

# TWIC/MTSA POLICY ADVISORY COUNCIL

April 1, 2008

## Policy

### Escorting Standards for 'Persons in addition to Crew'

03-08

**Issue** – What are the acceptable escorting standards for non-Transportation Worker Identification Credential (TWIC) holding individuals, 'persons in addition to crew,' onboard Offshore Supply Vessels (OSVs), Research, and similar vessels in accommodation spaces?

**Background** – Title 33, U.S. Code of Federal Regulations (CFR), part 104.265 requires that individuals who do not have a TWIC be escorted, as defined in 33 CFR 101.105, at all times while inside a secure area of the vessel. 33 CFR 101.105 defines "escorting" as "ensuring that the escorted individual is continuously accompanied while in a secure area in a manner sufficient to observe whether the escorted individual is engaged in activities other than those for which escorted access was granted." The definition elaborates that this can be accomplished through side-by-side accompaniment or via monitoring, depending upon where the escorted individual is granted access. In a restricted area, escorting must be side-by-side accompaniment (ratio of 1 TWIC holder to no more than 5 non-TWIC holders, per NVIC 03-07). 33 CFR 104.270 defines security measures and what areas must be designated as restricted areas. In accordance with 33 CFR 104.270(b)(8), crew accommodations are restricted areas.

**Discussion** – OSVs often transport 'persons in addition to crew' out to mobile offshore drilling units (MODUs) and OCS facilities. Research vessels may have scientists or other non-TWIC holding individuals onboard. Those individuals would need to be escorted or monitored at all times given that the entire vessel is a secure area. Individuals would also need to be escorted through side-by-side accompaniment within all restricted areas on the vessel, including when they are in crew accommodations used to accommodate persons-in-addition-to-crew (i.e. non-TWIC holders) on vessels that do not have separate areas for non-crew members. This presents operational difficulties, as there are not likely to be sufficient vessel personnel holding TWICs onboard to escort the non-TWIC holders in the ratios described in Navigation and Vessel Inspection Circular No. 03-07 published 2 July 2007.

These vessels are required, under 33 CFR 104.285, to have security measures in place for monitoring. These measures should already be included in the vessel's security plan, and ensure the capability to continuously monitor the vessel and restricted areas on board the vessel. The crew (TWIC holders) may monitor a group of "persons in addition to crew" on a vessel underway by observing them and by ensuring that they do not enter unauthorized spaces without an escort. The vessel owner/operator is encouraged to brief non-TWIC holders at the start of the voyage on the location of spaces where they are not authorized, and the owner/operator must ensure that restricted areas are clearly marked.

These measures are sufficient to accomplish the escorting requirement for non-TWIC holders in secure areas that are not also restricted areas.

For the purposes of the maritime security regulations found in 33 CFR Subchapter H, the Coast Guard does not consider all common areas onboard a vessel to be “crew accommodations.” For the purposes of 33 CFR subchapter H only, crew accommodations are interpreted as berthing areas used exclusively by crew. Common living areas, such as mess rooms, lounges, recreational spaces, and communal heads shared by crew and persons in addition to crew need not be considered “crew accommodations” for security purposes, and therefore do not need to be restricted areas. Those common areas onboard a vessel that are utilized by both crew members and persons in addition to crew could be designated secure areas through a vessel security plan (VSP) amendment if that designation is supported by the vessel security assessment. Special consideration to the security measures in 33 CFR 104.265 and 33 CFR 104.270 must be given when submitting a VSP amendment. A clear, visual representation (such as a vessel schematic) of the secure and restricted crew accommodation areas should be incorporated into the VSP amendment and kept on board the vessel. Non-TWIC holding individuals could then be monitored in secure areas to satisfy the TWIC requirements in 33 CFR 104.285.

In terms of berthing areas, we envision that vessels that transport ‘persons in addition to crew’ for extended periods could designate separate berthing for crew members and non-crew members. In that scenario, the berthing areas for crew members would be considered crew accommodations and as such would be considered restricted areas. The berthing areas used exclusively by non-crew members, ‘persons in addition to crew,’ could be secure, not restricted, areas and the escorting measures described in the second paragraph of this discussion would be sufficient. To accomplish this, a VSP amendment would need to be submitted by the vessel owner/operator to the Coast Guard. The amendment would need to show how and when the vessel would separate berthing areas, as it may vary from voyage to voyage, and specifically include how the restricted areas would be clearly marked from voyage to voyage.

For example, if there are ten staterooms on the vessel, with accommodations for up to six persons in each stateroom, crew could spread out among all staterooms when there are no non-TWIC holding ‘persons in addition to crew’ on board. In this scenario, all ten staterooms would be restricted areas. If ‘persons in addition to crew’ were then on board for an extended period, the crew members could temporarily consolidate themselves into one or two staterooms (which would still be restricted areas), and the remaining staterooms, while housing only ‘persons in addition to crew’ could be secure areas. Magnetic (or other easily moveable) signage could then be used to indicate which staterooms are restricted and which are secure.

If a vessel owner/operator is unable to physically separate berthing areas in a manner similar to the example given above, the vessel must have sufficient personnel holding TWICs on board to provide escorts to the non-TWIC holders in the ratios described in NVIC 03-07, or else the vessel owner/operator must submit (and be granted) a waiver in accordance with 33 CFR 104.130.