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COMMENTS OF THE AMERICAN PILOTS' ASSOCIATION ON THE NOTICE OF PROPOSED RULEMAKING FOR VESSEL REQUIREMENTS FOR NOTICES OF ARRIVAL AND DEPARTURE, AND AUTOMATIC IDENTIFICATION SYSTEM [COAST GUARD DOCKET NUMBER USCG-2005-21869]

April 14, 2009

Introduction

The American Pilots' Association (APA) is pleased to submit the following comments in response to the Notice in the December 16, 2008 *Federal Register*, 73 Fed. Reg. 242, requesting public comments on the proposal to expand applicability of notices of arrival and departure (NOAD) and automatic identification system (AIS) requirements to more commercial vessels.

The APA is the national association of professional maritime pilots. Virtually all of the more than 1,100 state-licensed pilots working in the coastal ports and approaches of the United States, as well as all of the U.S. registered pilots operating in the Great Lakes system under authorization by the Coast Guard, belong to APA member pilot groups. These pilots handle over 90 percent of large ocean-going vessels moving in international trade in the waterways of the United States. Their role and official responsibility is to protect the safety of navigation and the marine environment in the waters for which they are licensed. In order to carry out their duties, APA member pilots continually train on, use, and have considerable expertise and experience with, various forms of modern maritime navigation technology, including AIS.

Comments

APA and its members have long been strong supporters of, and active participants in, the development and use of improved navigational technology. APA has also worked closely with the Coast Guard to contribute to efforts to improve maritime security on America's waterways. Because of this strong interest in continual improvement of

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marine navigational safety and security, we support the Coast Guard's proposal to expand the applicability of NOAD and AIS regulations to more commercial vessels.

Even though NOAD requirements do not apply to our member pilots¹, because state-licensed pilots are aboard the overwhelming majority of ocean-going vessels that are moving in U.S. waters at any given time, APA members appreciate the security benefits the expanded NOAD requirements may provide and have no substantive comments to offer in this area.

The APA wholeheartedly agrees with Coast Guard's efforts to improve navigational safety by expanding the applicability of AIS to additional commercial vessels. We have several suggested changes and clarifications, however, which would improve the proposed new AIS regulations.

Transmission of Heading Information

In paragraph V.B.8. of the Notice, the Coast Guard recognizes that integration of transmitting heading devices (like gyrocompasses) may improve the performance of AIS, but stops short of a broad requirement to integrate heading transmitting devices into new AIS transponders. While APA recognizes there may be issues to resolve with the International Maritime Organization regarding the setting of new requirements for AIS devices, we recommend that the Coast Guard pursue necessary steps to be able to promulgate regulations requiring all Class A AIS devices to be capable of transmitting vessel heading information and having that information available at the Pilot Port. The transmission of heading information and its availability at the Pilot Port would have significant benefits to shipboard AIS users and could also aid Coast Guard Vessel Traffic Services, as well as Sector Command Center during search and rescue cases.

If the Coast Guard were to proceed with efforts that could ultimately lead to the requirement for AIS devices to integrate heading transmitting devices, APA would support the requirement that heading be capable of being displayed to the nearest tenth of a degree. This level of refinement in the heading information would facilitate the ability to determine "rate of turn", which has considerable utility to navigating in ports and other restricted waterways.

Location of AIS Pilot Port

APA agrees with paragraph V.B.10. of the Notice that there is a need to clarify the previous regulatory requirement that the AIS Pilot Port be located "near" a 120-volt 50/60 Hz AC power receptacle. However, the proposed new regulation, which requires

¹ Under 33 C.F.R. §160.202, "the owner, agent, master, operator, or person in charge of a vessel" that is regulated by this subpart is responsible for complying with the NOAD requirements. In addition to the fact that pilots have no way of obtaining and verifying the information required by the regulations to be included in a NOAD, a pilot, who is not a member of the crew and who comes aboard a vessel for the purpose of providing piloting services, is not an "owner", "agent", "master", "operator", nor a "person in charge of a vessel" as those terms are used for purposes of Coast Guard regulations.

that the Pilot Port be “within at least 3 feet of a...power receptacle”, requires further clarification. Specifically, it must be made clear that the Pilot Port is required to be within 3 feet of a power receptacle that is hard-mounted on the deck, bulkhead, or overhead. The use of an extension cord to bring the AC power to within 3 feet of the Pilot Port is not acceptable and raises serious safety and reliability issues. We recommended that proposed regulation § 164.46 (g) be revised as follows:

- (g) The AIS Pilot Port, on any vessel subject to pilotage, must be readily available and easily accessible from the primary conning position of the vessel and within at least 3 feet of a 120-volt 50/60 Hz AC power receptacle that is permanently fixed or mounted to the deck, bulkhead, or overhead.

AIS on Dredges

The APA welcomes the proposed regulation § 164.46 (b)(5) that would mandate properly installed and operational AIS devices onboard floating dredges that are near a commercial channel or shipping fairway, as we believe this requirement would improve navigational safety. However, the effectiveness of this regulation would be improved if the exceptions to the requirement were narrowed by substituting the term “permanently unmanned” for the proposed language “unmanned or intermittently manned” floating platforms.

The phrase “intermittently manned” is vague and has the potential to exclude from the AIS carriage requirement a considerable number of floating dredges or dredge-related equipment that could pose a threat to navigational safety. For instance, many dredge operations result in vessels, barges, or other equipment being anchored near navigational channels and left unattended for significant periods of time. Requiring that an AIS device be placed on these temporarily unattended platforms would significantly reduce the potential hazard to navigation and risk of marine casualties.

Class A AIS Devices on High Speed and Highly Maneuverable Vessels

The caution offered by the Coast Guard in paragraph V.B.4. that Class B AIS devices “may not be the best alternative for vessels that are highly maneuverable, travel at high speed, or routinely transit congested waters” seems inadequate. The Coast Guard clearly recognizes there are some vessels on which the less capable Class B devices should not be used, but fails to require Class A transponders.

Permitting the carriage of Class B devices on high speed or highly maneuverable vessels may actually hinder, not improve, navigational safety. For instance, if a vessel traveling at a high rate of speed or one that is quickly altering course transmits its position data via a Class B AIS device (the maximum position reporting rate of which is only once every 30 seconds), to a vessel displaying AIS data on an electronic navigational display, the high speed or highly maneuverable vessel may appear to be bouncing from position to position or maneuvering erratically. Similarly, radars designed to associate AIS targets with radar returns may have difficulty maintaining that

association when a Class B device is transmitting position information for a high speed or highly maneuverable vessel. In order to avoid these potentially confusing displays that could degrade navigational safety, APA recommends that, rather than merely issue a caution, the Coast Guard should amend the proposed regulations to require high speed and highly maneuverable vessels to carry Class A AIS devices.

Conclusion

The APA and its members, appreciate the opportunity to offer constructive comments on these proposed regulations and support the Coast Guard's efforts to improve maritime security and navigational safety by expanding the applicability of NOAD and AIS requirements. We believe that the proposed regulations published in *Federal Register*, 73 Fed. Reg. 242, combined with our recommendations above, can have a significant positive impact on marine safety and security.