

TOWING SAFETY ADVISORY COMMITTEE

October 3, 2005

MEMORANDUM

TO: Towing Safety Advisory Committee Members

FROM: Jennifer Carpenter
Chuck King

RE: Report of the Licensing Implementation Working Group

USCG-2006-26208-4

Introduction and Background

At its March 16, 2005, meeting, TSAC accepted Task #05-01, Requirements for License as Mate of Towing Vessels.¹ As originally proposed to the committee, this task focused on a petition for rulemaking from Delta Towing concerning the process by which licensed mariners from other segments of the maritime industry can transition into the towing vessel officer licensing track and obtain a license as mate or pilot of towing vessels. In accepting this task, TSAC amended the task statement to encompass a broader examination of "any other issues associated with the new licensing system for towing vessel officers that may require amendment or clarification as a result of initial Coast Guard-industry experience with the new rules."

This report presents the working group's recommendation on the disposition of the Delta Towing petition. It also recommends several other issues that warrant ongoing attention from TSAC and the Coast Guard, including, most significantly, the critical need to develop appropriate mechanisms that allow qualified mariners to progress through the towing vessel officer licensing path in less time than the 48 months (service time) required by regulation. Accordingly, the working group recommends that Task #05-01 remain open and that the working group be authorized to continue working as recommended herein.

Process Overview

The working group met on July 14, 2005, in Houston, Texas, and on September 16, 2005, by teleconference. Both meetings were open to the public and advance notice was provided in the *Federal Register*. Approximately 30 individuals contributed to the working group's recommendations, including representatives from the inland, coastal, Great Lakes, and harbor towing industry; working mariners; maritime educators; and representatives of the offshore supply vessel industry. The primary Coast Guard representative to the working group was Luke Harden (G-MSO-1); other Coast Guard participants included CAPT Ernie Fink and Messrs. Jim Cavo and Stewart Walker of the National Maritime Center. A list of working group participants is attached as Appendix B.

¹ A copy of Task Statement #05-01 is attached as Appendix A.

Working Group Objectives

The working group agreed that the following objectives should guide it in making recommendations to the Coast Guard for changes or clarifications to the licensing process for towing vessel officers:

1. Ensure high standards of personnel and navigational safety;
2. Build in flexibility to address the diversity of the industry;
3. Preserve the existing authority of current license holders;
4. Ensure that all stakeholders (including mariners, companies, educators, and Coast Guard field units/Regional Examination Centers) fully understand how the new requirements affect them;
5. Support the goal of recruiting new mariners into the towing industry; and,
6. Avoid creating unintended loopholes or “back doors” that could compromise safety and undermine the objectives of the licensing regulations.

Procedurally, the working group agreed that it would be important to: 1) conduct its work in as efficient a manner as possible, respecting the demands on working group members’ time and resources; and 2) attempt to achieve the maximum results (consistent with the objectives outlined above) with as few regulatory changes as possible, given competing demands on the Coast Guard’s rulemaking resources and the slow pace of the traditional rulemaking process. Recognizing that some goals might only be achievable via regulatory action, however, the working group did not rule out making recommendations for regulatory change.

Delta Towing Petition

The working group considered the petition for rulemaking submitted by Delta Towing and summarized in Task Statement #05-01. After extensive discussion, the working group arrived at the following recommendations:

1. There is a need to establish a bridging process by which holders of licenses as master of steam or motor vessels of not more than 200 gross tons can transition into the towing vessel officer licensing track without having to start “from scratch” or first obtain a 500 ton master license as provided under the current regulations.
2. The current licensing regulations should be amended to permit the holder of a license as Master of Steam or Motor Vessels of Not More Than 100 Gross Tons, Master of Steam or Motor Vessels of Not More Than 150 Gross Tons, or Master of Steam or Motor Vessels of Not More Than 200 Gross Tons to obtain a Mate or Pilot of Towing Vessels license with no tonnage limitation (for purposes of operating towing vessels only), provided that he or she meets the following criteria:
 - a. 36 months of service operating under the authority of his or her existing license; and,
 - b. completion of the Towing Officer Assessment Record (TOAR) appropriate for the service intended; and,
 - c. completion of the towing officer license exam; and,

- d. 30 days of observation and training on towing vessels, if seeking an endorsement for Near Coastal/Ocean or Great Lakes/Inland routes, or 90 days of observation and training on towing vessels, if seeking an endorsement for Western Rivers routes.

It is the working group's understanding that accomplishing this change will require an amendment to the towing vessel officer licensing regulations. If this is correct, the working group recommends that the Coast Guard consider the feasibility of using the direct final rule procedure in order to expedite this change.

Time Frame Flexibility

The working group discussed at some length the demographic challenge facing the towing industry as many wheelhouse personnel who began their careers in the 1970s approach retirement and a steady supply of new candidates to replace them is not apparent on the horizon. The working group recognizes that personnel shortages of this type are not unique to the towing industry, nor was the situation the industry faces created solely by the new licensing regulations. However, the current and pending demand for wheelhouse personnel makes it imperative to consider creative ways – consistent with the paramount objective of ensuring high standards of safety – to bring new personnel into the towing industry and groom them for careers in the wheelhouse. Providing a pathway for experienced mariners working in other segments of the maritime industry – as recommended in response to the Delta Towing petition, above – is one way to address this challenge; however, the working group believes that other efforts are necessary to expedite progression through the licensing system for new mariners.

The working group understands that current regulations (46 CFR 10.304(a)) already provide for some measure of time frame flexibility by allowing applicants to substitute approved training for as much as two-thirds of required service time. Under current National Maritime Center (NMC) policy, the ratio for crediting approved training for service time ranges from 2-1 to 6-1. However, many companies, especially in the small- to medium-size range, lack the resources to develop an approved training program and see it through the Coast Guard approval process. Thus, making use of the flexibility provided under existing regulation may be difficult or impossible for most towing companies.

To address this challenge, the working group makes two recommendations:

1. First, a subset of the TSAC Licensing Implementation Working Group should be empowered to work with the Coast Guard (G-MSO and the National Maritime Center) to develop a model approved training program for towing vessel wheelhouse personnel. As envisioned by the working group, a company wishing to use the approved program “as is” would apply to the National Maritime Center and provide the necessary company-specific information (e.g., names and qualifications of trainers). The program, which would be geared toward the needs of small- to medium-sized companies and centered on onboard training, would include credit against sea service at a pre-determined ratio. A company seeking to augment the program with additional measures (for example, simulator and/or classroom training) could apply to the NMC for additional credit against

sea service. The working group recommends that development of the model training program commence immediately, with the goal of having a complete, NMC-approved product available by the spring 2006 TSAC meeting.

2. Second, the Coast Guard should amend the licensing regulations to eliminate the requirement that a mariner hold a license as Apprentice Mate or Steersman for a specified period of time.² At present, the regulations require that an Apprentice Mate or Steersman hold that license for 12 months and complete the TOAR before obtaining a license as Mate or Pilot of towing vessels. From the working group's perspective, completion of the TOAR (in whatever time period that takes) is the relevant criterion for advancement, not service time. This is particularly true because industry practice regarding the training of wheelhouse personnel varies considerably. In some companies, for example, the holder of an Apprentice Mate or Steersman license occupies a supernumerary training position on the vessel, meaning that he or she has the opportunity to spend virtually all of his or her time steering under the supervision of an experienced master, mate, or pilot. This kind of high-quality, concentrated training time may well allow an individual to complete the TOAR in less than 12 months, especially if, as is the case in many companies, the individual's wheelhouse training actually began before he or she obtained the Apprentice Mate or Steersman license. In other companies, meanwhile, the holder of an Apprentice Mate or Steersman license works essentially full-time as a deckhand, making use of opportunities to steer under supervision when circumstances allow. For such individuals, completion of the TOAR may well take 12 months or longer. Linking promotion to Mate or Pilot of towing vessels to completion of the TOAR, and eliminating the rigid 12-month time requirement, would take account of this diversity in a way that preserves high standards of marine safety.

The working group emphasizes that the personnel shortage facing the industry makes it particularly urgent to move forward now on these recommendations to incorporate time frame flexibility in the licensing process.

Other Issues Requiring TSAC and Coast Guard Attention

The working group identified several other issues warranting TSAC and Coast Guard attention as well:

1. Add the Gulf Intracoastal Waterway (GIWW) to the Western Rivers TOAR, thereby allowing a mariner who completes the amended TOAR to obtain a route endorsement covering both Western Rivers and the GIWW (but not other Inland routes, which would continue to require completion of the Great Lakes/Inland TOAR).
2. Develop a process by which the holder of a Mate, Pilot, or Master of towing vessels license with a tonnage limitation can have the tonnage limitation removed.
3. Revise Navigation and Vessel Inspection Circular (NVIC) 4-01 as needed based on the lessons of early Coast Guard and industry experience with implementation of the new regulations.

² In a September 27 communication to Working Group Co-Chair Jennifer Carpenter, Richard Block, Secretary, Gulf Coast Mariners Association, expressed GCMA's opposition to this recommendation.

4. In the context of revising the NVIC, reconsider TOAR elements that may prolong the time needed to complete the TOAR for reasons not dependent on the mariner's skill (for example, the provisions regarding operating in high water, high wind, etc.).
5. Develop a comprehensive communications plan aimed at educating mariners on how the licensing regulations affect them.

The working group emphasizes that each of these tasks should be a cooperative TSAC-Coast Guard enterprise and recommends that the working group be authorized to pursue these tasks on a schedule to be determined in cooperation with the Coast Guard.

Conclusion

The working group respectfully requests that TSAC approve the recommendations outlined herein and that Task #05-01 remain open pending completion of the additional work recommended in this memorandum.

Attachments

**TOWING SAFETY ADVISORY COMMITTEE (TSAC)
TASK STATEMENT**

Task # 05-01

I. TASK TITLE

Requirements for License as Mate of Towing Vessels.

II. BACKGROUND

The 2001 rulemaking for the Licensing and Manning for Officers of Towing Vessels revised the process used to obtain the license required to operate towing vessels. Part of the revised regulations removed the equivalence authority of those individuals licensed as masters/mates of steam or motor vessels of not more than 200 GRT to act as operators of towing vessels. As of Nov 21, 2003, anyone seeking a license as mate of towing vessel had to meet the new licensing requirements, which require 18 months experience on deck, completion of a written examination, and then 12 months as an apprentice mate (steersman) as they complete a Towing Officers Assessment Record (TOAR).

III. PROBLEM STATEMENT

Portions of the towing industry operate other classes of steam or motor vessels (e.g., crewboats and supply boats) as well as towing vessels and experience difficulties in managing their personnel between the two fields of employment. There is also a perceived shortage of individuals who are in training to become officers of towing vessels. Additionally, the current rule requires 30 months to reach the position of mate of towing vessels, during which time the individual spends 18 months in entry level positions and 12 months in a training position. This makes it impractical for an experienced master of steam or motor vessels of not more than 200 GRT to become a master of towing vessel.

TSAC should examine this issue and consider the need to establish a bridging process by which a Master, Steam or Motor Vessels of not more than 200 gross tons can obtain a license as Mate of Towing Vessels. TSAC may also identify other issues associated with the new licensing system for towing vessel officers that may require amendment or clarification as a result of initial Coast Guard-industry experience with the new rules. Issues that TSAC may wish to address include, but are not limited to, TOAR requirements for harbor tug operators and the need for consistency between the licensing regulations and Navigation and Vessel Inspection Circular 4-01 on the question of TOAR format requirements.

IV. TASK

Reconvene the Licensing Implementation Working Group to perform the following tasks:

- a) Consider the petition for rulemaking by Delta Towing that a master of steam or motor vessels of not more than 200 GRT with three years experience obtain the license as mate of towing vessels.
- b) Consider the necessary training, assessment and experience that should be required of such individuals.
- c) Identify any other issues related to implementation of the towing officer licensing rules that require amendment or clarification at this time.
- d) Submit a report to the Coast Guard outlining findings and recommendations.

V. ESTIMATED TIME TO COMPLETE TASK

The working group should provide a report to TSAC that includes its findings and recommendations by the fall 2005 TSAC meeting.

VI. COAST GUARD TECHNICAL REPRESENTATIVES

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VII. TSAC CONTACTS

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TSAC Licensing Implementation Working Group Participants

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