

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 11

OCEAN RECREATION AND COASTAL AREAS

PART II

BOATING

CHAPTER 245 WATERWAY MARKING SYSTEM

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Historical note. This chapter is based on waterway marking system of the state boating rules effective November 5, 1981, and as amended thereafter, under the jurisdiction of the Department of Transportation. The administrative jurisdiction for recreational boating and related vessel activity was transferred from the Department of Transportation, Harbors Division, to the Department of Land and

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Natural Resources, Division of Boating and Ocean Recreation, effective July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94]

§13-245-1 Scope. The purpose of this chapter is to adopt a uniform system for marking the waters of the State; such rules to establish, (1) a system of regulatory markers for use on all waters of the State to meet needs not provided for by the United States Coast Guard System of navigational aids, and (2) a system of navigational aids for use on the waters of the State not marked by the United States Coast Guard; provided that rules shall not be in conflict with the markings prescribed by the United States Coast Guard. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-245-2 Definitions.

"Buoy" means any device designed to float which is anchored in the water and which is used to convey a message.

"Display area" means the area on a sign or buoy needed for display of a waterway marker symbol.

"Regulatory marker" means a waterway marker which indicates the existence of regulatory areas, speed zones or restricted areas and which has no equivalent in the United States Coast Guard system of navigational aids.

"Sign" means any device for carrying a message which is attached to another object such as a piling, buoy, structure or land itself.

"State aid to navigation" means a waterway marker which is the equivalent of a United States Coast Guard aid to navigation.

"Symbols" means geometric figures such as a diamond, circle, rectangle, used to convey a basic message.

"Waterway marker" means any device designed to be placed in, or near, the water to convey an official message to a boat operator on matters which may affect

health, safety, or well-being, except that such devices of the United States or an agency of the United States are excluded from the meaning of the definition. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-245-3 Waterway markers. (a) Waterway markers used on the waters of the State shall be as provided in subsections (b) and (c).

- (b) State aids to navigation.
  - (1) A red buoy or sign shall indicate that side of a channel to be kept to the right of a vessel when entering the channel from the main water body or when proceeding upstream.
  - (2) A green buoy or sign shall indicate that side of a channel to be kept to the left of a vessel when entering the channel from the main water body or when proceeding upstream.
  - (3) Buoys or signs as described in paragraphs (1) and (2) shall normally be used in pairs and only for the purpose of marking a clearly defined channel.
  - (4) A red and white vertically striped buoy or sign shall indicate the center of a navigable waterway.
  - (5) State aids to navigation shall be numbered or lettered for identification. Red buoys and signs marking channels shall be identified with even numbers, and green buoys and signs marking channels shall be identified with odd numbers, the numbers increasing from the main water body or as the buoys and signs proceed upstream. Buoys and signs indicating the center of a waterway will be identified by letters of the alphabet. All numbers and letters used to identify state aids to navigation shall be preceded by the letters "HA".
  - (6) Letters and numerals used with state aids to navigation shall be red or green, compatible with the color of the aid but of a deeper

hue, block characters of good proportion, and spaced in a manner which will provide maximum legibility.

(7) The shapes of state aids to navigation shall be compatible with the shapes established by Coast Guard regulations for the equivalent Coast Guard aids to navigation.

(8) Where reflectorized materials are used, a red reflector shall be used on a red buoy, and a green reflector on a green buoy. On red and white vertically striped buoys, reflectors, if used, shall be red and white.

(c) Regulatory markers.

(1) A diamond shape of international orange with a white center shall indicate danger. The nature of the danger may be indicated by words or a well-known abbreviation in black letters inside the diamond shape, or above or below it on the white background.

(2) A diamond shape of international orange with a cross of the same color within it against a white center shall indicate a zone from which all vessels are excluded.

(3) A circle of international orange with a white center shall indicate a control or restriction. The nature of the control or restriction shall be indicated by words, numerals, or well-known abbreviations in black letters inside the circle. Any additional explanation may be given above or below, or both, it in black letters on a white background.

(d) Guide markers. A rectangular shape of international orange with a white center shall indicate information, other than that concerning danger, a control, or restriction, which may contribute to health, safety or well-being of persons using state waterways. The message shall be presented within the rectangle in black letters.

(e) Colors and composition. Letters or numerals used with regulatory or guide markers shall be black, in block characters of good proportion, spaced in a

manner which shall provide maximum legibility, and of a size which shall provide the necessary degree of visibility. Where reflectorized materials are used on regulatory or guide markers, international orange reflectors only may be used to show the geometric shapes described above; any other reflectors used shall be white. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-245-4 Authority to place markers. No waterway markers shall be placed in, or near, the waters of the State unless the placement is authorized by the chairperson, board of land and natural resources, except that this section shall not apply to private aids to navigation under the jurisdiction of the United States Coast Guard. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-245-5 Maintenance on waterway markers. Waterway markers shall be maintained in proper condition, or be replaced or removed. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-245-6 Display of waterway markers. (a) A waterway marker may be displayed as a sign on a fixed support, as a buoy bearing a symbol on its surface, or as a sign mounted on a buoy.

(b) When a buoy is used to carry a symbol on its surface, it will be white with a band of international orange at the top and a band of international orange above the waterline at the bottom as prescribed by the chairperson.

(c) A buoy whose sole purpose is to carry a sign above it will be marked with an international orange horizontal band at the top and a white horizontal band just above the waterline as prescribed by the chairperson. If the height of the buoy permits, additional white and international orange horizontal bands, not less than six inches wide, shall be placed

between the two bands required above. No buoy except a buoy placed for that sole purpose shall carry a sign.

(d) When symbols are placed on signs, a suitable white background may be used outside the symbol. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-245-7 Specifications for waterway markers.

(a) The size of a display area shall be as required by circumstances, except that no display area shall be smaller than one foot in height. The size shall increase in increments of six inches; provided, that the specification for increase in increments shall not apply to markers in existence prior to the adoption of these rules.

(b) The thickness of a symbol outline shall be one-tenth of the height of the display area.

(c) The outside width of the diamond, the inner diameter of the circle, and the average of the inside and outside widths of a square shall be two-thirds of the display area height.

(d) The sides of the diamond shall slope at a 35 degree angle from the vertical on a plane surface. Appropriate adjustments for curvature may be made when applied to a cylindrical surface.

(e) Waterway markers shall be made of materials which will retain, despite weather and other exposures, the characteristics essential to their basic significance, such as color, shape, legibility and position. Reflectorized materials may be used. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-245-8 Other waterway marking devices. (a) Mooring buoys. In order that mooring buoys shall not be mistaken for aids to navigation or regulatory markers, they shall be white with a blue band clearly visible above the waterline placed at least one-half the distance between the normal waterline and the top

of the buoy; provided, that this subsection shall not apply to mooring buoys located within an officially established mooring area prior to June 1, 1966.

(b) Special purpose buoys. Buoys for special purposes which have no lateral significance shall be colored as follows: White buoys shall mark anchorage areas. White buoys with green tops shall be used in connection with dredging and survey operation. White and black alternate horizontally banded buoys shall mark fish net areas. White and international orange buoys alternately banded, either horizontally or vertically shall be used for special purposes to which neither the lateral system colors nor the other special purpose colors apply. The shape of special purpose buoys has no significance. They shall not be numbered, but may be lettered.

(c) Placement of special purpose buoys. Placement of markers such as mooring buoys and permanent race course markers shall be as authorized by the chairperson and such markers shall not be of a color, shape, configuration or marking which could result in their confusion with any federal or state aid to navigation or any state regulatory marker, and shall not be placed where they will obstruct navigation, cause confusion, or constitute a hazard. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-245-9 Divers flag. (a) A "diver's flag" as defined by rule and measuring not less than twelve inches by twelve inches shall be required to be displayed on the surface of the water by any person or group of persons engaged in free diving or SCUBA diving.

(b) Notwithstanding subsection (a), a diver's flag measuring not less than twelve inches by twelve inches, shall be displayed on the highest point of the main structure of a non-motorized vessel that is sixteen feet or less in length overall in order to provide unobstructed view of the diver's flag from all directions when diving from the vessel.

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(c) Notwithstanding subsection (a), in addition to the "Alpha flag," required by the United States Coast Guard, i.e., a blue flag with a white horizontal strip running from the upper left side to the lower left side, a diver's flag measuring not less than twenty inches by twenty-four inches, shall be displayed on the highest point of the main structure of any motorized or non-motorized vessel that is greater than sixteen feet in length overall in order to provide unobstructed view of the diver's flag from all directions when diving from the vessel.

(d) No person shall engage in free diving or SCUBA diving, or display a diver's flag, in a manner that shall unreasonably or unnecessarily interfere with vessels or with free and proper navigation of the waterways of the State.

(e) Except in cases of emergencies, free diving, swimming, or SCUBA diving within navigation channels shall be prohibited.

(f) All vessels shall be prohibited from approaching within one hundred feet of a displayed diver's flag or within fifty feet of a displayed diver's flag on navigable streams, except within marked navigation channels. Vessels approaching a displayed diver's flag to conduct SCUBA, snorkeling, or free diving activities within the one hundred foot or fifty foot restricted area shall be allowed to do so provided that the vessel approaches at a speed of slow-no-wake through the navigation channel when a diver's flag is displayed adjacent to the navigation channel.

(g) Vessels navigating through marked navigation channels are exempt from the distance restriction described in subsection (f) but shall proceed at a speed of slow-no-wake through the navigation channel when a diver's flag is displayed adjacent to the navigation channel.

(h) The diver's flag shall be displayed only when free diving or SCUBA diving is in progress, and its display in a water area when no diving is in progress in that area shall constitute a violation of these rules.

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(i) There shall be no subsurface distance restrictions from a dive flag, however, except in cases of emergencies, free divers or SCUBA divers shall be prohibited from surfacing more than one hundred feet away from the diver's flag in the ocean waters of the State and fifty feet in navigable streams.

(j) Authorized representatives of the department and life saving personnel are exempt from the distance restriction of subsection (f) when performing functions related to their duties.

(k) Anyone violating any provision of this section shall be subject to fines and penalties as provided in sections 200-14, 200-14.5, and 200-25, HRS. [Eff 2/24/94; am 7/5/03] (Auth: HRS §§200-2, 200-3, 200-4, 200-10, 200-14, 200-14.5, 200-24, 200-25) (Imp: HRS §§200-2, 200-3, 200-4, 200-10, 200-14, 200-14.5, 200-24, 200-25)

§13-245-10 Mooring vessels to buoys or beacons prohibited. No person shall moor a vessel or raft to any waterway marker or aid to navigation placed by the United States or the State in any of the navigable waters of the State, or in any manner make the same fast thereto. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-245-11 Destruction or defacing of markers prohibited. No person shall deface, obliterate, tear down, or destroy, in whole or in part, or attempt to deface, obliterate, tear down or destroy any buoy, sign, beacon or other markers posted pursuant to these rules. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)