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National GMDSS Implementation Task Force
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Secretary
Federal Communications Commission
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Washington D.C. 20554

Commandant, U.S. Coast Guard
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PETITION TO REQUEST THAT FCC AND THE COAST GUARD AMEND THEIR RESPECTIVE RULES TO UPDATE THE CARRIAGE REQUIREMENTS FOR RADIO SAFETY EQUIPMENT ON SMALL PASSENGER VESSELS TO ENHANCE THEIR SAFETY AND CONFORM TO THE LATEST STANDARDS.

The GMDSS Task Force. The National GMDSS Implementation Task Force was chartered by the U.S. Coast Guard to supplement government functions in expediting the implementation of the Global Maritime Distress and Safety System (GMDSS) adopted by the International Maritime Organization (IMO). The Task Force membership is broad-based including over 4000 representatives of government authorities, commercial vessel owners and operators, recreational vessel interests, training institutions, service agents, manufacturers, trade associations and maritime labor organizations. The Task Force maintains a portion of the Coast Guard web site at www.navcen.uscg.gov/?pageName=MaritimeTelecomms (click GMDSS then TF) that contains numerous GMDSS Information Bulletins, records of Task Force meetings, and various Task Force letters recommending regulatory action. The Task Force has made numerous recommendations to both the Coast Guard and the FCC, most of which have been adopted.

Background. The GMDSS Task Force is making these recommendations at this time partly in response to the Coast Guard's decision to discontinue coastal watches on 2182 and 2187.5 kHz which has created increased requests for waivers by non-SOLAS U.S. vessels required to watch those frequencies when operating more than 20 miles offshore. In addition, the Task Force is concerned that the smallest category of passenger vessels is not required to carry an EPIRB and we consider this inappropriate for any vessel carrying passengers for hire offshore. Other recommendations are to conform to the latest standards in common use to enhance safety as appropriate to the size and operations of these vessels. We are making this a Joint petition to both the FCC and the Coast Guard in recognition that Rules of both of those Agencies are involved and they will no doubt wish to consult on appropriate changes.

Classification of Small Passenger Vessels. The USCG's classification for Small Passenger Vessels is established in the Code of Federal Regulations Title 46. The following is a summary of those classifications:

Type 1) Uninspected Passenger Vessels under Subchapter C (sections 24 to 28)
- 6 or less passengers for hire & under 100 gross tons (gt)

Type 2) Uninspected Passenger Vessels under Subchapter C (sections 24 to 28)
- 12 or less passengers for hire & over 100 gross tons (gt)

Type 3) Inspected Small Passenger Vessels under Subchapter K (sections 114 to 122)
- Greater than 49 passengers for hire with overnight facilities & less than 100 gt OR
- Greater than 150 passengers for hire w/o overnight facilities & less than 100 gt

Type 4) Inspected Small Passenger Vessels under Subchapter T (sections 175 to 185)
- 49 or less passengers for hire with overnight facilities & less than 100 gt

OR

- 150 or less passengers for hire without overnight facilities & less than 100 gt

With regards to the FCC, the following definition for a Small Passenger Vessel is specified in Title 47 Part 80 Subchapter S (section 901):

Greater than six (6) passengers for hire & less than 100 gross tons.
(note: vessels less than 50 GT which do not travel further than 300 meters from land are exempt).

Accordingly, the FCC Subchapter S vessels are equal to USCG types 3 and 4 (46 CFR Subchapter K and T vessels).

The Task Force Recommendations. The recommendations contained in the attached Annex were approved by the GMDSS Task Force at its meeting on 2 May 2014.

For the GMDSS Task Force,

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ANNEX to GMDSS Task Force Petition to FCC and Coast Guard of 6 June 2014

Recommendations of the GMDSS Task Force to the Coast Guard and the Federal Communications Commission (FCC) for Changes to the Radio Safety Carriage Requirements for Small Passenger Vessels as set forth in Titles 33, 46 and 47 CFR.

1. VHF Radio Facilities:
Regulation reference(s): 47 CFR Part 80 Subchapter S (FCC)
Affected Vessels: USCG Vessel Types 3 and 4

a) With the declaration of Sea Area A1 in the near future by the USCG, it is expected that the FCC will enforce their rule 80.905(a) (1) and (3) (i) and
(4) (i) that the affected vessels will have one year from the date of declaration to upgrade to VHF-DSC radios.

- The Task Force recommends that the FCC Public Notice concerning the upgrade to DSC should remind the public of the FCC regulations 80.905 (a) (5) and 80.1085 (c) mandating the required GNSS to be connected to the VHF-DSC. In addition, the FCC should also remind the public of their Rule 80.103 (b) that states that VHF-DSC transceivers must have the vessel's proper MMSI number programmed in it.

Regulation reference(s): 33 CFR Subchapter A (USCG)
Affected Vessels: USCG Vessel Types 3 and 4

b) As it applies to Inspected Small Passenger Vessels, the USCG stipulated Bridge-to-Bridge (B to B) navigational watch on select VHF channels is required on all power driven vessels over 65 feet in length (section 26.03).

Since an Automatic Identification System (AIS) is also a VHF based aid to navigation safety system, the two systems are complementary. Therefore:

- The Task Force recommends that the USCG require all Subchapter K and T SPVs that are required to maintain a watch on the Bridge-to-Bridge channels should be required to carry a properly installed and operating AIS unit.

2. MF/HF SSB Radio Facilities:
Regulation reference(s): 47 CFR Part 80 Subchapter S (FCC)
Affected Vessels: USCG Vessel Types 3 and 4

In the latter part of 2013, the Coast Guard discontinued all radio watches on MF channels including 2182 kHz and the MF DSC calling and distress channel 2187.5 kHz. Consequently, the Coast Guard has stated that there is presently no prospect of declaring Sea Area A2 in U.S. waters.

However, the FCC Rules 80.905.(a) (2) and (a) (3) (ii) and (a) (4) (ii) require MF capabilities on small passenger vessels operating greater than 20 miles offshore. In addition, there is a statement in those FCC rules requiring an upgrade of the MF radio to a MF with DSC capability once the USCG declares A2 operational. Small passenger

vessels operating greater than 100 miles offshore are required by FCC Rules 80.905 (a) (3) (iii) (A) and (a) (4) (iii) (A) to have either a HF SSB DSC or an Inmarsat installation.

In consideration of the USCG's decision to shut down the 2 mhz services and the current FCC requirement for only a 2182 khz aural watch by the small passenger vessels in the area between 20 and 100 miles:

- The Task Force recommends that the FCC modify 47 CFR 80.905 to accomplish the following:
  1) Delete all references related to the issues of the USCG declaring A2 operational
  2) Modify the requirements for SPV's operating beyond 20 miles such that the requirement will be for a MF/HF SSB DSC or Inmarsat or other acceptable satellite system (see para. 3 recommendation) installation to be fitted.

3. Satellite Radio Facilities:

The FCC Rules 80.905 (a) (3) (iii) (B) and (a) (4) (iii) (B) permit a GMDSS approved Inmarsat Ship Earth Station to substitute for a MF/HF SSB DSC radio terminal for SPVs operating greater than 100 miles from shore.

- The Task Force recommends that the operating range be decreased from 100 to 20 miles from shore (also see para 2 on this subject).
- The Task Force is on record as recommending recognition of satellite services other than Inmarsat for domestic vessels as long as the provider is considered acceptable by the FCC based upon services offered and the ship can prove to an inspector that there is an activated account in place.

4. EPIRBs:

Regulation reference(s):	46 CFR Subchapters C, K, and T (USCG)
Affected Vessels:	USCG Vessel Types 1, 2, 3 and 4

The Task Force is on record, along with the NTSB and the RTCM, in recommending that all mandatory EPIRB carriages be upgraded to an FCC approved EPIRB with integral GNSS (GPIRB) within a reasonable time to comply. As a point of information, it is an FCC Rule in 47 CFR 80.1061 (f) that U.S. Flag EPRIBs be registered with NOAA – both initially and on a two year interval for the purpose of insuring proper & current vessel information and points of contact in the case of emergencies.

The regulation 46 CFR 25.26-10 (Subchapter C) specifies that an uninspected small passenger vessel less than 100 tons does not have to carry a Category I EPIRB when operating more than 3 miles offshore.

As a related matter of interest, the Task Force and the National Boating Safety Advisory Council have recommended that the USCG implement its new Congressional authority to require emergency beacons for recreational vessels operating beyond three (3) miles offshore.

- The Task Force recommends the USCG modify the existing EPIRB requirements to state that it should be a GPIRB type within a timeframe of their discretion – affects USCG Types 2, 3, and 4.

- The Task Force recommends that the USCG update the regulations to require that uninspected passenger vessels under 100 gt (Type 1) that operate beyond 3 miles also carry an EPIRB or GPIRB.

5. Reserve (emergency) Power:
Regulation reference(s): 47 CFR Part 80 Subchapter S (FCC)
Affected Vessels: USCG Vessel Types 3 and 4

The Task Force has advocated in the past along with NTSB and RTCM that SPVs without a reserve power supply must carry a VHF handheld with DSC and integral GNSS.

This provision is now in the FCC Rule 80.917 as of January 2013 but it does not specify that the radio should have DSC or GNSS capabilities.

- The Task Force recommends that this VHF handheld requirement be modified by the FCC to specify a waterproof VHF-DSC handheld radio with integral GNSS in accordance with RTCM Standard 10150.0 Class 2 requirements.

6. Survival Craft Radio Requirements:
Regulation reference(s): 46 CFR Part 117 Subpart B (USCG)
46 CFR Part 180 Subpart B (USCG)
Affected Vessels: USCG Vessel Types 2, 3 and 4

The Task Force believes that inspected Small Passenger Vessels should carry at least minimal survival craft electronics.

- The Task Force believes that all Subchapter K and T SPVs should have at least one waterproof VHF-FM DSC handheld radio with integral GNSS in accordance with RTCM Standard 10150.0 Class 2 requirements and at least one extra primary battery. This radio would not be required to be loaded into life rafts kits but available on the bridge for immediate use and carriage off the vessel. The unit mentioned in paragraph 5 above would NOT have to be duplicated.
  The recommendation is for the USCG to modify the above Regulatory references to require these radios.

7. Marine Safety Information (MSI):
Regulation reference(s): 47 CFR Part 80 Subchapter S (FCC)
Affected Vessels: USCG Vessel Types 3 and 4

In the case of both Fishing and Towing vessels, the Task Force has advocated a requirement to copy MSI broadcasts – in particular, Navtex for offshore operations and the NOAA VHF voice weather for coastal operations.

The FCC Rules 80.905 (3) (v) and (4) (v) currently only require Navtex for small passenger vessels operating greater than 100 miles offshore.

- The Task Force recommends that for all Subchapter K and T SPVs within 20 miles of shore, the FCC Rules should stipulate that SPV must meet the operational requirement of reception of the NOAA VHF weather broadcasts.
- The Task Force also recommends that the FCC amend their Rules to stipulate that all Subchapter K and T SPVs operating beyond 20 from shore must carry a Navtex receiver if voyages are planned to be for 24 hours or longer.

- The Task Force additionally recommends that the FCC should require that all Subchapter K and T SPVs operating beyond 200 miles offshore should be able to receive either (a) SafetyNET or (b) HF MSI broadcasts or (c) NOAA/USCG weather fax broadcasts.

8. Automatic Identification System (AIS):
Regulation reference(s): 46 CFR 164.46
Affected Vessels: USCG Vessel Types 3 and 4

Passenger vessels currently operating in VTS areas are required to have Class A AIS units and there are further Coast Guard rules pending which would extend AIS participation to additional classes of passenger vessels.

- The Task Force recommends that the USCG mandate that all Subchapter K and T SPVs should be required to carry AIS systems.

9. Radar Requirements:

There are presentably no radar carriage requirements identified for uninspected small passenger vessels in the USCG Rules. The RTCM will finish a new comprehensive standard for non-SOLAS radar in 2014.

- The Task Force recommends that the USCG adopt the RTCM standard and apply it to all SPVs – inspected and uninspected.

10. Inspections of Small Passenger Vessels:
Regulation reference(s): 47 CFR Part 80 Subchapter S (FCC)
Affected Vessels: USCG Vessel Types 3 and 4

The FCC Rule 80.903 requires an inspection of the radio installation of small passenger vessels every 5 years. The Task Force feels that there is a strong possibility of uncorrected EPIRB battery expirations and general unacceptable conditions of the installations over such a long period.

- The Task Force recommends an inspection interval of two (2) years. The Check List used for the inspection should be retained on board and must be available for the next inspection.

11. Small Passenger Vessels Operating on the Great Lakes:

Regulation reference(s): 47 CFR Part 80 Subchapter T (FCC)
Affected Vessels: USCG Vessel Types 3 and 4

Since the Great Lakes Agreement exempts the Lakes from GMDSS requirements, we suggest either an update of the specific details under the Agreement or extending the new recommended regulations to small passenger vessels and uninspected passenger vessels operating in the Great Lakes.

- The FCC Rule 80.955 (b) only calls for VHF capabilities and does not mention DSC functionality. Since Rescue 21 has been implemented on the Great Lakes, the Task Force recommends an upgrade to VHF-DSC units with a connected GNSS.
- In addition, the FCC Rule 80.103 (b) states that VHF-DSC transceivers must have the vessel's proper MMSI number programmed in it. This should be referenced in any such rulemaking regarding the upgrade to VHF-DSC.
- The Task Force recommendations for upgrade of EPIRBs, emergency power, MSI (except for Navtex and long range MSI systems), AIS, Radar, and Survival Craft all apply for vessels on the Great Lakes.

12. Other Provisions of the FCC Rules:
Regulation reference(s): 47 CFR Part 80 Subchapter S (FCC)

The FCC Rules, while reasonably up to date, do contain obsolete requirements for radio telephone alarm generators and refer to discontinued Inmarsat systems.

- The Task Force recommends a review and deletion of all obsolete references by the FCC within Subchapter S.