



**The American Waterways Operators**

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Docket Management Facility (M-30)  
U.S. Department of Transportation  
Room W12-140  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590-0001

Re: Vessel Requirements for Notices of  
Arrival and Departure, and Automatic  
Identification System  
(USCG-2005-21869)

Dear Sir or Madam:

The American Waterways Operators (AWO) is the national trade association for the inland and coastal tugboat, towboat and barge industry. AWO's members account for approximately 80 percent of the barge tonnage and two-thirds of the towing vessel horsepower in this critical industry segment, moving coal, grain, petroleum products, chemicals, steel, aggregates and containers on the inland rivers, the Atlantic, Pacific and Gulf coasts, and on the Great Lakes. Tugboats also provide essential services, including shipdocking, tanker escort, and bunkering, in ports and harbors around the country. On behalf of AWO's members, thank you for the opportunity to comment on the notice of proposed rulemaking (NPRM) to expand the applicability of automatic identification system (AIS) and notice of arrival and departure (NOA) requirements to more commercial vessels.

AWO approaches this rulemaking as an organization that is committed to leadership in marine safety, security and stewardship. In 1994, we became the first transportation trade association to adopt a code of safe practice and environmental stewardship for member companies. Today, the AWO Responsible Carrier Program is a condition of AWO membership, and members must undergo a third-party audit attesting to their compliance within one year of joining the association. Re-audits are required every three years. In 1995, AWO became the first maritime trade association to enter into a formal Safety Partnership with the Coast Guard, a mutually beneficial partnership that has given rise to more than 30 Quality Action Teams and other cooperative endeavors since its inception. In 2001, less than two months after the September 11 terrorist attacks, we partnered with the Coast Guard to develop a Model Vessel Security Plan for tugboats, towboats and

barges. Following passage of the Maritime Transportation Security Act (MTSA) of 2002, the plan evolved into one of the first Coast Guard-approved Alternative Security Programs to meet MTSA requirements. It is with this commitment to safety and security firmly in mind that we offer the following comments on the NPRM.

### Proposed Automatic Identification System Requirements

**First, AWO strongly supports the Coast Guard's proposal to require AIS on most commercial vessels, including towing vessels over 26 feet in length and 600 horsepower engaged in commercial towing.** AIS enjoys nearly universal support among the tugboat, towboat and barge industry as a navigation safety tool, and many of AWO's members have already installed AIS on their vessels, either because they operate in Vessel Traffic Service (VTS) zones and have been required to do so, or simply because they recognize its navigation safety value. We emphasize, however, that in order to realize the benefits of AIS as a maritime security tool, the Coast Guard must provide the shore side infrastructure necessary to support this function.

**Second, AWO recommends that the Coast Guard allow the use of the Class B AIS systems on a case-by-case basis for vessels operating in limited geographical areas only.** Given the technical limitations of Class B AIS, we recommend that any towing vessel moving a barge on the inland or intracoastal waterways, on the Great Lakes, or on the coasts be required to install a Class A AIS system. However, owners or operators of towing vessels that operate exclusively within a geographical area of 25 miles or less should be permitted to seek a waiver from the Captain of the Port (COTP) authorizing the use of Class B AIS. In determining whether or not to grant an individual waiver request, the COTP should take into consideration such factors as traffic density in the applicant's area of operations, the geographical and operational characteristics of the waterways on which the vessel travels, and the types of cargo transported on those waterways. The life of the waiver should be indefinite so long as the operating conditions under which the waiver was granted remain in effect. If the vessel changes service or the operational characteristics of the waterway change materially, the waiver should be reevaluated. While AWO agrees that Class B AIS can provide an appropriate level of safety for some vessels in some circumstances, we believe that establishing some limitations on the choice of Class B AIS is a better approach to ensuring navigation safety on shared waterways than allowing unfettered discretion to vessel owners and operators.

**Third, AWO urges the Coast Guard to further limit the categories of vessels eligible to apply for an exemption from AIS compliance.** It will be the rare exception that vessels that meet the MTSA 2002 criteria for AIS coverage do not cross commercially navigable waterways where they will encounter other AIS-equipped vessels. We propose that owners or operators of vessels operating in confined areas be eligible to request an exemption from their local Captain of the Port only if the vessel does not operate in waterways marked and/or maintained by the Coast Guard (such as dead-end canals or slips off marked channels). We also recommend that such waivers, where granted, be valid for a period of two years. This will reduce administrative burdens on the Coast

Guard and vessel owners associated with the proposed yearly deviation process, while still allowing the Coast Guard to review vessel exemptions frequently enough to ensure accurate and up-to-date maritime domain awareness.

**Fourth, AWO recommends that the Coast Guard extend the compliance date by which vessels will be required to have AIS equipment installed.** We recommend a deadline of two years after publication of the final rule, for two reasons: first, companies that have not installed AIS on all of their vessels can more easily sustain the cost burden of purchasing and installing this equipment if they have a longer compliance period in which to do it; and second, some AIS models have a considerable lag time between order date and delivery date. As the Coast Guard notes in the NPRM, the AIS compliance process includes purchase, installation, training and maintenance, and this is likely to take more time than the seven-month compliance period proposed in the NPRM.

#### Proposed Notice of Arrival and Departure Requirements

With regard to the proposed requirements for Notices of Arrival and Departure, AWO offers the following recommendations:

**First, we urge the Coast Guard to remove the proposed Notice of Departure (NOD) requirement.** The NPRM requires vessel operators to submit a notice of departure for any voyage for which a notice of arrival is required. Under the current and proposed notice of arrival requirements, U.S.-flag vessels traveling from the U.S. mainland to Hawaii, or going from one U.S. port to another via the Panama Canal, are required to submit NOAs, as are U.S.-flag vessels carrying Certain Dangerous Cargoes (CDC) between U.S. ports, even if these vessels never call at a foreign port. The proposed rule would also require U.S.-flag vessels traveling from one U.S. port to another U.S. port after completing a voyage from a foreign port to submit NODs. Under the proposed rule, vessels would be subjected to the additional burden of submitting NODs for such voyages. While AWO recognizes the security value of monitoring incoming vessel movements from foreign ports, we believe the extension of NOD requirements to U.S.-flag vessels operating between U.S. ports will impose an excessive administrative burden on vessel operators without significant offsetting security benefits.

**Second, AWO urges the Coast Guard to amend the NOAD rules to allow inland vessels to submit NOAs to a single common authority.** The proposed rule exempts any vessel operating on the Mississippi River and its tributaries above mile 235 from submitting NOAs or NODs because these vessels are already required to report to the Inland River Vessel Movement Center (IRVMC). However, when the same vessel operates below mile 235, whether on the Lower Mississippi River or the Gulf-Intracoastal Waterway (GIWW), it is required to submit NOA reports to the National Vessel Movement Center (NVMC). The bifurcation of inland reporting requirements is a burdensome approach that establishes duplicative, but not identical, reporting mechanisms for inland towing vessels and barges that routinely operate north and south of Baton Rouge. The NVMC reporting requirements were designed for foreign-flag

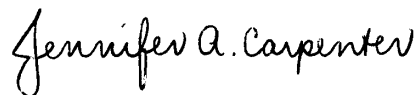
ships. They require inland vessel operators to answer questions that are inapplicable to their operations and report information that is of no material value to national security. The IRVMC reporting requirements are much better suited to the operations of the inland barge and towing industry. We recommend that any barge or towing vessel that operates on the inland and intracoastal waterways above or below mile 235 be classified as inland and required to report to IRVMC, not the NVMC.

**Finally, AWO urges the Coast Guard to reevaluate the final rule after the AIS requirements have taken effect and the Nationwide AIS (NAIS) monitoring infrastructure is in place and assess the continued need for the NOAD requirements.**

The goal of both the AIS and NOAD requirements is maritime domain awareness, and good public policy demands that the Coast Guard not impose duplicative requirements that provide essentially the same information through multiple means. We suspect that AIS, which has significant navigation safety value in addition to its security benefits, could obviate the need for NOAD reports once it is fully implemented nationwide. (Certain information not available through AIS, such as data on foreign crewmembers, will continue to be provided through Customs and Border Protection (CBP) reports.) We urge the Coast Guard to take this suggestion seriously and commit to a reevaluation of the continuing value of the NOAD requirements at a defined future date.

Thank you for the opportunity to comment. We would be pleased to answer any questions or provide further information to assist the Coast Guard in finalizing this rulemaking.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer A. Carpenter".

Jennifer A. Carpenter