Frequently Asked Questions

Am I covered by this rule?

You are covered by this rule if you operate a commercial towing vessel meeting the applicability provisions in section 136.105 of title 46 of the Code of Federal Regulations, 46 CFR 136.105.

This rule is applicable to all U.S.-flag towing vessels as defined in § 136.110 engaged in pushing, pulling, or hauling alongside, **except--**

- A vessel less than 26 feet (7.92 meters) in length measured from end to end over the deck (excluding the sheer), unless that vessel is pushing, pulling, or hauling a barge that is carrying oil or hazardous material in bulk;
- A vessel engaged in one or more of the following:

  Assistance towing as defined in § 136.110;

  Towing recreational vessels for salvage; or

  Transporting or assisting the navigation of recreational vessels within and between marinas and marina facilities, within a limited geographic area, as determined by the local Captain of the Port (COTP);
- A workboat operating exclusively within a worksite and performing intermittent towing within the worksite;
- A seagoing towing vessel of 300 gross tons or more subject to the provisions of subchapter I of this chapter;
- A vessel inspected under other subchapters of this chapter that may perform occasional towing;
- A public vessel as defined in 46 U.S.C. 2101;
- A vessel that has surrendered its COI and is laid up, dismantled, or otherwise out of service; and
- A propulsion unit used for the purpose of propelling or controlling the direction of a barge where the unit is controlled from the barge, is not normally manned, and is not utilized as an independent vessel.

Homeland Security

Small Entity Compliance Guide

If you have questions on this rule, please contact:

The Coast Guard
Office of Commercial Vessel Compliance

Phone: 202-372-1224
Email: CG-CVC-1@USCG.MIL

To obtain general information regarding the Inspect of Towing Vessels Rule or download related documents mentioned in this brochure, visit the following Coast Guard Towing Vessel National Center of Expertise internet website:

www.uscg.mil/tvncoe

Small Entity Compliance Guide

Inspection of Towing Vessels Final Rule

46 CFR Subchapter M

Part 136—CERTIFICATION
Part 137–VESSEL COMPLIANCE
Part 138—TOWING SAFETY MANAGEMENT SYSTEM (TSMS)
Part 139—THIRD-PARTY ORGANIZATIONS (TPO)
Part 140—OPERATIONS
Part 141—LIFESAVING
Part 142—FIRE PROTECTION
Part 143—MACHINERY AND ELECTRICAL SYSTEMS AND EQUIPMENT
PART 144—CONSTRUCTION AND ARRANGEMENT

The Basics

The Coast Guard has issued regulations that require owners or operators of certain commercial towing vessels to be inspected. These regulations offer options for meeting certain requirements. Also, many of these requirements are phased-in to spread the work and costs associated with this rule over time.

Under subchapter M, there are two major options for demonstrating compliance:

- You may have the Coast Guard inspect your vessel as they traditionally do for other segments of the maritime industry, or
- You can develop and implement a Towing Safety Management System (TSMS) and have the audits and surveys required by this rule conducted or overseen by a Third-Party Organization (TPO) authorized by the Coast Guard.

Under either option, you have 3 years from the effective date of this rule before the first 25% of existing vessels in your fleet must obtain a COI, followed by 25% more each year for the following three years. If you own only one existing towing vessel, you have 4 years to obtain a COI. A new vessel must have a COI before entering into service. To obtain a COI, you must:

- Specify which option —TSMS or USCG Inspection—you choose when submitting the application for inspection (Form CG-3752), and
- Submit the application to the cognizant Officer in Charge, Marine Inspection (OCMI) at least 30 days before the vessel will undergo the initial inspection for certification and schedule that inspection at least 3 months in advance.

If you select the TSMS option, you must have a TSMS certificate at least 6 months before obtaining a COI.

When does the rule become effective?

The Inspection of Towing Vessels final rule becomes effect on July 20, 2016. However, certain existing towing vessels subject to this rule will have an additional 2 years before having to comply with most of its requirements.

Is there any assistance available for small businesses?

Yes. Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this final rule so that they can better evaluate its effects on them and participate in the rulemaking. If the final rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult LCDR William Nabach, Project Manager, CG-OES-2, Coast Guard, telephone 202-372-1386.

Are there alternatives to this rule for small businesses?

No, unless your towing vessel is exempt under the applicability provisions in 46 CFR 136.105, these rules apply to your vessels.

Your towing vessels may be exempt, excepted, or otherwise not required to meet specific requirements based on when your towing vessel was built, and where it will operate. Please read the final rule carefully to determine how subchapter M regulations may apply to your business.

How to Find this Rule

Subchapter M

The Inspection of Towing Vessels final rule was published in the *Federal Register* on June 20, 2016. Here is link to an official copy: [link to GPO PDF]. The rule's citation is 81 FR 40004. The regulations in this rule will appear in Subchapter M, Towing Vessels, in Title 46 of the Code of Federal Regulations.

A copy of the rule is also available in our online rulemaking docket. Simply search for docket number USCG-2006-24412 at www.regulations.gov.

Kirby Marine photo