



16711/Serial No. 1822
CG-CVC Policy Letter 19-01
April 5, 2019

From: M. Edwards, CAPT
COMDT (CG-CVC)

To: Distribution

Subj: ENFORCEMENT GUIDANCE FOR HARBOR ASSIST TOWING VESSELS WHEN
OPERATING BEYOND THE BOUNDARY LINE

Ref: (a) 46 Code of Federal Regulations (CFR) 10.107
(b) 46 CFR 136.110

1. PURPOSE. The purpose of this policy letter is to provide enforcement guidance to the Towing Vessel National Center of Expertise (NCOE), Officers in Charge, Marine Inspection (OCMI), and Marine Inspectors (MI) regarding the manning, credentialing, and watchkeeping requirements, applicable to harbor assist towing vessels inspected under 46 CFR Subchapter M that travel outside the Boundary Line. **This policy letter will expire on July 22, 2023, unless otherwise rescinded.**
2. ACTION. OCMI's and MI's shall apply this policy letter to regulatory requirements for harbor assist towing vessels that may not meet certain manning, credentialing, and watchkeeping requirements as they apply to inspected vessels operating outside the Boundary Line.
3. DIRECTIVES AFFECTED. None.
4. BACKGROUND.
 - a. Vessels calling on U.S. ports continue to increase in size, technical complexity, and number creating a more complex marine transportation system. Harbor assist towing vessels serve an integral role in facilitating a safe and efficient transit into port for vessels with limited maneuverability and provide a safeguard in the event a vessel loses power or steering. To facilitate effective waterways management while mitigating safety concerns, harbor assist towing vessels have been transiting further from the port to meet vessels, and may, as a result be required to cross the Boundary Line.
 - b. Towing vessels inspected under Title 46 CFR Subchapter M receive a Certificate of Inspection (COI) that clearly define the routes and conditions a vessel may operate upon along with manning and credentialing requirements. The OCMI specifies the minimum manning complement necessary for the safe operation of the vessel after considering applicable laws, regulations, and all other factors involved such as size and type of the vessel, installed equipment, and proposed routes of operation.

- c. The consensus of the harbor assist towing vessel segment of the industry is that their current vessel manning scheme does not meet the prescribed manning and credentialing requirements when temporarily operating outside the Boundary Line¹. In an effort to avoid disruption to this segment of the industry, this policy letter provides guidance for the OCMI to exercise discretion with enforcing regulations, as appropriate, related to manning schemes, credentialing, and watchkeeping requirements so that the relatively few towing vessels that conduct harbor assist operations outside the Boundary Line have additional time to develop a workforce and business model to achieve compliance.

5. POLICY.

- a. In keeping with the definition of “harbor assist” in references (a) and (b), a harbor assist towing vessel maneuvers to dock, undock, moor, unmoor, or escort a vessel with limited maneuverability.
- b. If the OCMI determines that the vessel can safely operate in such a condition, a harbor assist towing vessel may extend the same manning, credentialing, and watchkeeping requirements inside the Boundary Line to seaward of the Boundary Line. These requirements may be extended provided 1) the total voyage of the vessel is less than 12 hours; 2) the harbor assist operation originates and ends in the same OCMI zone; and 3) the harbor assist operation occurs within a distance no further than 10 nautical miles outside the Boundary Line or a lesser distance outside the Boundary Line as required by the OCMI.
- c. This policy only provides enforcement discretion for those manning, credentialing, and watchkeeping requirements for vessels while operating outside the Boundary Line. All other regulations required for Subchapter M towing vessels, to include work hour restrictions, still apply. Harbor assist towing vessels will continue to be subject to enforcement for regulations related to the 46 CFR Part 15 manning, credentialing, and watchkeeping requirements applied while operating inside the Boundary Line, in addition to the provisions of 46 CFR Subchapter M.
- d. OCMI/MI will add a “Special Note” to the Marine Information and Safety Law Enforcement (MISLE) database for each vessel to which this policy letter applies, in order to track these vessels.

“The vessel is engaged in harbor assist operations and is subject to the enforcement guidance related to manning, credentialing, and watchkeeping requirements per CG-CVC Policy Letter 19-01 dated 04APR19, which expires no later than July 22, 2023.”

6. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this policy letter and have been determined not to be applicable.

¹ A typical towing vessel that operates beyond the Boundary Line may require two or more additional engineers, an increase from Inland to Near Coastal Endorsements for masters and mates, an increase from two Deckhands to an Able Seamen and/or Ordinary Seamen, and Standards of Training, Certification, and Watchkeeping (STCW) Endorsements.

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7. DISCLAIMER. This policy letter guidance is not intended to, 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.

8. 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@uscg.mil. This policy letter and other Domestic Vessel Policy documents are posted on the CG-CVC website at <https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Inspections-Compliance-CG-5PC-/Commercial-Vessel-Compliance/CG-CVC-Policy-Letters/>

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