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U. S. COAST GUARD/CORPS OF ENGINEERS  
MEMORANDUM OF UNDERSTANDING

1. Purpose:

a. The purpose of this Memorandum of Understanding between the United States Army Corps of Engineers and the United States Coast Guard is to clarify the responsibilities for safety on the navigable waters of the United States as a result of the enactment of the Ports and Waterways Safety Act of 1972 (P. L. 92-340). This is required to assure effective, efficient, and thorough regulation of waterway safety and to avoid duplication of effort. This agreement pertains to the transfer of certain navigation regulations from the Corps of Engineers to the Coast Guard.

b. Nothing in this Memorandum is to be interpreted as contravening the terms of the existing Memorandum of Agreement between the Coast Guard and the Corps of Engineers dated 18 April 1973 pursuant to P. L. 89-670, the Department of Transportation Act.

2. Statutory Background:

a. The United States Army Corps of Engineers. Pursuant to Sections 7 of 40 Stat. 266 and 6 of 32 Stat. 374, (33 USC 1), the Secretary of the Army acting through the Corps of Engineers exercises regulatory authority over the use, administration, and navigation of navigable waters of the United States. Pursuant to these authorities the navigation regulations contained in 33 CFR 207 were promulgated by the Corps of Engineers.

b. The United States Coast Guard. The Ports and Waterways Safety Act of 1972 (86 Stat. 424, 33 USC 1221 et seq.) provides authority for the Secretary of the Department in which the Coast Guard is operating to regulate vessel navigation on certain navigable waters of the United States for purposes of marine safety and environmental protection. The Secretary of Transportation (see 49 CFR 1.46 (o) (4)) has delegated certain responsibilities to the Commandant of the Coast Guard including those contained in 33 USC 1221.

3. Agency Responsibilities:

a. Pursuant to 33 USC 1221 et seq., the Coast Guard has authority to regulate vessel traffic on certain navigable waters of the United States. A significant portion of the regulations published in 33 CFR 207 under Corps of Engineers authority contained in 33 USC 1 relates to speed limits, non-Department of Defense restricted areas, and vessel operations