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COMMANDANT INSTRUCTION 16010.9

Subj: GUIDANCE FOR COAST GUARD COORDINATION OF MARINE TRANSPORTATION SYSTEM (MTS) IMPROVEMENT EFFORTS AT THE REGIONAL AND LOCAL LEVEL

Ref:
(a) U.S. Department of Transportation, "An Assessment of the U.S. Marine Transportation System: A Report to Congress," September 99
(b) Guidance For The Establishment And Development Of Harbor Safety Committees Under The Marine Transportation System (MTS) Initiative, NVIC 01-00, COMDTPUB P16700.4
(c) 2001 Harbor Safety Committees National Register: Comprehensive National List of Existing HSC and HSC Like Organizations, March 01
(d) MTS Regional Dialog Session Summaries
(e) Committee Management Policy and Procedures, COMDTINST 5420.37
(f) Atlantic Area/Maritime Defense Zone Atlantic Best Practices Program, LANTAREA/MARDEZLANTINST 16010.2

1. PURPOSE. To provide specific guidance to Area, Districts, and field commands engaged in local and regional coordination of MTS improvement efforts. Reference (a) called for improved coordination of MTS issues at all levels by public and private stakeholders. This instruction builds upon the guidance presented in reference (b), which focuses on coordination within local MTS committees such as Harbor Safety Committees (HSCs) and similar public/private sector coordinating bodies.

2. ACTION. Area and district commanders, commanding officers of headquarters units, assistant commandants for directorates, Chief Counsel, and special staff offices at Headquarters shall ensure that the provisions of this Instruction are followed.

3. DIRECTIVES AFFECTED. None

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4. BACKGROUND.

a. References (a) through (d) can be found on the Coast Guard Intranet at http://cgweb.comdt.uscg.mil/g-mw/docs.htm, or on the Coast Guard Internet at http://www.uscg.mil/hq/g-m/mts/docs.htm.

b. The MTS Initiative is a Secretary of Transportation led effort in response to the reality that U.S. ports are not positioned to deal with the changing nature and volume of maritime trade over the next two decades. The initiative calls for a broad-based, systems approach to managing waterways. Reference (a) sets forth a series of recommendations designed to improve the nation's MTS. The marine transportation system defined in this initiative is comprised of three primary components - waterways, ports and their intermodal connections. These components, along with vessels, vehicles and MTS users, make up the MTS. Each component is a complex system within the larger MTS and is extrinsically linked with the others. The MTS itself is a valuable sub-system of our nation's overall transportation system. All MTS stakeholders must work together to ensure that the system can support the level of traffic expected in the next century in a safe, secure, efficient, and environmentally responsible manner. Coast Guard Areas, Districts and field commands should familiarize themselves with reference (a) and specifically review the recommended actions called for at the regional and local level in chapter six.

c. The MTS report recommended the creation of a stakeholder coordination framework. Two key elements of the framework are the MTS National Advisory Council (MTSNAC), comprised of private sector members and the Interagency Committee for the MTS (ICMTS), comprised of federal government agencies and chaired by the Assistant Commandant for Marine Safety and Environmental Protection. Other elements include regional and local MTS committees. At the time of publication of this instruction only two Regional MTS Committees exist: the Great Lakes Waterways Management Forum and the South Atlantic MTS Organization (SAMTSO). References (a) through (c) generically refer to local MTS committees as "Harbor Safety Committees," though only 10 percent of the identified HSCs use this three-word phrase in their titles. Additionally, this term, although accepted as a generic label for these committees does not provide a complete descriptor of their responsibilities. Therefore, it is important to remember that many of these groups consider a wide range of issues concerning the MTS in addition to safety, such as environmental and security concerns. A complete listing and description of all the identified local MTS committees or HSCs are listed in reference (c).

d. Three HSC National Conferences have been held to date. The last two conferences attempted to show how the HSCs fit into the larger Marine Transportation System and how they can be a vital part of the MTS Initiative to improve this system. This effort has met with mixed success. While some HSCs have quickly adapted to becoming the local or port MTS committee, other HSCs have remained adamant that they should not expand beyond their original mandates or missions to address only safety for their port area. Respecting their local knowledge and expertise, we cannot (and should not even try to) force HSCs to change in a way that might jeopardize their effectiveness and vital role in improving port and waterway safety in their areas. However, we should try to ensure that all local MTS issues have a proper forum in which to be

addressed. This forum may be an HSC that is willing to expand its role to consider a wide range of MTS issues, it may be a separate committee that covers all MTS issues not addressed by the existing HSC, or it may be an overarching body that coordinates MTS issues for several local committees that together make a complete local MTS coordination system.

5. DISCUSSION.

a. **Prioritization of Local Efforts.** Within the ICMTS **t**he first order of business was to develop an Implementation Plan, which is a baseline document of actions underway or planned by the member agencies that correspond with the strategic areas of action in the MTS Report. The ICMTS is developing an MTS Strategic Plan that will incorporate the Implementation Plan and help to prioritize MTS efforts and set long, mid and near term goals at the national level. However, at present one of the highest priorities of the ICMTS and MTSNAC and at least one Regional MTS Committee is raising awareness of the MTS through outreach. The priority for local MTS efforts should reflect this, but should also seek to strengthen the network of local MTS committees such as HSCs through partnerships. Once the local MTS committees or HSCs have been assessed as called for by reference (b), local efforts can focus on addressing the recommendations found in reference (a). Reference (a) recommends a systematic approach through the use of risk assessments to identify and address safety and environmental protection issues. Risk assessments, such as port vulnerability assessments, are also proposed for security related issues. Finally, Area and District (m) and (o) offices should coordinate MTS efforts across program lines to ensure a "systems" approach that considers all Coast Guard waterways management responsibilities. Therefore, it is recommended that near term local efforts focus on the following three priorities, which will be explained in more detail in the remainder of the "Discussion" section.

(1) Partner with local stakeholders to ensure an effective local MTS coordination network exists

(a) Use reference (b) to assess existing HSCs or other local MTS committees

(b) Identify or establish a committee or committees able to address all local MTS issues

(c) Use systematic approach through risk assessments to identify safety, security, environmental, and other port or waterway issues

(2) Develop a local MTS Awareness and Outreach Plan

(3) Coordinate MTS and Waterways Management efforts across program boundaries

b. **Effective MTS local coordination network.** It is essential to provide a complete local MTS coordinating structure to improve the MTS by effectively addressing the recommendations of reference (a) and other MTS issues at the local level. The Coast Guard's efforts to assist, establish, or expand HSCs and/or other MTS committees represent important local partnerships with MTS stakeholders.

(1) Each Captain of the Port (COTP) should ensure that every major port or port area within his or her Area of Responsibility is represented by an MTS committee. To accomplish this, COTPs should first identify HSCs or other MTS committees within their areas of responsibility. If there are major ports or port areas found not to be represented by an MTS committee, COTPs should use their local waterway leadership role to encourage establishment of a committee with the generic traits and organizational structure as outlined in reference (b). If HSCs or local MTS committees are found to already exist, COTPs should evaluate the level and quality of their involvement with each committee and the committees' current structure and mission. Reference (b) should be used as a guide, whether establishing a new MTS committee or evaluating and possibly enhancing an existing HSC.

(2) Normally, there is much less representation at secondary ports. It is appropriate to ensure secondary port interests are addressed in a local coordinating forum. The key is the desire of the local stakeholders to establish the forum. Where it is desired, COTPs are directed to engage secondary port stakeholders in this regard and encourage the establishment of a coordinating forum. This can be within an existing HSC or local MTS committee for a nearby major port or a separate forum can be established.

(3) COTPs should encourage HSCs or other local MTS committees to consider and act upon, as appropriate, the recommendations from reference (a) that are local in nature. Implementation of MTS Report recommendations will necessarily require stakeholder coordination as well as direct and indirect leadership by the COTP.

(4) It is important to establish a security subcommittee in each port to address security issues recommended in reference (a) such as terminal and port vulnerability and threat assessments and to address the recommendations from the Presidential Interagency Commission Report on Crime and Security in U.S. Seaports. This subcommittee can be within an existing HSC or other MTS committee or as a stand-alone committee.

(5) In many cases, membership on existing committees may be more limited in scope than is recommended by references (a) and (b). COTPs should encourage local committees to expand the boundaries of existing membership beyond the traditional marine milieu to include a broader representation of MTS stakeholders. This could include other Coast Guard operational commands, labor, environmental groups, recreational boating, local government, local and state politicians, intermodal concerns, citizens groups, academia and others. Coast Guard Auxiliarists and U.S. Power Squadrons are a potential source of liaisons to the recreational boater community.

(6) Local port stakeholders should view the Coast Guard's involvement as assistance, guidance, and support. It is not the intention of the Coast Guard to mandate or to control these organizations, but it is the Coast Guard's intention to actively promote and encourage the establishment and expansion of the scope of these organizations where necessary to address the myriad of issues facing ports such as security, mobility and environmental protection. COTPs should encourage and facilitate private stakeholder leadership of HSCs and local MTS committees. Temporary COTP leadership may be necessary for their establishment, but for long term relationships Coast Guard membership vice leadership is desirable.

(7) In coordinating, supporting or participating in the activities of HSCs and other local MTS committees, COTPs should be aware of the provisions of the Federal Advisory Committee Act (FACA) as implemented by reference (e). HSCs and other local MTS committees will not be advisory committees under FACA if they are organized and run in accordance with the guidance contained in reference (b). However, departure from that guidance, for example, through Coast Guard control of a committees' governance or agenda, could convert an HSC or other local MTS committee into an advisory committee required to comply with the provisions of FACA. Any questions on this matter should be referred to your servicing legal office or Commandant (G-LRA).

(8) A web-based communication medium has been developed by the Coast Guard to provide inter-HSC/MTS committee dialogue as well as linking local committees to coordinating bodies at the regional and national level. The "National Harbor Safety Committee Website," will act, as the name implies, as an information clearinghouse. Its Internet address is http://www.uscg.mil/harborsafety. COTPs should highly encourage all HSCs or other local MTS committees to participate in this communication/information hub. All issues related to the website including technical or content issues should be directed to Commandant (G-MWP-1). The site is expected to be used to exchange best practices, success stories and lessons learned between local coordinating committees and to facilitate communication and awareness of critical, regional or national MTS issues to the national level.

(9) Although not required by reference (a), Regional MTS Committees can provide an important forum for dealing with MTS issues that are common to more than one local committee, but which cannot be effectively dealt with at the local or national level. To be effective, these committees must facilitate the efforts of the HSCs or other local MTS committees without becoming an added bureaucratic level that hinders communication between the local committees and ICMTS or MTSNAC. Areas and Districts should review the summaries of the Regional Dialog Sessions, reference (d), and bring together the key MTS leaders that attended these meetings to decide the next step in improving regional coordination of MTS issues. As with HSCs or other local MTS committees, the Coast Guard should encourage private sector leadership that will increase the ownership of the MTS Initiative by private stakeholders. Issues regarding regional coordination should be referred to Commandant (G-MWP-1).

(10) Risk-Based Decision-Making should be incorporated into the daily business and decision-making routines of all commands, HSCs, or other local MTS committees to achieve organizational goals. To help accomplish this, G-M has published the Second Edition of the Risk-Based Decision-Making Guidelines (RBDM Guide, 2001 edition) http://www.uscg.mil/hq/g-m/risk/rbdmg/contents.htm. The RBDM Guide provides a broad assortment of tools that can be adapted to a variety of potential HSC needs and provides detailed guidance on how each is used. The RBDM Guide recommends stakeholder involvement, especially with regard to risk assessment, management and communication issues. In addition to the RBDM Guidelines, there are a number of additional tools that can be applied to local waterways and operations including the Waterways Evaluation Tool (WET), Ports and Waterways Safety Assessments (PAWSA), the Passenger Vessel Association Risk Guide, and others. While WET is still in development, the other tools mentioned are already available to use and can be coordinated through the COTPs. Contact Commandant (G-MWV) for further information regarding the use of PAWSA or WET and contact Commandant (G-MSE-1) for technical RBDM assistance. Another resource is the Waterways Analysis and Management System (WAMS) coordinated through District Aids-to-Navigation and Waterways Management Branches. The goal is to use WAMS as an MTS tool while maintaining its traditional AtoN focus. Local Coast Guard units should be able to provide support to assist HSCs or other local MTS committees in adopting the most appropriate form of risk assessment for their areas and specific issues.

c. **MTS Outreach and Awareness Campaign.** The Coast Guard, in partnership with MTS stakeholders should be a catalyst for local and regional MTS outreach and awareness campaigns. This campaign should target MTS stakeholders, a broad section of the public, and elected officials. The objective is to raise awareness regarding the value of investing in and improving our MTS.

(1) Some key areas that benefit from improving the MTS and that can also suffer if the MTS is not improved are the Nation's economy, safety, national security, environment, and quality of life. These general themes can be incorporated into an outreach message.

(2) Both national MTS bodies, the MTSNAC and ICMTS, have subcommittees that work on outreach and awareness. Outreach tools developed by MTSNAC and ICMTS such as talking points, presentations, fact sheets, etc. can be adapted by the regional and local bodies for their use. Much of this material can be accessed on the Department of Transportation (DOT) and MTSNAC websites at www.dot.gov/mts and www.mtsnac.org respectively. Letters have been sent by the Secretary of Transportation to all the state governors to introduce the MTS Initiative and to ask for state involvement in the MTS Initiative. Regional MTS Committees and HSCs or other local MTS committees can take advantage of this introduction to seek to meet with the governors or their representatives in seeking their support. A list of State MTS Points of Contact is available from Commandant (G-MWP-1) and the DOT MTS website.

(3) One way for field units to increase their outreach is through the use of their Sea Partners Teams. The Sea Partners Program is a dedicated education and outreach effort that has been accomplished mainly through the Reserves. This program has experience and existing contacts within the port community that can help move the MTS message forward. MTS outreach materials and talking points are being developed for the Sea Partners and MTS training is being incorporated into the annual training curriculum for the Sea Partners Program. Coast Guard Auxiliarists and U.S. Power Squadrons also engage in education and outreach to the recreational boating community and could be a valuable resource for unit MTS outreach efforts at boat shows, training functions and in other venues.

d. **Internal CG coordination of Waterways Management and MTS efforts.** Improved coordination between Coast Guard Operational and Marine Safety Programs is crucial to effective local partnerships, awareness efforts and efficient use and acquisition of the resources necessary to undertake these efforts. For example, a successful outreach and awareness campaign is dependent on the use of a consistent message across program lines. Efforts to coordinate overlapping functions will reduce redundant efforts and leverage resources between Coast Guard assets such as Marine Safety Offices (MSOs), Groups, Stations, AtoN units, Reserves, Auxiliarists, and Seapartners.

(1) Efforts are underway at the program level in Coast Guard Headquarters to better align the mobility portions of the M and O Business Plans. The same type of cooperation and coordination is needed at all levels with regard to policies, resource requests and field activities.

(2) It is recognized that the enhancement or establishment of HSCs, other local MTS committees, and Regional MTS Committees as well as outreach programs will add time, effort and possibly fiscal burdens to units and local port stakeholders. Additional resources, including new billets are being sought to augment local staff as well as district and area staffs. Current resource levels, however, will require prioritization of MTS efforts by area and district staffs and local commands.

(3) Mobility is a strategic goal of both the “M” and “O” Business Plans. While the traditional Coast Guard approach, places most emphasis on safety, environmental protection, and security, the Coast Guard has always had an important role in facilitating trade. Where regulatory issues require a particular safety item, provisions often allow for substitution of “equivalent” levels of safety. Similarly, economic issues should be considered in the waiver, appeal, and civil penalty processes. The Coast Guard is one of the very few agencies that has both the discretion and tradition of successfully balancing economic issues with those of safety and environment. Our partnerships and industry training programs are excellent examples of our long-standing commitment to ensuring that we understand the issues of those companies we regulate. Our emphasis on Risk-Based-Decision-Making will help ensure that this tradition continues.

(4) The COTPs are the lead Coast Guard representatives in HSCs or other local MTS committees. Vessel Traffic Services (VTS) Commanding Officers and staff are also closely involved and active in HSCs. District Commander staff (such as oan or m), Group Commander, Air Station and Aids to Navigation Unit participation is strongly encouraged, but should be coordinated with the COTP. Districts, Groups, AIRSTAs, VTS and AtoN Units may have established relationships with other port stakeholders such as local port authorities and state agencies. It is important that these relationships continue and fit seamlessly into the HSCs' or other local MTS committees' initiatives. Stakeholders should see a unified Coast Guard approach and position on local issues.

(5) The District/Area Commander is the lead Coast Guard representative in Regional MTS Committees. This, however, may be delegated to the District/Area Chief of Marine Safety who should coordinate closely with District/Area Chief of Operations and more specifically with District/Area Aids to Navigation staff.

e. **Best Practices.** Recognizing best practices and success stories within the Coast Guard and within partnerships such as HSCs and then communicating these practices to others is vitally important to finding ways to improve the MTS and overcome its challenges. All Coast Guard commands are encouraged to actively seek to identify and disseminate best practices/success stories within Coast Guard WWM operations and within Coast Guard partnerships. Reference (f) is an example of a process that can be used for the submission, review, and dissemination of Coast Guard best practices. HSC and other local MTS committee success stories or best practices should be forwarded to Commandant (G-MWP-1) to publish on the National HSC Website.

6. REPORTING REQUIREMENTS. Because the Waterways Management Directorate and the Mobility section of the M and O Business Plans are recent developments, many of the measurements required to develop strategic goals and objectives have not been fully developed. It is necessary, therefore, to collect periodic information that can be used to more fully develop the M and O Business Plans, subsequent policies and other forms of guidance or management assistance. A portion of this information will be collected through the Marine Information for Safety and Law Enforcement (MISLE) Database. However, an immediate and WWM/MTS specific method of data collection is also necessary. Enclosure (1), OT-RCN-16010-4 titled WWM/MTS Activity Report, is a one time reporting form for WWM/MTS Activities at the Area (m), District (m) and MSO levels that will help give a baseline measurement of MTS related efforts that support the objectives in paragraph 5.a. of this document. This form will be available electronically on the Waterways Management Directorate Website and is due 150 days after the effective date of this instruction.

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Encl: (1) WWM/MTS Activity Report

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WWM/MTS Activity Report

OT-RCN-16010-4

1. **Identify unit WWM/MTS Point of Contact:**

2. **External MTS Efforts**
   a. Enhancement/Establishment of Local and Regional MTS Committees, using NVIC 1-00.
      (1) Progress (include establishment of subcommittees, e.g., security)

      (2) Challenges

   b. MTS Report Recommendations
      (1) Identify MTS Report recommendations applicable to the regional or local level.

      (2) Match recommendations to the proper regional/local committees or HSCs.

      (3) Efforts to address MTS Report recommendations

   c. HSC Website Status.*
      (1) Are Local HSCs part of the National HSC website?

      (2) Efforts to promote use of the National HSC Website.

   d. Use of Risk Management /Assessment by HSCs or other local MTS committees.
      (1) Progress

      (2) Challenges

   e. MTS Outreach Efforts
      (1) Use of Sea Partners

      (2) HSC/Local MTS Committee Efforts

      (3) Coordination Efforts between HSC/Local MTS Committee and Sea Partners

      (4) Area/District efforts

3. **Internal WWM/MTS Efforts**
   a. Communication Plan for information sharing between all O/M Commands within COTP AOR.
      (1) Progress

      (2) Challenges

   b. Coordination of overlapping functions between Coast Guard assets.
      (1) Progress
      (2) Challenges

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* Efforts to establish Regional MTS Committee Websites should also be listed.