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Brian Vahey
Senior Manager – Atlantic Region

October 19, 2015

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: Regulated Navigation Area;
Ice Covered Waterways in
the Fifth Coast Guard
District (USCG-2015-0051)

Dear Sir or Madam:

The American Waterways Operators is the national trade association for the U.S. tugboat, towboat, and barge industry. Our industry is the largest segment of the nation's 40,000-vessel Jones Act fleet and moves more than 800 million tons of cargo each year safely and efficiently. This includes more than 80 percent of New England's home heating oil, 60 percent of U.S. export grain, and significant bulk commodities offshore of the Mid-Atlantic States. We appreciate the opportunity to comment on the notice of proposed rulemaking to establish a Regulated Navigation Area for ice covered waterways in the Fifth Coast Guard District.

AWO represents an industry that cares deeply about safety. For more than twenty years, AWO has had a formal partnership with the U.S. Coast Guard to address issues of safety and environmental stewardship at both the national and the regional level. In the Atlantic Region, AWO has routinely worked with the Coast Guard through the Atlantic Region Quality Steering Committee to address safety issues on the Atlantic Coast through the formation of Quality Action Teams to address issues like *Hurricane Preparedness* and *Safe Navigation Around Structures*.

AWO and the Coast Guard have a proven record of working together to ensure that cargo is transported in and through District 5 both safely and efficiently. Through coordination and utilizing time-tested protocols, towing companies and the Coast Guard have for over 25 years made decisions jointly that have facilitated tens of thousands of safe transits through District 5 every year. Because of this partnership, communities in District 5 have been able to rely on tugs and barges during the winter to deliver home heating oil, military jet fuel, diesel fuel, gasoline, and other commodities.

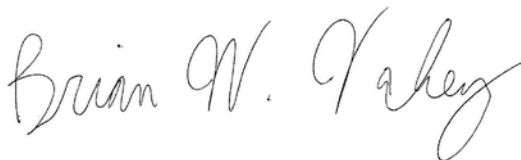
The making of this discretionary rule is unnecessary for the following reasons:

- As stated above, the Coast Guard and the towing industry have acted as a team for more than 25 years, ensuring that goods have moved on U.S. waters in a manner consistent with the Coast Guard and industry's mutual goals of safety, efficiency, and environmental stewardship.
- There have been no events in recent memory to indicate that the current system of coordination between the Coast Guard and the towing industry is broken. In a resource constrained environment, it is unclear why the Coast Guard would engage in a discretionary regulatory project when the current system of Coast Guard-industry coordination has been effective in mitigating the risks to vessel transits during ice season. If the Coast Guard has concerns about vessel transits *other* than towing vessels, we would ask that you revise the regulation accordingly to specifically target those classes of vessels.
- The Coast Guard already has the authority under 33 CFR Part 6 – Protection and Security of Vessels, Harbors, and Waterfront Facilities, to “control the movement” of vessels in all four Sectors of District Five at any time to ensure safe transit. We do not believe that an additional regulation – one that could potentially impede the efficient movement of cargo through District 5 – is necessary to ensure the safety of vessel transits during ice season.

If the Coast Guard believes that the longstanding protocols need to be updated based on changing federal and local resources, we would ask that the Coast Guard sit down with the towing industry through the auspices of the Coast Guard – AWO Safety Partnership's Atlantic Region Quality Steering Committee and update the protocols. The RQSC has a longstanding record of producing improved safety in the region without a resource-intensive regulatory process, most recently with the production of *Safe Navigation Around Structures* and *Hurricane Preparedness QAT* reports.

Thank you again for the opportunity to comment. We would be pleased to answer any questions or provide further information to assist the Coast Guard in assessing the need for establishing an RNA for ice covered waterways in District Five.

Sincerely,

A handwritten signature in cursive script that reads "Brian W. Vahey". The signature is written in dark ink and is positioned below the "Sincerely," text.

Brian W. Vahey
Senior Manager – Atlantic Region