

VOLUME 64, No. 9 • MAY 11, 2007

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Jones Act Fleet Strong and Growing, MCTF Report Finds

A new report on the “State of the Jones Act,” prepared by the Maritime Cabotage Task Force (MCTF) and delivered by Jonathan Whitworth, President & CEO of OSG America, on May 1, shows that the U.S. Jones Act fleet has grown 59 percent over the past 40 years to become one of the largest and strongest in the world. Mr. Whitworth, who is also a member of the AWO Board of Directors, explained that this fact is contrary to the popular misconception that the U.S.-flag fleet is small and declining. This false conclusion stems from analyses that fail to count tugboats, towboats and barges as part of the fleet, even though they follow Jones Act rules requiring them to be American-built, American-crewed and American-flagged, and are as critical to the transportation of goods as are self-propelled, oceangoing ships.

Mr. Whitworth presented the “State of the Jones Act” report to a luncheon of the Washington, D.C. chapter of the International Propeller Club of the United States, whose audience included members of Congress and their staffs. Mr. Whitworth pointed out the need for strong political support of the Jones Act to continue the growth and strength of the maritime industry. “There is clear recognition by our political leaders that a strong domestic maritime industry - vessels, crews, companies - is vital to U.S. economic and national security,” he said.

The report finds that there are over 39,000 vessels in the Jones Act fleet, which

transports over one billion tons of commerce every year. Protecting the Jones Act fleet is clearly important to the national economy, and Mr. Whitworth recognized MCTF for working hard to educate not only key policymakers but also the public about the importance of the maritime industry and the Jones Act’s role in keeping it strong. A copy of the report can be found [here](#).

Appellate Court Hears Argument in Massachusetts Case

Appeal Challenges Overturning of State Statute by U.S. District Court

On May 8, a three judge panel of the United States Court of Appeals for the First Circuit in Boston heard oral arguments in the appeal of the August 2006 decision of the U.S. District Court for Massachusetts that ruled unconstitutional a Massachusetts oil spill statute that attempted to establish state maritime requirements in areas already covered by federal law and regulation (see August 4, 2006, *AWO Letter*). The arguments against the appeal were made by attorneys from the U.S. Department of Justice, on behalf of the federal government, and by Jonathan Benner of Troutman and Sanders on behalf of AWO

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Appellate Court Hears Argument in Massachusetts Case

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and other maritime organizations that had been permitted to join the case during the proceedings at the District Court



level. The other maritime organizations joining AWO in this case are the Chamber of Shipping of America, INTERTANKO and BIMCO.

Although the U.S. District Court had struck down a number of provisions of the state statute, the Massachusetts appeal only raised three issues: manning requirements, tug escort requirements and operating conditions placed on a state financial responsibility requirement. Each side in the case was given a total of 20 minutes to present arguments supporting the written briefs that had previously been filed in the matter.

The panel asked counsel a number of questions regarding the issues raised in the appeal and went into some depth on the financial responsibility issue and the manning requirements. The Court asked both sides to provide additional written arguments on the manning issue.

The Court will now consider the written briefs, the oral arguments and the additional written materials it has requested and issue its opinion. The decision is expected later this year.

If you have any questions about the procedural situation or the substance of the litigation, please contact Boyd Hollingsworth at (703) 841-9300, extension 258, or via email at bhollingsworth@vesselalliance.com. 🌐

Senate Takes Up WRDA Bill

Cloture Vote Shows Overwhelming Support



The Water Resources Development Act (WRDA) took another step closer to enactment when, on May 10, the U.S. Senate voted to invoke cloture on a motion to proceed to the bill by a roll call vote of 89-7. The motion to invoke cloture is a procedural device to bring the measure to the floor, but the vote is a good barometer of support for the underlying legislation. The 89-7 vote demonstrates overwhelming support for the WRDA bill in the Senate. Debate on the bill and votes on amendments are expected to continue into the week of May 14, when final passage is expected.

A similar bill previously passed the House of Representatives on April 19. (See April 27 *AWO Letter*.) Once the Senate passes its bill, the two versions of the bill will go to a conference committee with members from both the House and the Senate, where differences in the two bills will be resolved. The legislation will then be sent to the President for his signature, enacting the measure into law.

The vote on cloture came after a substitute bill had been assembled by the floor managers of the legislation. The version of the bill initially reported from the Senate Environment and Public Works Committee had been “scored” at a cost of more than \$30 billion. The substitute bill offered by Committee Chairman Barbara Boxer (D-CA) and Ranking Member Jim Inhofe (R-OK) deleted some items and reduced the cost of the bill to \$14 billion, roughly the same as the House-passed bill. The cost of the legislation is high because there has not been a WRDA bill enacted since the 106th Congress in 2000. WRDA legislation, containing authorizations for a variety of water projects, is usually passed every two years.

Both the House and Senate versions of the WRDA legislation contain an authorization for the Upper Mississippi River/Illinois Waterway (UMR/IWW) project, a major priority of AWO. The UMR/IWW project, recommended in a U.S. Army Corps Chief of Engineers’ report in December 2004, will build new 1,200 foot lock chambers at five locks on the Upper Mississippi River and two locks on the Illinois River. The project will cost \$1.5 billion to complete. As with all new capital construction or major rehabilitation on the inland waterways system, half of the cost of the new locks will be paid from the Inland Waterways Trust Fund, which is funded by a fuel tax of 20 cents per gallon on diesel fuel used by vessel operators on the inland waterways.

During consideration of the WRDA bill, Senators John Kerry (D-MA) and Russ Feingold (D-WI) are expected to offer an amendment that would require the Corps of Engineers to account for the impact of global warming when planning water projects. Opponents of the amendment point out that the official Principles and Guidelines governing the Corps planning process already require the Corps to consider both economic and environmental factors when developing water projects.

Senator Feingold also plans to offer an amendment to create an independent commission that would establish priorities for Corps water projects. A similar

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TSAC Input Essential to Getting Towing Vessel Inspection Rule Right, Coast Guard Says

The work of the Towing Safety Advisory Committee (TSAC) has been critical to the Coast Guard's progress on the towing vessel inspection rulemaking, Coast Guard officials told TSAC members at the committee's spring meeting April 24-25 in Easton, MD. RDML Brian Salerno, who will replace RDML Craig Bone as TSAC sponsor in June, emphasized the value of the input that the Coast Guard has received from TSAC on towing vessel inspection, including the committee's recent review of draft regulatory text. RDML Salerno added that he expected that the Coast Guard would share revised draft text with TSAC for further review later this year.

RDML Salerno also praised TSAC's work to develop an approved model training program for towing vessel wheelhouse personnel that would reduce service time requirements for individuals who complete the program, calling it "a needed alternative" to the current regulations. Addressing the Transportation Worker Identification Credential (TWIC), RDML Salerno assured TSAC that the Coast Guard has "an open mind" on the controversial

question of whether card readers should be required on vessels.

TSAC members took several important actions at the meeting. Committee members voted unanimously to approve the big-picture feedback of the Towing Vessel Inspection Working Group on the draft regulatory text reviewed by the working group at its March 27-28 meeting. (For a copy of the working group recommendations, click [here](#). TSAC also agreed to meet by conference call May 22 to review the detailed "redline" feedback on the draft regulatory text that the working group is currently finalizing. In addition, TSAC voted to add to the list of requirements for a company's Towing Safety Management System "procedures for managing crew travel time" to ensure that crewmembers are prepared to perform their duties safely. TSAC had made such a recommendation two years ago in response to a Coast Guard tasking on travel time, but the committee's recommendation had not yet been integrated into the report of the Towing Vessel Inspection Working Group.

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Important Dates and Reminders

..... at a glance

All contact persons can be reached by calling AWO's Arlington, VA office at (703) 841-9300 unless otherwise noted.

May 16-17: Coastal Safety Committee Meeting, New Orleans, LA. For more information, contact Kathy Rehak.

June 27-28: Interregion Safety Committee Meeting, St. Louis, MO. For more information, contact Kathy Rehak.


August 15-16: Midwest and Ohio Valley Regions Joint Summer Meeting, St. Louis, MO. For more information, contact Lynn Muench at (314) 446-6474.

Senate Takes Up WRDA Bill

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amendment was defeated when the Senate considered WRDA legislation in the 109th Congress last year. AWO supports the priorities for navigation projects on the inland waterways system established by the Inland Waterways Users Board.

Following the cloture vote, consideration of the WRDA legislation was delayed to the week of May 14 by a failure to reach agreement on taking up some controversial judicial nominations and by inability to obtain unanimous consent to waive part of the required 30 hours of post-cloture debate on the motion to proceed. Votes on amendments to the legislation cannot take place until the 30 hours of debate time have been run off the legislative clock.

The text of the substitute bill is available on the Environment and Public Works Committee Web site at www.epw.senate.gov. If you have any questions about the WRDA bill, please contact Boyd Hollingsworth at (703) 841-9300, extension 258, or via email at bhollingsworth@vesselalliance.com 

TSAC Input Essential to Getting Towing Vessel Inspection Rule Right, Coast Guard Says

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In other action, TSAC:

- Unanimously approved a draft model training program for Apprentice Mates/Steersmen seeking advancement to Mate/Pilot. The draft program is undergoing final editorial revisions this week and will be submitted to the National Maritime Center for review on May 15.
- Approved a series of “lessons learned” on two casualties involving towing vessel crewmember fatalities, the February 2002 collision involving the bulk carrier *A.V. Kastner* and the towing vessels *Buchanan 14* and *Swift*, and the November 2002 fall overboard incident involving a deckhand on the *m/v Wally Roller*. TSAC will prepare short reports on the lessons learned from these casualties for widespread industry distribution and will maintain a standing working group to conduct similar reviews of other casualty cases.
- Endorsed, with minor modifications, the approach to “navigation and voyage assessment” contained in the Coast Guard’s draft inspection regulatory text.

The Coast Guard provided updates on several issues of industry interest, including the draft Navigation and Vessel Inspection Circular (NVIC) on medical and physical standards for merchant mariner credentials. The Coast Guard has made “substantial changes” to make the NVIC more user-friendly, said project manager LCDR Derek D’Orazio. LCDR D’Orazio acknowledged that the physical abilities standards are one of the last pieces of the draft NVIC to be finalized and said that the Coast Guard understands that the standards included in the draft NVIC are not applicable to all vessel types. Jennifer Carpenter, AWO Senior Vice President - Government Affairs & Policy Analysis, urged the Coast Guard to fix the physical abilities section of the NVIC in a way that does not stigmatize mariners or place the burden on them to prove that a given standard is not applicable in their operating environment.

For more information on TSAC, please contact Jennifer Carpenter at (703) 841-9300, extension 260, or via email at jcarpenter@vesselalliance.com 📧



Paducah to Get TWIC Enrollment Center; What to Do if You Want to Host a Center at Your Facility

The Transportation Security Administration (TSA) is working with Lockheed Martin to add Paducah, KY, to the list of Transportation Worker Identification Credential (TWIC) enrollment sites, TSA and Lockheed confirmed at a May 1 meeting of the TWIC Stakeholder Communications Committee. An April 19 letter from TSA to the office of Rep. Ed Whitfield (R-KY), received by the Congressman’s office on May 4, confirms this information. “Recognizing the importance of Paducah as a major hub for inland waterways activities, the U.S. Coast Guard asked TSA to add Paducah as a TWIC enrollment center site. TSA intends to do so,” the agency advised Congressman Whitfield. TSA will modify its contract with Lockheed Martin to provide for a fixed enrollment center site in Paducah before affected mariners and facility employees are required to have a TWIC.

AWO has been working to secure a TWIC enrollment center in Paducah since May 2006, when TSA first released a list of proposed enrollment center sites that did not include this crucial center of the inland barge and towing industry. AWO is grateful to Congressman Whitfield, the Coast Guard and the many AWO members whose grassroots efforts helped to make this needed change possible. AWO also appreciates the willingness of TSA and Lockheed Martin to modify the TWIC enrollment services contract to include a Paducah center. For a list of enrollment center sites as provided for in the current Lockheed contract (i.e., without the addition of Paducah), click [here](#).

In other TWIC news, Lockheed Martin has provided new contact information for entities that may be interested in hosting a fixed or mobile enrollment

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Coast Guard Continues Licensing Process Improvements

The Coast Guard is moving forward with efforts to reorganize, centralize and improve its processes for delivering merchant mariner licenses and documents. Earlier this week, the Coast Guard launched a new Web-based service to provide mariners with real-time information on the status of pending credential applications.

Mariners can now log onto Homeport, the Coast Guard’s interactive Web portal, to check the status of the license and document applications. Once on Homeport (<https://homeport.uscg.mil>), click the “Merchant Mariners” tab; then click “Merchant Mariner Application Status.” After a mariner enters his or her personal application information, Homeport will display the information submitted with the application and its current status. Mariners who need additional information after visiting the Web site can request additional assistance by telephone or email.

The Coast Guard has also released an updated timetable for transferring Regional Examination Center (REC) functions to the relocated National Maritime Center (NMC) in West Virginia. This is another step in the Coast Guard’s efforts to streamline the licensing process and improve the service it provides to mariners. As the table shows, applications from three RECs – New Orleans, Anchorage, and Juneau – are currently being processed by the NMC in West Virginia. The transition of all 17 RECs to “storefront” offices and the centralization of credentialing functions in West Virginia is slated for completion by December 31, 2008.

If you have any questions, please contact Jennifer Carpenter at (703) 841-9300, extension 260, or via email at jcarpenter@vesselalliance.com.

REC	All new applications sent to NMC-WV for processing	Transition complete; REC works for NMC
New Orleans	CURRENT	03/31/08
Anchorage	05/01/07	03/31/08
Juneau	05/01/07	03/31/08
Baltimore	07/01/07	04/30/08
Toledo	02/01/08	05/31/08
St. Louis	02/01/08	05/31/08
Memphis	03/01/08	06/30/08
LA/LB	03/01/08	06/30/08
Seattle	04/01/08	07/31/08
San Francisco	04/01/08	07/31/08
New York	05/01/08	08/31/08
Portland	05/01/08	08/31/08
Charleston	06/01/08	09/30/08
Honolulu	06/01/08	09/30/08
Miami	07/01/08	10/31/08
Houston	08/01/08	11/30/08
Boston	09/01/08	12/31/08

TWIC UPDATE

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center at their facilities. If you are interested, send an email to enrollmentcenter.fc-twic@lmco.com. In order to host a fixed enrollment center, a stakeholder must make the center available to the general public and must enter into a contractual relationship with Lockheed Martin. A stakeholder who can guarantee a minimum of 50 enrollments in a single day may also volunteer to host a mobile enrollment center at its facility. A mobile enrollment center need not be open to the general public and does not require its host to enter into a contract with Lockheed Martin. Lockheed is currently finalizing a two-page requirements document that provides more information for entities interested in hosting TWIC enrollment centers. AWO will provide members with a copy of this document when it is finalized.

For more information on the TWIC enrollment process or AWO’s work on this issue, please contact Jennifer Carpenter at (703) 841-9300, extension 260, or via email at jcarpenter@vesselalliance.com.

Coast Guard Seeks Comment on Continuing HF Weather Broadcasts

The Coast Guard is seeking comment on the need to continue to provide high frequency (HF) radio broadcasts of weather forecasts and warnings. Such broadcasts are currently provided by voice, radiofax and SITOR (Simplex Teletype Over Radio).



The April 26 Federal Register notice states that the infrastructure and

equipment necessary to provide these has exceeded its life expectancy.

According to the Coast Guard, the equipment is no longer manufactured, repairs are difficult and spare parts are generally not available.

Because of the costs associated with continuing these specific HF radio services, the Coast Guard is gathering information on the

extent to which these services are being used and what, if any, alternative services are available to provide weather forecasts and warnings.

Comments are due on August 24. AWO will work with affected member companies to develop comments to the docket. Any AWO member interested in helping to develop the comments should contact Angela Madden at (703) 841-9300, extension 262, or via email at amadden@vesselalliance.com.

AWO ELECTS NEW CHAIRMAN, VICE CHAIRMAN

The following Press Release was issued by AWO on April 27.

WASHINGTON, D.C. – The members of the American Waterways Operators (AWO), the national trade association for the American tugboat, towboat and barge industry, elected Mr. Royce C. Wilken as Chairman and Mr. H. Merritt Lane as Vice Chairman on April 20 during the AWO Spring Convention in Washington, D.C. Mr. Wilken is President of American River Transportation Co. (ARTCO), headquartered in Decatur, IL, and served as vice chairman for the past year. Mr. Lane is President and Chief Executive Officer of Canal Barge Company, Inc., headquartered in New Orleans, LA.

Mr. Wilken, in his remarks to the AWO Board of Directors following his election as chairman, explained his priorities for the coming year. His first priority will be to implement, as expeditiously as possible, the association's Transformation and Transition plan, created after staff turnover in late 2006 resulted in an

opportunity to reinvent AWO as a more efficient and effective organization.

The new chairman's goals also include: 1) Defeating the proposal in the Administration's Fiscal Year 2008 budget to increase the user tax on the inland industry; 2) Fleshing out the details of towing vessel inspection with the Coast Guard through the Towing Safety Advisory Committee (TSAC) process while ensuring members are informed of and engaged with the process; 3) Passage of the Water Resources Development Act (WRDA), which was passed by the House of Representatives by an overwhelming margin on April 19, with authorization for key navigation projects on the Upper Mississippi River and Illinois Waterway; 4) Working with Congress, the Administration, the U.S. Coast Guard and contractors to create a Transportation Worker Identification Credential (TWIC) process that does not worsen the industry's shortage of vessel personnel; and, 5) Creating a more engaged association leadership who will act as "ambassadors" to other members and external audiences.

Mr. Wilken has spent 30 years with ARTCO's parent company, Archer



Wilken

Lane

Daniels Midland (ADM), in both professional and senior management capacities in many various industries, and became President of ARTCO in 1999. He earned his Bachelor of Science degree in Agriculture Business from the University of Illinois at Urbana-Champaign.

ARTCO has been one of the major U.S.-flag cargo carriers in the nation since it was created in 1971 to transport products made by ADM. It operates not only along the Mississippi, Ohio and Illinois rivers, but has expanded to South America as well. Annually, ARTCO transports more than 22 million tons of dry cargo, such as grain, salt, fertilizer, steel, coal and limestone.

Food Network Tapes Show on Towing Industry Cuisine

Canal Barge Company, Inc. Hosts Food Network Star Alton Brown

Canal Barge Company, Inc. had the unique experience on May 3-4 of hosting Alton Brown, award-winning author of books on cuisine and star host of some of the Food Network's most popular television shows, and his crew as they taped a segment on towing industry food for the second part of a new series he created, called *Feasting on Asphalt*. Mr. Brown was a guest aboard the *m/v Susan Stall* as it traveled from Hickman to Paducah, KY. The new six-part series is scheduled to begin airing weekly on August 4. The regular time of the show is Saturdays at 9 p.m./8 p.m. Central.

The series is described on the Food Network's Web site as follows: "Alton's newest series, *Feasting On Asphalt*, features Alton with only his motorcycle, a few buddies and the clothes on his back, taking a nostalgic trip across the country to rediscover the disappearing people, places and stories of great American road food. *Feasting On Asphalt* merges a little *Easy Rider* with good eats and great tales from our road food's past and present, while preserving the map for its future." The series currently being taped follows Mr. Brown as he travels by motorcycle up the length of the Mississippi River; "the longest highway in the world."

While onboard, Mr. Brown taped an interview in the wheelhouse with Captain Donnie Williams, and prepared a chicken and dumplings dinner from scratch with Kathryn Williamson, who has been a cook aboard the boat for eight of her nearly 18 years with Canal Barge Company, Inc. Mr. Brown ate three meals with the crew and

spent the night onboard. He was reportedly both thrilled and nervous when given the opportunity to briefly steer the boat, supervised by the captain.

The crew of the *m/v Susan Stall* took the opportunity to educate Mr. Brown on the towboat industry, including its safety and security priorities and protocols. Shortly after coming aboard, he and his crew received a safety and security briefing from Captain Williams, and explanations on how a tow is assembled, how cargoes are carried by barges, and the history of the boat and the company. Mr. Brown commented that he had never realized how much cargo moved on the river. AWO was able to provide Food Network producers with facts about the industry that hopefully will be included when the show is edited.

Other AWO members also played a role in this event. Wepfer Marine's terminal in Hickman was the access point for Mr. Brown and his crew; Economy Boat Store delivered groceries to the tow in mid-stream near Cairo, IL; James Marine disembarked the guests; and, Ingram Barge subsidiary Great Rivers handled harbor services in Paducah.



Alton Brown joined Cook Kathryn Williamson and the crew of the Canal Barge Company *m/v Susan L. Stall* for a cooking session. Alton assisted Kathryn in serving chicken & dumplings for the boat's crew.

Ironically, this was Ms. Williamson's final trip before retiring. She proclaimed Mr. Brown "very, very nice" and said when preparing the meal with him, "I did the easy part." She said that, in addition to looking at the wide variety of food in the pantry and freezer, Mr. Brown discussed many topics with her, including the changes in the industry she had seen over the years.

Besides Captain Williams and Kathryn Williamson, the crew onboard the *m/v Susan Stall* (named for Merritt Lane's younger sister) during Alton Brown's visit included Pilot Leo Brunet, Chief Engineer Clay Hill, Mate David Claiborne, Lead Deckhand Curtis Brown, and Deck Crew Richard Evans, Michael Hall, and Corey Rogers.

For more information, please contact Anne Burns via email at aburns@vesselalliance.com or at (703) 841-9300, extension 252. ☎



NATIONAL TRANSPORTATION WEEK IS MAY 13-19

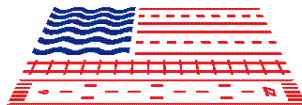
AWO Posts *Towing Industry Career Tool Kit* on NTW Web Site

National Transportation Week, an initiative to educate the public about the nation's transportation industry and encourage youth to pursue careers in transportation, will be observed May 13-19.

National Transportation Week offers an opportunity to promote greater awareness of waterways transportation and its contributions to the nation's economy, environment and quality of life. AWO member companies are encouraged to observe the week with special activities conducted alone or in partnership with other groups, such as the U.S. Coast Guard, or other modes.


National Transportation Week has an extensive Web site, www.ntweek.org, where a calendar of events, resource center, history and public relations materials can be found. AWO has posted the recently developed *Towing Industry Career Tool Kit* brochures and posters on the NTW Web site in an effort to gain visibility for the industry and its career opportunities. Any AWO member planning an event for National Transportation Week can list the event on the NTW Web site and secure a link to the company's own Web site by contacting Stephanie Roth, U.S. Department of Transportation, at Stephanie.Roth@dot.gov.

A formal statement regarding National Transportation Week issued by U.S. Secretary of Transportation Mary E. Peters says, in part:



"Since its beginning, transportation infrastructure has transformed the American landscape into a sophisticated network of metropolitan communities. It fuels the world's strongest and fastest growing economy, and continues to offer countless other benefits. Each year, America's transportation system – from the roads to the skies, rails and ports – helps travelers reach their destinations and carries


billion of tons of freight worth trillions of dollars in economic stimulus. In addition, the transportation system plays a critical role in deploying and sustaining our troops and their equipment around the world. Transportation is synonymous with opportunity in America – connecting workers with jobs, products with markets, and families with each other. Throughout our history, advances in transportation have been at the forefront of progress. . . Life in the United States would not be the same without its vast transportation network and, throughout the 21st century, the USDOT will continue the tradition of innovation in all transportation fields. We will continue to modernize transportation and, during National Transportation Week, we honor the professionals who help to keep our transportation systems secure, efficient, reliable and safe."

For more information on National Transportation Week, please contact Anne Burns at AWO (703) 841-9300, extension 252, or via email at aburns@vesselalliance.com 

AWO *Towing Industry Career Tool Kit* Posted on Pacific Maritime Institute's Workboat Academy Web Site

The AWO *Towing Industry Career Tool Kit*, a set of two brochures and two posters designed to help AWO members in their efforts to alleviate the vessel personnel shortage, has been posted on the Pacific Maritime Institute's Workboat Academy Web site. The Workboat Academy, a division of the Pacific Maritime Institute, provides training courses for those interested in working on vessels.

The *Tool Kit's* brochures, which provide information for those unfamiliar with, but interested in, the tugboat, towboat and barge industry, include testimonials from mariners. Visitors to the Workboat Academy Web site can use them to learn more about the industry. Visitors can also print and distribute the *Tool Kit* brochures or posters to others who might be considering a career on the water. The *Tool Kit* can be found on

the Workboat Academy Web site at www.workboatacademy.com, by clicking first on "About the Industry" and then on the first industry link, "Towing Industry Career Information." For more information about the *Tool Kit*, please contact Anne Burns or Mary McCarthy at (703) 841-9300, extensions 252 and 254, respectively, or via email at aburns@vesselalliance.com or mmccarthy@vesselalliance.com 

“RIVER PILOTS STAGE BOATING SAFETY EXERCISE”

The following article, written by Rick Steelhammer, appeared in the *Charleston (WV) Gazette* on April 22. It features Madison Coal & Supply Company, an AWO Member.

As Bobby Burns piloted a 10-barge tow bearing 16,000 tons of coal through downtown Charleston on Saturday, a red runabout darted in front of the tow’s leading barges.



“He’s getting out of the way, but in a second, I won’t be able to see him,” Burns said, just before the power boat disappeared behind a stack of barge covers on the port side of the tow.

As the *m/v Charleston* passed under the South Side Bridge, Burns put the Madison Coal & Supply Co. vessel in reverse at near full power, bringing it to a stop as the pilothouse came abreast of the Kanawha County Courthouse.

“If that boat had been towing a skier who had fallen down, we would have run over him,” Burns said. “It takes a quarter-mile to a half-mile to stop, depending on how the water’s running and how many barges you’ve got.”

And pushing a tow that’s 105 feet wide and 800 feet long in a river that’s only a few hundred feet across “doesn’t give you a terribly big amount of room to work with,” he added.

The motorboat that crossed the path of the *m/v Charleston* on Saturday was operated by a member of the Kanawha River Power Squadron, who had been in cell phone contact with Burns before making the maneuver.

The exercise was done for the benefit of recent graduates of a Boat Smart marine safety course sponsored by the Power Squadron to acquaint new boaters with the challenges of boating on a busy river shared by commercial and recreational watercraft.

Madison, which operates a fleet of 25 line-haul towboats on the Kanawha and Ohio rivers, invited the recreational boaters to ride the *m/v Charleston* from its Port Amherst headquarters to St. Albans, to increase awareness about towboats’ visibility issues and maneuvering constraints.

“Most boaters will stay out of our way,” said Burns, “but there are some who will pull a skier right in front of you, or stay in the middle of the river and not move until you’re almost on top of them. What’s really scary is seeing a guy paddling to get out of the way because he waited until the last minute to start his motor, and the motor didn’t start.”

“Jet skiers like to ride on our stern wake,” said Dale Little, the *m/v Charleston*’s chief engineer. “I’ve seen them come so close, I thought they would end up on our deck.”

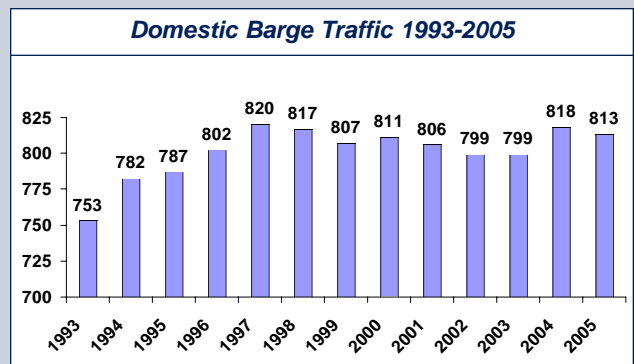
Personal watercraft operators who fall into the stern wake risk not only drowning, but being sucked under the boat or into thrusters or spinning propulsion wheels as well.

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DID YOU KNOW?

Despite Hurricanes, Barging Had a Successful 2005

Barges transported 813 million tons of cargo in 2005, according to data recently released by the U.S. Army Corps of Engineers. As the chart indicates, this is the fourth-largest amount in recent history and occurred despite the damages from Hurricanes Katrina and Rita in the second half of the year. After first reaching the 800-million ton mark in 1996, the industry has since moved up to an average of 809 million tons per year.



Source: U.S. Army Corps of Engineers and Waterways Council, Inc. For more information, contact Doug Scheffler, AWO’s Manager - Research & Data Analysis, at (703) 841-9300, extension 264, or via email at dscheffler@vesselalliance.com.

“RIVER PILOTS STAGE BOATING SAFETY EXERCISE”

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While most towboat crews have experienced occasional near-misses and lesser numbers of noninjury collisions with boats and personal watercraft, the consequences of such encounters are sometimes fatal.

Little was working on the Ohio River near Kenova several years ago when a motorboat plowed into his towboat, killing one on the motorboat.

“It’s terrible when something like that happens,” he said.

West Virginia Division of Natural Resources Conservation Officer Clifford McDowelle, who accompanied boaters on Saturday’s trip, said boaters should stay 500 feet away from the bows and sterns of towboats, “and never assume that the pilot has seen you.”

He added that it makes sense for vessels “that are more maneuverable to give right of way to craft that are less maneuverable.”

McDowelle said wake-jumping personal watercraft operators can be ticketed for reckless operation, and receive fines ranging from \$20 to \$300.

The conservation officer said he once encountered a personal watercraft rider who was operating his craft while seated backwards.

“He was trying to get attention,” he said. “He definitely got ours.”

When passing through stretches of river being heavily used by recreational boaters, “we go a lot slower, send deckhands out on the barges with radios and keep a spotter on lookout here in the pilothouse,” Burns said.

Madison safety officer Sean Jones said Saturday’s tour on the *m/v Charleston*

was the first of several that have been scheduled to acquaint recreational boaters with safety issues encountered while sharing the river with commercial traffic.

“We can only do so much in calling for more river patrols and Coast Guard support,” said Jones. “This is a way to let people see what towboats are capable of doing and not capable of

doing. We hope the people who take these trips tell their friends and get the word out.”



“I didn’t realize how far it takes for a towboat to stop,” said Bradley Bowers, a recent graduate of a Boat Smart safety class. “You might think 100 yards is plenty of space to give one of these boats, but if something happens to your boat or your skier, it’s not.”

“Getting Containers Off Road and Up River”



The following article, written by Gregory Richards, appeared in the *Virginian-Pilot* on May 1.

NORFOLK – T. Parker Host Inc., one of Hampton Roads’ longtime maritime enterprises, wants to launch a barge service between the port and Richmond, and has asked the federal government for \$500,000 to seed the project.

For now, the James River Barge Line is little more than a business plan with the potential to take some of the growing volume of cargo containers off Interstate 64 and U.S. 460 between Hampton Roads and Richmond.

But the U.S. Maritime Administration sees merit in the proposal, which would help reduce traffic and pollution and boost a U.S. Department of Transportation initiative to move more cargo via

the nation’s waterways. Only two percent of the nation’s freight now moves that way, with the rest moving on highways and railroads.

Maritime Administrator Sean T. Connaughton said the James River Barge Line looks viable. “They have a very good business plan,” he said last week.

The agency is looking for the requested money from the federal government but is asking Virginia if it would share some of the cost, Connaughton said.

“It’s becoming more and more difficult to build our way out of this congestion,” he said. “So using our waterways makes an enormous amount of sense.”

Every day, trucks haul numerous international shipping containers west to manufacturers and distribution centers around

(continued on page 11)

“Getting Containers Off Road and Up River”

(continued from page 10)

Richmond. T. Parker Host’s James River Barge Line would offer a competitive alternative to trucking, company officials said.

Beginning as a weekly service, the line would move barges laden with containers and guided by tugboats about 80 miles up the James River to the Port of Richmond. The journey would take about 12 hours. Trucks would shuttle the boxes to destinations within 30 miles.

“We’re ready to start now,” said David F. Host, president of T. Parker Host, a Norfolk-based shipping agency. “We’ve got a solid plan, and a year from now it’ll be even more solid because of all the pressure to relieve traffic congestion in the commonwealth.”

The economics of trucking versus barging to Richmond are on par. The cost of trucking a 40-foot-long container between Hampton Roads and Richmond roughly equals the cost of moving a container on a barge – about \$400, said Adam Anderson, T. Parker Host’s vice president of business development.

However, the company isn’t willing to shoulder all of the anticipated start-up losses during the first year of

operation, which could be as much as \$750,000, Anderson said.

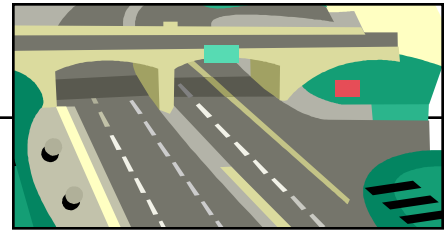
The barge line should become profitable sometime after its first year, Host said.

Anderson predicted the operation could generate annual profits of half a million dollars in eight to 10 years.

Host projected the service would move at least 5,000 containers the first year. By 2015, the goal is to transport about 250,000 boxes annually with two larger barges making trips twice a week.

Barges have navigated the James River for hundreds of years, but the last service was in the mid-1990s, when Pan American International hauled tobacco shipments for Philip Morris USA, said Martin J. Moynihan, the Port of Richmond’s executive director. It ended after about 18 months, he said.

Another barge line currently operates out of Hampton Roads. Columbia Coastal Transport runs two regular services, one to Baltimore and Philadelphia and the other to New York. It moves about 80,000 cargo containers per year on those runs, said Maxim Kowalski, Columbia Coastal’s Hampton Roads port manager.



Kowalski said the Liberty Corner, N.J.-based company has considered operating barges between Hampton Roads and Richmond, but has found that it’s not economically feasible. “Right now, we cannot compete with trucking,” he said.

Both Host and Kowalski expressed interest in a partnership.

Host said that if a federal grant doesn’t come through, the launch of the barge service will be delayed until truck rates escalate further, giving barges more of a price advantage. The cost of trucking has been on the rise, under pressure from a shortage of truck drivers, traffic delays and higher fuel costs.

Two Richmond-area companies – Philip Morris and Honeywell International, both of which move cargo through the port of Hampton Roads – say they are interested in transporting freight on the barge line.

“It’s definitely something we would look into if it would become available,” said David Sylvia, a Philip Morris spokesman. “The concept of moving additional cargo on the river to alleviate congestion seems to be a good one to us.”

Bill Jackson, president of the Tidewater Motor Truck Association, said he didn’t know enough about T. Parker Host’s proposal to offer a comment.

But when told of the company’s goal to barge more than 200,000 containers annually by 2015, he said, “By 2015, we may need all the help we can get.”

2007 AWO Letter Sponsorships Available

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If you are interested in securing a sponsorship, please contact Mary McCarthy at (703) 841-9300, extension 254, or via email at mmccarthy@vesselalliance.com.

Coastal Safety Committee to Begin Work on 2007 Priorities

The spring meeting of the AWO Coastal Safety Committee will take place on May 16-17 at the Astor Crowne Plaza Hotel, 739 Canal Street at Bourbon, New Orleans, LA, (504) 962-0500. The committee will begin its work on its 2007 priorities, which include communication and improved safety performance, and disaster preparedness, also known as business continuity.

All those who have responsibility for safety in AWO member companies that have coastal operations are invited to attend. The meeting will commence at 1 p.m. on Wednesday, May 16, and conclude by 5 p.m. The committee will recommence at 8 a.m. on Thursday, May 17, and the meeting will conclude by noon. Please call (800) 684-1127 to make hotel reservations.

Among the invited speakers are Rob Tietsma, Cost Reduction Technologies,

and Steve Brundrett, Canal Barge Company, Inc. Mr. Tietsma will present information on isokinetics and a method of evaluating fitness for duty. Interregion Safety Committee Chairman Brundrett will guide a discussion of preparations undertaken to prepare for a disaster.

For further information and/or to RSVP for the meeting, please contact Kathy Rehak at (703) 841-9300, extension 263, or via email at krehak@vesselalliance.com.



"Safety Pages"

Have You Ordered Your "Lifelines" Brochures?

AWO's popular brochure, entitled "Lifelines: Safety Tips That Could Save Your Life," delivers important safety tips to recreational boaters in an easy-to-read, user friendly format. Have you ordered your brochures yet?

AWO has reprinted almost one million "Lifelines" brochures, which are available to the general public free of charge, although shipping costs may apply. To obtain an order form or to get additional informatoin, please call Mary McCarthy at (703) 841-9300, extension 254. Order your brochures today and help make our nation's waterways safe for everyone!

CEMS Training Opportunities

The Crew Endurance Management System (CEMS) is a system for managing risk factors in maritime work environments that can lead to human error and performance slumps. The Coast Guard and AWO have been working together to help companies implement the principles of CEMS. In this space, AWO will publish details of CEMS training opportunities around the country. For further information on CEMS training opportunities, please contact LCDR Vivianne Louie, U.S. Coast Guard, at (202) 372-1358.

DATE	LOCATION	CONTACT
May 24-25	Coaches Training Kirby Corporation Baton Rouge, LA	Kelly Parker (Contact) (713) 435-1775 kelly.parker@kirbycorp.com
June 20-21	Coaches Training Inland Waterways Academy Huntington, WV	Jo Ann Salyers (Instructor) (504) 236-4962 salyers_solutions@hughes.net Capt. John Whiteley (Director) (304) 697-5616
July 25-26	Coaches Training Inland Waterways Academy Huntington, WV	Jo Ann Salyers (Instructor) (504) 236-4962 salyers_solutions@hughes.net Capt. John Whiteley (Director) (304) 697-5616

If you receive a hard copy of the *AWO Letter* and need to know the exact Web addresses of the hyperlinks in any articles, please contact Mary McCarthy at (703) 841-9300, extension 254, or via email at mmccarthy@vesselalliance.com.

Interregion Safety Committee Elects New Leaders, Develops New RCP Sample Policies

The spring meeting of the AWO Interregion Safety Committee was held in New Orleans, LA, on March 28-29. Fifty-nine attendees represented 50 AWO member companies, a safety committee record.

Outgoing Chairman Tim Sizemore, MEMCO Barge Line, asked for the committee's endorsement of Incoming Chairman Steve Brundrett, Canal Barge Company, Inc., and new Vice Chairman Stan Knight, B & H Towing. Mr. Brundrett presided over the meeting and thanked Mr. Sizemore for his leadership over the past two years. Chairman Brundrett pledged to help focus the committee on its 2007 priorities:

- Crew Alertness
- Fall Overboard Prevention Awareness
- Communication and Improved Safety Performance
 - o Personal Hygiene
 - o Galley Safety
- Voluntary Safety Statistics

The committee developed sample policies and procedures for new Responsible Carrier Program (RCP) requirements in the areas of personal hygiene, galley safety and the designated person responsible for monitoring safety and environmental operations and ensuring adequate support and resources for vessel operations. These samples were reviewed by the AWO Board of Directors at its meeting on April 20 (see April 27 AWO Letter).

Several invited speakers presented pertinent topics. U.S. Coast Guard CDR Ken Albee, Assistant Chief, Western Rivers, spoke about effective safety drills and interfacing with local emergency responders. Dave Richards, Gator Supply, explained a U.S. Navy research project on reducing snapback on lines. Rob Tietsma, Cost Reduction Technologies, presented a means of evaluating employees' fitness for duty using isokinetics to assess bodily strength and agility.

The committee also heard from its members, as well as AWO staff. Tommy Echols, Echo Marine Ltd./Echo Towing Service Inc., shared his company's experience with a prescription drug



Incoming Interregion Safety Committee Chairman Steve Brundrett, Canal Barge Company, Inc. (left), thanks Tim Sizemore, MEMCO Barge Line (right), for his two years of service as Chairman.

policy and compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Keith Bell, MEMCO Barge Line (AEP River Operations), presented a "lesson learned" after a fall overboard incident. Doug Scheffler, AWO Manager - Research & Data Analysis, presented industry statistics developed through the Coast Guard-AWO Safety Partnership. Kathy Rehak, AWO Manager - Safety Programs, gave an update on the RCP.

The Lesson Plan Subcommittee developed a lesson plan on fall overboard prevention, specifically during work conducted on the head of a tow. The subcommittee will next turn its attention to lesson plans on galley safety and personal hygiene.

The Interregion Safety Committee is grateful to Echo Marine Ltd./Echo Towing Service Inc. for its generous sponsorship of an evening reception.

The committee will next meet in St. Louis, MO, on June 27-28. For further information on any of the above topics or for copies of the new RCP sample policies and procedures on galley safety, personal hygiene and designated person, please contact Kathy Rehak at (703) 841-9300, extension 263, or via email at krehak@vesselalliance.com.

Pacific Region

California Air Resources Board Releases Latest Harbor Craft Draft Rule

In late April, the California Air Resources Board (CARB) distributed the latest draft of the Marine Harbor Craft regulation. The proposed regulation states that, as of January 1, 2009, Harbor Craft will have to fuel with CARB diesel, install a properly operating non-resettable hour meter, maintain records for CARB staff to review upon request, and abide by the reporting requirements of the Compliance Plan for each engine and Verified Diesel Emission Control Systems (VDECS).

On April 24, CARB held a Harbor Craft workshop to discuss the details of the draft regulation. The CARB staff presentation focused on the changes from the previous draft and how the various affected industries would comply with the draft regulation. CARB requested that AWO participate in a follow-up meeting with CARB staff to discuss some preliminary industry concerns.

During the follow-up meeting on April 25, CARB told AWO that it intends to regulate all vessels entering California waters. CARB also stated that while it is willing to look at a lesser regulatory burden for oceangoing vessels, it has always intended to capture those vessels based on hours worked in California. Consequently, the Harbor Craft proposal extends to oceangoing tugboats. Other oceangoing vessels, such as ships, are not captured in this regulation. However, CARB intends to write a new regulation to cover other oceangoing vessels in the future.

AWO is in the process of working with impacted members to develop industry positions on the proposed requirements. For additional information or a copy of the regulation, please contact Jason Lewis, Vice President - Pacific Region, at (206) 262-8019, or via email at jlewis@vesselalliance.com.

Southern Region

Louisiana Department of Environmental Quality to Conduct Overflights Next Week

Agency to Use HAWK Infrared Camera to Detect Cargo Vapor Emissions from Barges

The HAWK Camera, designed to detect cargo vapor emissions from storage tanks, truck trailers, railcars and barges, will be used on May 15-17 during helicopter overflights of the Mississippi River from Baton Rouge to New Orleans and on the Gulf Intracoastal Waterway from New Orleans to the Calcasieu River. While the agency will fly over land-based facilities, the focus of the three-day overflights will be to detect cargo vapor emissions from tank barges.



All AWO members who operate tank barges are encouraged to fully incorporate the *Recommended Best Management Practices to Reduce or Control Cargo Vapor Emissions* into their existing emissions control programs. For additional information about this round of overflights, or to receive a copy of this document, please contact Matt Holzhalb, Vice President - Southern Region, at (504) 799-2239, or via email at mholzhalb@vesselalliance.com.

DID YOU KNOW?

The U.S. Coast Guard-AWO Safety Partnership, the first industry-Coast Guard partnership of its kind, has launched more than 20 quality action teams that are improving safety and training throughout the tug and barge industry's operations.

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