

**Amplifying Information for 46 USC 2302(a) Violations that Involve Interfering with Safe Vessel Operations**

Due to the vague description of 46 USC 2302(a) contained in the Notice of Violation (NOV) User Guide (COMDTINST M5582.1.A), clarification is provided on the procedures for issuing a ticket when a passenger interferes with safe vessel operations and endangers a person. The Coast Guard Authorization Act of 1998 amended 46 USC 2302(a) by adding “or interfering with the safe operation of a vessel, so as to endanger” the life, limb or property of a person. While the previous version of the statute only allowed an operator to be charged, this amendment provided the Coast Guard the ability to pursue a civil penalty against any individual that interfered with the safe operation of a vessel. An example of such interference includes instances where a passenger intentionally jumps off a commercial vessel that is not intended to support water activities. This practice, coined “rail jumping” in the marine industry, often diverts crew member attention away from the safe operation of the vessel in order to respond to a man overboard situation. When these types of incidents are reported, Coast Guard Investigating Officers should consider the issuance of a NOV against the involved jumper(s). Investigators should not be limited by the terminology in the NOV User Guide description field, which currently only captures the “operating” clause of the statute.

<b><u>Step</u></b>	<b><u>Action</u></b>
1	Investigate and collect supporting evidence. Determine if elements of 46 USC 2302(a) have been met, specifically did a person: a. Operating in an unsafe manner; or b. Interfere with the safe operation of a vessel and endanger the life, limb, or property of a person.
2	Document the incident within a MISLE Incident Investigation Activity and open a corresponding Enforcement Activity
3	Determine level of appropriate enforcement to gain compliance – Letter of Warning (LOW), Notice of Violation, or Class I Civil Penalty
4	Close case with no action when appropriate (e.g., instances when local law enforcement actions are considered sufficient to compel future compliance), issue a LOW, issue a NOV, or process a Class I Civil Penalty.