



NMA REPORT #R-212

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Asserting our right "...to petition the Government for redress of grievances."

Amendment 1, U.S. Constitution, Dec. 15, 1791

REPORT TO THE 112th. CONGRESS: PILOTHOUSE VISIBILITY ISSUES ON TOWING VESSELS

The National Mariners Association speaks on behalf of approximately 126,000 "limited tonnage" mariners with Coast Guard credentials that serve on vessels of less than 1,600 Gross Register Tons. Of this number, approximately 32,000 serve on towing vessels. Our concerns focus on safety, health, and welfare issues. *We assert that providing adequate pilothouse visibility is an important safety issue.*

Different Aspects of Pilothouse Visibility

- **Overhead Clearance Accidents.** In NMA Report #R-293-B, Rev. 6 we urged *Congress* to look into a number of overhead clearance accidents that damaged infrastructure. We cited eleven examples. We suggested to Congress that Coast Guard rulemaking was necessary to *delineate the responsibilities of towing vessel officers and vessel operating companies* before dispatching an over-height tow. Such delineation would be fair to our mariners if it provided *deterrent civil penalties* to operating companies that were as severe as existing administrative suspension and revocation (S&R) proceedings faced by mariners. The reports cited below were distributed to various Coast Guard officials, members of TSAC, and to our mariners and members of the public on our internet website.
- **Navigation Bridge Visibility.** In NMA Report #R-275, Rev. 3, Captain David C. Whitehurst from our Board of Directors, presented an informative "slide show" at a Towing Safety Advisory Committee (TSAC) meeting at Coast Guard Headquarters that highlighted the dangers of pushing a tow you cannot see over or around. In the years following that presentation, a significant number of towing vessels added upper pilothouses with sufficient height of eye to see over the tows they were pushing. Since towing vessels were not inspected, stability issues may not have been addressed. Unfortunately, neither TSAC nor the Coast Guard took any action.
We assert that this problem still exists as shown in "*Can You See Me*" (below), as posted on the internet on Towmasters, the **Master of Towing Vessel Association Forum** on June 17, 2011. This illustrates the maxim that "a picture is worth a thousand words." If this unsafe practice is ever going to be resolved, it will be Congress rather than the Coast Guard that will have to take the initiative. Mariners can only report what they see – as was done in this report prepared by a licensed mariner with years of experience in the industry.
- **Training and Posting Lookouts.** Last year's "Duck Boat" accident in Philadelphia highlighted a Master's failure to post lookouts on a barge under tow. In NMA Report #R-207, Rev. 1 (originally published in 2001) our Association provided our mariners useful information on *Training and Posting Lookouts*. This was followed by NMA Report #R-207-A by Master Chief Paul Driscoll (USCG-Ret'd) that provided additional information on *Lookout Training*. NMA Report #R-207-B *Rule 5: Maintaining a Proper Lookout* presented a case tried before ALJ Bruce T. Smith typical of Western Rivers towing operations,
- **Watchstanding and Hours of Service Limits.** In NMA Report #R-350, Rev. 6,⁽¹⁾ our Association requested that the 112th. Congress clearly *limit the hours of work for all mariners* on inspected vessels to 12 hours in any consecutive 24-hour period. Among other reasons provided in the report, we sought to provide adequate rest for crewmembers required to perform lookout duties on all watches. [⁽¹⁾*Specifically, Issues "H" & "K" – Vessel Manning Issues and Enforceable Work-Hour Limits*]

- **Towing Vessel Inspection Regulations.** In NMA Report #R-276, Rev. 9,⁽¹⁾ our Association asked the Coast Guard to promulgate towing vessel visibility regulations for towing vessels as they do for other classes of inspected vessels since the Coast Guard told us: "...There is currently no regulatory standard in place defining a minimum forward visibility standard for uninspected towing vessels pushing barges which my office can readily enforce." Since the proposed regulations are not yet published, we do not know whether our request was honored. [⁽¹⁾*Specifically, Item #70 in that report.*]

Can You See Me Now?

You know those decals you see on the larger delivery trucks and tractor-trailers that read **"If You Can't See Me I Can't See You."**? Well, how about this small tug with a loaded "scrappy" (scrap-metal scow) power-sliding wide around the construction barges on the seawall at Corlears Hook with a max-ebb **East River** current on their tail...

Can't see the operator, can you.



Nor can you see any sign of a lookout. This is a pretty flagrant foul, as these things go, and unfortunately it's not at all uncommon. Keep in mind that this tug/scow combo was coming directly at us

while digging hard to get back over to the Manhattan-side of the river. Once they got fully into their turn around the hook they were literally going sideways and therefore, because of the obstruction presented by their tow, unable to see where they were actually going or any oncoming traffic. In fact, they would have been looking directly at the Lower Manhattan shoreline and hoping like hell it all worked out. It was a Wile E. Coyote-style moment: arms and legs spinning wildly as he sails off the cliff edge...but in the end it **did** work out, which only reinforces the bad idea that it's okay to keep doing it.

Apparently we can do things correctly and responsibly or we can do things profitably, but we simply cannot do both at the same time, or at least that's the implication a reasonable person might take from seeing things like this. Of course, that is pure **BS**. You have to give credit where credit is due, though: they sure did one hell of a job loading that scow as full as possible, so someone was making money.

But why no lookout? That's simple: either the tug's crew is negligent (qualified personnel were available but unused) or the tug is under-manned. Under-manning (both practically and legally) is a chronic problem, particularly on the smaller tugs doing the "low-value" (non-oil) work, and this practice predates the economic woes that presently grip our country and the rest of the world. The Coast Guard has thus far shown little inclination/ability for any real, sustained enforcement of even the existing weak regulations which, among other shortcomings, place no explicit limit on the work hours of deckhands. Nor have they shown any taste for promoting the obvious remedy: recommending to Congress, via a legislative change proposal, a revision of the laws (U.S. Code) that the manning regulations (Code of Federal Regulations) are derived from. Which is not to say that Congress would necessarily heed that advice, or even want to hear it in the first place: there are, after all, some influential "constituents" out there who would

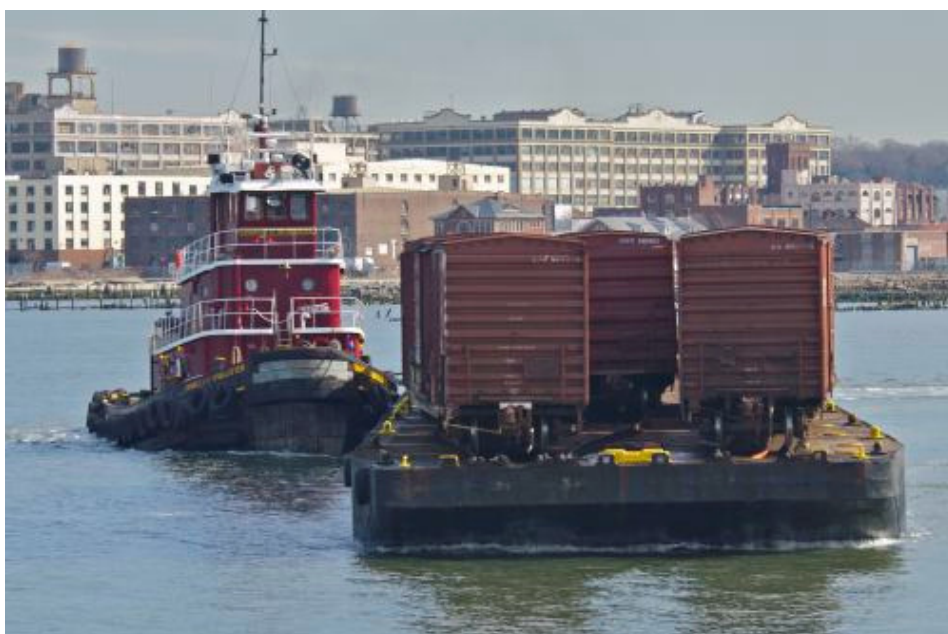
undoubtedly complain that properly manning their vessels would put them out of business and so would argue (and lobby) forcefully against it.

Anyhoo, for a good visibility comparison here's the tug *Paul Andrew*...



...whose skipper clearly **can** see over the tow, even without a designated lookout...

...because the upper pilothouse allows for it. Well, duh!



This tug, the *Charles D. McAllister*, with the **car float** alongside has enough height-of-eye to easily see over the box cars, even without an upper house, and would normally need the assistance of the deckhand's eyes only when in close proximity to the **slip** and float bridge for sailing and landing.

This one is questionable...



...because of the blind spots created by the on-deck obstructions. If there is a lookout then they are well-hidden. The upper pilothouse would be a much better vantage point for the operator but then, as you can plainly see, carbon monoxide poisoning would be a distinct risk, along with the negative health effects (asthma, heart disease, lung cancer, etc.) of breathing in lots of concentrated particulate pollution from the diesel

exhaust. But hey, there's no need to protect the health of the people that work on these vessels because the vessels are uninspected! Oh wait, Congress ordered them to be inspected years ago. Whatever...

But sometimes there's no way that you could ever have an upper pilothouse tall enough...



...to see even a little. One would hope that they have at least the basic deckhand lookout posted, and from my observations over the years that has usually been the case. But is that really enough?

Using an unlicensed seaman (no matter how experienced) to serve as the only set of eyes for a 180-degree or more blind spot would probably be viewed as legally-questionable at best if an accident occurred. This is an area that I've never seen

addressed: at what point visibility-wise have you crossed the threshold between situations that require just a standard lookout (a properly trained and supervised ordinary or able seaman) and those situations where only a fully-qualified deck officer will do. If there is any sort of substantial obstruction of visibility or blind spots forward of the tug's beam I think a very good argument can be made for requiring an additional deck officer capable of giving actual steering recommendations/commands to the officer conning the tug for the general purposes of collision avoidance and safe navigation. Having to rely on a basic lookout that can only give you bearings and ranges to other vessels, docks, buoys, and other hazards

is a rather frightening position to be in when half your visibility is gone. You're completely at the mercy of someone who, when it comes right down to it, probably doesn't have the knowledge, experience, judgment and ability, and almost certainly not the legal standing, required to give you accurate and useful steering recommendations in close-quarters situations, when that might well be the only thing that can save you.

Below, for example, you see two personnel posted forward on the barge. Is one of them a senior, more-experienced AB-deckhand that might actually know the harbor (buoy system, channels, traffic patterns, hazards, currents, etc.) well enough that he could be of real use (very rare these days), or is the extra person an officer? If so, is that officer a temporary extra (carried aboard on this job just for this purpose) or was he the only other officer on board in a 2-watch system, woken up while off-watch (illegally) to do this? Who knows? Either way, it looks like they're at least trying to do the right thing.



But I think it's fair to say that if the average person saw trucks driving around in a similar fashion of severely obscured vision they would be very alarmed by it, and rightfully so: imagine a tractor rolling down the highway through traffic with its trailer "on the hip." Trying to explain it away by saying "Well, that's just the way we do it!" simply isn't good enough.

Sometimes...



...container barges get towed across or through the harbor, but that brings a whole different set of potential problems with it, primarily related to controlling an unwieldy tow in confined waters with a lot of traffic and current, which is why it isn't often done that way. Of course, if the boxes aren't stacked too high in the first place...



...you can see over them with no problem at all. Even loaded to just one or two tiers high, that's still a hell of a lot of tractor-trailers off the roads and bridges.

The bottom line is this: if the officers conning tugs can't see over and around their tows, and don't have adequate numbers of properly-qualified additional personnel in place to make up for that fact (and without violating the watch/work-hour limits), then the tug shouldn't be engaged in that work, period. This is largely a manning problem. Failure to enforce realistic manning on towing vessels only diminishes the Coast Guard's standing as a marine safety agency.