



16711/Serial No. 1299
CG-CVC Policy Letter
16-04
July 26, 2016

From: 
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COMDT (CG-CVC)

To: Distribution

Subj: CONDITIONAL OCCUPANCY OF UNMANNED BARGES FORMING PART OF AN
ARTICULATED TUG BARGE (ATB) COMBINATION

Ref: (a) Navigation and Vessel Inspection Circular (NVIC) 2-81, Change 1, Coast Guard Inspection
Guidance Regarding Integrated Tug Barge Combinations
(b) COMDTINST 16000.8B, Marine Safety Manual, Vol. III, Marine Industrial Personnel
(c) CG-5P message, R202300Z JAN 15, ARTICULATED TUG-BARGE (ATB)
OPERATIONS
(d) Interim Report of the Coast Guard-AWO Working Group on ATB Operations and Manning,
dated April 8, 2016
(e) Load Line Policy Notes, found online here:
<http://www.uscg.mil/hq/cg5/cg5212/docs/LLPN.pdf>
(f) 46 CFR Chapter I, Subchapter D – Tank Vessels

1. **PURPOSE.** The purpose of this interim policy letter is to provide guidance to the Officer in Charge, Marine Inspection (OCMI) and the marine industry on the circumstances under which personnel may conditionally occupy an unmanned barge that forms part of an Articulated Tug Barge (ATB) combination. For the purposes of this policy letter, an ATB is equivalent to a Dual Mode Integrated Tug Barge (Dual Mode ITB) in reference (a). Also, when the words “towing vessel”, “tug”, and “barge” are used in this policy letter, they are used in the context as being part of an ATB combination unless otherwise stated.
2. **APPLICATION.** This policy letter is applicable to barges with an unmanned load line operating beyond the boundary line, or on the Great Lakes. The operative scenario underlying this policy is that, under fair weather conditions and other criteria discussed herein, personnel from the towing vessel may board the barge to perform discretionary¹, non-navigational tasks while operating beyond the boundary line, and on the Great Lakes. At the request of the operator, this policy letter may be applied to a barge that is currently certificated as permissively manned (see paragraph 4.b. below). However, if a barge with an unmanned load line does not have a permissively manned certification

¹ “Discretionary” means that these are tasks that can otherwise wait until the barge is in port, but that the operator can perform if safe opportunity permits while underway, for the purpose of convenience. Those tasks that are regulatory (State or Federal) or contractually required cannot be considered discretionary.

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and the operator wishes to have personnel from the towing vessel board the barge underway, the operator will be directed by the OCMI to obtain the preferred "conditional occupancy" endorsement as discussed in paragraph 9 below. Nothing in this policy restricts the OCMI from making manning determinations or assessments when personnel are essential on the barge for its safe operations, and if the personnel are required underway, the OCMI should direct the operator to seek a manned load line and a manned certification. OCMI's should still consult Commandant (CG-CVC-1) when considering changing manning assignments on existing ATBs (or specifically when changing the barge from unmanned to manned) because these determinations should really be made when the ATB design is still being formulated, before the contract date, and before plans are approved by the Coast Guard. Hence, before the contract date, it is the responsibility of the ATB owner and its engineering design firm to engage with the Coast Guard and/or Third Parties authorized to perform delegated plan review functions on behalf of the Coast Guard in order to make the appropriate design and operational decisions at the appropriate time. This office intends to further clarify existing policies that govern ATBs, and to assist in clarifying when and how individual tugs and barges should be evaluated when forming part of a co-dependent ATB combination. This policy letter may have to be revisited in the future if advances in industry require more routine conditional occupancy of the barge that would not meet the requirements of being fully manned.

3. DIRECTIVES AFFECTED. This policy letter will be incorporated into future changes of references (a) and (b). Reference (c) is hereby canceled.

4. BACKGROUND.

a. ATBs have increased in numbers, size and complexity since 1981, when reference (a) was originally promulgated. By virtue of their operations, these modern ATBs may employ towing vessel personnel on the barge to operate and maintain systems (e.g., inert gas systems, thermal fluid heaters, ship service generators, self-unloading equipment and ballast systems) and transfer of these crew members between the tug and barge while underway, placing personnel at risk. Recently, the status of a manned or unmanned load line assignment on some of the more advanced barges has been questioned because of the perceived necessity to continuously maintain or monitor the systems aboard the barge while underway. However, based on the professional discussions that led to reference (d), the operators of these ATBs have stipulated that personnel attending these barges underway are *not essential* during the entire voyage or trip. Thus, a "conditionally occupied" status, where personnel carry out discretionary activities on a barge with an unmanned load line assignment and only during fair weather or safe conditions, is allowable under this policy.

b. "Permissive manning" was initially developed to address specific vessel types (such as derrick barges, oil spill recovery vessels and cable-laying vessels). They operated within 20 nautical miles of shore, met certain conditions as specified in reference (e), and on a work site with a standby vessel. Over time, permissive manning was applied to seagoing barges, but these barges often operated outside the parameters described in policy. As a result of our review of ATB operations, it has become necessary to develop new terminology to describe when personnel can embark on unmanned barges operating at sea or on the Great Lakes. The new terminology, "conditional occupancy," and its associated criteria are described in this policy letter. The main

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difference between "permissive manning" and "conditional occupancy" is that the latter clearly addresses operations beyond 20 nautical miles from shore with additional criteria. Sectors shall engage their ATB operators and oversee a transition from "permissive manning" to "conditional occupancy" endorsements on their COI if requested. Vessels that are currently certificated as "permissively manned" may keep their current certification, but will continue to have the 20 nautical miles from shore restriction. This may be a vessel-specific determination since operations on barges vary based on configuration and equipment. For the purposes of this policy, "conditional occupancy" includes, but is not limited to, work of a temporary and non-essential nature, conducted under appropriately safe conditions, that involves maintenance and operation of systems onboard the barge that deal with the safe handling and transfer of cargo, ballast water, inert gas, and crude oil washing systems; the maintenance and operation of thermal fluid heaters and generators and other prime movers providing support to the aforementioned systems; and other items as may be determined by the OCMI. The final determination on what constitutes "conditional occupancy" rests with the OCMI. As a result of this policy, a certificated barge with an unmanned load line will have a choice between "permissively manned" or "conditional occupancy" and can choose the policy that works best for their business model. In addition, the company can choose to apply one policy to some of its fleet and use the other policy for the remainder of its fleet.

5. DISCUSSION.

- a. Technological advancements in ATB design and associated connection systems since the issuance of NVIC 2-81, Change 1, have improved how ATBs are operated, enabling the tug and barge to remain constantly connected throughout the voyage in push mode unless there is a need to release the barge. These advancements in connection systems have also allowed personnel on board the tug to readily access the barge while underway, weather permitting, to better service and monitor operating equipment.
- b. The Coast Guard's existing guidance on ATBs resides almost entirely in reference (a), which does not specifically address the ATB as a "system" composed of two independent vessels (dual-mode configuration) with operational characteristics inherent of a single unit. With advancements in ATB connection systems, the astern towing mode of operation is not normally employed, except when the towing vessel does not have a compatible connection system or in an emergency. As a practical matter, maintenance and operation of equipment on board the barge while operating underway can be done safely in fair weather with the towing vessel connected to the barge in the push mode. Aspects associated with this conditional occupancy while operating beyond the boundary line, and on the Great Lakes were not considered by reference (a). Therefore, to better ensure the safety of personnel that may conditionally occupy the barge when operating underway, this policy letter addresses potential gaps between industry practices and references (a), (b), (e) and (f) above.
- c. Safety Management Systems (SMS) are common to ATBs for various reasons. Therefore through the companies SMS, an assessment should be made to identify risks to its ships, vessels, personnel, and the environment. From the assessment there can be appropriately established safeguards to minimize concerns which can be leveraged in these conditionally occupied

evaluations. Even for companies not required to use a SMS, or that opt not to, the risk identification and inclusion of appropriate safeguards to protect mariners conditionally occupying a barge is a "good marine practice."

6. ACTION. OCMI's and the marine industry should use this policy letter when evaluating the operations and arrangements of an unmanned barge forming part of an ATB combination and when determining when personnel may conditionally occupy and perform duties, excluding required navigational duties (such as those associated with a lookout or mooring evolutions), on a barge operating beyond the boundary line, and on the Great Lakes. OCMI's are reminded to consult CG-CVC-1 about a new construction ATB or a change in service of an existing ATB before a final determination is made as to manning status or load-line assignment.
7. POLICY. If the following criteria are met, a barge operating beyond the boundary line, or on the Great Lakes, with an unmanned load line assignment may be conditionally occupied. Otherwise, the barge shall be considered as a manned barge. Every effort should be made to meet the following criteria on existing vessels, to the satisfaction of the cognizant OCMI. Vessels contracted for after the date of publication of this policy letter will be required to meet all of the following criteria.
 - a. Objective evidence shall be available that details the conditions under which personnel access to the barge will be controlled and allowed. Current weather and environmental conditions shall be considered when determining when to let personnel access the barge, and a logbook entry shall be made that captures these conditions, as well as the number of personnel that made the transfer. This evaluation and logbook entry shall be made every time personnel transfer from the tug to the barge, and vice versa. This evidence will also include the Master's authority over the procedures to be followed. This objective evidence may be in the towing vessel operator's safety management system (SMS), procedures manual, or some other form of written policy provided to the vessel's master by the owner or operator of the ATB.
 - b. With exception to certain ATBs operating exclusively on the Great Lakes (e.g., converted former self-propelled vessels), there shall be no overnight accommodations or cooking facilities in service on the barge (a coffee pot and microwave do not constitute a cooking facility). Messing and berthing for personnel shall be provided on the towing vessel only.
 - c. Measures to protect personnel allowed to conditionally occupy the barge, such as lifesaving and fire safety provisions, at a minimum, shall include personal and primary lifesaving appliances, such as PFDs, immersion suits (if appropriate), and a life raft for the total amount of personnel allowed to conditionally occupy the barge.
 - d. The towing vessel and barge shall be arranged to provide safe passage between them. If at any time personnel are directly over the water when transitioning between the two vessels, a means of preventing the crew member from falling into the water or being trapped between the vessels shall be provided (e.g., safety netting, fall restraint system, gangway with handrails, etc.) as determined by the OCMI.

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- e. Guardrails conforming to the dimensional standards of 46 CFR 42.15-75(b)(1) and (c) shall be installed around the perimeter of the barge. Where operational factors prohibit installation of such guardrails, the ATB operator shall have a policy in place prohibiting access to those areas not protected by guardrails while the barge is operating beyond the boundary line, or on the Great Lakes. Operational factors that may prohibit the installation of guardrails in select locations may include, but are not limited to, the need to access ballast tank openings, mooring equipment, cargo manifold assemblies or emergency towing arrangements, etc. Barges currently fitted with guardrails that are in substantial compliance with the criteria noted herein may be grandfathered. Barges without any guardrails may not be conditionally occupied when operating beyond the boundary line, or on the Great Lakes.
 - f. An egress route along the length of the barge from bow to stern shall be provided to allow personnel to safely return to the tug/barge transition area.
 - g. Primary and back-up communications between personnel on the tug and personnel on the barge shall be provided.
 - h. In the event of an injury to personnel on the barge, a first aid kit shall be available on the barge. Additionally, a means to transport injured personnel to the towing vessel shall be readily available on the tug or barge and addressed in the vessels procedures.
 - i. In conjunction with paragraph 7.c., whenever a barge is conditionally occupied, a properly credentialed crew member having a Lifeboatman or Lifeboatman/Limited endorsement shall be present on the barge (except on a barge operating exclusively on the Great Lakes). See also Section 9 below.
8. **EFFECTIVE DATE.** This policy letter is effective one month after the date of publication. A new barge with a construction contract date after the effective date of this policy letter shall meet the foregoing criteria prior to initial inspection for certification.

An existing barge that has an unmanned load line assignment must meet Section 7, paragraphs (c) and (d) either within three months after the effective date of this policy letter or by the next annual inspection following the effective date of this policy letter, whichever comes first. Additionally, it must also meet Section 7, paragraphs (e) and (f) by the date of the next special survey required by the applicable classification society.

If a barge operator does not meet this compliance schedule but provides objective evidence toward doing so, the OCMI, under his or her discretion, may reasonably extend deadlines.

9. **ENDORSEMENTS.** For a barge with an unmanned load line assignment that could be conditionally occupied, the OCMI, if satisfied the criteria outlined in this policy letter has been met, shall endorse the COI and, where required, enter a Marine Inspection Note into MISLE to reflect any grandfathering dates outlined in this policy letter and ensure appropriate records are included in the vessel's permanent file.

The following are sample Conditionally Occupied Barge Endorsements (See Section 7.i. regarding Lifeboatmen with respect to the Great Lakes):

All ATB Barges

While operating beyond the boundary line, or on the Great Lakes, this ATB barge may be conditionally occupied by up to (specify a #) persons.

Whenever personnel are conditionally occupying the ATB barge, a properly credentialed crew member having a Lifeboatman or Lifeboatman/Limited endorsement should be present on the barge.

ATB Tank Barges

Whenever personnel are conditionally occupying the ATB tank barge to operate barge machinery related to the cargo or ballast water, at least one Tankerman-PIC, Tankerman-PIC (Barge), or Restricted Tankerman-PIC should be present on board the barge.

The following are sample Marine Inspection Notes:

Compliance with Section 7, paragraphs (c) and (d) of CG-CVC Policy Letter 16-04 dated July 26, 2016, is required by (insert date) in order to maintain a conditionally occupied endorsement.

Compliance with Section 7, paragraphs (e) and (f) of CG-CVC Policy Letter 16-04 dated July 26, 2016, is required by (insert date) in order to maintain a conditionally occupied endorsement.

10. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this policy letter and have been determined not to be applicable.
11. DISCLAIMER. This policy letter guidance is neither a substitute for applicable legal requirements, nor a rule. It is not intended nor does it impose legally-binding requirements on any party. It represents the Coast Guard's current thinking on this topic and may assist industry, mariners, the general public, and the Coast Guard, as well as other Federal and state regulators, in applying statutory and regulatory requirements. An alternative approach may be used for complying with these requirements if the approach satisfies the requirements of the applicable statutes and regulations. If you want to discuss an alternative approach (you are not required to do so), you may contact the Coast Guard Office of Commercial Vessel Compliance (CG-CVC) who is responsible for implementing this guidance. This policy letter does not apply to barges that currently have a manned load line due to their being certificated under a more stringent set of requirements.

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12. QUESTIONS. Questions concerning this policy letter and guidance should be directed to Office of Commercial Vessel Compliance, COMDT (CG-CVC), Domestic Compliance Division at CG-CVC-1@uscg.mil. This policy letter and other Domestic Vessel Policy documents are posted on the CG-CVC website at http://www.uscg.mil/hq/cgcvc/cvc/policy/policy_letters.asp.

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