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CDR Nicole Auth
Inspections & Investigations Branch Chief
U.S. Coast Guard, District Nine (dpi)
1240 E 9th St Cleveland, OH 44199

Re: DRAFT D9 Guidance for
Inland Towing Vessels on Western
Rivers (D8)/Lake Michigan (D9)

Dear Commander Auth:

The American Waterways Operators 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. Our industry's 5,000 towing vessels and 33,000 barges comprise the largest segment of the U.S.-flag domestic fleet. The tugboat, towboat and barge industry supports more than 270,000 jobs in related industries nationwide. Each year, our vessels safely, securely and efficiently move more than 665 million tons of cargo critical to the U.S. economy.

On behalf of AWO's member companies, thank you for the opportunity to comment on the Draft D9 Guidance for Inland Towing Vessels on Western Rivers (D8)/Lake Michigan (D9).

AWO makes the following comments on the draft policy letter:

Great Lakes Definition and the Regulatory Gray Area

AWO agrees that multiple definitions of the "Great Lakes" have created differences in regulatory interpretation, defined boundaries, and enforcement standards for vessels that operate in both the Eighth and Ninth Coast Guard districts. For years, this has caused confusion for AWO member companies and the Coast Guard. The policy letter does seek to clarify these conflicting definitions by focusing on the "regulatory gray area." After this policy letter is finalized, AWO encourages the Coast Guard to develop a consistent regulatory definition of "Great Lakes" to eliminate any confusion.

In the draft policy letter, the term "regulatory gray area" is used repeatedly in reference to the area on the Calumet River between the T.J. O'Brien Lock and the entrance to Lake Michigan. According to the draft policy letter, this area begins at mile marker (MM) 326 and ends at MM 333.6. AWO agrees with the Coast Guard that the regulatory gray area is not "appreciably

different” from the Western Rivers. Therefore, the Coast Guard should regulate vessels operating downstream of MM 333.6 as river route vessels.

Additionally, much of the guidance provided in the draft policy letter is confusing when referencing the "end" of the regulatory gray area. The guidance often uses vague locations such as “into Calumet Harbor” and “mouth of Calumet River” to define the end of the regulatory gray area without consistently stating the exact mile marker. AWO urges the Coast Guard to consistently state MM 333.6 as the end of the regulatory gray area throughout the policy letter to provide clear guidance.

Manning

AWO agrees that manning decisions are to be made by each Officer in Charge, Marine Inspection (OCMI). However, AWO requests that D9 clearly state expected manning requirements in the regulatory gray area. D9 must provide clear guidance to the OCMI that is routinely involved with decisions in the regulatory gray area - Marine Safety Unit (MSU) – Chicago. Inconsistent manning requirements from OCMI to the next OCMI will create a difficult and shifting business environment for the industry. For manning requirements, MM 333.6 must also be the definitive threshold where lake manning requirements become applicable. By providing well-defined guidance to MSU - Chicago, the Coast Guard would avoid Subchapter M Certificate of Inspection (COI) inconsistencies as well as future route interpretations.

Mariner Credentialing

AWO disagrees with the guidance in the draft policy letter that all mariners who transit in the regulatory gray area past T.J. O’Brien Lock up to MM 333.6 be required to hold a Great Lakes endorsement or a route extension. Requiring mariners that transit exclusively on the Western Rivers and in the regulatory gray area but not into Lake Michigan to hold a Great Lakes endorsement or a route extension endorsement places unnecessary operational, financial, and administrative burdens on the owners and operators, as well as the mariner. Therefore, a Great Lakes endorsement should only be required from MM 333.6 and out into the lake. A route extension should not be required since, as the Coast Guard states in the policy letter, the operations are not appreciably different from the Western Rivers.

Navigation Lights and Day Shapes

AWO greatly appreciates the Ninth District’s decision to align its policy on navigation lights and day shapes to be consistent with the Eighth District. In previous comments submitted to the Coast Guard, AWO argued that navigation lights and day shapes have never served as means of communication for modern inland towing vessels. D8 responded by releasing Policy Letter 02-20 that allows towing vessels operating exclusively on inland river routes within D8 to operate without navigation lights and day shapes. AWO was informed by the Coast Guard that D9 would not be releasing a policy letter of their own but would “honor” D8’s letter. However, several AWO member companies who operate exclusively on inland river routes in both D8 and D9 informed AWO that Third-Party Organizations (TPOs) were still requiring

companies to install navigation lights and carry day shapes during vessel inspections due to a lack of clear guidance from D9. The draft policy letter will make D9's policy on Rule 27 and Rule 30 of the Inland Navigation Rules consistent with D8, providing clear guidance for TPOs, and provide regulatory relief for towboat companies seeking COIs in D9.

Thank you again for the opportunity to comment. We would be pleased to answer any questions or provide further information to assist as you finalize the policy letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Lampert". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Justin Lampert
Senior Manager – Midcontinent Office