



The Marine Assistance Industry Journal

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EDITORIAL:



From the Desk of Tina Cardone, Executive Director

Relationship- “the way in which two or more people, groups, countries, etc., talk to, behave toward, and deal with each other” (Merriam-Webster). We talk about partners and partnerships and we develop Memorandums of Understanding. How we interact with these partners and each other is what makes or breaks the relationship.

Some of our relationships include TSAC (Towing Safety Advisory Committee), NASBLA (National Association of State Boating Law Administrators) and US Coast Guard. We also have relationships with other associations, our competitors and our local agencies. For us to grow and develop our businesses, all of these relationships are important.

Lately it seems that our local agency relationships are being strained. Many of you have commented that local law enforcement is performing routine towing operations. Some have reported more marina operators towing their customers. As frustrating as this can be, how you approach the situation will dictate the outcome.

You have a few things on your side. One is C-PORT. We are here to represent you to all federal, state and local agencies as well as to the boating community in general. Another important aspect is the legal requirement that anyone engaged in assistance towing be properly licensed to do so. What does that mean?

Some definitions:

- “Assistance towing” is defined as towing a disabled vessel for consideration (46 CFR 10.107(b)).
- “Disabled vessel” means a vessel needing assistance whether docked, moored, anchored, aground, adrift of underway, but does not mean a barge or any other vessel not regularly operated under its own power (46 CFR 10.107(b)).
- “Consideration” is defined as an economic benefit, inducement, right, or profit including pecuniary payment accruing to an individual, person, or entity, but not including a voluntary sharing of the actual expenses of the voyage, by monetary contribution or donation of food, fuel, food, beverage, or other supplies (46 USC 2101(5a)).

To engage in assistance towing the operator must hold a US Coast Guard license or credential authorizing them to do so. This includes in the majority of cases a specific assistance towing endorsement. US Coast Guard Sector San Francisco in their September 2010 letter stated the following:

“This credentialing requirement extends to all operators who receive consideration for assistance towing, including emergency responders employed by a municipality. However, this credentialing requirement only applies to assisting disabled vessels and does not apply to assisting vessels in distress, whereby a mariner is in imminent danger and in need of immediate assistance.”

Seems pretty clear. The rule applies to everyone. (There are liability ramifications as well but I’ll save that discussion for another time.)

In these economic times, local agencies are trying to justify their budgets and marina operators and others are trying to find other avenues to produce income. Approach them first to educate (they can be fined for towing without the proper license for example) and then to recapture your business. If all else fails, before the relationship is so strained it will take years for anyone to sit at the same table, call me. I’m here to help you.

Wishing you all a safe and successful season! As always, you can reach me at 954-261-2012 or by email at tcardone@cport.us.

Best Regards,
Tina Cardone, Executive Director