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Caitlyn E. Stewart  
Vice President – Regulatory Affairs

May 5, 2025

Mr. Gregory D. Cote  
Acting General Counsel  
U.S. Department of Transportation  
1200 New Jersey Ave. SE  
Washington, D.C. 20590

Re: Ensuring Lawful Regulation;  
Reducing Regulation and  
Controlling Regulatory Costs  
(Docket No. DOT-OST-2025-  
0026)

Dear Mr. Cote:

The American Waterways Operators (AWO) is the tugboat, towboat, and barge industry's advocate, resource, and united voice for safe, sustainable, and efficient transportation on America's waterways, oceans, and coasts. As the largest segment of the nation's 40,000-vessel domestic maritime fleet, our industry safely and efficiently moves 665 million tons of cargo each year and enables the flow of goods through ports on the inland and intracoastal waterways; the Atlantic, Pacific and Gulf coasts; and the Great Lakes. On behalf of our more than 300 member companies, we appreciate the opportunity to comment on the Department of Transportation's (DOT) request for information (RFI) to inform its implementation of President Trump's Executive Orders on reducing regulation and controlling regulatory costs.

AWO members are proud to be an integral part of the American freight transportation system as well as the safest and most efficient mode of freight transportation. While the DOT is not a primary regulator of the towing industry, DOT regulatory and deregulatory actions have an impact on the U.S. marine transportation system and waterborne commerce. The efficiency and resiliency of America's transportation supply chain is dependent on all modes working together to move goods for U.S. producers and consumers. Therefore, as regulations are considered for modification or repeal, the indirect impacts on the domestic maritime industry should be considered alongside their direct impacts on other modes.

One way in which DOT does directly impact the domestic maritime industry is by supporting critical U.S. shipbuilding capabilities and intermodal freight movements through programs like the Small Shipyard Grant Program, Federal Ship Financing Program (Title XI), Capital Construction Reserve Fund and Capital Construction Fund programs, U.S. Marine Highway

Program, and the Port Infrastructure Development Program. These programs are strongly aligned with President Trump's Executive Order 14629, *Restoring America's Maritime Dominance*, which calls for investment in and expansion of the U.S. maritime industrial base; the establishment of a program to incentivize private investment in vessels, shipyards, and vessel repair facilities; and other actions to sustain and grow the supply of and demand for U.S.-flagged vessels and supporting infrastructure. However, the difficulty in applying to these programs can be prohibitive, particularly for small businesses. Further, the reviews recipients are required to undergo after being selected are redundant and can unnecessarily delay project initiation and delivery. Simplifying and streamlining the program application and management processes will open them up to a wider range of applicants and reduce the administrative burden on recipients, freeing their resources to perform critical work for the American public.

In addition, we note that DOT plays a leading role in ensuring a drug-free workplace in the safety-sensitive transportation sector. The DOT's inclusion in 2023 of oral fluids testing in its Transportation Workplace Drug and Alcohol Testing Programs is a key regulatory flexibility that the towing industry needs to ensure that our member companies are able to crew their vessels safely and with adequate manning. However, employers in the transportation sector have not yet been able to take advantage of this action to reduce regulatory burdens because the U.S. Department of Health and Human Services has yet to certify laboratories for oral fluids testing. DOT can aid the transportation industry by supporting laboratories looking to gain testing approval and can further help the towing industry by encouraging the U.S. Coast Guard to modify its regulations to align with DOT's.

Thank you for the opportunity to comment. I would be pleased to provide additional comments or further information as you see fit.

Sincerely,

A handwritten signature in cursive script that reads "Caitlyn E. Stewart". The signature is written in a dark ink and is positioned to the left of the typed name.

Caitlyn E. Stewart  
Vice President – Regulatory Affairs