



16721
CG-BSX
Policy Letter 23-02
24 Mar 2023

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COMDT (CG-BSX)

To: Distribution

Subj: RESTRICTED OPERATOR OF UNINSPECTED PASSENGER VESSELS FOR
RECREATIONAL BOAT OPERATOR EDUCATION

Ref: (a) Chapter 46, Code of Federal Regulations, Part 11 Subpart D, § 11.467(g) (46 CFR
11.467(g))
(b) CG-MMC Policy Letter 01-16

1. Purpose. This policy letter provides the Officer In Charge of Marine Inspection (OCMI) and recreational boating educational providers seeking a restricted endorsement with best practices to establish a Restricted Operator of Uninspected Passenger Vessels (ROUPV) credential for the purpose of training recreational boat operators on inland waters.
2. Background.
 - a. Educating recreational boaters remains a priority of the National Recreational Boating Safety Strategic Plan, which is available on www.uscgboating.org, and the National Boating Safety Advisory Committee (NBSAC) has passed a resolution on the need for education, both knowledge and skill based. In 2018, over 84.5 million Americans boated, more than one-quarter of the population, and there is a positive correlation between education and safer boating. There are educational requirements in over 80 percent of the 56 State, Territories, and the District of Columbia, but those requirements are knowledge based; there is no requirement for on-water education, which is a superior way to learn how to boat safely. The Coast Guard wants to make obtaining on-water education affordable, available, and safe.
 - b. Section 15.605(b) of Title 46, CFR requires an Operator of Uninspected Passenger Vessel (OUPV) endorsement to operate an uninspected vessel of less than 100 gross tons (GT) equipped with propulsion machinery of any type, carrying six or fewer passengers, including at least one passenger for hire. The definition of "passenger" includes someone carried except the owner, the master, or a member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for services. 46 U.S.C. § 2101(29)(A). "Passenger for hire" means a passenger for whom consideration is contributed as a condition of carriage. 46 U.S.C. § 2101(30). There are two Merchant Mariner Credential (MMC) OUPV endorsements that reduce the requirements for obtaining an OUPV credential: the Limited OUPV (LOUPV)

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endorsement (hereafter “limited endorsement”) and the Restricted OUPV (ROUPV) endorsement (hereafter “restricted endorsement”).

- c. Per ref (a), a limited endorsement may be issued for camps, yacht clubs, educational institutions, and marinas. The endorsement is limited to the specific activity and locality. Given this, the limited endorsement would likely not work for the purpose of training recreational boat operators, since it does not allow for the designation of a larger “training area.”
- d. A restricted endorsement allows for the designation of a training area and may be issued for inland navigable waters. The endorsement is restricted to specific bodies of water approved by the OCMI. The requirements for the restricted endorsement are detailed in paragraph (g) of ref (a) and guidance in ref (b). This letter provides amplifying guidance on establishing a restricted endorsement for those who train recreational boat operators.
- e. Over the past decade, the NBSAC has passed multiple resolutions on the importance of simplifying the requirements of obtaining an OUPV endorsement, including a restricted endorsement, to the degree safety allows. Ref (b) provides outstanding guidance on establishing and obtaining restricted endorsements. This policy provides amplification to ref (b) for the purpose of a restricted endorsement established for recreational boating education.
- f. Per refs (a) and (b), the OCMI may authorize a reduction in service and examination requirements for a restricted endorsement. The below compares the OUPV endorsement to those of a restricted endorsement:
 - (1) Service Time:
 - (a) Per ref (a) for a restricted endorsement, the operator is required to have three months of service (90 days) on the type of vessel for each body of water for which the endorsement is requested. Ref (b) permits no less than 90 days of service on the type of vessel on inland routes with at least 30 days on the specific restricted route, and further reduces the service to 30 days total on the specific restricted route when evaluated in conjunction with an approved course per 46 CFR 10.404(a).
 - (b) Per 46 CFR 10.232(h)(3), on a vessel of less than 100 GT, a “day” is considered to be eight hours unless the vessel’s operating schedule makes that inappropriate; in no case will a day be less than four hours. The mariner then has the option of recording time on a form (i.e., Form CG 719-S) that simply lists days of service, which must be attested to by the vessel owner or a credentialed mariner; or capturing time on a sea service letter, which captures by the hour and is attested to by the vessel owner or a credentialed mariner. The applicant can capture both ways, but CG-MMC staff cautions this because it requires exact recordkeeping that, if not done properly, can likely result in time not getting counted. Time can include when the vessel is moored and preparations are being made to get underway for a restricted endorsement.

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- (c) The recent service requirement is ninety days of service in the previous three years immediately before the date of application [46 CFR 11.201(c)(1)(i)].
- (2) Citizenship: The citizenship requirements basically allow an operator who can legally work in the U.S. to obtain an OUPV or restricted endorsement.
- (3) Age: Per ref (b), the OCMI can lower the minimum age from 18 to 17 and, for family-owned businesses and restricted endorsement, to 16..
- (4) First Aid and CPR Course: Per 46 CFR 11.201(i), a restricted endorsement applicant must complete a first aid and CPR course. This requirement is the same for an OUPV endorsement.
- (5) TWIC Card: Per ref (b), a restricted endorsement holder must enroll for a TWIC card but does not have to hold one. This requirement is the same for an OUPV endorsement.
- (6) Drug Testing: Per 46 CFR 10.225(b)(5), a restricted endorsement applicant must present evidence of passing a chemical test for the presence of dangerous drugs within six months of the application date. This requirement is the same for an OUPV endorsement.
- (7) Medical: Per 46 CFR 15.401(c), the restricted endorsement applicant must obtain a medical certificate. This requirement is the same for an OUPV endorsement.
- (8) Suitability: Per 46 CFR 11.201(g), the restricted endorsement holder must meet suitability requirements. This requirement is the same for an OUPV endorsement.
- (9) Course or Examination: Applicants for OUPV endorsement take 4 examination modules (or a course approved to cover the examinations) on the following subjects: Rules of the Road, Deck General/Safety, Navigation General, and Navigations Problems: Chart Plot. A standardized examination for a restricted endorsement has been developed considering the inland, uncharted, geographic waterways with no International Association of Lighthouse Authorities (IALA-B) buoyage system in place and with limited commercial vessel traffic, and per ref (b) this may be used if the endorsement qualifies and the OCMI supports it. Applicants for the restricted endorsement may choose to complete the examination modules for the OUPV endorsement to meet the examination requirements.

3. Discussion.

- a. Ref (b) provides guidance on obtaining a restricted endorsement. The NBSAC passed multiple resolutions, most recently Resolution 2016-96-05, requesting that the Coast Guard, in the interest of recreational boating safety, ease to the greatest extent safely possible the requirements and cost a recreational boat operator encounters to receive on-water education, since there is no requirement for such education, but evidence shows that obtaining such education ensures the boat operator operates more safely. To help facilitate that stated goal, this policy letter incorporates lessons learned and best practices that the OCMI can use in establishing restricted endorsements.

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4. Action.

- a. This guidance supplements ref (b), paragraph 4.b., providing steps that should be followed by the OCMI in issuing a restricted endorsement.
 - b. The party desiring a restricted endorsement should contact the OCMI to request a restricted endorsement by reaching out to the Coast Guard Sector Prevention Department. The OCMI determines the appropriateness of a restricted route.
 - c. In addition to those items addressed in ref (b), paragraph 4.c, the OCMI should:
 - (1) meet with the person and/or business requesting the restricted route;
 - (2) visit their operation;
 - (3) examine their history and the casualty history in the training area (including using the Marine Safety for Information and Law Enforcement (MISLE) database and the Boating Accident Reporting Database (BARD)), and;
 - (4) consider requesting the services of the Coast Guard Auxiliary in conducting a safety evaluation.
 - d. The OCMI should contact other Coast Guard organizational elements. In addition to those listed in ref (b), paragraph 4.b., the OCMI should also ensure the Regional Examination Center (REC) (through the NMC), the District Prevention Division, and Coast Guard Headquarters program divisions (CG-MMC-2 and CG-BSX-2) in the offices of Merchant Mariner Credentialing and Auxiliary and Boating Safety are informed of the application for a restricted route.
 - e. The OCMI shall determine the appropriateness of lowering the service time in the training area per 2.f.(3) above.
 - f. The OCMI should complete a draft of the new ROUPV and circulate the draft with the person and/or party that requested the restricted endorsement and with the REC and CG-MMC-2.
 - g. If the OCMI approves the ROUPV endorsement, follow the additional guidance in ref (b).
5. Disclaimer. The guidance is not a substitute for applicable legal requirements, nor is it, in itself, a regulation. It is not intended to nor does it impose legally-binding requirements on any party. This guidance represents the Coast Guard's current thinking on this topic and may assist industry, mariners, the public, and the Coast Guard, as well as other Federal and State regulators, in applying statutory and regulatory requirements. Alternative approaches for fulfilling this policy may be acceptable if the approach satisfies the requirements of the applicable statutes and regulations.

6. Environmental Aspect and Impact Considerations.

- a. The development of this guidance and the general policies contained within it have been thoroughly reviewed under Department of Homeland Security Directive 023-01, Rev.1, associated implementing instructions, and Environmental Planning COMDTINST

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5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370f) by the originating office, and are categorically excluded (CE) from further environmental analysis under paragraph #A3 in Appendix A, of Table 1 of DHS Directive Instruction Manual 023-01, Rev. 1. Because this guidance implements, without substantive change, the applicable Commandant Instruction or other federal agency regulations, procedures, manuals, and other guidance documents, Coast Guard categorical exclusion #A3 is appropriate.

- b. This guidance will not have any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment. All future specific actions resulting from the general policies in this guidance must be individually evaluated for compliance with the National Environmental Policy Act (NEPA), DHS and Coast Guard NEPA policy, and compliance with all other environmental mandates.
7. Request for Changes. All requests for changes, questions regarding implementation of this policy, and/or questions regarding requests for changes should be directed to the Office of Auxiliary and Boating Safety (CG-BSX-2) at (202) 372-1062 or at rbsinfo@uscg.mil.

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