter of Designation as an Auxiliary UPV Instructor
 - (4) UPV Safety Exam Result sheet
 - (5) UPV PQS Book
 - (6) USCGAUX form ANSC 7038
 - (7) Situations that Require Additional Approval and Guidance