

**TRAILERING/TOWING VEHICLE**  
**(September 2004 Coast Guard Policy Memo)**

The Coast Guard has concluded that the Coast Guard is not authorized, by statute, to accept the use of an Auxiliarist's vehicle to execute a Coast Guard mission. The statute (14 USC 826) is titled "Use of member's facilities". The statute authorizes the Auxiliary to utilize 1/3ny motorboat, yacht, aircraft or radio station placed at its disposition. The statute makes it clear that a facility may only be a motorboat, yacht, aircraft or radio station (not a motor vehicle or trailer) offered for use by a citizen or state government (not the federal government). Once a facility (as defined above) is accepted by the Coast Guard, 14 USC 830 permits the use of appropriated funds to pay claims for the replacement or repair of the facility or equipment. Under Chapter Eight of the Claims and Litigation Manual, the Coast Guard has determined that vehicles and trailers may be considered equipment necessary to the operation of a *facility*. This means that vehicles and trailers may not actually be facilities, but they may be considered necessary equipment when they are associated with or connected to a facility.

When an Auxiliarist uses his personal vehicle to tow an **Auxiliary Facility** on a trailer and an accident occurs,

(It is assumed here that the towing was a properly authorized official duty for the Auxiliarist.)

1. The CG and the United States will defend and pay any losses to injured third parties for personal injury or damaged/destroyed property.
2. All injured CG employees and Auxiliarists will be covered for their personal injuries by Workman's' Compensation in accordance with applicable law.
3. The appropriate person/owner will be reimbursed for damage or destruction of the facility and all necessary equipment to include trailers and motor vehicles in accordance with the Claims and Litigation Manual.

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An Auxiliarist may not avail himself of the protections afforded by Chapter Eight of the Claims and Litigation Manual when trailering a CG owned vessel. Since the CG owned vessel cannot be considered a facility under 14 USC 826, the trailer and vehicle may not be considered necessary equipment under 14 USC 830. Therefore, the liability, the risks and the reimbursements will be much different.

When an Auxiliarist use his personal vehicle to tow a **Coast Guard vessel** on a trailer and an accident occurs:

(It is assumed here that the towing was a properly authorized official duty for the Auxiliarist.)

1. The CG and the United States will defend and pay any losses to injured third parties for personal injury or damaged/destroyed property.
2. All injured CG employees and Auxiliarists will be covered for their personal injuries by Workman's Compensation in accordance with applicable law.
3. The CG will **not** proceed against the Auxiliarist for the loss to its trailer or vessel.
4. **THE CG CANNOT AND WILL NOT REIMBURSE THE AUXILIARIST FOR**

THE DAMAGE TO THEIR VEHICLE THAT WAS TOWING ANY  
GOVERNMENT VESSEL.

The everyday application of this policy is that an Auxiliarist is subject to the risk of the total loss of his vehicle while towing a CG vessel and will not be reimbursed in any manner by the CG. All other risks will be assumed by the CG. An Auxiliarist should therefore contact his vehicle insurance company to make sure that he/she is not excluded from coverage while doing volunteer service for the CG and to notify the insurance company that the U.S. Government will not cover vehicle damage. Coverage is very individualistic among the insurance companies and each case is handled on a case-by-case basis. Experience has taught us that these inquiries should be made before any towing takes place and the insurance company should be requested to provide an answer in writing.