

April, 1945

THE MARITIME LAW ASSOCIATION
OF THE UNITED STATES

REPORT AND RECOMMENDATIONS OF THE COMMITTEE
ON LIGHTS ON CERTAIN TOWED VESSELS

The undersigned Committee was appointed by the President to study apparent conflicts in the provisions of the Inland Rules and Local Inspectors' Rules in respect of lights to be carried by towed vessels (particularly "barges" and "scows"). After preliminary study, the Committee concluded that, since all of its members were located in New York and Philadelphia, it ought not make a report without obtaining the views of members of the Association in other sections of the country; particularly in respect of local customs or requirements. Accordingly, such views were sought, and have confirmed the thought that revision of the Rules is desirable, and that local problems are not an obstacle to such revision.

THE PROBLEM

Section V of the Inland Rules provides, in part, as follows:

"* * * any vessel being towed, except barges, canal boats, scows and other vessels of nondescript type, when in tow of steam vessels shall carry the same lights as are prescribed by Article II for a steam vessel under way, with the exception of the white lights * * * which they shall never carry."

The Inland Rules give to the Board of Supervising Inspectors the right to establish rules as to the lights to be carried by "* * * barges and canal boats when in tow of steam vessels and as to the lights * * * to be carried by vessels * * *".

It should be noted that the authority to the Board of Supervising Inspectors is silent as to scows and other vessels of nondescript type.

The Pilot Rules covering "lights for barges and canal boats in tow of steam vessels on certain inland waters on the seaboard, except the Hudson River, etc." may be summarized as follows:

1. "Barges and canal boats" when towed astern in tandem, are required to carry colored side lights and a white light on the stern, except the last vessel, which is required to carry two white lights on the stern. When towed abreast in such position, the colored side lights are required to be carried at the

outer sides of the bows of the outside boats, and each of the outside boats in the last tier is required to carry a white light on the stern.

2. "Barges and canal boats" when towed alongside are required to carry an appropriate colored side light on the outboard side, if the towed vessel or its cargo is high enough to obstruct the side light of the towing vessel.
3. "Barges and canal boats", when pushed ahead, are required to carry colored side lights.
4. "Scows", when towed in any position, are required to carry a white light at each end of each scow, except that when such scows are massed in tiers, two or more abreast, each of the outside scows shall carry a white light on its outer bow and the outside scows on the last tier shall each carry, in addition, a white light on the outer part of the stern.

No provision is made for colored side lights when the towed "scows" obscure the side lights of the towing vessel.

There is no legislative definition of "barge", or "scow", or "canal boat", or "nondescript vessel"; nor are there any definitions contained in the Pilot Rules. The Steamboat Inspection Service, some years ago, by informal circular letter to Supervising Inspectors, made the following definitions:

"Barge: A barge is a type of vessel of ship-shaped superior construction, being fitted with a rudder and constructed for the carrying of cargo under deck. It has no motive power of its own. Living quarters are provided for the crew, who attend to the steering, pumping, etc., incident to the voyage."

"Scow: A scow is a flat-bottom structure of broad beam and square ends and is generally used to transport mud, coal, garbage and like cargoes. It might be termed as of inferior type of construction. It does not carry cargo below deck and is of an open body type. It is without steering gear or control of its own."

"Lighter: A lighter is a broad beamed, flat-bottom craft, one type decked from end to end and the other type is fitted with a superstructure. Upon both types, no rudder is provided for steering control. By interpretation of intent as to the carriage of lights, it is set forth in a ruling by the Commissioner of Navigation and Supervising Inspector General, under date of March 26, 1923, file No. 3819, that a lighter is an inferior type of vessel as compared with barges and canal boats."

That the foregoing definitions are still more or less generally applied has been confirmed by your Committee by recent correspondence with the Coast Guard.

The local Pilot Rules promulgated for various local inland waters are by no means in agreement. The rules relating to the Hudson River and adjacent waters are more or less comprehensive. They provide, in general, that "barges and canal boats" shall carry white lights except when pushed ahead of the towing vessel, and that "barges and canal boats" include "all nondescript vessels known as scows, canal boats, lighters, and vessels of similar type".

The rules applicable to other local waters provide, in some cases, for colored side lights, and in other cases, for white lights. For the purpose of this report, we need note only that they are not in agreement.

DISCUSSION

The Committee finds that there is no agreement among practical shipping people or among maritime lawyers, as to the definition or description of the various types of vessels under consideration. Furthermore, they find that there is no unanimity among those people as to the lights which different types of vessels should be required to carry, even if such vessels could be accurately and authoritatively defined.

In submitting the problem and obtaining the views of members of the Association in other sections of the country, the Committee asked whether, in general, any reason existed why the rules should not be uniform for all inland waters in respect of similar types of vessels when towed in similar positions, and whether the rules relating to New York waters might not be acceptable as a starting point for such general rules, with such additions or modifications as may appear to be necessary or desirable.

The responses show a general opinion that uniform rules are workable and desirable; but they do not indicate unanimity as to what those rules should be. The majority of our correspondents agreed, however, that the New York rules would make an acceptable starting point. The chief criticism of the New York rules has been that they should provide for colored side lights when the vessel is towed alongside and when the towed vessel or its cargo obstruct the side lights of the towing vessel. It has been suggested that where the vessel is towed alongside, and where the forward white light of the towed vessel is ahead of the towing vessel, the visibility of such light should be confined to ten points on each side, to avoid interfering with the vision of the navigator of the towing vessel.

CONCLUSIONS

The members of the Committee are unanimous as to the following conclusions:

1. The Inland Rules and Pilot Rules, considered together, are confusing and conflicting, and require comprehensive revision.

2. It is not satisfactory to approach the problem by definition of the various classes of vessels.
3. It would be desirable to have uniform Pilot Rules applicable to all inland waters of the United States; subject, however, to any actual and necessary—as distinguished from customary or historical—local requirements.
4. The proper approach would seem to be to revise the Pilot Rules applicable to all inland U. S. waters (which now require “barges” and “canal boats” to carry colored side lights), and to eliminate the distinction between “barges”, “canal boats”, “scows”, and “nondescript” craft.
5. The present New York rules provide a generally acceptable structure; subject to certain necessary revision.

It should be noted that the scope of this report is limited to the question of lights on towed vessels in inland waters. It is not intended to discuss the Rules in general or to suggest a general revision—whether or not such general revision is necessary or desirable.

RECOMMENDATIONS

Obviously any change in the Inland Rules or Pilot Rules will have to be made by the United States, acting through the Coast Guard, and ought to be made only after extensive study, inquiry and hearing. The Committee assumes that its authority is limited to a preliminary study of the problem for the purpose of suggesting to the Association the general need for revision. It suggests the desirability of obtaining comprehensive suggestions from maritime lawyers and shipping people in respect of the problem and its remedy.

The Committee recommends, in conclusion, that the present situation is unsatisfactory and ought to be changed, and that after the views of the membership are ascertained, the Coast Guard ought to be asked to conduct a comprehensive review of the entire subject, with a view toward obtaining the adoption of proper legislation and rules.

If this Committee is to be continued, it is suggested that its membership should be increased to the extent necessary to have one member from each section of the country.

Respectfully submitted,

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