

## **INTRODUCTION:**

**PURPOSE:** The purpose of this manual is to provide companies who fleet barges along the Lower Mississippi River (mile 88 to mile 240 Above Head of Passes) with the inspection criteria, policies and regulatory interpretation used by U. S. Coast Guard Barge Fleet Inspectors from Marine Safety Office – New Orleans. The Coast Guard uses these criteria, policies and interpretations to determine whether a barge fleeting company has achieved a **Standard of Care** that indicates a quality operation and will lead to Streamlined Inspection status.

This booklet is designed to be used as an instructional guide for barge fleet operators, their employees and U. S. Coast Guard Fleet Inspectors. Companies who subscribe to and follow these guidelines as their inspection guidelines should not encounter enforcement action or civil penalties. Furthermore, companies who successfully achieve this Standard of Care, complete an initial Coast Guard Inspection and maintain the Standard of Care reflected by that inspection for a period of one year, without a civil penalty being assessed for discrepancies noted by a Coast Guard Inspector, will be given Streamlined Inspection Status. This means that the company will be recognized as a quality operation, and will undergo a “formal inspection” only once per year.

**BACKGROUND:** In 1973 and 1974 the Board of Commissioners of the Port of New Orleans petitioned the Department of Transportation to establish rules regulating barge and barge fleeting operations along the Mississippi River. In those two years, the Port of New Orleans had experienced a large number of barge and barge-fleet breakaways due to (what was considered at the time to be) an exceptionally high water season, large numbers of barges in the harbor, inadequate moorings, and careless barge fleeting operations.

The Secretary of Transportation responded to the Port’s petition under Title 1 of the Ports and Waterway Safety Act of 1972 (33 U.S.C. 1221-1227). The Commandant of the United States Coast Guard was assigned the authority and responsibility for directing the anchoring, mooring, or movement of a vessel when such anchoring, mooring, or movement was deemed necessary to prevent damage to or damage caused by that vessel or her cargoes, stores, supplies or fuel (49 Code of Federal Regulations 1.46 (o)(4)). Under this authority the Coast Guard added the waters of the Mississippi River between miles 88 and 127 Above Head of Passes (AHP) to the list of Regulated Navigation Areas (RNAs), thus making the regulations for the mooring of barges applicable on these waters.

These regulations appeared in a Local Notice to Mariners in February 1974, and were finalized in the Federal Register (February 1975, Volume 40, Number 24). Since then, the regulations have been amended five times, most recently in the Federal Register Volume 60, Number 142, July 25, 1995. This last amendment extended the Regulated Navigation Area (RNA) from mile 127 to mile 240 AHP on the Mississippi River. The RNA now encompasses the Lower Mississippi River from mile 88 to mile 240 AHP. Despite the five amendments in the last 20 years the barge fleeting regulations have never undergone a *comprehensive* review and have remained basically unchanged.

During the rule making process for the latest change, the Coast Guard received numerous comments from industry noting that the barge fleeing regulations were twenty years old and did not reflect barge fleeing operations of the present day. In particular the barge fleeing industry identified a number of specific issues as outdated, and potential sources of conflict between industry and the Coast Guard. Some of the most critical issues addressed include the need for: a clear definition of what constitutes a frayed wire; a clear statement of the Captain of the Port's policy on and interpretation of standby boats; a reevaluation of the requirements for stern wires; and a clarification of the requirements for log keeping.

At the request of the industry, the Captain of the Port – New Orleans created a study group to address these issues. This group, which included representatives from both the Coast Guard and the barge fleeing industry, was tasked with reviewing the regulations contained in 33 CFR 165.803 and the existing Coast Guard policies regarding those regulations, interpreting them in plain and understandable language, and making suggestions for future changes which would reflect the technological advances in equipment and current barge fleeing operations. This document is a result of the collaborative effort between the Greater New Orleans Barge Fleeting Association (GNOBFA), independent fleet operators and the U.S. Coast Guard.

**METHOD:** On November 7, 1995, Marine Safety Office – New Orleans chartered a Quality Action Team to conduct a review of the barge fleeing regulations on the Lower Mississippi River. The objective of this team was to develop consistent policy interpretations, institute necessary changes to inspection standards, and clarify the regulations contained in Title 33, Code of Federal Regulations, Part 165.803.

**GOALS:**

- A) To propose updates to the barge fleeing regulations to reflect current operations and technology, and
- B) To provide a clear interpretation of these regulations and a clear statement of the Coast Guard Captain of the Port – New Orleans policies concerning these regulations, and
- C) To provide standards of inspection and compliance for barge fleeing activities which meet the approval of both industry and the U. S. Coast Guard.

The Quality Action Team has established these goals in order for barge fleeing operators, within the Regulated Navigation Area, to reach Streamlined Inspection Status. To accomplish this a **Standard of Care** must be developed to ensure that navigational safety is maintained on the Lower Mississippi River. This standard of care will reflect industry's level of compliance with the letter and spirit of the

barge fleeing regulations. This is accomplished, in part, by the safe movement and mooring of barges within fleets.

Streamlined Inspection Status will be given to a company after it completes a successful Coast Guard Formal Inspection *and* maintains that level of compliance for a period of one year with no violation assessments. After receiving Streamlined Inspection Status, a company will be recognized as a quality operator and will only undergo a “formal inspection” once a year. Fleets which do not attain Streamlined Inspection Status will receive a formal inspection at least twice annually and will also be subject to “spot checks” at any time. The fleet will be contacted the morning of a “formal inspection,” before the Coast Guard Inspector departs the office. The fleet will not receive prior notification of a “spot check” which can be conducted at any time, but may not be as extensive as a formal inspection.

As a matter of Coast Guard enforcement policy, the Coast Guard agrees to accept a 10% wire discrepancy rate, provided that the 10% discrepancy is not isolated to one tier of barges. In other words, 10% of the wires in a fleet may fail to meet regulation standards without costing the fleet its Streamlined Inspection Status, providing that the substandard wires are not all located in a single tier of barges. However, this discrepancy allowance will not apply for re-inspection to fleets that have been issued a deadline for full compliance by a Coast Guard inspector upon a previous inspection. An “announced visit” for formal and follow-up inspection purposes should not result in noted discrepancies. Any discrepancies noted during an announced visit will be processed as a violation report against the responsible party, and included in the Coast Guard file on the fleet.

The Captain of the Port – New Orleans reserves the right to revoke the Streamlined Inspection Status of a fleet operator if it is found that the fleet:

- is responsible for a marine casualty;
- has failed to report a breakaway;
- has received an unfavorable re-inspection;
- has a civil penalty case assessed against it.

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