

New Federal Law Requires Inspection of Towing Vessels

On August 9, 2004 President Bush signed the Coast Guard and Maritime Transportation Act of 2004. The Act included a single sentence making towing vessels the 15th category of vessels inspected by the Coast Guard. The single sentence in the Act will probably represent one of the most significant federal actions affecting the towing industry since towboat operators were required to be licensed by the Coast Guard in 1972.

The Coast Guard has statistics that show between 1994 and 2001, towing vessel accidents resulted in the deaths of 150 people. According to the U.S. Army Corps of Engineers, in 2002 there were 5,180 towboats and pushboats, not including harbor-assist tugboats. It is clear that towing vessels will be inspected, but no one including the Coast Guard is yet clear on how the inspections will be carried out. This is simply because the rules of inspection are still being worked out and finalized.

An internal Coast Guard working group, consisting of lawyers, economists, writers, and representatives from the marine safety program are expected to begin working on the proposed rules soon. It is possible according to the Coast Guard that the proposed regulations will be ready for public comment as early as during the summer 2005. However, the working group could decide to hold a series of hearings to obtain public opinion first then produce a proposed set of regulations. It is assumed that the Coast Guard's Towing Safety Advisory Committee (TSAC), an industry and government group will also help in shaping the new regulations. It may be 2007 before the final rule will be published.

The legislation also allows for the establishment of a "safety management system," that would be appropriate for the characteristics, methods of operation, and nature of service of towing vessels. A safety management system could assist the Coast Guard considerably in the problem of adding the responsibility of over 5,000 vessels to the inspection program, without adding to their resources.

The American Waterway Operators (AWO) starting in 2002 began internal discussions about inspections of towing vessels. The AWO has proposed to the Coast Guard that an industry wide safety management program be adopted, similar to the Responsible Carrier Program (RCP), which the AWO established in 1994, and made mandatory for its members in 1998.

The inspections of towboats will have to meet the same legal standards that govern inspections of other vessel classes. By law, either the Coast Guard or a classification society with inspection authority will have to inspect towing vessels to ensure compliance and issue a certificate of inspection. The vessel's certificate of inspection is good for five years. In between inspections, more than likely it will have to be Coast Guard to oversee a towing vessel safety management system, which will make sure that repair and maintenance work on towing vessels is carried out properly.

We will keep a track on this subject and provide updates at www.qualitymaritime.info as soon as we know more...