

Statement

of

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Chief, Office of Marine Environment and Systems

on behalf of the

United States Coast Guard

on

H.R. 6671

Before the

Subcommittee on Coast Guard

and Navigation

of the

House Committee on Merchant Marine and Fisheries

April 17, 1980

Good Morning Mr. Chairman and members of the subcommittee:

I am Rear Admiral Wayne E. Caldwell, Chief, Office of Marine Environment and Systems, U.S. Coast Guard, U.S. Department of Transportation. I am pleased to be here today to present our views on H.R. 6671, a bill "To unify the rules for preventing collisions on the inland waters of the United States, and for other purposes." This proposed legislation would accomplish two basic objectives, unification and modernization of the different inland rules and conformance with Rule 1(b) of the International Regulations for Preventing Collisions at Sea, 1972 better known as 72 COLREGS.

The administration shares your desire to unify the rules presently in existence on the various waterway systems of the United States and provide the mariner with a common set of rules applicable on all waters with as few exceptions as possible. The existing sets of rules (Inland, Western Rivers, and Great Lakes), contain numerous provisions which differ in their application from one waterway to another. This circumstance leads to unnecessary confusion and detracts from safety of navigation.

As you are aware, bills to unify the Rules were introduced in the 90th and 91st sessions of Congress which did not receive Committee consideration. Since there was a desire to develop a set of Rules consistent with internationally adopted regulations, and since the international community was in the process of revising the then existing regulations, the Coast Guard chose to await their adoption before re-submitting such a bill. In 1977, the 72 COLREGS became effective and the lines of demarcation between the 72 COLREGS and the Inland Rules were re-drawn shoreward. Since that time there has been increased interest in

the maritime community to consolidate the various U.S. Rules and make them as consistent as possible with the 72 COLREGS.

Rule 1(b) of the 72 COLREGS provides for special rules for roadsteads, harbors, rivers, lakes, or inland waterways connected with the high seas and navigable by seagoing vessels. Rule 1(b) also requires that such special rules must conform as closely as possible with the International Rules.

In order to develop the best possible set of rules, the Coast Guard established the Rules of the Road Advisory Committee (RORAC) comprised of 20 men and women who are knowledgeable in the operation of vessels and representative of a cross section of maritime interests on all of our waterway systems. This able committee, in consort with the Coast Guard, developed a proposed legislative package to unify the rules of the road.

RORAC carefully reviewed the 72 COLREGS and existing Inland and Pilot Rules and decided to develop the Inland Rules in the same format as the International Rules. They also elected to retain language identical to 72 COLREGS whenever there was no substantive difference intended in the Inland Rules. This was done not only to assure close conformance with 72 COLREGS but also to ease the burden on the mariners in learning both sets of rules.

Upon review of the bill we are considering today (H.R. 6671) it is evident that H.R. 6671 is very similar to the rules developed by RORAC.

I am pleased to state that the Coast Guard supports both the intent and content of H.R. 6671. This bill will provide the mariner with a

clear set of operating rules with few variances between different bodies of waters. Where there are variances in the Rules they exist only to accommodate legitimate navigational difficulties found on those waters. I am confident that these rules will be easier for mariners to learn and apply and will make our waterways a safer place to work and enjoy.

We do have some suggested amendments to this bill that are relatively minor but which we consider to be improvements. I have appended these suggested amendments to my statement for your consideration. Those proposed amendments are based largely upon proposed amendments to the 72 COLREGS which the Administration supports. The proposed amendments to the 72 COLREGS have been given final consideration by the Inter-governmental Maritime Consultative Organization (IMCO) Subcommittee on Safety of Navigation, and have been forwarded to the Maritime Safety Committee for consideration. Independent of international considerations, the Coast Guard considers the provisions of the attached amendments to be valid improvements, worthy of inclusion in the bill before us today.

Among our suggested amendments is a change to Rule 24(c). The 72 COLREGS and H.R. 6671 require a vessel pushing ahead or towing alongside to exhibit only a white stern light visible to an overtaking vessel. The existing inland rules require a pushing vessel to display either two vertically positioned yellow lights or two white lights. We consider it important that an overtaking vessel be made aware that the overtaken vessel and tow may be of considerably greater length than the single white stern light would indicate. For this reason we recommend that two yellow towing lights be required on such vessels. We intend to pursue a similar amendment to the 72 COLREGS.

Rule 34(a) as contained in H.R. 6671 would require a power-driven vessel to sound maneuvering signals when in sight of, and crossing or meeting a sailing vessel. This is inconsistent with the applicability paragraph of Rule 35 which requires sounding of signals in paragraph (a) through (c) only when two power-driven vessels are in sight of one another. We are of the opinion that power-driven vessels should not be required to sound signals proposing a maneuvering agreement to a sailing vessel which is not required to respond with a similar signal. Therefore, we have included a suggested change to rectify the inconsistency.

Aside from the various operating and equipment rules contained in this bill, we are pleased to note that the Secretary would be given the authority to issue a Certificate of Alternative Compliance to vessels which, because of their special construction or purpose, can not fully comply with the number, position, range, or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signalling appliances. This is a useful provision not presently available except to Coast Guard vessels and vessels of the Navy.

Section 4 of H.R. 6671, provides for a civil penalty of up to \$10,000 for the operation of a vessel in violation of this act, and Section 6 provides for increasing the civil penalty for violation of the 72 COLREGS from \$500 to \$10,000 to make penalties on the high seas consistent with those on inland waters. We would expect that the maximum penalty would be infrequently invoked, and reserved only for the most blatant violations of serious consequence. The penalty range provides appropriate flexibility for the wide variety of violative circumstances extending from casual inattention to deliberate endangerment of lives, property and the environment. We also believe that the potential of

a substantial penalty will better encourage the strict adherence to the rules so vital to the avoidance of vessel collisions.

Section 7 of H.R. 6671 establishes the effective date of the Rules at twelve months after the date of enactment except for the Great Lakes on which they will become effective at a later date as established by the Secretary. We fully support this provision. A twelve month waiting period is necessary in order to ensure that the mariner and boating public have had an opportunity to obtain copies of the Rules and study them. The Rules contained in this bill are not drastically different from those presently in existence, but certain significant differences do exist and the mariner must be aware of them. The United States Coast Guard has been in close contact with the Canadian Coast Guard and it appears that Canada will be able to promulgate a set of rules compatible with H.R. 6671 at about the same time H.R. 6671 would become effective. We will continue to maintain close liaison with the Canadian Government in this regard.

This concludes my prepared statement. I shall be happy to answer any questions you may have concerning H.R. 6671