



## The American Waterways Operators

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Jennifer A. Carpenter  
Executive Vice President

February 13, 2014

Docket Management Facility (M-30)  
U.S. Department of Transportation  
West Building, Ground Floor, Room W12-140  
1200 New Jersey Avenue, SE  
Washington, DC 20590-0001

Re: Cargo Securing Manuals  
(USCG-2000-7080)

Dear Sir or Madam:

The American Waterways Operators is the national trade association for the tugboat, towboat and barge industry. AWO's members account for approximately 80 percent of the barge tonnage and two-thirds of the towing vessel horsepower in this critical industry segment, moving cargoes essential to the American economy on the inland rivers, the Atlantic, Pacific, and Gulf coasts, and the Great Lakes. Tugboats also provide essential services, including shipdocking, tanker escort, and bunkering, in ports and harbors around the country. On behalf of AWO's members, thank you for the opportunity to comment on the U.S. Coast Guard's supplemental notice of proposed rulemaking to align Coast Guard regulations with the requirements of the International Convention for the Safety of Life at Sea (SOLAS) for cargo securing manuals.

AWO is committed to being a leader in marine safety, security, and environmental stewardship and to working in partnership with the Coast Guard to advance these shared objectives. We continually seek to manifest this commitment through the development and continuous improvement of the AWO Responsible Carrier Program, the safety management system with which all AWO members must comply as a condition of association membership; our active engagement in the Coast Guard-AWO Safety Partnership, which has sponsored more than 40 Quality Action Teams and other cooperative efforts to improve industry safety since its inception 19 years ago; and our constructive engagement in the regulatory development and policy-making process to assist the Coast Guard in producing sound, effective regulations and standards affecting our industry, including the forthcoming towing vessel inspection regulations under 46 CFR Subchapter M.

Ensuring that cargo is properly secured on barges is an important part of the overall safety commitment of AWO members, and this is reflected in the barge industry's strong safety track record. The Towing Safety Advisory Committee's February 2001 report titled "Securing Containers Carrying Dangerous Materials on Barges" concluded that there were very few incidents in which cargo has been lost overboard during barge operations. TSAC credited this in part to barge operators' "good industry practices." Barge operators determine how best to maintain and stow cargo based on the type of cargo being moved, its weight, and the trim, stability and draft of the barge. This combination of established industry practice and experienced judgment has resulted in an extremely low rate of cargo loss across the barge industry.

AWO appreciates the Coast Guard's recognition in the SNPRM that cargo loss is not a problem for the barge industry, and we strongly support the Coast Guard's decision to exempt vessels in coastwise trade from compliance with SOLAS-style cargo securing requirements. We note, however, that there are currently hundreds of U.S.-flagged barges engaged in international trade that have a similarly strong safety track record. For this reason, we urge the Coast Guard to clarify that barges on international voyages will also be exempt from this rulemaking. We believe that this exemption is clearly consistent with SOLAS.

SOLAS Chapter I, Regulation III states that "ships not propelled by mechanical means" are exempt from compliance with SOLAS requirements. SOLAS Chapter VI, in which current international cargo securing requirements are codified, reinforces this exemption: though the chapter prescribes applicability in part based on the type of cargo being moved, it states, in effect, that cargo securing requirements are appropriate only to "ships to which the present regulations [i.e. SOLAS] apply."

AWO is concerned that in the preamble to the SNPRM, the Coast Guard states that "this SNPRM proposes regulations that would apply to seagoing barges in international trade." However, the proposed regulatory text at 33 CFR 97.100(a)(1), "Applicability," states that the rulemaking applies to "[a] vessel of 500 gross tons or more on an international voyage that must comply with Chapter VI/5.6 or Chapter VII/5 [of SOLAS]." As discussed above, SOLAS does not apply to non-self-propelled vessels.

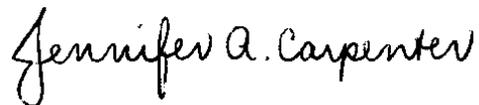
Exempting non-self-propelled vessels from cargo securing requirements is appropriate because barges move many different types of cargoes internationally, from containers to roll-on/roll-off cargoes to project cargoes, frequently on the same voyage. Project cargo, for example, can include equipment as varied as cranes, tanks, and pressure vessels. It would be impossible for barge operators to develop a uniform set of cargo securing requirements appropriate for each type of project cargo moved by barge. As a practical matter, operators would be forced to develop unique cargo securing manuals specific to each type of cargo. This would be time-consuming and expensive, and is not justified given the strong safety record of barge transportation.

AWO also notes that if the Coast Guard intends to apply cargo securing requirements to seagoing barges on international voyages that are currently exempt from SOLAS, the universe of affected vessels will be far greater than the 26 U.S.-flagged vessels the Coast Guard estimates will be impacted in its regulatory analysis. One AWO member company estimates that it alone has more than 30 seagoing barges over 500 GT that move cargo other than solid or liquid bulk commodities; another member estimates that it has more than 70 such barges in its fleet.

Given the barge industry's very low rate of cargo loss, the challenge of developing cargo securing manuals for the diversity of cargoes moved by barge, and the current SOLAS exemption for non-self-propelled vessels, AWO believes it is both appropriate and consistent with international requirements for the Coast Guard to exempt all barges in coastwise and international trade from the proposed cargo securing manual requirements. We urge the Coast Guard to explicitly state this exemption in the final rule.

Thank you for the opportunity to comment. We would be pleased to provide further information or assistance as the Coast Guard works to finalize this rulemaking.

Sincerely,

A handwritten signature in black ink that reads "Jennifer A. Carpenter". The signature is written in a cursive, flowing style.

Jennifer A. Carpenter