

## Access to Information

The Seafarers' Access to Maritime Facilities regulation can be found at Title 33 of the Code of Federal Regulations, parts 101 and 105 (33 CFR 101 and 105), copies of which are available through your local library or at [www.gpo.gov/ecfr](http://www.gpo.gov/ecfr).

To view a copy of the rule, as well as the rulemaking record and regulatory analysis, visit the Seafarers' Access to Maritime Facilities docket online at [www.regulations.gov](http://www.regulations.gov), and search using docket number USCG-2013-1087.

For additional MTSA compliance information please visit Coast Guard [Homeport](http://www.homeport.uscg.mil) at [www.homeport.uscg.mil](http://www.homeport.uscg.mil).



**If you have any questions  
about this rule, contact:**

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## ***Small Entity Compliance Guide***



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## ***Seafarers' Access to Maritime Facilities***

***33 CFR 101&105***



**Homeland  
Security**



## Basics

The Coast Guard developed regulations that require facility owners or operators regulated under the Maritime Transportation Security Act (MTSA) of 2002 to provide seafarers and other individuals with access between vessels moored at a facility and the facility gate. While most facil-



ity operators included specific provisions for access by seafarers, pilots, seafarer welfare organization representatives and others in their Facility Security Plans (FSP), it was not specifically required by regulations. As such, some seafarers and other vessel visitors had difficulty with access to and from the vessel through the regulated facility.

Section 811 of the Coast Guard Authorization Act of 2010 addressed these access issues at facilities by requiring FSPs to document and provide a system for mariners, pilots, and persons with mariner welfare-related businesses to access vessels through facilities in a timely manner and at no cost to the individuals.

This Compliance Guide, issued under the Small Business Regulatory Enforcement Act of 1996, provides a plain-language overview of the rule

and regulations. Please refer to the “Access to Information” section for more details.

## *What does the Seafarers’ Access Rule do?*

The Seafarers’ Access to Maritime Facilities rule addresses the concerns of mariners and other persons who find their ability to access vessels or depart vessels for legitimate purposes hampered by an individual facility’s internal operating guidelines. Under the MTSA regulations, owners/operators are responsible for knowing who is on their facilities at all times. Anyone who is not immediately known to the owner or operator must be escorted, whether on foot or in a vehicle.

The Seafarers’ Access to Maritime Facilities regulations require each owner or operator of a maritime facility regulated by the Coast Guard to implement a system providing seafarers, pilots, and representatives of seamen’s welfare and labor organizations access between vessels moored at the facility and the facility gate, in a timely manner and at no cost to the seafarer or other individuals. These access procedures must be documented in the FSP for each facility, and approved by the local Captain of the Port. These regulations, which implements a congressional mandate, ensures that no facility owner or operator denies or makes it impractical for seafarers or other individuals to transit through the facility.

## *How much will the Seafarers’ Access to Maritime Facilities rule cost?*

Costs of this rule to facilities will vary by physical layout of the facility and the types of operations being conducted with the vessel. If an owner/operator can only account for persons moving between the gate

and the ship by having an authorized individual act as escort, the cost of that person’s salary will be directly tied to the cost of the rule. Some facilities, though, have closed circuit cameras that monitor the path travelled by seafarers and visitors between the vessel and the gate. Others are situated in such a way that an employee or security officer can monitor individuals travelling between the vessel and the gate via line of sight observation. In these examples, the facility can still initiate a response should a security concern arise. In the latter cases, costs to the facility should be minimal.

## *Are there alternatives to this rule for small businesses?*

While there are not any alternatives to compliance, there may be practices and existing facility resources that can meet the spirit of the regulations and limit financial impact. Please work with your local Captain of the Port to see how your FSP can be amended to provide access to seafarers and other legitimate individuals while using the existing infrastructure and employee base at your facility, if possible.

