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D8(dp) Policy Letter 02-20
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To: Distribution

Subj: GUIDANCE FOR TOWING VESSELS OPERATING ON RIVERS ROUTES -
RULE 27 AND RULE 30 NAVIGATION LIGHTS AND DAY SHAPES

Ref: (a) Title 33 Code of Federal Regulations (CFR) 83.27
(b) Title 33 Code of Federal Regulations (CFR) 83.30
(c) Senate Report (Commerce, Science, and Transportation Committee) No. 96-979;
September 22, 1980

1. PURPOSE. This policy provides additional guidance regarding the navigation lights and day shapes described by Inland Navigation Rules 27 and 30 (references (a) and (b)), and how those requirements apply to towing vessels which operate exclusively on Rivers routes within the Eighth District.
2. BACKGROUND. In December 1980, Public Law 96-591 created a unified set of rules for preventing collisions on the inland waters of the United States (Inland Navigation Rules). Prior to this set of rules, there was a patchwork of seven different sets of rules, which caused confusion for mariners. As described in reference (c), the 1980 Inland Navigation Rules were written to closely parallel the 1972 Convention on the International Regulations for Preventing Collisions at Sea (COLREGS 72), which resulted in new requirements for some vessels. For example, vessels operating upriver of the Huey P. Long Bridge (Mile Marker 106.1 on the Mississippi River) were now required to add navigation lights and day shapes for not under command, restricted in ability to maneuver, and aground. In some cases, the 1980 Inland Navigation Rules included exceptions from the COLREGS, when experts agreed that different operating conditions and the safety of navigation on the inland waters of the U.S. required different rules from those applicable on the high seas. For example, the 1980 Inland Navigation Rules exempts vessels towing alongside and pushing ahead from the requirement to display any white masthead lights when on the Western Rivers. This was necessary for a number of reasons. First, in order to provide optimum visibility for the operator, the pilothouse of a towboat on the Western Rivers is commonly designed so that the operator's height of eye is the maximum permitted by the limiting vertical clearances of bridges under which the vessel will pass. As such, the white masthead light(s) could cause height interference problems with fixed bridge structures. Also, the use of white lights close to the pilothouse could create excessive reflection and backscatter, which could impair night vision. Third, the greater range of detection afforded by white masthead lights on open waters is often not possible on the Western Rivers due to the frequent bends. Finally, the other navigation lights provided an effective indication as to aspect and direction of

movement of the tug and tow, which indicated that there was no need for white masthead lights for towing on the Western Rivers.

When the final rule for towing vessel inspections was published in 2016, the requirements included a provision under Title 46 Code of Federal Regulations (CFR) 140.720, which requires towing vessels to be equipped with navigation lights, shapes, and sound signals in accordance with the COLREGS or Inland Navigation Rules, as appropriate to the area of operation. The economic analysis that accompanied this rulemaking project estimated that from the entire fleet of U.S. towing vessels, there were only 290 vessels that needed to install one navigation light in order to come into compliance with the new regulations. Since these new regulations took effect, it has come to our attention that there are actually many more towing vessels operating within the Eighth District which do not have the navigation lights and day shapes that are described under rule 27 and rule 30 of the Inland Navigation Rules. Additionally, there are a number of different interpretations from Coast Guard offices and Third Party Organizations relating to rule 27 and rule 30, which has caused additional confusion regarding the applicability of these two rules. This policy seeks to reduce the confusion and provide clear guidance regarding which vessels are required to carry navigation lights and day shapes under rule 27 and rule 30.

3. DISCUSSION.

a. Anchor Lights and Day Shapes (Rule 30)

- i. Many towing vessels operating on a Rivers route are not equipped with an anchor, which clearly demonstrates that the vessel will not engage in an anchoring evolution. As such, **a towing vessel operating on a Rivers route, that is not equipped with an anchor, will not need to install or carry an anchor light or day shape to operate.**
- ii. If a towing vessel is equipped with an anchor, the vessel shall exhibit the lights and day shape required by Rule 30 when they are anchored. This typically means the vessel is constructed with the anchor light(s), or carries an anchor light(s) that can be temporarily installed. This also typically means the vessel has an anchor day shape (one ball) on board.

b. Restricted in Ability to Maneuver Lights and Day Shapes (Rule 27)

- i. Vessels of less than 12 meters (39.37 feet) in length are not required to exhibit the restricted in ability to maneuver lights or day shapes, and therefore these vessels are not required to install or carry these lights or day shapes.
- ii. For vessels of 12 meters (39.37 feet) or longer, it is important to determine whether the term "restricted in ability to maneuver" applies to the vessel. Reference (c) states that the Rule 27 term, restricted in ability to maneuver, was designed to apply to towing vessels that are engaged in difficult or severely restricted towing operations. This rule is not intended to apply to vessels engaged in routine towing operations,

which covers most situations within District Eight. Therefore, **a towing vessel operating on a Rivers route will not need to install or carry restricted in ability to maneuver lights or day shapes to operate, except in rare circumstances** where the owner or operator intends to use the vessel for a unique operation that severely restricts the vessel's ability to deviate from its course.

- iii. The guidance found in paragraph 3.b.ii does not apply if the towing vessel is restricted in ability to maneuver due to dredging, underwater operations, diving operations or mine clearance operations. A towing vessel in one of these categories will likely be required to install or carry restricted in ability to maneuver lights.
- c. Aground Lights and Day Shapes (Rule 30)
- i. Vessels of less than 12 meters (39.37 feet) in length are not required to exhibit the aground lights or day shapes, and therefore these vessels are not required to install or carry these lights or day shapes.
 - ii. For vessels of 12 meters (39.37 feet) or longer which run aground, the requirements for lights and day shapes are found in Rule 30. This rule requires the vessel to display their anchor lights, along with additional aground lights and day shapes. It is important to note, however, that the Inland Rules only require the aground lights and day shapes to be displayed "if practicable."
 - iii. There are a number of reasons why it is not practicable to require many of the towing vessels operating on a Rivers route within the Eighth District to display aground lights and day shapes. The first reason is similar to the discussion on masthead lights in paragraph 2 above. The addition of aground lights, which require at least one meter of vertical spacing, could cause height interference problems with fixed bridge structures. Second, the greater range of detection afforded by aground lights on open waters is often not possible on Rivers routes due to the frequent bends. Third, due to the narrow channels and frequent bends on Rivers routes, towing vessels are accustomed to communicating intent and passing arrangements via VHF radio, and this is often done well before the vessels are within sight of one another. This fact is acknowledged by Inland Navigation Rule 34(h), which allows vessels to coordinate passing arrangements via bridge-to-bridge radiotelephone communications, in lieu of whistle signals. Finally, a majority of towing vessels are equipped with added navigational safety equipment, including, but not limited to, marine radar, a searchlight, an electronic position-fixing device, and an Automatic Identification System (AIS). Some of this equipment helps a vessel to be "seen" by other vessels, and some of this equipment helps a vessel to "see" nearby vessels. When used in combination, this equipment provides additional methods for vessels to share information on their presence, aspect, movement (or lack of movement), and/or actions, and to detect the same information for nearby vessels.

- iv. For the reasons discussed in paragraph 3.c.iii, **a towing vessel operating on a Rivers route will not need to install or carry aground lights or day shapes to operate, if the towing vessel is equipped with marine radar, a searchlight, an electronic-position-fixing device, AIS, and two or more independent VHF radios.** Additionally, if that same vessel is not already equipped with anchor lights, as discussed in paragraph 3.a above, then **the vessel should not be required to install or carry anchor lights solely for the purpose of displaying those lights when aground.**
- d. Not Under Command Lights and Dayshapes (Rule 27)
 - i. Vessels of less than 12 meters (39.37 feet) in length are not required to exhibit the not under command lights or day shapes, and therefore these vessels are not required to install or carry these lights or day shapes.
 - ii. For vessels of 12 meters (39.37 feet) or longer, the requirements for not under command lights and day shapes are found in Rule 27. The term not under command means that due to some exceptional circumstance, the vessel is unable to maneuver as required by the rules and is therefore unable to keep out of the way of another vessel. A not under command situation typically involves a vessel which has lost propulsion and/or steering. Due to the nature of their work, towing vessels are often equipped with multiple propulsion and steering systems, which means there is a lower chance that the vessel will be in a not under command situation. If a towing vessel operating on a Rivers route within the Eighth District did lose propulsion and/or steering, the vessel would quickly run aground due to the narrow channels, frequent bends and strong currents. In most cases, the vessel may be aground even before the vessel's crew knows that the vessel was in a not under command situation.
 - iii. For the reasons discussed in paragraph 3.d.ii, along with the reasons discussed in paragraph 3.c.iii, **a towing vessel operating on a Rivers route will not need to install or carry not under command lights or day shapes to operate, if the towing vessel is equipped with marine radar, a searchlight, an electronic-position-fixing device, AIS, and two or more independent VHF radios.**
- 4. ACTION. Vessel owners/operators, Coast Guard Marine Inspectors and Third Party Organizations shall use the guidance contained in this policy letter when determining which Rule 27 and Rule 30 lights and day shapes should be installed or carried on board towing vessels operating on a Rivers route within the Eighth District.
- 5. QUESTIONS. Any questions regarding this policy letter should be directed to the Eighth District Towing Vessel Coordinator at (504) 671-2264.

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Distribution: All District Eight Sectors, Marine Safety Units & Marine Safety Detachments