
1. INTRODUCTION

Towing vessel work is versatile in nature and has supported economic growth both domestically in the United States (U.S.) and abroad. The versatility of these vessels is highlighted by their ability to traverse thousands of miles of inland rivers and the world's oceans. The shallow drafts of towing vessels and their barge tows permit these vessels to provide support to destinations that their deep-draft shipping counterparts are unable to access. Further, the smaller number of required crew members to operate these towing vessels provides personnel cost savings to vessel owners when compared to the larger crews employed upon deep-draft vessels. These advantages have aided in the expansion of the U.S.-flagged towing vessel fleet to approximately 5,700 vessels – a very significant portion of the total U.S. merchant fleet.

After the towing industry experienced a number of marine casualties, towing vessels were re-classified as inspected vessels in 2004 under the Maritime Transportation Act of 2004. Subsequently, the United States Coast Guard (USCG) publicly requested comments and held public meetings to field ideas on how to move forward with the new rulemaking. Towing Safety Advisory Committee (TSAC) working groups were also formed to collect information and make recommendations to the USCG regarding the Notice of Proposed Rulemaking (NPRM). The final Subchapter M regulation was published on June 20, 2016, and went into effect on July 20, 2016, with most of the requirements delayed for two years or until a vessel is issued a Certificate of Inspection (COI).

Domestic towing vessel operators are now tasked with preparing their fleets to comply with most of the requirements outlined in 46 CFR Subchapter M by July 20, 2018. To reduce the burden placed on industry stakeholders, the USCG has mandated a four-year phase-in period for towing vessel owners to obtain COIs for 25 percent of their fleets each year. The first 25 percent of an owner's towing vessel fleet must be certificated on or before July 22, 2019, with an additional 25 percent certificated each year until the final deadline of July 19, 2022. All affected towing vessels must hold valid COIs by July 2022. Owners only operating one towing vessel must obtain a COI for that vessel by July 20, 2020. The challenge for vessel owners is to determine where their vessel(s) fit into the compliance spectrum and establish a pathway that will facilitate a smooth transition into certificated status. An operator may choose to achieve and maintain certificated status through the Coast Guard inspection option or the Towing Safety Management System (TSMS) option. There is not a one-size-fits-all compliance approach so it is important for towing vessel operators to carefully consider the factors discussed herein.

Towing vessel owners and operators must first ask themselves “What is the nature of our towing work”? This will allow them to determine if their towing vessels must wholly, partially or not comply with Subchapter M. To understand the applicability of the regulation, the towing industry must look to 46 CFR Part 136.105, which establishes that a towing vessel greater than or equal to 26 feet in length or a towing vessel of any length that moves barges containing hazardous cargo are subject to the requirements contained in Subchapter M. Exemptions and exceptions are also provided in this section so they must review these to determine if their fleet may be exempt from some or all of the requirements of the Subchapter.

After identifying their fleet's inspection requirements, they must consider their operating model and decide which inspection option suits their needs.