



16711/Serial No. 938  
CG-CVC Policy Letter  
19-01 CH.1  
May 24, 2021

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) National Defense Authorization Act (NDAA) for Fiscal Year 2021, Pub. L. 116-283

1. PURPOSE. The purpose of this policy letter is to provide updated enforcement guidance regarding reference (a) 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 Code of Federal Regulations (CFR) Subchapter M that travel outside the Boundary Line. **This policy letter will expire on January 1, 2023, unless otherwise rescinded.**
2. ACTION. OCMI and MI 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. In addition, Change 1 stipulates notification requirements for the interim period of the law.
3. DIRECTIVES AFFECTED. This policy letter supersedes the original CVC Policy Letter 19-01 issued on April 5, 2019.
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. On January 1, 2021, Congress included Section 8402 to the NDAA, which addresses Towing Vessels Operating outside the Boundary Line. The law stipulates notifications that certain towing companies must provide to the OCMI and records that the OCMI must maintain. (See paragraphs (e)(2) and (e)(3) of Section 8402).
- d. The OCMI may restrict operations authorized under the interim exemption in reference (a) for safety purposes at any time.

## 5. POLICY.

- a. Reference (a) provides for an interim exemption for towing vessels that operate outside the Boundary Line **solely** to perform regular harbor assist operations. Under this interim exemption, certain towing vessels are not required to meet additional requirements of Chapter I of Title 33 and Chapter I of Title 46, Code of Federal Regulations that would result solely from the vessel operating outside the Boundary Line.
  - i. The interim exemption applies to: A towing vessel that would otherwise be subject to chapter 33 of title 46 USC and 46 CFR Subchapter M; and
  - ii. Operates with **only** “Lakes, Bays, and Sounds” or “River” routes recorded on the COI; and
  - iii. Operates regularly as a harbor assist vessel and is regularly engaged in harbor assist operations, which includes docking, undocking, mooring, unmooring, and escorting of vessels with limited maneuverability.
  - iv. The voyage of the harbor assist towing vessel shall be limited to:
    - (1) Less than 12 hours in total duration;
    - (2) Originate and end in the inspection zone of a single OCMI; and
    - (3) Occur no further than 10 nautical miles from the Boundary Line.
- b. Before towing vessel owners and operators are authorized the interim exemption, they must first be approved for operations outside the Boundary Line by the OCMI and the Coast Guard Marine Safety Center. Upon receipt of a request, the OCMI shall communicate to the Marine Safety Center which plans or calculations to review (structures, stability, etc.) and the standards that should be applied for the desired operating area outside the Boundary Line. Additionally, the vessel must have onboard sufficient manning and lifesaving equipment for all persons on board, in accordance with 46 CFR Part 15 and 46 CFR 141.225 (or any successor regulation) for a Lakes, Bays, and Sounds, or Rivers route.
- c. Once approved, a towing vessel is authorized to use the interim exemption. The vessel is then required to notify the cognizant OCMI 24 hours prior to the intended operations. At a minimum the notification shall include:
  - i. The date, time, and length of voyage;

- ii. A crew list, with each crew member's credentials and work hours; and
  - iii. An attestation from the master of the towing vessel that the vessel has sufficient manning and lifesaving equipment for all persons on board.
- e. OCMI shall document and retain a comprehensive list of:
- i. All towing vessels that have a "Lakes, Bays, and Sounds" or "Rivers" route that operate outside the Boundary Line solely to act as harbor assist vessels as indicated above within each OCMI fleet of responsibility. This information shall be kept in an Excel document titled "NDAA Tracker" located on the CG-CVC Towing Vessel Coordinator Portal page: <https://cg.portal.uscg.mil/communities/towing-vessel-coordinator/SitePages/Home.aspx>.
  - ii. OCMI shall document all notifications made per paragraph 5(c) above. This information shall also be kept in the same Excel document located on the CG-CVC Towing Vessel Coordinator Portal website.
  - iii. All notifications that are restricted. If a vessel submits a notification, but does not fall within the parameters of the applicability of the law or the OCMI restricts the operating due to safety concerns, that reasoning should be documented in the CG-CVC Towing Vessel Coordinator Excel document on Portal. Example: "Vessel does not possess "only a LBS or Rivers route" and therefore does not qualify for the allowance from the SEC. 8402 of the 2021 NDAA. Vessel has been notified that they must comply fully with 46 CFR Subchapter M when conducting tow assist operations."
  - iv. All safety concerns regarding the use of these vessels in this capacity shall also be documented in the CG-CVC Towing Vessel Coordinator Excel document on Portal. This can include safety concerns regarding the specific vessel (ex. lack of safety equipment or regulatory requirements), the harbor assist operations itself, or the use of these vessel within a particular area of responsibility.
7. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this policy letter and have been determined not to be applicable.
8. DISCLAIMER. This policy letter guidance is not a substitute for applicable legal requirements. 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.
9. 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](mailto:CG-CVC@uscg.mil). This policy letter and other Domestic Vessel Policy documents are posted on

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

16711/Serial No. 938  
CG-CVC Policy Letter 19-01 CH.1  
May 24, 2021

the CG-CVC website at [http://www.uscg.mil/hq/cgcvc/cvc/policy/policy\\_letters.asp](http://www.uscg.mil/hq/cgcvc/cvc/policy/policy_letters.asp). This document, along with other Coast Guard guidance, is also available by accessing <http://www.uscg.mil/guidance>.

#