



## Maritime Law

### America's Marine Highway

On April 9, 2010, the Department of Transportation published its final rule on America's Marine Highway. The interim rule was published on October 9, 2008 as a result of the Energy Independence and Security Act of 2007, which required the Department of Transportation (DOT) to establish a short sea transportation program and *designate short sea transportation projects to be conducted under the program to mitigate surface congestion.*

Two years later, we now have final regulations, but no designated corridors. It is intended that Marine Highway Corridors will integrate America's Marine Highway to surface transportation. The corridors will be identified at some unspecified date in the future after applications are received and approved.

A Marine Highway will carry cargo or passengers by vessel from one U.S. port to another



Sandra L. Knapp, Esquire

A Marine Highway will carry cargo or passengers by vessel from one U.S. port to another U.S. port (including a port in Canada in the Great Lakes system), and mitigate the effects of landside congestion such as *increased emissions and energy inefficiencies.*

U.S. port (including a port in Canada in the Great Lakes system), and mitigate the effects of landside congestion such as *increased emissions and energy inefficiencies.* It is anticipated that the Marine Highways will lessen the need for new landside infrastructure and will generate fuel savings and efficiencies.

Will it happen in our lifetime? Will there be public funding for the new or improved ports, terminals and vessels that will be needed? Will all the jurisdictions along the corridor agree on the routes and the cost-sharing? Will private enterprise be able to thrive and find funding?

The most interesting statement in the final rule is the reference to a dual use vessel which is capable of being used in this new commercial service and also by the Department of Defense (DOD) for military sealift uses. Now, that makes sense.

Sandra L. Knapp, Esquire

Gawthrop Greenwood, PC Attorneys at Law

17 E. Gay Street Suite 100 P. O. Box 562 West Chester, PA 19381 - 0562

Phone 610.696.8225 Ext. 126 Fax 610.344.0922 sknapp@gawthrop.com