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## Obama Administration Budget Proposes Lockage Tax

On February 26, the Obama Administration introduced its initial budget plan for Fiscal Year 2010 (FY10) that proposes to phase out the current inland waterways excise tax on diesel fuel and replace it with a lock usage tax. This proposed change in the funding formula for inland waterways infrastructure is the same proposal introduced in the Bush Administration's FY09 budget before being removed by the 110th Congress. AWO and Waterways Council, Inc. (WCI) strongly oppose the reintroduction of this tax and are coordinating an effort to have the proposal removed from the final draft of the Administration's budget before it is published in April.

While the specifics of the budget are still being constructed, AWO and WCI are working with their congressional allies and individuals within the administration to inform a broader audience of the negative features of a lockage tax with the goal of getting this proposal extricated from the budget. In order to further cement congressional opposition to a lockage tax, AWO members participating in the April 1 Congressional "Barge-In" will deliver this message directly to lawmakers in Washington.

The FY10 Budget is titled "A New Era of Responsibility." While it is industry's responsibility to pay its fair share of taxes, it is the government's responsibility

not to waste tax dollars, and this lockage tax proposal does not appropriately address either issue. The U.S. Army Corps of Engineers and the Inland Waterways Users Board are currently undertaking a white paper process

that will prioritize essential waterways infrastructure projects and incorporate a new model for improved project delivery. This process will hopefully address the broken delivery system that has led to decades-long construction delays and multi-million dollar cost overruns. No discussion of revamping tax structures should occur until significant and verified improvements have been implemented for the roughly \$90 million per year that industry already pays annually into the Inland Waterways Trust Fund (IWTF).

Towing companies that operate on the fuel-taxed portion of the inland waterways currently pay a 20 cent per gallon fuel tax. Revenue derived from this tax contributes half the amount to the IWTF which is used to pay for infrastructure improvements on the inland



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## Obama Administration Budget Proposes Lockage Tax

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waterways system. These improvements benefit the entire country as they allow for the timely and fuel-efficient delivery of essential goods and materials across the nation.

The proposed change to a lockage tax is unwise because it would charge a disproportionate share of the IWTF to towing companies and barge owners whose vessels and barges transit multiple locks. Vessels that do not pass through any locks would not pay any taxes into the IWTF under this structure, even though these vessels receive the benefits of waterways infrastructure. This arrangement would put into place a highly inequitable funding system.

For more information on the lockage tax and the effort to have it removed from the FY10 budget, please contact Chris Coakley at (703) 841-9300, extension 297, or via email at [ccoakley@vesselalliance.com](mailto:ccoakley@vesselalliance.com).

### Welcome, New Carrier Member!

**Tiger Tugz, LLC**  
P.O. Box 318  
Berwick, LA 70342

Rep: Mr. L.J. Pontiff  
Operations Manager



## Congress Passes FY 2009 Omnibus Act

On February 25, the House passed the \$410 billion Fiscal Year 2009 (FY09) Omnibus Appropriations Act. On March 11, the Senate approved the \$410 billion spending bill only after extensive debate over partisan earmarks. The act will fund all federal government spending until the end of September.

Specific to the U.S. Army Corps of Engineers, \$5.4 billion in funds are allotted, \$185 million less than what was allotted in 2008. The breakdown is as follows: **operations and maintenance**: \$2.2 billion was allotted, the same as in 2008, to address the over \$1 billion backlog of operations and maintenance needs of navigation infrastructure critical to the U.S. economy; **construction**: \$2.1 billion, \$148 million less than 2008, for projects including ongoing flood protection efforts; **investigations**: \$168 million, the same as in 2008, to plan and design America's next generation of water resource infrastructure; **management reforms**, which include the requirement for five-year development plans to guide budget decisions and contracting methods.

For more information regarding the FY09 Omnibus Act, please contact Chris Coakley or Robert McCaw at (703) 841-9300, extensions 297 or 279, respectively, or via email at [ccoakley@vesselalliance.com](mailto:ccoakley@vesselalliance.com) or [rmccaw@vesselalliance.com](mailto:rmccaw@vesselalliance.com).

## Stimulus Bill Contains Two Key Funding Opportunities For Industry

### Stimulus Bill Includes Funding for Small Shipyard Grant Program

On March 4, the Maritime Administration announced that under the "Supplemental Grants for Assistance to Small Shipyards" provision of the American Recovery and Reinvestment Act of 2009, the agency will provide grant assistance to qualified shipyards for capital and infrastructure improvements. Grant applications are due April 20 and awards will be distributed no later than August 17. The program currently has \$98 million available.

The announcement advises that grant funds will be made available to "Eligible Applicants" for capital improvements and related infrastructure improvements "that foster efficiency, competitive operations, quality ship construction, repairs, and reconfigurations." Grants may not be used to construct buildings or other physical facilities or to acquire land unless this use is specifically approved as being consistent with, and supplemental to, capital and related infrastructure improvements. However, grant funds may be used for maritime training programs to foster technical skills and operational productivity in communities whose economies are related to or dependent upon the maritime industry.

To read the announcement, please click [here](#). For more information, please contact Ms. Jean E. McKeever, Associate Administrator for Business and Workforce Development, Maritime Administration, 1200 New Jersey Ave., SE., Washington, DC 20590. Ms. McKeever is also available by telephone

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## Stimulus Bill Contains Two Key Funding Opportunities For Industry

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at (202) 366-5737 or via email at [jean.mckeever@dot.gov](mailto:jean.mckeever@dot.gov).

### Stimulus Bill Allocates \$300 Million for Emissions Reduction Projects

The American Recovery and Reinvestment Act (ARRA), signed into law by President Obama on February 17, includes \$300 million in grant money to fund emissions reduction projects under the Diesel Emissions Reduction Act (DERA). DERA, passed in 2005 with broad bipartisan support, has allocated \$200 million in grants and loans to states and organizations to spearhead diesel engine retrofits and other emissions-reducing initiatives.

Historically, the Environmental Protection Agency (EPA) has awarded DERA grants to innovative, cost-efficient emissions-reducing projects that maximized public health benefits. The additional \$300 million available through ARRA has the additional

purpose of spurring economic recovery and preserving or creating jobs. DERA will cover 75 percent of the cost for engine repowers, 100 percent of the cost for retrofit technologies, 100 percent for engine upgrade kits, and 25 percent of the cost for replacements. Because the purpose of ARRA is to improve the economy in the short term, projects that can be implemented very quickly will be viewed more favorably by the EPA. The deadline for proposals is April 13, with funds to be awarded by EPA in May.

EPA is offering Recovery Act funding in addition to any Fiscal Year 2009 National Diesel Emissions Reduction Program appropriations. For more information about grant programs available as part of EPA's National Clean Diesel Campaign, click [here](#). If you have any questions about the DERA grant program, contact Brian Vahey via email at [bvahey@vesselalliance.com](mailto:bvahey@vesselalliance.com), or at (703) 841-9300, extension 251. ☎

### Important Dates and Reminders

..... at a glance

*For more information, please contact Hermoine Wellman at (703) 841-9300, extension 291, unless otherwise noted.*

**April 1-3:** AWO Spring Convention, Arlington, VA

**July 23-24:** AWO Southern Region Meeting, Houston, TX

**August 19-20:** AWO Midwest and Ohio Valley Regions Joint Meeting, St. Louis, MO

**August 26-27:** AWO Atlantic Region Meeting, Norfolk, VA

## Study Provides Opportunity for Industry Input into Vessel Discharge Regulation

The Environmental Protection Agency (EPA) is conducting a study of discharges incidental to the normal operation of vessels under 79 feet, a study required by legislation passed by Congress in July 2008 (S. 3298) that exempted such vessels from the National Pollutant Discharge Elimination System (NPDES) permit program for two years. This spring, EPA will be sampling discharges from vessels under 79 feet, such as smaller tugboats, towboats, fishing vessels and passenger boats, so that future regulation of these discharges is based on solid, scientific data. EPA asked AWO for help in finding tugboat and towboat companies with vessels under 79 feet that would be willing to participate in the study, and a number of AWO members have volunteered to do so.



The study provides an unparalleled opportunity for towing industry operations to be taken into account in future regulation of vessel discharges, and to develop scientific data to help EPA identify discharges that are de minimus or harmless and those that warrant regulation. EPA and its contractor, Eastern Research, are beginning the study in Norfolk, VA, and Baltimore, MD, this month, and will continue in St. Louis, MO, New Orleans, LA, San Francisco, CA, and Seattle, WA, and will finish in south-eastern Alaska in early summer. If you are interested in participating in the study, please contact Jennifer Carpenter or Mary McCarthy at (703) 841-9300, extensions 260 or 254, respectively, or via email at [jcarpenter@vesselalliance.com](mailto:jcarpenter@vesselalliance.com) or [mmccarthy@vesselalliance.com](mailto:mmccarthy@vesselalliance.com). ☎

## Coast Guard-AWO Safety Partnership QSC Discusses Bridging Program, Crew Endurance Management, TWIC

On February 25, the U.S. Coast Guard-AWO Safety Partnership's National Quality Steering Committee (QSC) held its semi-annual meeting. Since 1995, the QSC has met twice a year to lead the development of safety and environmental improvements and foster candid, constructive dialogue between the leadership of AWO and the Coast Guard's marine safety program.

The meeting was co-chaired by AWO President & CEO Tom Allegretti and RDML James Watson, Director of Prevention Policy for the Coast Guard. Topics of discussion included: the Towing Vessel Bridging Program; the Commandant's Marine Safety Improvement Plan; the Crew Endurance Management System (CEMS); safety statistics; the work of the partnership at the regional level; and, the Transportation Worker Identification Credential (TWIC) program.

### Towing Vessel Bridging Program

CDR Lee Boone, Chief of the Domestic Compliance Division for the Coast Guard, gave a presentation on the Coast Guard's developing Bridging Program, a program meant to enhance and improve Coast Guard interactions with the towing industry so as to minimize disruptions to commerce when the forthcoming towing vessel inspection regime becomes effective. CDR Boone described the program as a four-legged stool, with the four legs consisting of: 1) a revitalization of voluntary dockside examination programs such as the one in use in the Coast Guard's Atlantic Area; 2) surge operations such as Operation Big Tow; 3) an indoctrination and training program for new Coast Guard personnel assigned to towing vessel

inspection; and, 4) a risk-based boarding program focused on those towing vessels that have not undergone voluntary examinations. To assist the Coast Guard in developing the program, the QSC agreed to develop a working group chaired by Craig Philip, Ingram Barge Company. This group, the Bridging and Implementation Team, held its first meeting in Nashville on March 4 (see story on page 6).

### Marine Safety Improvement Plan

CAPT Eric Christensen, Chief of the Office of Vessel Activities, briefed the QSC on the Commandant's Marine Safety Improvement Plan, an effort to build capacity and professionalism in the Coast Guard's marine safety program and improve communications with the maritime industry. CAPT Christensen informed the QSC that several individuals from the Coast Guard have been selected to receive industry training this year, with one likely to be given a multi-month training assignment with an AWO member company. CAPT Christensen also told the QSC that by the end of 2009, the Coast Guard will have hired 11 of 17 training officers, who will work to develop consistency, capacity, competence, and outreach in the Coast Guard's marine inspector corps.

### CEMS

AWO Vice President – Safety Bob Clinton and CDR Ben Hawkins, Chief, Human Element and Ship Design Division, briefed the QSC on the

results of a survey on industry experience with CEMS. (See related story, page 11.) The Coast Guard and AWO are currently analyzing the survey results for use in developing a targeted implementation assistance program for CEMS. Mr. Philip also reported on scientific research underway at

Northwestern University to develop scientifically based ways to structure crew sleep periods to improve endurance in typical towing industry watch schedules.

### Other Business

In other business, the QSC agreed on the importance of regularly tracking industry safety statistics to ensure that the work of the Partnership remains data-driven and focused on the most pressing safety needs. A small group will meet to develop a proposal for developing and reporting on this data at each QSC meeting.

The QSC also received a report from CDR David Murk, Chief of the Cargo and Facilities Division, on the state of the TWIC program. He reported that roughly 50 percent of mariners currently have a TWIC card, with the April 15 mariner compliance deadline rapidly approaching. CDR Murk also reported that an advance notice of proposed rulemaking (ANPRM) outlining proposed TWIC card reader requirements, and a final rule establishing the new Merchant Mariner Credential (MMC) in lieu of existing Coast Guard licenses and Merchant Mariner Documents, should both be published shortly. When the MMC rule



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## AWO Testifies at Coast Guard Public Meeting on AIS/NOAD Proposed Rulemaking

### *Coast Guard Announces Second March Public Meeting Date in Seattle, WA*

On March 5, AWO presented testimony at a Coast Guard public meeting on the notice of proposed rulemaking (NPRM), published on December 15, 2008, governing the Automatic Identification System (AIS) and notice of arrival and departure (NOAD) requirements. The NPRM expands AIS carriage requirements to all vessels covered by the Maritime Transportation Security Act of 2002 (MTSA), and expands the applicability of the NOAD regulations to include vessels below the current 300 gross registered ton (GRT) threshold. AWO was joined at the public meeting by more than a dozen representatives of industry who convened to express both support and concern for the proposed rulemaking.

Jennifer Carpenter, AWO Senior Vice President-National Advocacy, began her testimony by stressing industry's support for AIS as a navigation safety tool, noting tugboat, towboat and barge operators' long-standing commitment to safe operations. AWO supported the Coast Guard's proposal to allow operators discretion to install less comprehensive Class B systems

as a more cost-efficient, Coast Guard-approved alternative to standard Class A systems. Ms. Carpenter noted that while it is important for all vessels to be equipped with AIS, "vessel owners themselves are in the best position to determine which system better suits the safety and operational needs of their vessels." AWO also encouraged the Coast Guard to make AIS compliance as cost-efficient as possible for smaller operators, many of whom would have to newly install AIS equipment on some if not all of their vessels. To this end, AWO suggested that the Coast Guard extend the compliance period from seven months after the final rule is published to two years after publication. "The AIS compliance process includes purchase, installation, training and maintenance," Ms. Carpenter noted, "and this is likely to take more time than the proposed rule allows."

On NOAD, AWO emphasized that the Coast Guard should not broaden Notice of Departure requirements to U.S.-flag vessels traveling from one U.S. port to another U.S. port after completing a voyage from a foreign

port. AWO noted that while industry recognizes the security value of monitoring incoming vessel movements from foreign ports, NOD requirements should not pose an excessive administrative burden on vessel operators if those same requirements do not produce offsetting security benefits. AWO also echoed the long-held industry position that vessels operating on the lower Mississippi should be allowed to report activities to a single common authority. The proposed rule maintains the bifurcation of reporting requirements by exempting from NOAD compliance any vessel operating on the Mississippi River above mile 235 and its tributaries because such vessels are already reporting to the Inland River Vessel Movement Center (IRVMC). "Good public policy argues against arbitrary boundary lines and duplicative and inconsistent reporting requirements," Ms. Carpenter testified.

AWO intends to submit final comments to the docket by the April 15 deadline. In the meantime, the association will reiterate its March 5 testimony at a second public meeting, which the Coast Guard has scheduled for March 25 from 1:00 pm to 3:30 pm PT, in Seattle, WA. For more information about this public meeting, click [here](#).

For more information about AWO's March 5 testimony or the upcoming public meeting in Seattle, contact Jennifer Carpenter, Brian Vahey or Robert McCaw via email at [jcarpenter@vesselalliance.com](mailto:jcarpenter@vesselalliance.com), [bvahey@vesselalliance.com](mailto:bvahey@vesselalliance.com) or [rmccaw@vesselalliance.com](mailto:rmccaw@vesselalliance.com), or call (703) 841-9300 extensions 260, 251 or 279 respectively. 🌐

### **Coast Guard-AWO Safety Partnership QSC Discusses Bridging Program, CEMS, TWIC**

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is in place, mariners will no longer have to travel to Coast Guard Regional Examination Centers to be fingerprinted; such data will be sent to the Coast Guard from the Transportation Security Administration as it processes a mariner's TWIC application.

The next meeting of the National QSC will be held on August 5. For more information please contact Jennifer Carpenter or Benjamin Rogers at (703) 373-2264, extensions 260 or 264, respectively, or via email at [jcarpenter@vesselalliance.com](mailto:jcarpenter@vesselalliance.com) or [brogers@vesselalliance.com](mailto:brogers@vesselalliance.com). 🌐

## ***Towing Vessel Inspection “Bridging” Program Working Group Meets in Nashville***

On March 4, the Bridging and Implementation Team (BAIT) Quality Action Team (QAT) met in Nashville, TN. BAIT, comprised of U.S. Coast Guard and industry participants, was formed on February 25 by the Coast Guard – AWO Safety Partnership’s National Quality Steering Committee (QSC) to assist the Coast Guard in implementing its “bridging” program to ease the transition for the agency and industry into the forthcoming towing vessel inspection regime (see related story, page 4). BAIT is led by CDR Greg Howard, Towing Vessel Bridging Coordinator in the Domestic Vessel Compliance branch at Coast Guard Headquarters, and Craig Philip, President & CEO of Ingram Barge Company.

During the meeting, BAIT highlighted the need to form subgroups to provide guidance on each of the four components of the program, which are: 1) a revitalization of voluntary dockside examination programs; 2) lessons learned from surge operations such as Operation Big Tow; 3) an industry indoctrination program for new Coast Guard towing vessel inspectors; and, 4) a risk-based boarding program for vessels not voluntarily inspected. One of BAIT’s first tasks will be to develop the indoctrination program to educate new Coast Guard marine inspectors assigned to the towing industry. The BAIT working group assigned to this task will meet again on March 19 in New Orleans, LA.

For more information, please contact Lynn Muench at (314) 446-6474, or via email at [lmuench@vesselalliance.com](mailto:lmuench@vesselalliance.com).

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](mailto:mmccarthy@vesselalliance.com).



## **AWO Security Plan Updates Pending Coast Guard Approval**

On March 9, AWO submitted the final draft of the revised AWO Alternative Security Program (ASP) to the U.S. Coast Guard for approval, which is anticipated by the time the next *AWO Letter* is published on March 27. AWO submitted its first draft revision on December 31, 2008, and has been working with the Coast Guard since that time to ensure that the updated plan accurately reflects new regulations and needed changes based on member and Coast Guard experience with the plan over the past five years. AWO is also working with Coast Guard headquarters and the Marine Safety Center to harmonize the approval of the updated International Vessel Security Plan (IVSP), which was also updated and amended to incorporate changes made to the ASP in 2005.



The new security plans include Transportation Worker Identification Credential (TWIC) requirements that come into effect on April 15, such as interim work authority procedures for new hires who have applied for a TWIC and the approach to “monitoring” for new hires who have not yet received their TWICs. Also included are new Vessel Security Officer (VSO) endorsement requirements that affect some coastal operators and clarification of which security documents must be kept onboard the towing vessel or barge.

AWO will notify all members by email when the updated ASP and IVSP updates have been approved by the Coast Guard and post the revised plans on the Members Only section of the AWO Web site. For more information, please contact Jennifer Carpenter or Mary McCarthy at (703) 841-9300, extensions 260 or 254, respectively, or via email at [jcarpenter@vesselalliance.com](mailto:jcarpenter@vesselalliance.com) or [mmccarthy@vesselalliance.com](mailto:mmccarthy@vesselalliance.com).

## **TSA Announces International TWIC Help Desk Number**

The Transportation Security Administration (TSA) now offers an international TWIC Help Desk number for any mariner operating outside the United States who needs information on the TWIC program. The number to call is (001) 817-359-7761.

## “Obama Blocks Bush’s Endangered-Species Rule”

The following story, written by Stephen Power, appeared in the March 4, 2009 issue of the *Wall Street Journal*. It appears here in its entirety.

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WASHINGTON – President Barack Obama blocked a Bush administration rule that environmentalists say would weaken protection for endangered species and their habitats, the latest in a series of moves that reverse Mr. Bush’s environmental policies.

Business groups criticized the Obama administration’s move and predicted it would delay projects funded by the government’s \$787 billion stimulus package by forcing federal agencies to resume consultations over the potential impact of development projects on threatened species. The Bush administration rule was aimed at minimizing interagency debates over endangered species issues.

“Reinstating bureaucratic hurdles will only delay energy development and other construction projects which help create jobs,” said Keith McCoy, vice president of the National Association of Manufacturers

Mr. Obama on Tuesday signed a memorandum that effectively shelves the Bush move to streamline the process until officials at the Interior and Commerce departments finish a review.

At issue is a regulation issued by the Interior Department in December that allows federal agencies to bypass consultation with scientists at the U.S. Fish and Wildlife Service or the National Marine Fisheries Service about whether new projects will harm threatened wildlife. Traditionally, federal agencies across the government have been required to consult the Fish and Wildlife Service or the National Marine Fisheries Service whenever

they are funding projects, such as new dams or highways, that could pose even a remote risk to a rare creature.

The Bush administration adopted the change in what it said was an effort to allow government biologists to focus on the most critical conservation efforts.

“Throughout our history, there’s been a tension between those who sought to conserve our natural resources for the benefit of future generations, and those who have sought to profit from these resources,” Mr. Obama said in announcing his action. “But I’m here to tell you this is a false choice. With smart, sustainable policies, we can grow our economy today, and preserve the environment for ourselves, our

children and our grandchildren.”

Mr. Obama’s decision marks the latest instance in which his administration has sought to block or reverse Bush-era rules affecting the environment. Last week, Interior Secretary Ken Salazar announced he was putting the brakes on plans developed by the Bush administration to develop oil shale on federal land in Western states. Mr. Salazar also recently shelved a plan developed by the Bureau of Land Management during the Bush administration to lease wilderness areas of Utah for oil and gas drilling, saying the step was needed to protect the step was needed to protect “American iconic treasures.”

### ***MERPAC to Meet in Buzzards Bay, MA***

On April 16-17, the Merchant Marine Personnel Advisory Committee (MERPAC) will meet in Buzzards Bay, MA, to discuss various issues relating to the training and fitness of merchant marine personnel. The meetings will be open to the public.

On April 16, MERPAC will hold a series of working group discussions addressing the utilization of military sea service for Standards of Training, Certification and Watchkeeping (STCW) certifications; stakeholder communications during the restructuring and centralization of the Coast Guard’s mariner licensing and documentation program; recommendations on areas in the STCW Convention and the STCW Code identified for comprehensive review by the International Maritime Organization; and a proposed task statement on the development of a towing vessel Apprentice Mate/Steersman training program.

On April 17, MERPAC will meet in plenary session to hear reports from these working groups and briefings concerning ongoing projects of interest to MERPAC, and consider other items brought up by committee members or the public.

The meeting will be held from 8:00 a.m. to 4:00 p.m. on April 16 and from 8:00 a.m. to 3:00 p.m. on April 17 in the Bay State Conference Center at the Massachusetts Maritime Academy, 101 Academy Drive, Buzzards Bay, MA. To read the meeting announcement, please click [here](#). For more information, please contact Mr. Mark Gould of the U.S. Coast Guard at (202) 372-1409.

## Register Now for the 7th Annual AWO “Barge-In” on Capitol Hill

Are you coming to the AWO Spring Convention? Are you signed up to participate in the AWO “Barge-In?” If not, it is not too late to register. Meetings with key legislators are already in the works.

The AWO Annual “Barge-In” is our industry’s opportunity to communicate our issues and concerns en masse to key members of Congress, significantly enhancing our message’s impact. It is also your opportunity to meet your members of Congress, educate them on your company’s operations, and for you to participate in an important part of the legislative process. On your behalf, AWO is advocating on very serious issues facing the industry, including establishing a uniform federal standard for vessel discharges, eliminating the second trip to the Transportation Worker Identification Credential (TWIC) enrollment center, and effectively blocking a user lockage tax proposal. Your engagement in these advocacy efforts is critical to our success as you are the constituents, the voters and the employers in these legislators’ states and districts.

There will also be a “Barge-In” Preparation Session on Tuesday, March 31 from 3:00-5:00 p.m. at the Ritz-Carlton-Pentagon City to brief participants on the key issues that will be discussed in the congressional meetings, to enhance the comfort level of participating members in the procedures and etiquette associated with visiting a member of Congress, and to answer any questions or concerns that participants may have. Additionally, please click [here](#) for copies of the one-pagers on our top three legislative issues that we will be addressing in our congressional visits.

A brief schedule of the “Barge-In” activities is below. For more information on the “Barge-In,” please

contact Nicole deSibour at (703) 841-9300, extension 292, or at [ndesibour@vesselalliance.com](mailto:ndesibour@vesselalliance.com).

“Barge-In” Schedule		
<b>Tuesday, March 31</b> 3:00 PM – 5:00 PM	“Barge-In” Prep Session	Ritz-Carlton Hotel, Pentagon City
<b>Wednesday, April 1</b> 7:45 AM	Buses Depart for Capitol Hill	Ritz-Carlton Hotel, Pentagon City
8:30 AM – 9:30 AM	AWO PAC Fundraiser for Sen. Rockefeller	The Monocle Restaurant
8:30 AM – 9:30 AM	“Barge-In” Breakfast All Participants	The Monocle Restaurant
9:30 AM – 5:00 PM	Congressional Visits	Capitol Hill
9:30 AM – 5:00 PM	“Barge-In” Lounge	The Capitol Hill Club

## THE AWO SPRING CONVENTION IS ALMOST HERE...

*Have you registered yet? You still have time!*

The AWO Spring Convention is being held in Arlington, VA at the Ritz-Carlton Pentagon City Hotel. Meetings will begin at this location at 8:00 a.m. on Thursday, April 2, and conclude by noon on Friday, April 3. To register for the convention, please click [here](#). To secure a hotel room, please call the hotel at (800) 241-3333. If you have any questions, please contact Hermoine Wellman at (703) 841-9300, extension 291, or via email at [hwellman@vesselalliance.com](mailto:hwellman@vesselalliance.com).



## Responsible Carrier Program Accreditation Board Meets

The AWO Responsible Carrier Program (RCP) Accreditation Board met on the evening of February 18 to consider a proposal from the AWO Joint Safety Committee to add a requirement for Fall Overboard Prevention Training for all crewmembers to the RCP. The purpose of the training would be to alert crewmembers to the hazards associated with working in close proximity to the water's edge and to prevent falls overboard, which continue to be a major cause of crew accidents. The Accreditation Board agreed with the Safety Committee's recommendation noting that a fall overboard policy has been included in the RCP since 1995 but specific training in this area was not required. This recommended addition to the RCP will be submitted to the AWO Executive Committee and if it agrees, the recommendation will be presented to the AWO Board of Directors at its Annual Meeting in April for inclusion in the RCP.

The Accreditation Board also considered several proposals to encourage member participation in AWO's Voluntary Safety Statistics Program which will also be considered by the Executive Committee and the Board of Directors. The current members of the RCP Accreditation Board are listed in the box below.



### RCP Accreditation Board Members

**Inland Dry Sector Representative**

Mr. John W. Patterson (Chairman)  
Ingram Barge Company

**Harbor Sector Representative**

Mr. Rick Kimberly  
Sause Bros.

**Coastal Sector Representative**

Ms. Emily Reiblein  
Moran Towing Corporation

**Liquid Shipper Representative**

Mr. Stephen Richards  
BP Shipping USA

**Inland Liquid Sector Representative**

Mr. Joseph Tyson  
Canal Barge Company, Inc.

**Dry Shipper Representative**

Mr. Michael A. Weisend  
AEP River Operations

If you have any questions, please contact Bob Clinton at (703) 841-9300, extension 253, or via email at [bclinton@vesselalliance.com](mailto:bclinton@vesselalliance.com).

## 2009 AWO Letter Sponsorships Still Available!

In the current economic climate, advertising and marketing become even more important to a company's health. AWO is still accepting sponsorship applications for the 2009 AWO Letter. Each great advertising opportunity costs \$500, which includes a front-page "sponsorship block" featuring your company's name, location, logo, and Web site address. The following issues are available:

- March 27
- April 10
- April 24
- May 8
- May 22
- June 5
- June 19
- July 3
- July 17
- July 31
- August 14
- August 28
- September 11
- September 25
- October 9
- October 23
- November 6
- November 20
- December 4
- December 18



Sponsorship forms can be found by clicking [here](#). If you have any questions, please contact Susan Miller at (703) 841-9300, extension 262, or via email at [smiller@vesselalliance.com](mailto:smiller@vesselalliance.com).

## AWO HOLDS RCP AUDITOR TRAINING

On February 17-19, AWO held its annual new auditor and auditor recertification training in Arlington, VA. A total of 39 individuals attended the training including 22 representatives from AWO member companies. Nine of these members are also in various stages of applying to become AWO-certified auditors. Members and prospective auditors began their training with a one-day orientation to AWO and the Responsible Carrier Program (RCP) that introduced them to the “value-added” philosophy of the RCP Audit that emphasizes the requirement that AWO-certified auditors provide companies being audited with value beyond simply providing a list of non-conformities while being audited. Members are also trained in the history and development of the RCP itself, coaching and auditing skills, as well as the use of the essential tools of the RCP audit, the management and vessel checklists. The first day’s training ended with a written test.

The next morning, AWO member representatives were joined by nine recertifying auditors from all over the United States who attended the additional day and a half of intense training required to renew their certifications to conduct AWO-certified RCP audits. The recertification training curriculum stressed auditing skills necessary to evaluate not only the existence, but the adequacy of AWO member’s RCP policies and procedures. Additional training was also delivered on the audit process providing auditors with techniques to effectively conduct the audit in a systematic manner that ensures an in-depth examination of a company’s safety management system. Throughout the training auditors were reminded of the absolute need to maintain trust and credibility by always performing AWO-certified audits in an unbiased professional manner. The first

day of class ended with a homework assignment that required trainees to write an essay detailing the essential elements of an Internal Audit program.

The second day’s training included a homework review and concentrated on audit best practices. The day and a half recertification training ended with a difficult 75 question test designed to ensure that AWO-certified auditors are among the most qualified auditors practicing today.

Training throughout the three days was delivered by various members of the Accreditation Board including: Rick Kimberly, Sause Bros.; Emily Reiblein, Moran Towing Company; Steven Richards, BP Shipping; Joseph Tyson, Canal Barge Company; and, Mike

Weisend, AEP River Operations.

At the conclusion of the RCP auditor recertification training, the American Chemistry Council (ACC) conducted a three-hour training session for AWO-certified auditors wishing to become certified to perform Responsible Care® audits for members of AWO that are also Responsible Care® Partners. Joint audits require the completion of an add-itional checklist concerned mostly with stakeholder notification and dialogue.

For more information about auditor training, joint Responsible Carrier Program/Responsible Care Partner audits, please contact Bob Clinton via email at [bcClinton@vesselalliance.com](mailto:bcClinton@vesselalliance.com) or at (703) 841-9300, extension 253.

## Interregion Safety Committee to Meet

The Spring meeting of the AWO Interregion Safety Committee will be held on April 29-30 at the Sofitel Hotel. The meeting will begin at 1:00 p.m. on April 29. A reception will be held at the conclusion of the afternoon session. The meeting resumes at 8:00 a.m. on April 30 and will conclude by 12:00 p.m.. The hotel is holding a block of rooms at a rate of \$189/night until March 29. Reservations can be made by calling (877) 813-7700 and mentioning that you are with the American Waterways Operators. There is a \$50 meeting fee for all attendees.

The committee will discuss ways to improve the effectiveness of the Safety Committee and integrate their efforts into the overall work of the association. A meeting agenda will be available online by the end of March.

All AWO member companies are invited to send a representative to the meeting, particularly company safety and security officers. Committee members are invited to “bring a mate (or captain or deckhand)” or anyone else who might benefit from seeing the work of a broad base of industry safety professionals and helping to learn new ways crewmembers can help in upgrading the safety culture of the inland barge and towing industry.

To register for the meeting, please click [here](#). For further information, please contact Hermoine Wellman at (703) 841-9300, extension 291, or via email at [hwellman@vesselalliance.com](mailto:hwellman@vesselalliance.com).

## CEMS Survey – Call for Participation!

We need your help! The Coast Guard-AWO Safety Partner Crew Endurance Management System (CEMS) Working Group, established in 2007, is charged with working to promote crew alertness in the 24-hour-a-day environment of the tugboat, towboat, and barge industry. One of its tasks is to build an understanding of successful CEMS implementation efforts in the tugboat, towboat, and barge industry, as well as identify hurdles for companies practicing or attempting to practice CEMS. The recent CEMS survey, sent to all carrier member representatives in February, was developed jointly by Coast Guard and AWO to help answer these questions. While much valuable information was collected, including an indication that almost 55 percent of respondents have implemented some element of CEMS,

this good news must be taken with “a grain of salt” as participation in the survey was disappointing at best, with over 300 emails sent; only 50 members completed the survey!

It should go without saying that every company’s participation is vital in obtaining the most accurate results, results that can then be used by the CEMS Working Group in developing the most effective implementation assistance possible. In a final attempt to improve the response rate, all carrier members will again be receiving an email this week asking that, if your company has not already done so, please take approximately 15 minutes to complete the 27 question Crew Endurance Management Practices Survey. In fact, if you don’t want to wait for the email, you can complete

the survey immediately by clicking [here](#), but please, only one response per company.

Promoting crew alertness is of vital concern to AWO, Congress, the Coast Guard, and the National Transportation Safety Board. Information obtained in the survey will help AWO and the Coast Guard ensure that they are doing everything reasonable to provide companies with practical strategies to help them better implement crew endurance management practices at their companies.

If you have any questions, or want more information, please give Bob Clinton a call at (703) 841-9300, extension 253, or via email at [bclinton@vesselalliance.com](mailto:bclinton@vesselalliance.com).

### *AWO Joint Safety Committee Minutes and Presentations Available*

Minutes from the January AWO Joint Safety Committee meeting in New Orleans are now available on the AWO Web site at the following link: [http://www.americanwaterways.com/commitment\\_safety/index.html](http://www.americanwaterways.com/commitment_safety/index.html). Meeting minutes, a list of attendees and copies of most of the presentations delivered can be found under the heading “Safety Meetings.” Also, while visiting the Web site, be sure to check out the other safety materials available to assist your company in improving safety, including minutes of past Coastal, Interregion and Joint Safety Committee meetings; safety lesson plans; and, the latest version of the Responsible Carrier Program and audit checklists. If you have any questions, please contact Bob Clinton at (703) 841-9300, extension 253, or via email at [bclinton@vesselalliance.com](mailto:bclinton@vesselalliance.com).

## 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 Pik Kwan Rivera, U.S. Coast Guard, at (202) 372-1354.

DATE	LOCATION	CONTACT
March 25-26	Salyers Solutions, LLC Cincinnati, OH	Jo Ann Salyers (Instructor) (504) 236-4962 <a href="mailto:salyers_solutions@hughes.net">salyers_solutions@hughes.net</a>
March 26-27	Salyers Solutions, LLC New Orleans, LA	Jo Ann Salyers (Instructor) (504) 236-4962 <a href="mailto:salyers_solutions@hughes.net">salyers_solutions@hughes.net</a>
April 26-27	Salyers Solutions, LLC Fairbanks, AK	Jo Ann Salyers (Instructor) (504) 236-4962 <a href="mailto:salyers_solutions@hughes.net">salyers_solutions@hughes.net</a>
April 30- May 1	Salyers Solutions, LLC Seattle, WA	Jo Ann Salyers (Instructor) (504) 236-4962 <a href="mailto:salyers_solutions@hughes.net">salyers_solutions@hughes.net</a>

Midcontinent Office

## RIETF Annual Meeting Held

### *Partnership with Coast Guard and Corps Continues to Grow*

The River Industry Executive Task Force (RIETF), a standing task force of AWO, held its annual meeting on March 3 in conjunction with the Inland Waterways Conference (IWC) in Nashville, TN. In his introductory comments Co-Chairman Scott Noble, Ingram Barge Company reminded the group that RIETF has been active for over twenty years as a mechanism to improve the relationships and communication between senior executives from the industry, the Coast Guard and the U.S. Army Corps of Engineers. BG John Peabody, Great Lakes and Ohio River Division Commander, noted that using a risk-and-reliability approach for assessing locks has decreased the number of unscheduled closures, and increased the number of scheduled closures providing a timeline for industry to plan around. RADM Joel Whitehead, District Eight Commander, commended industry's response to the July 2008 *Mel Oliver* oil spill, discussed the positive outcomes from Operation Big Tow and announced that the new commander for the towing Center of Expertise in Paducah, KY would be attending the entire IWC. CAPT Lorne Thomas, representing RDML Peter Neffenger of the Ninth District, also noted that the outcome from Operation Big Tow was very positive and announced that adopting the Eighth District's policy on CG-835 and revising the definition of Great Lakes were underway. He also expressed concern for the towing industry's ability to do business in the Great Lakes under state's certifications of the Vessel General Permit and stated that a national legislative fix for vessel discharge regulation is needed. COL George Shepard, representing BG Mike Walsh of the Mississippi Valley Division (MVD), updated the group on upcoming MVD projects. Mike Ensch, Chief of Operations for the Corps, unveiled a master list of scheduled lock closures for the next five years from all five Divisions serving the Western Rivers and Gulf Intracoastal Waterway. The list will be on the Corps Web site and the Corps will notify industry when changes are made to the schedule.

The group also discussed the Mid-America Regional Quality Steering Committee (RQSC) projects, the Center of Expertise, the technology steering group and the stimulus package. The group was impressed with the work of the



*RIETF Co-Chairman Scott Noble (l.) and AWO Chairman of the Board Merritt Lane (r.) present RADM Joel Whitehead RIETF's Leadership Award for 2009. RADM was honored for his leadership in improving the Coast Guard-industry partnership under his command of the Eighth District.*

RQSC and suggested that the Corps also be engaged in the National Quality Steering Committee and the Atlantic and Pacific RQSCs.

During the industry-only session, the group re-elected the following members to two-year terms: Dave Shaw, Kirby Inland Marine, LP; George Foster, JB Marine Service, Inc.; Scott Noble, Ingram Barge Company; and, Brent Nissen, American River Transportation Co. The group also elected the following new members to one-year terms: Keith Lay, AEP River Operations and, Mario Munoz, American Commercial Lines, and, as Alternate, Roger Harris, Magnolia Marine Transport Company. The group also elected Mr. Noble and Mr. Nissen as Chairman and Vice Chairman, respectively. Other members of RIETF are Tom Erickson, Marquette Transportation., Inc., and Emmett Neal, Crouse Corporation.

During the IWC reception, RIETF honored RADM Joel Whitehead for his leadership during the last three years as he has transformed the industry-Coast Guard relationship in the Eighth District. RADM Whitehead was also instrumental in bringing the Ninth District into RIETF.

For more information, contact Lynn M. Muench at (314) 446-6474 or via email at [lmuench@vesselalliance.com](mailto:lmuench@vesselalliance.com)

## Midcontinent Office

# Corps to Hold Public Meetings on Missouri River AOP

The U.S. Army Corps of Engineers will hold public meetings in April to review the 2009 Annual Operating Plan (AOP) for the six main stem reservoirs of the Missouri River. The AOP determines river operations for the year, and it is critical that it allows enough water during the navigation season for vessel traffic to operate. The public meetings will include presentations on this winter's operation, planned operations for the rest of the year and an opportunity for the public to provide comments and questions. The meeting schedule is as follows:

- **April 6** at 7:00 p.m.: Fort Peck Interpretive Center, Lower Yellowstone Road, Fort Peck, MT
- **April 7** at 1:00 p.m.: Radisson Hotel, 605 East Broadway Avenue, Bismarck, ND
- **April 7** at 6:00 p.m.: AmericInn, 312 Island Drive, Ft. Pierre, SD
- **April 8** at 1:00 p.m.: Capitol Plaza Hotel, 415 West McCarty Street, Jefferson City, MO
- **April 8** at 6:00 p.m.: Embassy Suites, 7640 Northwest Tiffany Springs, Kansas City, MO
- **April 9** at 1:00 p.m.: Lewis & Clark Center 100 Valmont Drive, Nebraska City, NE

For more information, please contact Lynn Muench or Mary McCarthy at (314) 446-6474 or (703) 841-9300, extension 254, respectively, or [lmuench@vesselalliance.com](mailto:lmuench@vesselalliance.com) or [mmccarthy@vesselalliance.com](mailto:mmccarthy@vesselalliance.com).

## **West Virginia Senate Introduces Barge Mooring Tax**

On March 4, SB 441 was introduced in the West Virginia Senate, sponsored by Senators Robert Plymale (D) and Evan Jenkins (D). The bill would give towns and cities in West Virginia the ability to tax the mooring of barges in their areas. Fifty percent of the revenue derived from the tax would be used for recreation along the river and the other 50 percent would be used for the resurrection of sunken barges. According to Senator Plymale, the lead sponsor of SB 441, sunken and abandoned barges pose a serious risk for commercial and recreational waterway traffic.

Under the proposed bill, the barge mooring tax would be collected uniformly from all companies mooring barges within the town's limits. The town would be required to give notices by mail 60 days before applying the tax to any applicable barge owner.

For more information, contact Lynn Muench or Ben Rogers via email at [lmuench@vesselalliance.com](mailto:lmuench@vesselalliance.com) or [brogers@vesselalliance.com](mailto:brogers@vesselalliance.com), or at (314) 446-6474 or (703) 841-9300, extension 264, respectively.

*RADM Joel Whitehead, Eighth District Commander, honored several members of the River Industry Action Committee (RIAC) for their work to ensure continual safe passage of towing vessels during the extended high water on the Upper Mississippi River, including the St. Louis Harbor, during the 2008 season. Pictured left to right: Ed Henleben, Ingram Barge Company; Mark Roach, Inland Marine Service; RADM Whitehead; Terry Wiltz, Florida Marine Transporters, Inc.; Marty Hettel, AEP River Operations; and, James "Goat" Patterson, Osage Marine Services, Inc.*



Southern Region

## PORT OF HOUSTON AUTHORITY: Towing Companies Must Register; Increased Fees Announced

On March 5, the Port of Houston Authority issued a letter to barge and towing companies that utilize the Houston Ship Channel. In the letter, the port's Marine Manager, Ruben Arredondo, reminded such companies that they must register with the Port Authority if they have not done so already. For a copy of the registration form, please click [here](#).

Effective January 1 of this year, the Port Authority has introduced a policy that will fine companies \$1,000 per vessel using the Houston Ship Channel for every day that they are tardy in filing a monthly report. Once a company registers, the report must

list the names, movement dates and times of a company's vessels on the 15th of every month.

Also effective January 1, loaded barges less than 350 feet long are subject to a harbor fee of \$28.50 for each entry into the port, an increase from \$22.50 per entry. The harbor fee for loaded barges longer than 350 feet is now \$551 per entry. Tugboats continue to be explicitly exempted from these fees, and discussions between members of industry and the Port Authority have led to the understanding that towboats are also exempted.

The entities responsible for the payment of these fees are the barge owners. The fees are used to defray expenses incurred in providing fire prevention and fire suppression to vessels.

For a copy of the letter from the Port of Houston Authority, please click [here](#). For a copy of the new rates and fine provisions, please click [here](#). If you would like more information, please contact Lynn Muench or Benjamin Rogers at (314) 308-0378, or (703) 841-9300, extension 264, respectively, or via email at [lmuench@vesselalliance.com](mailto:lmuench@vesselalliance.com) or [brogers@vesselalliance.com](mailto:brogers@vesselalliance.com).

## MRGO to Close Permanently to Vessel Traffic in April

On March 6, the Shaw Environmental & Infrastructure Group sent out a notice to stakeholders on the Gulf Intracoastal Waterway (GIWW) that construction activities on the Mississippi River Gulf Outlet (MRGO) in the vicinity of Bayou Bienvenue will start near the date of April 1. The beginning of this construction period will completely close MRGO to vessel traffic.

The U.S. Army Corps of Engineers announced last year that MRGO would no longer be open to commercial navigation by June 2009. The work done during this construction period will move MRGO closer to that state as the Corps will begin building a physical floodwall barrier across the MRGO waterway. When construction begins, Shaw had indicated that "all construction barge equipment, support vessels and stationary test structures will be properly marked with day and night indicators."

For a copy of the notice, please click [here](#). For more information, please call Lynn Muench or Benjamin Rogers at (314) 308-0378, or (703) 841-9300, extension 264, respectively, or via email at [lmuench@vesselalliance.com](mailto:lmuench@vesselalliance.com) or [brogers@vesselalliance.com](mailto:brogers@vesselalliance.com).

### ***CORRECTION: Eighth Coast Guard District Announcement***

In the February 27 AWO Letter, a story about the Eighth U.S. Coast Guard District releasing a new Policy Letter to standardize its procedures to allow certified inland tank barges with minor hull damages to transit across Eighth District marine inspection zones contained an error. In correction, those certified inland tank barges with minor hull damages are now permitted to use a Notice of Merchant Marine Inspection Requirements (Form CG-835) instead of a Permit to Proceed to Another Port for Repairs (Form CG-948). To view the letter, please click [here](#). The Policy Letter has also been forwarded to the Ninth District. AWO has formally requested that the Ninth District accept this policy to provide consistency between the two districts. For more information, please contact Lynn Muench at (314) 446-6474, or via email at [lmuench@vesselalliance.com](mailto:lmuench@vesselalliance.com).



Atlantic Region**Massachusetts Rescue Tug Regulation Goes Into Effect on a Temporary Basis*****AWO Will Present Comments in Opposition***

On March 1 in Massachusetts waters, a regulation implementing “An Act Further Protecting Buzzards Bay” went into effect for a temporary period, pending the receipt of comments. As reported in the August 15, 2008 edition of the *AWO Letter*, this act became law in Massachusetts upon the signature of Governor Deval Patrick last August. This regulation states that if an owner or operator of a tank barge carrying more than 6,000 barrels of oil through Buzzards Bay provides notice to the Massachusetts Department of Environmental Protection (DEP) of intent to enter the bay within 24 hours of entrance and requests a state pilot to accompany the vessel, DEP must provide the state pilot, paid for by the state. If a vessel provides notice, but does not request a state pilot, DEP must dispatch a rescue tug manned by a state pilot to monitor the vessel and provide it with navigational information. The state pilot and/or rescue tug operator must report all navigational incidents that may have resulted in an oil spill, and that report will be open to the public. If a vessel operator does not provide 24-hour notification to DEP and the vessel spills oil into the bay, the vessel owner or operator must pay up to \$75,000 every day that the spill causes “substantial risk of damage to natural resources,” as determined by the Commonwealth.

AWO has opposed and continues to oppose this law/regulation, as it represents an unconstitutional

usurpation of federal responsibilities by a state government. What Massachusetts refers to as a “rescue tug” is more accurately described as an escort tug. According to AWO, its legal counsel and prior court decisions, issues pertaining to escort tugs are constitutionally within the purview of the federal government, specifically the Coast Guard. In fact, the U.S. District Court in Massachusetts recently issued a preliminary injunction against a previous state law that also required the use of escort tugs. Additionally, the 24-hour notification requirement is referred to as voluntary, but, in reality, failing to provide this notice would dramatically increase the vessel operator’s liability, rendering the



voluntary label questionable at best.

Written comments on this regulation will be accepted by DEP until the close of business on April 10. Oral comments will be accepted during two public meetings on March 30 in Buzzards Bay and March 31 in Boston. AWO plans to express its opposition to the regulation by submitting written comments and by speaking at one of the public meetings.

For specific information on where to mail comments to and the locations of the meetings, please contact Benjamin Rogers at (703) 841-300, extension 264, or via email at [brogers@vesselalliance.com](mailto:brogers@vesselalliance.com). For questions about the regulation, please contact Chris Coakley or Nicole de Sibour at (703) 841-9300, extensions 297 or 292, respectively, or via email at [ccoakley@vesselalliance.com](mailto:ccoakley@vesselalliance.com) or [ndesibour@vesselalliance.com](mailto:ndesibour@vesselalliance.com). 🌐

## Delaware River/Bay Advisory Committee to Meet

On March 18, the Delaware River and Bay Oil Spill Advisory Committee (DRBOSAC) will meet in Philadelphia, PA, to discuss various issues to improve oil spill prevention and response strategies for the Delaware River and Bay. The meeting will be open to the public and will focus mainly on organizational matters, including the introduction and swearing of new members; election of a committee chair and vice chair; an oil spill response class; establishment of new subcommittees; and planning for future committee business.

The meeting will be held from 10:00 a.m. to 1:00 p.m. on March 18 at Coast Guard Sector Delaware Bay, 1 Washington Ave., Philadelphia, PA 19147. To read the meeting announcement, please click [here](#). For more information, please contact Gerald Conrad of the Coast Guard at (215) 271-4824. 🌐