

Hearing  
Commercial and Passenger Vessel Safety: Challenges and  
Opportunities

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Subcommittee on Coast Guard and Maritime Transportation  
Committee on Transportation and Infrastructure  
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## **Introduction**

Good afternoon. I am Colleen Stephens of Valdez, Alaska. My company, Stan Stephens Glacier & Wildlife Cruises, operates two 149-passenger Coast Guard-inspected sightseeing vessels. We offer multi-hour cruises to view glaciers and wildlife in Prince William Sound. We have been in business 48 years and carry roughly 18,000 persons each year from May to September.

I testify in my capacity as Vice President of the Passenger Vessel Association (PVA). PVA is the national trade association representing owners and operators of U.S.-flagged, Coast Guard-inspected passenger-carrying vessels of all types, including sightseeing and excursion vessels, vehicle-carrying and passenger-only ferries, dinner cruise boats, whalewatching vessels, gaming vessels, “small-ship” overnight cruise vessels, and windjammers. Our members operate approximately 1,500 vessels. Our total membership is about 600 companies, including associate members who are shipyards, engine manufacturers, naval architects, marine equipment suppliers, and insurance companies.

## **PVA’s Roots in Safety**

PVA and the industry that we represent have a responsibility to be ever-vigilant in addressing safety concerns. An essential reason for PVA’s existence is to promote safety among its members and indeed among all operators of domestic passenger vessels. We believe strongly that this is a primary mission of our association. To meet this responsibility, PVA develops and offers effective training programs and tools that vessel operators can easily implement.

PVA has deep roots in safety. In fact, the association was formed nearly 50 years ago around a need to identify reliable sources of marine insurance and to work with the Coast Guard on regulatory matters and vessel inspection issues.

In those early days, PVA (then the National Association of Passenger Vessel Owners) was made up of a relatively small group of individuals who operated primarily on the U.S. Inland River System. These operators were industry pioneers, who in many cases fashioned their businesses to reflect the romance associated with our country’s rich riverboat history. While they built their businesses, they also recognized the need to expand training to protect passengers and crew. As the association grew, its members became more diverse, and PVA started attracting other types of vessel operators as members. A prime attraction

for these new members was their desire access safety training tools produced by PVA.

An essential component of PVA is its Safety, Security and Risk Management Committee. The committee's volunteer members have produced and released an array of new training tools, manuals and guidelines for PVA members to use in company training programs. These include:

- Preventative Maintenance checklists and guidance documents;
- Deckhand and Senior Deckhand training manuals;
- PVA/Coast Guard Risk Guide;
- Rail Jumper Guidance;
- Crew Drug Testing tools;
- Video training tools on firefighting, line handling, lifesaving equipment, personal safety for crew members, and preventing slips, trips, and falls; and
- A white paper focusing on combatting "slips, trips and falls" aboard passenger vessels.

More recently, PVA launched an online crew training program to help PVA members make their safety and risk management programs and training even easier, effective, and more sophisticated.

Following enactment of the Coast Guard and Maritime Transportation Act of 2010, PVA developed its own Safety Management System (SMS) expressly for domestic passenger-carrying vessels. We call it "Flagship." In June 2017, the Coast Guard's Director of Inspections and Compliance characterized the Flagship SMS as a "remarkable achievement" and advised PVA that "Flagship SMS meets the objectives and functional requirements for a SMS as per 33 Code of Federal Regulation (CFR) Part 96, and this voluntary program can be accepted by the Coast Guard as it endeavors to enhance regulatory compliance and safety on domestic passenger vessels."

All PVA safety products are such that they can be used by and benefit smaller vessel operators, such as myself, as well as larger organizations with fleets of 20 or more vessels.

PVA works closely with the U.S. Coast Guard and the National Transportation Safety Board (NTSB). Its relationships with both government entities helps to continuously raise the bar on safety. We interact with the Coast Guard in many venues, but especially in a formal body known as the Coast Guard-

PVA Quality Partnership (QP) in which leaders of both organizations meet at least twice a year to examine pressing issues. At our most recent QP meeting at Coast Guard Headquarters last week on November 7, we discussed what PVA has done to communicate safety information to members following the fire on the California dive boat *Conception* (not a PVA member). Over the years, the NTSB has made several recommendations to PVA, and we have responded appropriately to them. For example, PVA has convened two “summits” of amphibious vehicle operators to discuss best safety practices in this segment of the industry.

### **Importance of Coast Guard’s Safety Mission**

PVA’s efforts to promote safety by passenger-carrying vessel operators depend heavily on an engaged, well-trained, and adequately-funded Coast Guard Marine Safety Mission. Coast Guard inspectors visit and rigorously examine domestic passenger vessels at least once a year. Any detected deficiencies must be corrected. Having this direct Coast Guard presence on passenger vessels is essential and has successfully promoted safety.

It is imperative that the Coast Guard safety function be preserved. In the early 2000s, as the Coast Guard made security a priority after enactment of the Maritime Transportation Security Act of 2002, the agency allowed its Marine Safety function to deteriorate. The situation became alarming enough that in 2007 this committee, under the leadership of Chairmen Oberstar and Cummings, convened a hearing to press the Coast Guard to reinvigorate its marine safety mission. Then-Commandant Thad Allen promised corrective action, and the result was the action plan entitled *Enhancing the Coast Guard’s Marine Safety Program*. After its issuance, things improved. However, PVA encourages this Subcommittee to review the objectives of *Enhancing the Coast Guard’s Marine Safety Program*. Are they still being met? Specifically, are the goals for number of marine inspector billets being filled?

Occasionally, some have suggested that a response to Coast Guard budgetary constraints would be to delegate inspection functions of domestic passenger vessels to a third-party organization, as has been done for towing vessels and certain deep-sea vessels. PVA adamantly believes that this would be a mistaken policy. It would deprive Coast Guard marine safety personnel of intimate knowledge of the domestic passenger fleet and would “drive a wedge” into the current good relationship between passenger vessel operators and Coast Guard personnel. Furthermore, third-party organizations such as classification societies do not have expertise regarding smaller passenger vessels that operate on domestic

routes. The current commitment to direct Coast Guard inspection of domestic passenger vessels is the preferable policy and is the best way to promote safety.

### **Illegal Charters**

Many years ago, Congress determined that a vessel that carries six or more passengers “for hire” must satisfy numerous and rigorous safety standards and that it must be inspected by the Coast Guard at least once annually to ensure compliance. The key statute is the Passenger Vessel Safety Act of 1993.

These requirements exist primarily for the safety of paying passengers. A person who purchases a ticket to ride on a compliant commercial vessel should be confident that the vessel is constructed properly, that its master and crew are properly certified and trained, and that it has appropriate fire protection, communications, and lifesaving equipment. The annual Coast Guard inspection ensures that the vessel meets these requirements.

Far too frequently, a person with full knowledge of the Coast Guard requirement tries to take a regulatory “short cut” and make a buck by using an uninspected vessel to carry passengers for hire. This is illegal and jeopardizes the safety of passengers.

Last year in Miami, the unlicensed captain of an illegal charter vessel killed a paying passenger by losing track of the number of swimmers in the water and running the boat over an unaccounted-for customer. The Coast Guard had previously issued an order telling the vessel owner to cease offering illegal charters. The captain pleaded guilty to violating the Seaman’s Manslaughter Act and has received a prison term.

In March 2017 off the coast of St. Petersburg, Florida, a swimming passenger from an illegally-operated charter vessel carrying 15 passengers was swept away from the boat. Violating well-understood safety rules, an untrained deckhand dived into the sea attempting to save the passenger. Both the passenger and the deckhand drowned.

The problem of illegal charters has always existed, but it seems to have become much worse with the proliferation of boat-sharing web sites. In the past, the illegal operator had to “advertise” locally by word of mouth. Now it is simple to market an illegal charter to a nationwide audience with a listing on a boat-sharing web site. There are many such web sites. The sponsor of the web site doesn’t know or care whether the vessel is operating legally, and it’s virtually impossible for the potential customer to tell.

The Passenger Vessel Association has been “sounding the alarm” about the prevalence of illegal charters to the Coast Guard for several years. We are gratified that the Coast Guard, especially in certain geographic areas, recognizes the problem and has cracked down. Coast Guard units in Chicago, Miami, and elsewhere have undertaken extensive education and enforcement actions. Individual illegal charter voyages have been halted, owners and captains have been assessed civil fines, Captain of the Port orders to cease operations have been issued, and now we are beginning to see criminal penalties imposed on repeat offenders. PVA applauds the Coast Guard for these actions, but the temptation for people to engage in illegal charters is so compelling that enforcement often seems to be a game of “whack-a-mole.”

PVA encourages this Subcommittee to stand by the statutory and regulatory requirements for safety on vessels that carry passenger “for hire” and to signal to the Coast Guard that enforcement actions against operators of vessels that carry passengers illegally should remain a high safety priority.

### **Conclusion**

Thank you for this opportunity to participate in this hearing. An essential reason for PVA’s existence is to promote safety among its members and indeed among all operators of domestic passenger vessels. Congress can best support safety on domestic passenger vessels by strongly supporting and adequately funding and staffing the existing Coast Guard Marine Safety Mission with direct inspection of passenger vessels. Combatting the proliferation of illegal passenger vessel charters is an important component of that safety mission.