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Docket Management Facility (M-30)  
U.S. Department of Transportation  
West Building Ground Floor  
Room W12-140  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590

RE: USCG-2008-1247 Regulated  
Navigation Area and Safety Zone,  
Chicago Sanitary and Ship Canal,  
Romeoville, IL

To Whom It May Concern:

The American Waterways Operators (AWO) is the national trade association representing the inland and coastal tugboat, towboat and barge industry. AWO is comprised of more than 300 individual companies, with a geographic scope ranging from New England to Alaska. Fifteen AWO members have headquarters in Illinois, and many others operate vessels that transit through the Chicago Sanitary and Ship Canal. We appreciate this opportunity to comment on the U.S. Coast Guard notice of proposed rulemaking (NPRM) for the Regulated Navigation Area (RNA) as it applies to vessels transiting the Chicago Sanitary and Ship Canal between Mile Marker 295.0 and 297.5. ***AWO encourages both the Coast Guard and the U.S. Army Corps of Engineers to continue to ensure the safe, free flow of commerce through this Congressionally-authorized waterway.***

AWO members have demonstrated their full commitment to collaborating with the Coast Guard and other government agencies to ensure the safe operation of vessels that protects the crew, the public and the environment. The demonstration of our commitment is evident in the award-winning AWO Responsible Carrier Program, and the first-of-its-kind Coast Guard-AWO Safety Partnership. On a regional basis, AWO has worked with the Coast Guard and the Corps through the Mid-America Regional Quality Steering Committee to identify ways to improve safety and environmental protection. AWO has also worked cooperatively with the Environmental Protection Agency, the U.S. Fish and Wildlife Service and state environmental agencies on a variety of issues, including the recovery of threatened and endangered species and reducing emissions from engines and tank barges.

The Tugboat, Towboat and Barge Industry Association

Based on the experiences of our members, and our review of the NPRM, AWO respectfully requests that six changes or clarifications be made to the RNA. These include: 1) Reducing the geographic range of the RNA to reflect operational reality; 2) Reassessing the economic impact, especially on small businesses, if the Corps discontinues funding the bow boat as part of what should be the normal Operations & Maintenance (O&M) of the Congressionally-authorized channel; 3) Conducting a cumulative safety assessment of the area before Barrier IIB is activated, and conducting a new safety assessment if the voltage of Barrier IIA or IIB increases above 1 volt per inch; 4) Reassessing the RNA's economic impact; 5) Modifying the personal flotation device recommendation; and, 6) Applying appropriate safety standards to recreational vessels.

### 1. RNA Geographic Range

The previous RNA encompassed six-tenths of a mile. This range included the area from 1200 feet south of the Romeo Road Bridge to 1200 feet north of the Aerial Pipeline Arch, or between Mile Marker 296.1 and 296.7 of the Chicago Sanitary and Ship Canal. The active area for electricity is between Romeo Road Bridge and the Aerial Pipeline Arch. The largest towboats traveling through the area are 1150 feet long. Therefore, it is only possible to be operating in an area of concern within 1200 feet on either side of the two structures. The proposed geographic range would expand the RNA area to 2.5 miles, an expansion that will increase traffic congestion and costs without producing an increase in safety.

Additionally, vessels in fleets or at terminals within the proposed RNA would have to leave due to restrictions on passing, further increasing economic hardship on the industry and the region. This would also affect the terminal at Midwest Generation - Will County Station located at Mile Marker 296.0. The coal unloaded at this plant provides a significant amount of energy for the Chicago area, and unnecessary delays in these shipments will have far-reaching economic impacts. As a result of these factors, ***AWO urges the Coast Guard to include the area from 1200 feet south of Romeo Road Bridge to 1200 feet north of the Aerial Pipeline Arch as the geographic range of the RNA. AWO also urges that the proposed safety zone be contained in the same area for the reasons stated above.***

### 2. Bow Boat Funding

The RNA states that “[i]n the event Army Corps funding would cease, operators of tows containing one or more red-flag barges that need to transit through the regulated navigation area would incur the cost of bow boat assistance.” As AWO understands the situation, operators would be responsible for financing bow boats as soon as October 1 of this year. For the Corps to properly execute its navigation mission for this Congressionally-authorized waterway, bow boat funding should be part of the Corps’ ongoing and normal O&M budget through the duration of this RNA. In short, this service satisfies a public requirement (free flow of commerce through a Congressionally-authorized waterway) and should be publicly financed for the life of the RNA.

If the bow boat is not funded by the Corps, the impact of absorbing that cost will deal a financial blow to the small businesses who would bare the responsibility to cover the bow boat's costs. As the Coast Guard's analysis indicates, small operators who must cover the direct cost of bow boat assistance will see up to three percent of their revenue go toward this service. This is a significant amount, especially for small businesses that are already operating at thin profit margins during these difficult economic times. ***We urge the Corps to develop stable funding for bow boats, and we urge the Coast Guard to commit to reopen the RNA for comment if appropriate federal funding becomes unavailable. AWO also urges the Coast Guard to reevaluate the cost of bow boats, including the delays of all commercial traffic that will be impacted by the RNA.***

### 3. Cumulative Electric Impact of Three Barriers: Cumulative and Increased Voltage

When construction of a third barrier (Barrier IIB) is completed, AWO urges the Coast Guard to require that cumulative safety tests be undertaken before permanent activation. Up to this point, the Corps and the Coast Guard have not made judgments on the barriers' safety based on the three barriers operating at the one volt per inch level simultaneously. Testing is also essential if voltage is increased at any of the barriers beyond the one volt per inch. ***AWO urges the Coast Guard and the Corps to study the impact of both situations that would increase total voltage.***

### 4. Coast Guard Evaluation of Economic Impact and Small Business Impact

AWO believes that the Coast Guard's evaluation of present commercial traffic affected by the NPRM is too low, and does not evaluate the impact of further growth. The Chicago Sanitary and Ship Canal is a major transportation artery, and based on AWO's communications with stakeholders in the region, the Coast Guard's estimate of 23 impacted entities does not take into account all of the different operators. In fact, page 22 of the Coast Guard's Preliminary Regulatory Analysis and Initial Regulatory Flexibility Analysis refers to "23 companies transiting the lock and electrical barrier with red-flag barges," not accounting for all the vessels that transit the area. As the rule would impact all vessels, including ones that do not carry hazardous material, the NPRM's text should more clearly recognize its far-reaching effects. Furthermore, the analysis does not anticipate the expanding maritime transportation system that MarAd's "Marine Highway" program is likely to facilitate. This RNA represents a major undertaking that will have significant economic consequences on the industry and the region. ***AWO urges the Coast Guard to reassess the economic impact on the entire industry, with a focus on small businesses.***

### 5. Personal Flotation Devices

As AWO stated in its March 2005 comments on the RNA for Barrier I, "Type I vests are typically kept in the sleeping quarters, the galley, and/or the wheelhouse," while Type V devices "are always worn by crewmembers while performing work on the deck." In other words, Type V vests are always easily accessible by the crew. Moreover, wearing a Type I device may pose safety issues since it can restrict the vision of the mariner due to its relative bulkiness. ***AWO urges the Coast Guard to help ensure a safe work environment by allowing mariners to be on deck wearing the Type V vests under emergency conditions.*** Under normal conditions, the crew should be inside the vessel.

6. Standards for Recreational Vessels

It is imperative that appropriate standards apply to recreational vessels within this geographic range to ensure a safe operating environment for both recreational and commercial vessels. ***To ensure safe passage for both recreational and commercial traffic, the Coast Guard should require recreational traffic to: 1) Refrain from loitering, mooring or laying up on the right or left descending banks; 2) Provide radio notification before entering the RNA to make sure no other vessel is in or entering the area; and, 3) Move through the RNA with all due speed.*** AWO believes these actions will increase the safety of all types of vessels transiting the area.

AWO applauds the Coast Guard's attention to this extremely important issue, as well as its acknowledgment of the importance of navigation to the country. AWO shares the Coast Guard's goals of protecting public safety, health and the environment, while facilitating waterborne commerce. ***AWO specifically commends the Coast Guard for providing timely notices of traffic delays and flexibility with moving traffic as possible when the area is closed for safety testing and maintenance. In the future, AWO requests a 30-day advance notice.***

Thank you for the opportunity to comment on this proposed rule. If the Coast Guard would like further information, AWO would be pleased to provide it.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynn M. Muench".

Lynn M. Muench