

**HARBOR MASTER'S NOTICE
OAHU DISTRICT
HMN-O-02-12
1 November 2012**

**RELATING TO PIER 16-18 AND PIERS 36-38
COMPLIANCE WITH FEDERAL, STATE AND COUNTY LAWS**

In coordination and partnership with the U.S. Department of Homeland Security (DHS), the Department of Transportation, Harbors Division (DOTH) will implement security measures to control access into and out of Piers 16-18 and Piers 36-38. The security measures are deployed to:

- Ensure that persons identified by DHS as “detained-on-board (DOB)” pursuant to *8CFR 252.1g* remain onboard the vessel and authorized areas of the pier at all times without exception.
- Ensure compliance with Hawaii Administrative Rules (HAR), Chapter 19-42 and 19-43.

A person designated by DHS as a DOB and leaves the U.S. flagged vessel without DHS authorization places the vessel’s Captain and Owner at risk and liable for the actions of their crew and subject to DHS penalties and fines for the actions of their crew. DOTH recognize the unauthorized action and into the community is a security risk. The DOTH provides notice that only persons authorized by the Vessel Captain or Vessel Owner with a legitimate business reason to service their vessels and/or vehicles with permits to park in marked stalls shall be allowed to enter the authorized area.

In addition, securing the facility deters illegal dumping of environmental hazardous waste, white goods (e.g. stoves and refrigerators), and improperly disposed pollutants from entering its waste bins, water and land areas around Piers 16-18 and Piers 36-38.

In the judgment and authority of the HARBOR MASTER, this Notice is necessary to ensure compliance with the following HAR at the commercial harbor facilities:

- *Chapter 42, Rules Relating to Vessel and Harbor Controls*
 - *Subchapter 1, General Provisions, §19-42-15, Compliance with federal, state, and county laws, ordinance and rules, 19-42-14, Inspection of vessels, 19-42-18, Requirement for a local, 24-hour point of contact;*
 - *Subchapter 2, Small Craft and Smaller Commercial Vessels, §19-42-50, Inspection; and,*
 - *Subchapter 4, Safety, Cleanliness, and Use of Facilities §19-42-101 through 141, as appropriate.*
- *Chapter 43, rules Relating to Motor Vehicles*
 - *Subchapter 1, General Controls, §19-43-2, Jurisdiction of harbor master over vehicles, §19-43-3, Licensing, safety inspection and insurance, §19-43-4, Operation of Vehicles, §19-43-5, Traffic Controls, and §19-43-8, Ground Transportation,*
 - *Subchapter 2, Parking, §19-43-23, Reserved parking stall.*

The HARBOR MASTER lawfully orders the following to be effective Thursday 0900, November 1, 2012:

HARBOR MASTER ORDERS

All persons, crew or master of a vessel within the jurisdiction of the HARBOR MASTER pursuant with Title 19, Chapter 42 and persons servicing the vessels and operating a vehicle pursuant to Title 19, Chapter 43, shall comply with the lawful order, notice, signal or direction of the State Security Guard and State Law Enforcement Officer (Harbor Police) as provided herein:

1. **COMPLIANCE WITH FEDERAL, STATE, AND COUNTY LAWS, ORDINANCES AND RULES.** Use of state harbors and harbor facilities is subject to compliance with all applicable federal, state or county laws, ordinances, rules, and regulations (§19-42-15, HAR). *8CFR 252.1g* requires crewman not properly documented be detained on board the vessel. Compliance with *8CFR 252.1g* will be enforced.
2. **INSPECTION OF VESSELS.** Vessels using state facilities may be inspected for the purposes of either ascertaining the kind and quantity of cargo thereupon or to insure the safety, welfare, and health of the general public (§19-42-14, HAR) and at any time where necessary and proper for the purpose of enforcing these rules (§19-42-50, HAR). Inspections may be conducted to enforce Subchapter 4 (§19-42-101 through 141, HAR, as appropriate)
3. **REQUIREMENT FOR A LOCAL, 24-HOUR POINT OF CONTACT.** For purposes of verifying persons and vehicles having a legitimate business purpose and to provide access without undue delay to Piers 16-18 and Piers 36-38, Vessel Captains and Vessel owners shall provide a 24-hour point of contact (§19-42-18, HAR). Vehicles or persons will not be allowed access into Piers 16-18 and Piers 36-38 without authorization from the Vessel's Captain or Vessel owner. The DOTH is not responsible for any costs or delays in vessel operations due to delays in receiving authorization from the Vessel's Captain, Vessel owner or designated 24-hour point of contact for access into Piers 16-18 and Piers 36-38.
4. **JURISDICTION OF HARBOR MASTER OVER VEHICLES.** Vessel Captains and Vessel owners are notified that only vehicles and vehicle operators properly licensed, permitted, or registered to operate on the public roads and the DOTH commercial harbors pursuant to federal, state, and county laws and ordinances (§19-43-2, Jurisdiction, §19-43-3, §19-43-4 , §19-43-5, §19-43-8, §19-43-22 through §19-43-26, HAR) and authorized shall be allowed access into Piers 16-18 and Piers 36-38.
 - *Vehicles may be issued a permit to park in marked stalls as authorized in writing by the Harbors Division, only as necessary and or verified by Captain or Vessel owner.*
 - *Any and all vehicles that park on piers 16-18 must display a parking permit without exception.*
 - *Personnel may park their vehicles in marked stalls, on a space available basis, not to exceed 12 hours.*
 - *If no space is available, the vehicle shall exit the facility.*
 - *Vehicles with a Special Permit Parking ("X" decal) is authorized to park next to vessels for active loading and unloading only and not to exceed one hour. Times of entry into the pier will be logged by the gate sentry.*
 - *Vehicles with proper work permits may be authorized to park beyond 1 hour as provided in the work permit only as necessary to complete the contracted work.*
 - *No overnight parking is allowed.*

5. Violators of the above state rules may be a) issued a citation with the notice of appeal to the District Court; or have the privilege of parking removed not to exceed one year.

Your cooperation in complying with the above access control procedure and federal, state, and county laws is requested. This notice is applicable to Piers 16-18 and Piers 36-38.



October 30, 2012

DAVIS K. YOGI

Date

Harbor Administrator/Acting Oahu District Manager