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

**(a)*Access required.*** Each [facility](https://www.law.cornell.edu/cfr/text/33/105.237) [owner or operator](https://www.law.cornell.edu/cfr/text/33/105.237) must implement a system by June 1, 2020 for providing access through the [facility](https://www.law.cornell.edu/cfr/text/33/105.237) that enables individuals to transit to and from a [vessel](https://www.law.cornell.edu/cfr/text/33/105.237) moored at the [facility](https://www.law.cornell.edu/cfr/text/33/105.237) and the [facility](https://www.law.cornell.edu/cfr/text/33/105.237) gate in accordance with the requirements in this section. The system must provide timely access as described in [paragraph (c)](https://www.law.cornell.edu/cfr/text/33/105.237#c) of this section and incorporate the access methods described in [paragraph (d)](https://www.law.cornell.edu/cfr/text/33/105.237#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](https://www.law.cornell.edu/cfr/text/33/105.237) [owner or operator](https://www.law.cornell.edu/cfr/text/33/105.237) must provide the access described in this section include -

**(1)** Seafarers assigned to a [vessel](https://www.law.cornell.edu/cfr/text/33/105.237) at that [facility](https://www.law.cornell.edu/cfr/text/33/105.237);

**(2)** Pilots; and

**(3)** Representatives of seafarers' welfare and labor organizations.

**(c)*Timely access.*** The [facility](https://www.law.cornell.edu/cfr/text/33/105.237) [owner or operator](https://www.law.cornell.edu/cfr/text/33/105.237) must provide the access described in this section without unreasonable delay, subject to review by the [Captain of the Port (COTP)](https://www.law.cornell.edu/cfr/text/33/105.237). The [facility](https://www.law.cornell.edu/cfr/text/33/105.237) [owner or operator](https://www.law.cornell.edu/cfr/text/33/105.237) must consider the following when establishing timely access without unreasonable delay:

**(1)** Length of time the [vessel](https://www.law.cornell.edu/cfr/text/33/105.237) is in port.

**(2)** Distance of egress/ingress between the [vessel](https://www.law.cornell.edu/cfr/text/33/105.237) and [facility](https://www.law.cornell.edu/cfr/text/33/105.237) gate.

**(3)** The [vessel](https://www.law.cornell.edu/cfr/text/33/105.237) watch schedules.

**(4)** The [facility](https://www.law.cornell.edu/cfr/text/33/105.237)'s safety and security procedures as required by law.

**(5)** Any other factors specific to the [vessel](https://www.law.cornell.edu/cfr/text/33/105.237) or [facility](https://www.law.cornell.edu/cfr/text/33/105.237) that could affect access to and from the [vessel](https://www.law.cornell.edu/cfr/text/33/105.237).

**(d)*Access methods.*** The [facility](https://www.law.cornell.edu/cfr/text/33/105.237) [owner or operator](https://www.law.cornell.edu/cfr/text/33/105.237) 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](https://www.law.cornell.edu/cfr/text/33/105.237) and the [facility](https://www.law.cornell.edu/cfr/text/33/105.237) gate that conforms to the [vessel](https://www.law.cornell.edu/cfr/text/33/105.237)'s watch schedule as agreed upon between the [vessel](https://www.law.cornell.edu/cfr/text/33/105.237) and [facility](https://www.law.cornell.edu/cfr/text/33/105.237).

**(2)** An on-call escort between the [vessel](https://www.law.cornell.edu/cfr/text/33/105.237) and the [facility](https://www.law.cornell.edu/cfr/text/33/105.237) 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](https://www.law.cornell.edu/cfr/text/33/105.237) provides arrangements with taxi services or other transportation services as the only method for providing the access described in this section, the [facility](https://www.law.cornell.edu/cfr/text/33/105.237) is responsible to pay any fees for transit within the [facility](https://www.law.cornell.edu/cfr/text/33/105.237).

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

**(5)** Monitored pedestrian access routes between the [vessel](https://www.law.cornell.edu/cfr/text/33/105.237) and [facility](https://www.law.cornell.edu/cfr/text/33/105.237) gate.

**(6)** A method, other than those in paragraphs (d)(1) through (5) of this section, approved by the [COTP](https://www.law.cornell.edu/cfr/text/33/105.237).

**(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](https://www.law.cornell.edu/cfr/text/33/105.237) must ensure that the access required in [paragraph (a)](https://www.law.cornell.edu/cfr/text/33/105.237#a) of this section is actually provided in all instances.

**(e)*No cost to individuals.*** The [facility](https://www.law.cornell.edu/cfr/text/33/105.237) [owner or operator](https://www.law.cornell.edu/cfr/text/33/105.237) 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](https://www.law.cornell.edu/cfr/text/33/105.237) [owner or operator](https://www.law.cornell.edu/cfr/text/33/105.237) must document the [facility](https://www.law.cornell.edu/cfr/text/33/105.237)'s system for providing the access described in this section in the approved [FSP](https://www.law.cornell.edu/cfr/text/33/105.237) in accordance with [§ 105.410](https://www.law.cornell.edu/cfr/text/33/105.410) or [§ 105.415](https://www.law.cornell.edu/cfr/text/33/105.415). The description of the [facility](https://www.law.cornell.edu/cfr/text/33/105.237)'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](https://www.law.cornell.edu/cfr/text/33/105.237) personnel assigned to each duty associated with providing the access described in this section;

**(3)** Methods of [escorting](https://www.law.cornell.edu/cfr/text/33/105.237) and/or monitoring individuals transiting through the [facility](https://www.law.cornell.edu/cfr/text/33/105.237);

**(4)** Agreements or arrangements between the [facility](https://www.law.cornell.edu/cfr/text/33/105.237) 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).

[USCG-2013-1087, [84 FR 12119](https://www.law.cornell.edu/rio/citation/84_FR_12119), Apr. 1, 2019]

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