



**The American Waterways Operators**

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Jennifer Carpenter  
Senior Vice President - National Advocacy

December 7, 2010

CAPT Eric P. Christensen  
Chief, Office of Vessel Activities  
U.S. Coast Guard (CG-5431)  
2100 Second Street, S.W  
Washington, D.C. 20593-0001

CAPT J. Scott Paradis  
Chief of Prevention  
Eighth Coast Guard District  
500 Poydras Street  
New Orleans, LA 70130

Dear Captain Christensen and Captain Paradis:

In follow-up to ongoing discussions with you and your staffs, The American Waterways Operators (AWO) submits for your review the attached proposal for an Alternative Planning Criterion (APC) for emergency towing services under the salvage and marine firefighting regulations at 33 CFR 155.4030. We are submitting this proposal on behalf of AWO members in the Inland Liquid and Inland Dry sectors operating tank barges and towing vessels on the waters of the Eighth Coast Guard District and those limited portions of the Ninth Coast Guard District encompassing the Illinois River, the port of Chicago, and the limited Great Lakes route between Chicago and Burns Harbor/Whiting, Indiana, commonly added to inland tank barge Certificates of Inspection.

If this proposal is approved by the Coast Guard, tank barge owners wishing to use the AWO APC to comply with the emergency towing requirements of 33 CFR 155.4030 will so indicate in their tank vessel response plan submitted for Coast Guard approval. However, because the proposal is based on the concept of mutual assistance between operators on the inland waterways (not all of whom operate tank barges and are thus required to submit tank vessel response plans), we are attaching a listing of companies who have indicated their willingness to provide emergency towing assistance as described in the attached APC. Because we have listed here only those companies who have affirmatively consented to having their names listed in this document, and because mutual assistance is deeply ingrained in the history and culture of the inland barge and towing industry, we believe this list actually understates the number of companies who would be prepared to provide emergency towing assistance if called upon to do so. In follow-up to our November 22 meeting with CAPT Christensen, we have obtained signed letters from each of the companies whose name is listed in this document affirming their willingness to provide such assistance.

Thank you for your consideration. If you have any questions, please feel free to contact me.

Sincerely,

Jennifer A. Carpenter

**AEP River Operations  
Alter Barge Line, Inc.  
American Commercial  
Lines, Inc.  
American River  
Transportation Company  
Amherst Madison, Inc.  
Angel Boat Company  
Batson Towing  
Bayou Fleet, Inc.  
Bisso Marine Company,  
Inc.  
Blessey Marine Services,  
Inc.  
Boone Towing, Inc.  
Bray Marine, Inc.  
Buffalo Marine Services,  
Inc.  
C & J Marine Services,  
Inc.  
Callais & Sons LLC  
Campbell Transportation  
Company, Inc.  
Canal Barge Company,  
Inc.  
Capital Inland Marine,  
LLC  
Chem Carriers, LLC**

**Colle Maritime  
Company, A Division of  
Signet Maritime  
Corporation  
Columbia Marine Service  
LLC  
CONSOL Energy Sales  
Company  
Crouse Corporation  
D & S Marine Service  
Danielle Marine Towing  
LLC  
DeLoach Marine Services  
Devall Towing & Boat  
Service, Inc.  
DG Marine  
Transportation  
Echo Marine, LTD  
Echo Towing Service Inc.  
Enterprise Marine  
Services, LLC  
Florida Marine  
Transporters, Inc.  
Gisclair Towing  
Company, Inc.  
Golding Barge Line, Inc.  
Hard's Marine Service  
Ltd.  
Helena Marine Service,  
Inc.**

**Higman Marine Services,  
Inc.  
Horace Savoie Towing,  
Inc.  
Hunter Marine  
Illinois Marine Towing,  
Inc.  
Ingram Barge Company  
Inland Marine Service  
Intergulf Corporation  
JANTRAN, Inc.  
JB Marine Service, Inc.  
Kinder Morgan Ship  
Channel Services, LLC  
Kindra Lake Towing, LP  
Kirby Corporation  
Kudzu Marine, Inc.  
Lorris G. Towing  
Corporation  
Luhr Bros., Inc.  
Magnolia Fleet, LLC  
Magnolia Marine  
Transport Company  
Marathon Marine  
Division  
Marquette  
Transportation  
Company, Inc.**

**Martin Marine**

**McDonough Marine  
Service**

**McNational, Inc.**

**Osage Marine Services  
Inc.**

**Parker Towing  
Company, Inc.**

**Pine Bluff Sand &  
Gravel Co.**

**Progressive Barge Line,  
Inc.**

**River Marine  
Enterprises, LLC**

**Rodgers Marine Towing  
Service, Ltd.**

**Russo Marine LLC**

**S & W Marine, Inc.**

**SCF Waxler Marine  
LLC**

**San Jacinto Towing, Inc.**

**Serodino, Inc.**

**Settoon Towing, LLC**

**Signet Maritime  
Corporation**

**South LA Boat Co. Inc.**

**Turn Services, LLC**

**U.S. United Barge Line**

**United Tugs, Inc.**

**Upper River Services**

**Vidalia Dock & Storage  
Co., Inc.**

**Wepfer Marine, Inc.**

**WMS Marine, Inc.**

## EMERGENCY TOWING ALTERNATIVE PLANNING CRITERION

### BACKGROUND

For decades, inland towing vessel operators have consistently and effectively relied on the assistance of others in the industry in responding to collisions, groundings, loss of steering or power, barge breakaways and other vessel emergencies, whether or not resulting in, or threatening to result in, an unauthorized discharge of oil or a hazardous substance. The density of towing vessel operations throughout the inland waterways, combined with a longstanding “there but for good fortune go I” attitude in the industry, has fostered this successful, mutual assistance approach to emergency response.

The result of this industry-wide cooperative approach is that requests for such assistance from other towing vessel operators, even competitors, are met with prompt and reasonable responses. Rarely is any remuneration demanded or expected. Rarely is more than the most reasonable contractual protection against additional liability required. While some sectors exhibit a more adversarial approach to others in peril, the inland towing industry retains what may be considered an old-fashioned, collegial approach that recognizes the common operating risks that all of its members face.

### REGULATORY PLANNING CRITERION

In the Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil, 46 CFR 155.4030(a) requires that: “You must identify, in the geographical-specific appendices of your VRP, the salvage and marine firefighting services listed in Table 155.4030(b) - Salvage and Marine Firefighting Services and Response Timeframes.” The timeframe for emergency towing services is 12 hours. In addition, 33 CFR 155.4030 (e) requires that: “Your VRP must identify towing vessels with the proper characteristics, horsepower, and bollard pull to tow your vessel(s). These towing vessels must be capable of operating in environments where the winds are up to 40 knots.”

### PROPOSED ALTERNATIVE PLANNING CRITERION

The American Waterways Operators (AWO) proposes that the Coast Guard accept, for the reasons stated herein, the following as an Alternative Planning Criterion to the emergency towing planning criterion set forth in 33 CFR 155.4030, with respect to the COTP zones in the Eighth Coast Guard District (and those limited portions of the Ninth Coast Guard District encompassing the Illinois River, the port of Chicago, and the limited Great Lakes route between Chicago and Burns Harbor/Whiting, Indiana, commonly added to inland tank barge Certificates of Inspection):

1. That an inland towing vessel of 800 horsepower meets the characteristics, horsepower, and 40 knot wind criteria as an emergency towing vessel to respond to the largest inland tank barge, both fully laden and unladen.
2. That all inland tank barges operating within the Eighth Coast Guard District, and specified areas of the Ninth Coast Guard District, will, in the event of an emergency, be responded

to within required time frames by towing vessels, as described in paragraph (1) above, operating in the vicinity, under the towing industry's longstanding practice of mutual assistance, which practice offers an equivalent level of safety and emergency preparedness to the regulatory planning criterion.

Despite what some commenters on the rulemaking may have told the Coast Guard in the past about the lack of need to develop additional infrastructure to directly comply with the Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil, there are no towing vessels stationed on the inland waterways (or in coastal areas, for that matter) with a primary (or secondary) purpose of emergency towing response. That infrastructure does not exist. Nor is it possible to create such a capability in the reasonably near future, given limited U.S. shipbuilding capacity. However, the density of inland towing vessel operations within COTP zones in the Eighth Coast Guard District, and specified areas of the Ninth Coast Guard District, is sufficient to ensure availability of emergency towing vessels to respond on a mutual assistance basis. The attached maps depicting inland oil transportation routes and point-in-time snapshots of towing vessels operating along those routes (and capable of providing assistance to tank barges in the event of a casualty giving rise to the need for emergency towing services) support this assertion.

The emergency towing requirements of 33 CFR 155.4030 are clearly written without an understanding of inland tank barge operations and the characteristics of the inland towing vessels that push them. The response planning requirements of 33 CFR Part 155 are for individual tank barges. Accordingly, the requirements of 33 CFR 155.4030(e) as applied to inland tank barges are inappropriate. An inland towing vessel of at least 800 horsepower (the smallest towing vessel in routine service on the inland waterways) is capable of pushing the largest inland tank barge (approximately 35,000 barrels), loaded with cargo. Inland towing vessels do not pull, but rather push, the barges that they tow. Accordingly, a requirement for bollard pull is not relevant to inland emergency towing vessels, which are not even equipped with towing bits or towing winches for pulling. Finally, inland towing vessels are capable of operation without regard to wind velocity.

Although not expressly required in 33 CFR 155.4030(e), the preamble to the final rule states that plan holders must list emergency towing vessels by name. Such a requirement for inland tank barge response planning is inappropriate for several reasons. Inland towing vessels routinely operate in multiple COTP zones, and the scope of operation in those zones may vary over time depending upon the requirements of cargo owners shipping cargo by barge(s) in tow of the towing vessel. The same is true of inland tank barges. Because of the mobility of both towing vessels and tank barges across the inland waterway system, listing the towing vessels capable of responding within a given COTP zone is shooting at a moving target. This mobility is at the heart of the mutual assistance approach to emergency towing that has served the inland tank barge industry very well for many years. In addition, given the large number of vessels operating across COTP zones in the Eighth Coast Guard District and the number of those COTP zones across which most tank barges operate, a formal listing requirement adds little value to the applicable Vessel Response Plan, while the updating and maintenance of such a list in each of the Plan's geographic-specific appendices would create an unreasonable administrative burden. Coupling that burden with the 30-day advance submittal requirements of 33 CFR 155.1070(d) would, as a practical matter, make it impossible for inland tank barge operators to both serve their customers' requirements and be compliant.

## USE OF THE ALTERNATIVE PLANNING CRITERION

AWO proposes that a member company wishing to use the Alternative Planning Criterion (APC) described herein note in its vessel response plan that it intends to use the Coast Guard-approved AWO APC to meet the requirements of 33 CFR 155.4030 for emergency towing services. (A current list of AWO members may be found on AWO's Web site at [www.americanwaterways.com](http://www.americanwaterways.com).) Inclusion of such a provision in the vessel response plan constitutes the company's commitment to:

1. Promptly notify and seek assistance from other towing vessels/companies in the event of an incident triggering the need for emergency towing services under the vessel response plan.
  - a. Typically, radio calls for assistance would be made by personnel on board the towing vessel attending the tank barge to other towing vessels in the vicinity and/or to nearby terminals, facilities and barge fleeting areas with towing vessels potentially available.
  - b. As needed, the spill management team managing implementing of the tank vessel response plan (required under 33 CFR Part 155 in the event of an incident giving rise to activation of the response plan) could assist personnel on board the towing vessel in implementing the APC by: contacting the owners of towing vessels known to be in the vicinity of the affected tank barge, based on input from the attending towing vessel; contacting the owners of towing vessels at terminals, facilities and barge fleeting operations in the vicinity of the affected tank barge, based on readily available industry information sources, such as the *Inland River Guide*; contacting the owners of towing vessels in the vicinity of the affected tank barge based on AIS-based information available through widely-used subscriptions to services such as Ship Tracks and PortVision; and, contacting the owners of towing vessels that routinely operate on the waterway on which the affected tank barge is located, based on common industry knowledge of those operations, to determine if those owners have towing vessels operating on the waterway.
  - c. When a towing vessel capable of providing emergency towing service has been located, the vessel response plan holder will obtain from the towing vessel operator an estimated time of arrival (ETA) at the incident site. The plan holder will provide this ETA to the cognizant Coast Guard Captain of the Port.
2. Respond to a request for assistance from another inland tank barge operator/vessel response plan holder to provide emergency towing services in accordance with this Alternative Planning Criterion, provided that the company has a towing vessel that is reasonably available in the vicinity of the stricken tank barge to do so.
3. While awaiting the arrival on scene of the towing vessel providing emergency towing services, provided that it can safely do so, the towing vessel attending the affected tank barge will push the affected tank barge to the nearest bank of the waterway and, to the

extent possible, stabilize and secure the barge by mooring to an available structure and/or soft grounding, taking reasonably necessary precautions to avoid causing additional damage to the barge or exacerbating the discharge or threat of discharge.

These actions are consistent with longstanding towing industry practice on the inland waterways and with the responsibilities of vessel operators under the Inland Navigation Rules, the Bridge-to-Bridge Radiotelephone Act (33 CFR Part 26), and the tank vessel response plan regulations at 33 CFR Part 155. The Bridge-to-Bridge Act requires all vessels to monitor and maintain VHF Channel 16 as their emergency communications channel; Rule 2 of the Inland Navigation Rules addresses the responsibilities of good seamanship when encountering another vessel in distress; and Rule 37 requires vessels to send distress signals at stated intervals when other communications methods are not available due to the vessel's location.

### APC REVIEW AND UPDATE PROCEDURES

Attached to this APC proposal is a listing of inland towing companies who have indicated their willingness to provide emergency towing services as described herein. Also attached are letters of agreement from each of these companies. On a quarterly basis, AWO will review the list of emergency towing service providers, make any updates or changes needed (e.g, to reflect changes in company names due to mergers and acquisitions, the addition or deletion of companies to/from the list, etc.), and furnish this updated list to the VRP program at Coast Guard headquarters.

At the end of the period for which Coast Guard approval of the APC is granted, AWO will review the APC in concert with the Coast Guard to discuss lessons learned and identify any changes or improvements needed before submitting the APC for re-approval.

### LOWER DENSITY WATERWAYS

As discussed at our September 27, 2010 meeting to preview the draft Alternative Planning Criterion proposal with personnel from Coast Guard headquarters, Eighth District, and Sectors within the Eighth District, AWO is aware that certain waterways within the Eighth District – namely, the Tennessee River, Cumberland River, Tennessee-Tombigbee Waterway, Arkansas River and Missouri River – have a lower density of towing vessel traffic than other waterways. In follow-up to that meeting, AWO has taken the following actions:

- Compiled updated information from inland tank barge operators regarding the geographic extent of the carriage of oil cargoes on those waterways and updated the Inland Oil Transportation Routes map supporting the proposed Alternative Planning Criterion. In doing so, we determined that no oil cargoes are transported above Nashville on the Cumberland River.
- Compiled specific information from inland tank barge operators regarding the nature of the oil cargoes carried on those waterways and the frequency of such carriage, in order to more clearly define the risk posed by those operations as it relates to emergency towing services. Where appropriate, we verified our findings with Army Corps of Engineers lock data. The Sector-specific pages that follow reflect our findings.

- Further researched the extent of towing vessel operations on those five waterways and compiled the attached, updated snapshot map of towing vessel positions on those waterways on October 8, 2010, reflecting a significantly greater density of towing vessel operations than reflected in the draft towing vessel position snapshot of September 15, 2010, discussed at the September 27 meeting with Coast Guard personnel.
- Revised the proposed Alternative Planning Criterion (see page 3) to include provisions for mitigating the risk to the affected tank barge while waiting for the arrival on scene of the towing vessel providing emergency towing services.



SECTOR OHIO VALLEY

- Tennessee River
  - 1 barge of asphalt transported from the confluence of the Ohio River to Knoxville monthly
  - 2 barges of asphalt transported from the confluence of the Ohio River to Chattanooga monthly
  - 10 barges of asphalt transported from the confluence of the Tennessee-Tombigbee Waterway to Decatur, AL (Mile 300) annually
  - 6 barges of asphalt transported from the confluence of the Tennessee-Tombigbee Waterway to Knoxville annually
  - 5 barges of asphalt transported from the confluence of the Tennessee-Tombigbee Waterway to the confluence of the Ohio River annually
  - 8 barges of clean petroleum products transported from the confluence of the Tennessee-Tombigbee Waterway to Sheffield, AL (Mile 259.6) monthly
  
- Cumberland River
  - No oil cargoes transported above Nashville
  - 2 barges of asphalt transported from Paducah to Kuttawa, KY (Mile 38) annually
  - 4 barges of asphalt transported from Paducah to Nashville annually
  
- Tennessee-Tombigbee Waterway
  - 21 barges of asphalt transported from confluence of the Black Warrior River to the confluence of the Tennessee River annually
  - 12 barges of clean petroleum products transported between Boligee, AL (Mile 259.1) and Aberdeen, MS (Mile 357.5) monthly
  - 8 barges of clean petroleum products transported between Boligee, AL (Mile 259.1) and the confluence of the Tennessee River monthly

SECTOR UPPER MISSISSIPPI

- Missouri River
  - 6 barges of asphalt transported from the Mississippi River to Kansas City monthly

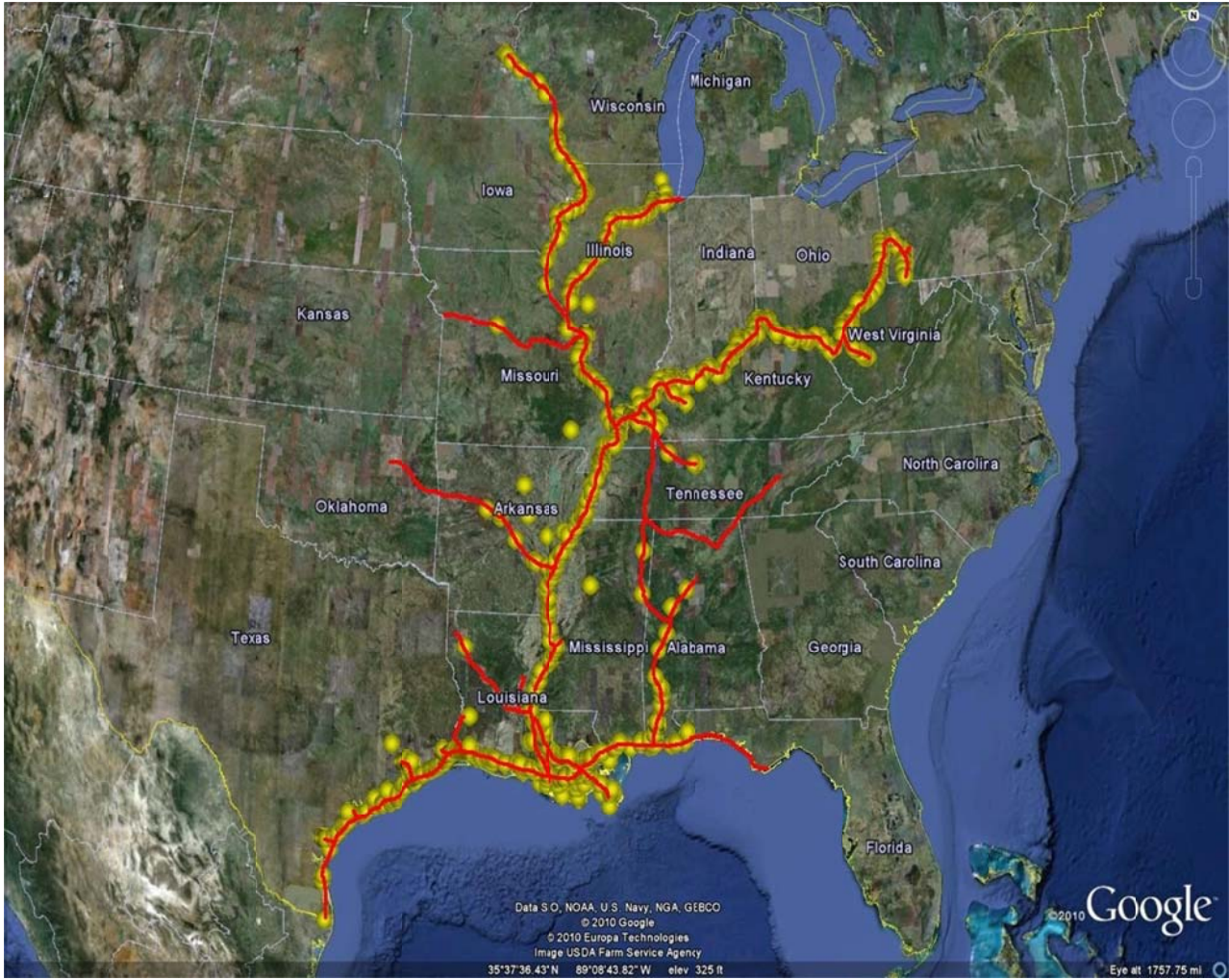
SECTOR LOWER MISSISSIPPI

- Arkansas River
  - 4 barges of diesel transported from the Mississippi River to Little Rock annually
  - 3 barges of asphalt transported from the Mississippi River to Muskogee (Mile 391) annually
  - 8 barges of spent lube oil transported from Catoosa to the Mississippi River annually
  - 3 barges of No. 6 oil transported from Catoosa to the Mississippi River annually
  - 10 barges of spent lube oil transported from Little Rock to the Mississippi River annually

# INLAND OIL TRANSPORTATION ROUTES



# TOWING VESSEL POSITION SNAPSHOT SEPTEMBER 15, 2010





# TOWING VESSEL POSITION SNAPSHOT OCTOBER 08, 2010

TENNESSEE RIVER, CUMBERLAND RIVER, TENNESSEE-TOMBIGBEE WATERWAY,  
ARKANSAS RIVER AND MISSOURI RIVER

