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November 4, 2019

Mr. Michael Emerson
Director, Marine Transportation Systems
United States Coast Guard
2703 Martin Luther King Jr. Avenue, SE
Washington, DC 20460

Re: Notice of Availability of Navigation
and Vessel Inspection Circular 01-16
Change 2 (Docket No. USCG-2019-
0346)

Dear Mr. Emerson:

The American Waterways Operators is the national trade association for the tugboat, towboat, and barge industry. AWO's more than 300 member companies own and operate barges and towing vessels on the U.S. inland and intracoastal waterways; the Atlantic, Pacific and Gulf coasts; and the Great Lakes. The tugboat, towboat and barge industry provides family-wage jobs and ladders of career opportunity for more than 50,000 Americans, including 38,000 positions as mariners on board our vessels who safely, securely and efficiently move more than 760 million tons of cargo critical to the U.S. economy.

Thank you for the opportunity to comment on Navigation and Vessel Inspection Circular 01-16 Change 2, *Use of Electronic Charts and Publications in Lieu of Paper Charts, Maps and Publications*. AWO strongly supports the revision of this NVIC to allow certain navigation publications to be accessed electronically via the internet to meet domestic and international carriage requirements. We agree with the Coast Guard that the efforts of federal agencies to provide marine safety information in an updated electronic format, combined with vessel operators' investments in electronic devices and underway internet connectivity, have progressed to the point that accessing required navigation information via the internet on an as-needed basis provides an equivalent level of safety to keeping a publication on board the vessel.

However, we are concerned by the proposed requirement that publications that must be available as a "ready reference" under 33 CFR parts 83 and 161, including the Inland Navigation Rules, must be displayable within two minutes. We believe that this interpretation of ready reference is arbitrary and could lead to unwarranted penalties for mariners during Coast Guard marine safety inspections and boardings.

According to NVIC 01-16 Change 2, "Considering new advancements in technology, the Coast Guard now considers most electronic devices to be capable of meeting a two-minute time frame." Although AWO agrees that this is an accurate assessment of the capability of most

electronic devices, it does not take into account circumstances that could arise when a Coast Guard marine inspector or boarding officer requests a mariner to demonstrate that the required publications can be displayed within two minutes. If the mariner must boot up the computer, if the network transmission speeds are slow, or if there are other factors that impact the speed at which the publications can be displayed, the revised NVIC does not allow Coast Guard personnel to consider these factors when determining whether, for all practical purposes, the mariner can access publications needed in a timely manner to conduct voyage planning. The revised NVIC acknowledges that when a vessel is underway, “connectivity may be intermittent or unavailable for short durations of a voyage,” and that “[t]his temporary unavailability does not necessarily constitute a lack of access particularly if no voyage planning activities are occurring.” We believe that similar consideration should be extended to situations in which the vessel is not underway so that the mariner and the vessel are not penalized or prevented from utilizing the equivalency available under the revised NVIC, if they are unable to produce these documents within two minutes.

For this reason, we recommend that the Coast Guard amend Section 4 of NVIC 01-16 Change 2 to read, “To be eligible for the electronic charts and publications equivalency under this NVIC, mariners must be able to access the Inland Navigation Rules via the internet or produce a downloaded copy on their electronic device within *a reasonable amount of time* of the request of the boarding officer or marine inspector *under the given circumstances.*” We also recommend that Section F.1. of Enclosure (2) be revised to read, “For publications stored or accessed electronically and which must be available for ready reference, the publications must be displayable within *a reasonable amount of time under the given circumstances.*” This language provides a more practical and less arbitrary standard that allows Coast Guard personnel to use their discretion to determine whether the publications are sufficiently accessible, whether or not circumstances at the time of the inspection or boarding impact the time it takes to display the publications.

Thank you again for the opportunity to comment on the revisions to NVIC 01-16 Change 2. We would be pleased to answer any questions or provide further information to assist the Coast Guard in finalizing the NVIC change.

Sincerely,

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

Jennifer A. Carpenter