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AMERICAN PILOTS' ASSOCIATION

COMMENTS ON STATE PILOT COMMISSIONS

August 2017

INTRODUCTION

A pilot commission is the single most important component of a state system for the regulation of pilotage. Ultimately, the success of such a system will depend upon the performance of the pilot commission. The interests of the public and the State, as well as the shipping industry and the pilots are all served by a strong, effective pilot commission.

Pilot commissions vary widely from state to state in their composition, authority and powers, legal status, and other features. Many of the most dissimilar commissions perform equally well. As a result, there is no consensus on an "ideal" commission. In this, as in many aspects of state pilotage, local conditions should dictate, and what works well in some places may not always work as well elsewhere. Nevertheless, there is a recognition of the attributes of a commission that best serves the interests of pilots, the ship operating industry, and the public.

A pilot commission should be active. It should take its licensing responsibilities seriously. It should investigate accidents and complaints against pilots and oversee the professional activities of the pilots in a purposeful manner. It should be fair and objective in its dealings with pilots. Finally, it should be perceived as independent of both the pilot association and the industry.

REVIEW OF EXISTING PILOT COMMISSIONS

There are substantial differences in the statutory composition of pilot commissions in the various states. Appendix A contains a summary description of the pilot commissions or other pilotage regulatory authorities established in each of the 24 states

that regulate pilotage. A chart comparing the membership and jurisdiction of the commissions is provided in Appendix B. The information in both materials is current as of August 2017.

The most common commission structure (in 10 states) has specified numbers of industry representatives, pilots, and so-called "public members." In most (20) states, the governor appoints all or some of the commission members, usually with the advice and consent of one member of both houses of the state legislature. Pilot commissions operate as part of a state agency or department in several states. For example, in Florida, the pilot commission is part of the Department of Professional Regulation; in California, the State Transportation Agency; in Delaware, the Department of State; and in South Carolina, the Department of Labor, Licensing and Regulation.

As a practical matter, the composition of a pilot commission may not have a direct relationship to the quality of the commission or to the pilots' satisfaction with the commission. Some of the least effective commissions are those that look the best on paper. The performance of a commission often is dependent more on how conscientiously the appointments are made and the appointees fulfill their obligations and on the degree of attention the state government pays to its commission.

RECOMMENDATIONS BY THE APA

For the reasons discussed above, the APA has no model pilot commission to recommend. There are, however, certain features of a commission and certain things that a commission can do that the APA believes can contribute to the success of a commission.

1. A pilot commission should be part of a state agency.

In those states where the pilot commission is part of a state agency or department, the arrangement has worked well. It can provide several benefits. First, it gives the commission greater access to state resources, such as legal assistance, investigative personnel and resources, and established administrative expertise and procedures.

Second, it encourages closer support by the state for the commission. Unfortunately, in some states the pilot commissions sometimes find themselves at odds

with other entities of the state government. A pilot commission should not be undercut or publicly attacked by other parts of a state government, which can have different and seemingly incompatible objectives and concerns. By making the commission part of a state agency, policy disputes can often be resolved internally, greater understanding can develop, and regular channels of inter-agency cooperation can be established. In that way, public disagreements can be avoided.

Third, an agency-connected pilot commission is often perceived by the public as more of an official arm of the state government. A state should ensure that its commission is not viewed as an isolated, special interest-dominated body pursuing its own agenda under the color of state authority. Fourth, placing a pilot commission within a state agency facilitates state oversight of the commission. A state can more easily see that the commission is doing its job and serving the public interest.

2. A pilot commission should be assured of sufficient resources.

Whether a pilot commission is part of a state agency or is an independent body, it must be provided with adequate funding and either have, or have access to, the personnel and other resources necessary to perform its functions. The funding must be reliable and regular. In view of the importance of marine safety and the tremendous potential damages from marine casualties, it obviously makes little sense to skimp on funding for a pilot commission.

3. A pilot commission should always be prepared to act.

The work load of pilot commissions varies depending on the scope of a commission's responsibilities and the size of the pilot force it regulates. Most commissions meet on a regular basis. Some commissions in smaller ports, however, may meet only when required, for example when a trainee must be selected or an apprentice licensed or when a casualty occurs or a complaint is filed against a pilot.

Regardless of how often a commission meets, it should be ready at all times to act. It should have written regulations and procedures that are available to the public. It should be able to conduct routine administrative duties between meetings. People should

be able to communicate with it. When something happens that requires a quick response, the commission should have the appropriate procedures and capabilities already in place. This is particularly true in the case of casualties.

Like oil spill response measures, casualty investigation functions and disciplinary procedures tend to atrophy over time through non-use. The APA recommends that pilot commissions develop casualty response plans and periodically review those plans. Commissioners should know in advance what their responsibilities are and what immediate steps should be taken when a major casualty occurs. Such a review should consider, among other things: how the commission should deal with the media, what role should the commission take in Coast Guard and National Transportation Safety Board investigations, at what point and in what manner should the pilot involved report to the commission, what initial and long-term investigative actions should the commission take, and what investigative and disciplinary powers are available to the commission. It should be decided who will be responsible for the various commission activities, and the appropriate delegations of authority should be made in advance. Informational materials describing the commission, the state's pilotage system, and the commission's role in investigating casualties and overseeing the pilots should be developed and kept on hand to reply quickly to press inquiries.

This type of review might be conducted through a drill-type exercise. One or more hypothetical casualty scenarios could be proposed and the existing commission procedures could then be examined under the circumstances that the scenarios might present. Deficiencies could be identified and additional procedures or response plans developed.

4. A pilot commission should instill public confidence in the state's pilotage system.

There is a great deal of ignorance, confusion, and misinformation among the public and the media regarding the role that states play in regulating pilotage and navigation safety. A pilot commission should be visible and should conduct its business in such a way that the public and political officials can be assured that the state is overseeing its pilots and is active and conscientious in enforcing pilotage requirements.

In the case of a major marine casualty involving a state pilot operating under a state license, the pilot commission should make it clear to the media and to the Coast Guard that the *pilot commission* is responsible for taking whatever disciplinary action against the pilot may be required.

5. A pilot commission should cooperate with the Coast Guard.

A pilot commission should develop a working relationship with the Coast Guard. Both the commission and the Coast Guard should understand and respect the function, jurisdiction, and authority of the other. Many times, Coast Guard inquiries and complaints directed at pilots and pilot associations should more appropriately be directed to pilot commissions. It is important that regular lines of communication be established between the Coast Guard and the pilot commission and that the Coast Guard as well as the shipping operating industry are comfortable bringing their concerns to the commission.

CONCLUSION

The APA has long been a public and forceful advocate of stringent government oversight of pilotage. As the primary agents of state regulation, pilot commissions must be effective and responsible if state pilotage is to maintain its traditional role in preserving the efficient, safe and environmentally-friendly flow of waterborne commerce through this country's ports. Whether a state agrees with any or all of the APA's comments and suggestions offered above, the APA encourages each state to examine its pilot commission and to make whatever improvements to the commission that can be made.



AMERICAN PILOTS' ASSOCIATION SUMMARY OF STATE PILOT COMMISSIONS

(As of August 31, 2017)

ALABAMA

Commission Website: <http://www.alabamaadministrativecode.state.al.us/docs/pilco/>

"State Pilotage Commission" consisting of three members each appointed by the governor for a term of six years. Composition: One official of a steamship company with an office in Mobile, one active state pilot, and one "business or professional person" in a professional occupation licensed by the state of Alabama. Compensation for Commissioners: travel expenses, annual salary for secretary. Pilotage rates: established by the legislature; special rates fixed by the commission.

Dedicated funding source: Pilot license/privilege tax of \$100 annually "plus any reasonable additional assessment that arises and is necessarily incurred out of the performance by the pilot commission of their duties imposed by law...." The Commission receives no funding from the state legislature.

Administrative Officer/Support: Part-time Secretary

State Department/Agency Affiliation: None.

ALASKA

Board Website:

<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMarinePilots.aspx>

"Board of Marine Pilots" consisting of seven members appointed by the governor and confirmed by the legislature. Composition: Two active pilots, two agents or managers of vessels, two "public" members, (each for a term of four years) and the Commissioner of the Department of Commerce and Economic Development or the Commissioner's designee. Compensation of Board Members: None. Pilotage Rates: Set by the Board through regulation.

Dedicated funding source: Pilot licenses and agent registration fees; including biennial pilot license renewal fee of \$2,500 (as of August 2017), deputy marine pilot license fee of \$2,500 (as of August 2017) and various examination fees.

Administrative Officer/Support: Marine Pilot Coordinator may be hired by the Department of Commerce and Economic Development, with the approval of the Board of Marine Pilots.

State Department/Agency Affiliation: Department of Commerce and Economic Development.

CALIFORNIA (SAN FRANCISCO AREA ONLY)

Board Website: <http://www.bopc.ca.gov>

"Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun" consisting of eight members appointed by the governor, with consent of the senate, for no more than two four year terms. Composition: Secretary of the Business, Transportation and Housing Agency (*ex officio*, non-voting member); two active pilots; two "industry members" who are owners, officers, directors, employees or representatives of firms that are substantial users of pilotage services, one of which is from tanker operations and the other from dry cargo operations; and three public members. Regional maritime association submits three names to governor for appointment of each industry member. No public member, within the two years preceding his or her appointment, may have (a) any financial or proprietary interest in the ownership, operation, or management of tugs, cargo, or passenger vessels, (b) sailed under the authority of a federal or state pilot license, (c) been employed by a company that is a substantial user of pilot services, or (d) been a consultant or other person providing professional services to users of pilot services.

Designated funding source: up to 7.5% (4% as of August 2017) of pilotage fees paid monthly or as the Board directs. Compensation of Commissioners: for public members only, amount that the Board determines, which cannot exceed \$600.00 (\$600 on 12/31/17) dollars per month; expenses for all. Pilotage rates: statutory; Board, in response to petitions for changes in pilotage rates, makes rate recommendations to the legislature, but final determination of rates is made by legislature

Administrative Officer/Support: Executive Director and administrative assistant/secretary of the Board. The Executive Director and the administrative assistant/secretary of the Board shall not have any interest in any pilot vessel or tug, or in the earnings thereof.

State Department/Agency Affiliation: California State Transportation Agency.

CONNECTICUT

Commission Website: <http://ctportauthority.com/ct-pilot-commission/>

Pilotage regulated by the "Connecticut Pilot Commission" acting under the administrative oversight of the Connecticut Port Authority. The commission consists of nine members, one of whom shall be the Executive Director of the Connecticut Port Authority (or his/her designee) and one of whom shall be an active licensed pilot in this state operating on the Connecticut side of the [Long Island Sound] rotation system for the assignment of pilots (designated by a simple majority of pilots in this rotation). The remaining seven members are appointed (four year terms) as

follows: The Governor appoints one member representing a maritime-related industry (not a recreational industry); the president pro tempore of the Senate appoints one member representing the public with an interest in the environment (cannot have an economic interest in the subject matters of the commission); the Senate majority leader appoints one member representing the public with an interest in the environment (cannot have an economic interest in the subject matters of the commission); the Senate minority leader appoints one member who is a retired ship's master; the speaker of the House of Representatives appoints one member representing a maritime-related industry (not a recreational industry); the majority leader of the House of Representatives appoints one member representing a maritime-related industry from a shipping agent perspective; and the minority leader of the House of Representatives appoints one member with an expertise in the area of admiralty law. Each member shall be a resident of the state and, with the exception of the one active Connecticut licensed pilot designated by a simple majority of pilots on the Connecticut side of the rotation system, no member shall be an active licensed pilot. Compensation of Commissioners: expenses. Pilotage rates: Fixed by the Connecticut Port Authority, with the advice of the Connecticut Pilot Commission.

Designated funding source: Annual pilot license fee of \$105.48.

Administrative Officer/Support: Executive Director

State Department/Agency Affiliation: Connecticut Port Authority (described as a "quasi-public agency")

DELAWARE

Board Website: <http://dpr.delaware.gov/boards/riverpilots/>

"Board of Pilot Commissioners" consisting of seven members appointed by the governor (term of five years). Composition: Three pilots, and four others at least two of whom must be public members and at least one of whom must be a shipping industry representative. Shipping industry representative may not be a former pilot. Public member may not be a former pilot, related to a pilot, or have ever been employed by a pilot association or an individual pilot. Compensation of Commissioners: Mileage. Pilotage rates: Set by the legislature.

Designated funding source: Pilot license application and renewal fee not to exceed \$250, amount determined by the Secretary of Administrative Services (\$145 as of August 2017).

Administrative Officer/Support: "Commission Liaison" to the Division of Professional Regulation and Commission Secretary.

State Department/Agency Affiliation: Department of State, Division of Professional Regulation.

FLORIDA

Board Website: <http://www.myfloridalicense.com/dbpr/pro/pilotc/index.html>

"Board of Pilot Commissioners" consisting of ten members appointed by the governor (term of 4 years). Composition: five pilots (one from state at large, one from each of four specified port ranges); two maritime industry representatives ("one of whom shall be actively involved in a professional or business capacity in maritime, marine shipping, or commercial passenger cruise industry, one of whom shall be a user of piloting services"); and three public members (one member must be a certified public accountant and all individuals "shall not be involved in, or have any financial interest in, the piloting profession, the maritime industry, the marine shipping industry, or the commercial passenger cruise industry"). Compensation of Commissioners: Per Diem and travel expenses. Pilotage rates: following a public hearing, determined by the Pilotage Rate Review Committee, which is composed of the following 7 members of the Board of Pilot Commissioners: Two licensed state pilots (appointed by a majority vote of the licensed pilots on the Board); two Board members serving as maritime industry representatives, one Board member who is a certified public accountant, and the two remaining public members of the Board. Rates are determined based on statutory criteria.

Designated funding source: Fee of not more than 2% of pilot revenues (0.7% as of August 2017). Fees: \$300 maximum fee for license exam (\$200 as of August 2017), \$300 maximum fee for the review of the exam (\$200 as of August 2017), \$200 maximum biennial fee from pilots and deputy pilots (\$195 and \$95 respectively, as of August 2017), fee (up to \$1,000; currently \$150 as of August 2017) for review of pilotage rate increase.

Administrative Officer/Support: Executive Director.

State Department/Agency Affiliation: Department of Business & Professional Regulation.

GEORGIA

Board Website: <http://law.justia.com/codes/georgia/2016/title-52/chapter-6/article-1/>

The corporate authorities of Savannah, Darien, Brunswick, and St. Mary's each have the authority to appoint a Board of Pilotage Commissioners, consisting of seven commissioners, each appointed by these corporate authorities for a term of seven years (terms are staggered with one term expiring each year). Savannah and Brunswick have had the need to exercise this authority. Composition: All industry representatives or others with a maritime background ("ship agents, exporters, merchants, or other persons who are not pilots and who are engaged in or are familiar with marine shipping and with the requirements of their respective

ports"). Compensation of Commissioners: \$100 per meeting (as of August 2017), salary for secretary. Pilotage rates: Fixed by each Commission.

Designated funding source: All fines and forfeitures and \$700 annual pilot license fee.

Administrative Officer/Support: Secretary

State Department/Agency Affiliation: None.

HAWAII

Oversight Department Website: <http://hawaii.gov/dcca/pvl/programs/port/>

No pilot commission. Pilotage is regulated by the Director of the Department of Commerce and Consumer Affairs. The Director may consult with a "panel of knowledgeable individuals" appointed by the director on licensing evaluations and other matters relating to pilotage. Pilotage rates: Set by Director after a public, contested case hearing, if necessary, before a hearing officer.

Designated funding source: State appropriated funds and pilot license fee (\$380 biennial fee as of August 2017).

Administrative Officer/Support: State executive branch employees.

State Department/Agency Affiliation: Department of Commerce and Consumer Affairs.

LOUISIANA

A. Board of Louisiana River Pilot Review and Oversight

Board Website: <http://www.legis.la.gov/legis/BoardMembers.aspx?boardId=817>

Composed of eleven members appointed by the governor as follows: a pilot member of the Board of Examiners (Bar pilot); a pilot member of the Board of River Port Pilots (Crescent River pilot); a pilot member of the Board of Examiners (NOBRA pilot); a pilot member of the Board of Commissioners (Lake Charles pilot); two members selected from a list of four persons nominated by industry (not serving on the Fee Commission); two members selected from a list of four persons nominated by the Louisiana Ports Association; and three former judges who served on the Louisiana Supreme Court, a Louisiana appellate court, or a Louisiana district court who are not related to (or employed by) pilots (Part VI. §1133). Governor's appointments serve a term concurrent with the governor's term of office (board members remain in office until a replacement is appointed). Compensation of the Board Members: none.

The Board reviews and may approve or reject any proposed rule or regulation that may be adopted by any of the Boards of Commissioners or Examiners, except for rules and regulations adopted on an emergency basis. (§1135).

Designated funding source: "The board may incur necessary expenses in the discharge of its duties, functions, and responsibilities. The cost of equipment, office space, office supplies and all other necessary expenses for the administration, implementation, and enforcement of this Part shall be paid from self-generated funds or other funds made available to the board for such purpose. The board may accept grants, allocations, or appropriations from the United States government or donations, grants, or other forms of assistance from private foundations or other sources." (§1133(G)).

Administrative Officer/Support: Counsel and staff.

State Department/Agency Affiliation: None.

B. Pilotage Fee Commission

Commission Website: <http://www.legis.la.gov/legis/BoardMembers.aspx?boardId=811>

Pilotage fees set by the Pilotage Fee Commission, composed of eleven members and eight alternates appointed by the Governor as follows: (1) four members and four alternates designated by the board of directors of the four pilot associations; (2) four members and four alternates to represent industry (industry rep may not serve on Board of Louisiana River Pilot Review and Oversight); and (3) three at-large members who have no pilot or industry affiliation or pecuniary interest (Part V. §1121). Governor's appointments serve a term concurrent with the governor's term of office (commission members remain in office until a replacement is appointed). Compensation of Commissioners: None.

Designated funding source: "The costs of salaries, equipment, office space, office supplies, and all of the necessary expenses for the administration, implementation, and enforcement of [pilotage fee matters] shall be paid from self-generated funds or other funds made available to the commission for such purposes. The commission may accept grants, allocations, or appropriations from the United States government or the state government, or donations, grants, or other forms of assistance from private foundations, or other sources."

Administrative Officer/Support: Counsel and staff.

State Department/Agency Affiliation: None.

C. Boards of Commissioners and Examiners

(1) Associated Branch (Bar) Pilots

Board Website: <http://www.legis.la.gov/legis/BoardMembers.aspx?boardId=137>

"Board of Examiners of Bar Pilots for the Port of New Orleans" consisting of three members appointed by the governor (for a term concurrent with the governor's term of office; board members remain in office until a replacement is appointed). Composition: all members are pilots who have served as pilots for at least five years. Board of Examiners has license, training, and limited disciplinary jurisdiction (Part I. Subpart A. §941). Compensation of Board Members: None.

Designated funding source: None.

Administrative Officer/Support: Counsel and staff.

State Department/Agency Affiliation: None.

(2) Crescent River Port Pilots

Board Website: <http://www.legis.la.gov/legis/BoardMembers.aspx?boardId=39>

"Board of River Port Pilot Commissioners" consisting of three members appointed by governor with the consent of the Senate (for a term concurrent with the governor's term of office; board members remain in office until a replacement is appointed). Composition: all members are pilots who have been active as pilots for at least four years. Board of Pilot Commissioners has license, training, and limited disciplinary jurisdiction (Part I. Subpart B. §991). Compensation of Commissioners: None.

Designated funding source: None.

Administrative Officer/Support: Counsel and staff.

State Department/Agency Affiliation: None.

(3) New Orleans-Baton Rouge Pilots

Board Website: <http://www.legis.la.gov/legis/BoardMembers.aspx?boardId=33>

"Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River" consisting of three members appointed by governor with the consent of the Senate (for a term concurrent with the governor's term of office; board members remain in office until a replacement is appointed). Composition: All pilots. Board of Examiners has license,

training, and limited disciplinary jurisdiction (Part II. §1041). Compensation of Board Members: None.

Designated funding source: None.

Administrative Officer/Support: Counsel and staff.

State Department/Agency Affiliation: None.

(4) Lake Charles Pilots

Board Website: <http://www.legis.la.gov/legis/BoardMembers.aspx?boardId=138>

"Board of River Port Pilot Commissioners and Examiners" consisting of three members. Composition: chairman of the board of the port authority serving ex officio (and as chairman), and one pilot and one "business man of good standing" appointed by governor (for a term concurrent with the governor's term of office; board members remain in office until a replacement is appointed). Pilot members to be appointed from list of at least two pilots submitted by pilot association. Board has licensing, training, and limited disciplinary jurisdiction (Part III. §1072). Compensation of Commissioners: None.

Designated funding source: None.

Administrative Officer/Support: Counsel and staff.

State Department/Agency Affiliation: None.

MAINE

A. Portland Harbor Commission

Commission Website: <http://www.portlandharbor.org/harbor-commisionars/>

Pilotage in the Port of Portland is regulated by the Portland Harbor Commission. This commission consists of five representatives charged with regulating navigation and commerce within Portland Harbor. The Commission includes two members appointed by the City of Portland, two members appointed by the City of South Portland, and one member appointed by the Governor (all with three year terms). Compensation of Commissioners: Expenses. Pilotage rates: Fixed by Commission, following public notice and hearing.

Designated funding source: Various fees, including initial licensing fee of \$500 (five year license) and renewal fee of \$400.

Administrative Officer/Support: Harbor Commission employees.

State Department/Agency Affiliation: None.

B. Maine State Pilotage Commission (for Ports other than Portland)

Commission Website: <http://www.maine-pilotage.com/>

"Maine State Pilotage Commission" consisting of seven members who are citizens of the State of Maine appointed by governor (three year terms). Commission has jurisdiction over pilots in ports other than Portland (where pilots are regulated by Portland Harbor Commission). Composition: three active pilots, one member from each coastal zone; two industry members that utilize the services of pilots; and two public members who are not pilots but "have a maritime background." Compensation of Commissioners: None. Pilotage rates: Fixed by Commission.

Designated funding source: license application fee of \$500 for the first pilotage area and \$50 for each successive pilotage area. Original and renewal license fees are \$375 for 5 years, regardless of number of areas being renewed. \$100 late fees.

Administrative Officer/Support: Administrator/Executive Director.

State Department/Agency Affiliation: Department of Transportation.

MARYLAND

Board Website: <http://www.dlrr.state.md.us/license/bp/>

"State Board of Pilots" consisting of nine members, one of whom is the state's Secretary of Licensing and Regulation or his designee (*ex officio*), one the president of the pilot association, and the other seven appointed by the governor with the advice of the secretary (two year terms). Composition of seven appointed members: three active or retired pilots with at least 5 years' experience, two representatives from the steamship industry who actively employ pilots, one representative from the ship-docking tugboat industry, and one "consumer from the general public." Neither the secretary or his designee nor the consumer member may have any past or present employment or interest in the shipping or maritime industry. While a member of the Board, a consumer member may not: (1) have a financial interest in or receive compensation from a person regulated by the Board; or (2) grade any examination given by or for the Board. Compensation of Commissioners: reimbursed for expenses, to be paid out of money that the Board collects. Pilotage rates: established by the Maryland Public Service Commission.

Designated funding source: initial pilot licensing fee \$200-\$600 (various levels of limited to unlimited licenses), similar renewal fees every two years.

Administrative Officer/Support: Executive Director and Assistant Executive Director

State Department/Agency Affiliation: Department of Labor, Licensing and Regulation.

MASSACHUSETTS

Board Website: <http://www.mass.gov/courts/case-legal-res/law-lib/laws-by-source/cmr/900-999cmr/995cmr.html>

District One (Port of Boston) has two "Commissioners of Pilots" appointed by the governor with the advice and consent of the governor's "Executive Council" (two year terms). Districts Two, Three, and Four each have a "Deputy Commissioner of Pilots" appointed by the governor with the advice and consent of the governor's "Executive Council" (two year terms). Commissioners and deputy commissioners must "have experience in maritime and nautical affairs." Commissioners must be appointed on the recommendation of the trustees of the Boston Marine Society; deputy commissioners may be appointed on the recommendation of the trustees. Compensation of Commissioners: fixed by the Trustees of the Boston Marine Society. Pilotage rates: Fixed by the Pilotage Rate Board.

Designated funding source: 4% of revenues from pilots quarterly (2% in District One), initial licensing fee of \$100 and a \$50 annual license renewal fee.

Administrative Officer/Support: Secretary to the Commissioners.

State Department/Agency Affiliation: None.

MISSISSIPPI

Pascagoula Port Authority Website: <http://www.portofpascagoula.com/>

Pilots are regulated by a port authority commission in each port. Any city in Mississippi having a seaport or harbor shall have a port authority commission. Port Authority Commissioners are empowered and authorized to act as "port wardens and pilot commissioners" for the appointment and licensing of all pilots serving the port area. Each commission is composed of five resident citizens of such city, who shall be qualified electors therein, three of whom shall be "skilled and experienced in maritime affairs." The port commission shall be appointed as follows: one by the governor; one by the county board of supervisors; three by the mayor and board of aldermen or mayor and board of commissioners of the city (all for a term of four years). Compensation of Commissioners: \$22.50 per day while engaged in the business of the Commission, not to exceed 60 days per year, and expenses. Pilotage rates: fixed by Commission.

Designated funding source: Pilot license fee not to exceed \$50.

Administrative Officer/Support: Port Commission employees

State Department/Agency Affiliation: None.

NEW HAMPSHIRE

Board Website: <http://www.portofnh.org/pilot.html>

Pilots are regulated by the "Pease Development Authority, Division of Ports and Harbors" consisting of seven members, appointed as follows: one member appointed by the governor with the advice and consent of the governor's "Executive Council"; one member appointed by the mayor and city council of Portsmouth; one member appointed by the board of selectmen of Newington; one member appointed by the president of the senate; one member appointed by the speaker of the house of representatives; one member appointed jointly by the mayor and city council of Portsmouth and the board of selectmen of Newington; and one member appointed by the governor after nomination by the legislative delegation of Stratford county. All appointments are for a term of 3 years. Compensation of appointed members: expenses. Pilotage rates: Fixed by the Authority.

Designated funding source: No pilot license fee, funded through state appropriated funds.

Administrative Officer/Support: Executive Director and Authority staff.

State Department/Agency Affiliation: Works in coordination with the Department of Resources and Economic Development.

NEW JERSEY

Commission Website: <http://www.state.nj.us/transportation/maritimepilot/>

"New Jersey Maritime Pilot and Docking Pilot Commission" consisting of six members appointed by the governor (for a term of 3 years) by and with the advice and consent of the senate. Composition: members must be selected from "such persons as have been officers in our naval, Coast Guard or merchant service, or have been duly qualified as United States Merchant Marine Officers." No member may be concerned with or have any interest in pilotage business. Compensation of Commissioners: \$28,000 per year. Pilotage rates: Fixed to the New York rates by statute.

Designated funding source: Docking pilot license fee of \$500; up to 3% of collected fees (.25% as of August 2017) of maritime (Sandy Hook) pilots.

Administrative Officer/Support: Executive Director and Administrator.

State Department/Agency Affiliation: Department of Transportation.

NEW YORK

Board Website: <http://www.bdcommpilotsny.org/>

"Board of Commissioners of Pilots" consisting of six members. Composition: The governor, temporary president of the senate and the speaker of the assembly shall each appoint one commissioner; two members elected by representatives of marine insurance companies on board of underwriters of New York City, and one member appointed by the governor from among the members of the staff of the Albany port district commission. At least four members must have been licensed ship officers. The remaining two must have a minimum of five years experience in the maritime industry. No member may be a pilot or past pilot. All commissioners are appointed for a term of two years. Compensation of Board Members: none. Pilotage rates: Statutory, based on recommendations of the Board.

Designated funding source: Up to 3% (Hudson River) and up to 3% (Sandy Hook) of pilotage revenues (both at 2.5% as of August 2017).

Administrative Officer/Support: Executive Director and Administrator.

A separate Surcharge Board administers the funding of retirement benefits for the United New York and United New Jersey Sandy Hook Pilots and consists of four members: President of the Board of Commissioners of Pilots of the State of New York, President of the United New York Sandy Hook Pilots, President of the Board of Commissioners of Pilots of the State of New Jersey, and the President of the United New Jersey Sandy Hook Pilots. A fifth member, if necessary (i.e., if there is a deadlocked vote) shall be appointed by a majority of the aforementioned four members from a list submitted by the American arbitration association. When the Surcharge Board is dealing with the capital expense fund, an additional member, appointed by the governor to represent the interests of the shipping industry shall serve on the Board.

State Department/Agency Affiliation: None.

NORTH CAROLINA

A. Cape Fear

Commission Website:

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_76A/Article_1.pdf

"Cape Fear Navigation and River Pilotage Commission" consisting of five voting members, four appointed by the governor (2 year term), and the President of the Wilmington-Cape Fear Pilots' Association (*ex officio* voting member. One member must represent maritime interests. No pilot or member of a pilot's family may be a member, except the president of the pilot

association. Compensation of Commissioners: \$100 per meeting, expenses. Pilotage rates: Fixed by the Commission.

Designated funding source: Up to 2% of annual collected pilotage fees.

Administrative Officer/Support: Part-time Secretary

State Department/Agency Affiliation: None.

B. Morehead City

Commission Website:

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/pdf/ByArticle/Chapter_76A/Article_4.pdf

"Morehead City Navigation and Pilotage Commission" consisting of five members (3 voting members). The three voting members are appointed by the governor (3 year staggered term) and must be from Carteret County. The president of the Morehead City Pilots' Association and a member representing maritime interests (appointed by the governor) serve as ex officio nonvoting members. With the exception of the pilot association president, no pilot or member of a pilot's immediate family may be a member. Compensation of Commissioners: \$100 per meeting, expenses. Pilotage rates: Fixed by the Commission.

Designated funding source: up to 2% of annual collected pilotage fees.

Administrative Officer/Support: Part-time secretary.

State Department/Agency Affiliation: None.

OREGON

Board Website: <http://www.puc.state.or.us/BMP/Pages/Index.aspx>

"Oregon Board of Maritime Pilots" consisting of nine members appointed by the governor and confirmed by the senate (four year term). Composition of appointed, voting members: Three pilots (one Columbia River Bar pilot, one Columbia River Pilot, and one Coos Bay or Yaquina Bay pilot), three industry members ("operates or represents commercial ocean-going vessels"), and three public members (one shall serve as Chairman. The Oregon Public Utilities Commission (PUC) may appoint a member of the PUC (or designee) to serve as an ex officio non-voting board member. Compensation of Board Members: none. Pilotage rates: Fixed by the Board.

Designated funding source: "Board Operations Fee" (\$50 included in pilotage tariff) and annual fees not to exceed \$3,149.

Administrative Officer/Support: Administrator

State Department/Agency Affiliation: Public Utility Commission of Oregon.

PENNSYLVANIA

Commission Website:

<http://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/NavigationCommissionfortheDelawareRiveranditsNavigableTributaries/Pages/default.aspx>

"Navigation Commission for the Delaware River and Its Navigable Tributaries" consisting of nine members, four appointed by the governor (four year term); two appointed by the mayor of Philadelphia (four year term); the Secretary of Environmental Protection (ex officio), the Secretary of the Commonwealth (ex officio), and the Director of Commerce for the City of Philadelphia (ex officio). Compensation of Commissioners: Reimbursement of necessary expenses. Pilotage rates: Statutory.

Designated funding source: Pilot license fee of \$400 (as of August 2017).

Administrative Officer/Support: Secretary

State Department/Agency Affiliation: Department of State.

RHODE ISLAND

Commission Website: <http://www.dem.ri.gov/commissions/pilotage.php>

"State Pilotage Commission" consisting of four members as follows: Chief, Division of Coastal Resources (ex officio), Associate Director, Bureau of Natural Resources (ex officio), a pilot (appointed by the governor for a 3 year term), and a public representative (appointed by the governor for a 3 year term). Compensation of Commissioners: expenses. Pilotage rates: Fixed by Commission.

Designated funding source: \$50 pilot license application fee, \$50 renewal every five years, 6% of collected pilotage fees.

Administrative Officer/Support: Counsel and staff.

State Department/Agency Affiliation: Department of Environmental Protection.

SOUTH CAROLINA

A. Commissioners of Pilotage for the Lower Coastal Area (Charleston)

Commission Website: <http://law.justia.com/codes/south-carolina/2016/title-54/chapter-15/>

(See section 54-15-40)

The "Commissioners of Pilotage for the Lower Coastal Area" consists of eight members. Composition: one pilot appointed by the governor (3 year term); the chairman of the South

Carolina State Ports Authority or his designee (ex officio); the President of the ILA Local 1422, or designee (ex officio); one recommended by the Beaufort County Legislative Delegation from its maritime community; one recommended by the Jasper County Legislative Delegation from its maritime community; and three members appointed by the governor (3 year staggered terms) upon the recommendations of the Charleston County Legislative Delegation from lists of nominations submitted by the Greater Charleston Chamber of Commerce, the Maritime Association of the Port of Charleston, and the Propeller Club of the Port of Charleston. For all licensure actions, the Commissioners appoint a board of examiners consisting of three "nautical men," at least one of whom is a pilot, to examine the licensure candidates for each of the four "short branches" and for "full branch". Compensation of Commissioners: None. Pilotage rates: Fixed by the Commissioners.

Designated funding source: Annual license fee of \$960, apprentice application fee, and licensure examination fee.

Administrative Officer/Support: Secretary and contract Technical Consultant

State Department/Agency Affiliation: Department of Labor, Licensing and Regulation.

B. Commissioners of Pilotage for the Upper Coastal Area (Georgetown)

Commission website: <http://law.justia.com/codes/south-carolina/2016/title-54/chapter-15/>

(See section 54-15-20)

The "Commissioners of Pilotage for the Upper Coastal Area" consists of six members. Composition: one pilot appointed by the governor (3 year term); the chairman of the South Carolina State Ports Authority or designee (ex officio); the President of the ILA Local, or his designee (ex officio). The remaining three are appointed by the governor upon recommendations of the Georgetown County Legislative Delegation from lists of nominations submitted by the Chamber of Commerce and the Propeller Club of the Port of Georgetown. For all licensure actions, the Commissioners appoint a board of examiners consisting of three "nautical men," at least one of whom is a pilot, to examine the licensure candidates for each of the four "short branches" and for "full branch". Compensation of Commissioners: None. Pilotage rates: Fixed by the Commissioners.

Designated funding source: Annual license fee of \$960, apprentice application fee, and licensure examination fee.

Administrative Officer/Support: Secretary to the Commission.

State Department/Agency Affiliation: Department of Labor, Licensing and Regulation.

TEXAS

A. Corpus Christi

Board Website: <http://www.statutes.legis.state.tx.us/Docs/TN/htm/TN.70.htm>

"Board of Pilot Commissioners for the Port of Corpus Christi Authority" composed of the seven port commissioners of the port. The port commissioners consist of 4 members appointed by the county judge/court and three members appointed by the mayor/city council (all for a term of three years). A person may not be a member of the board if the person has a conflict of interest or a direct or indirect financial interest in any business affected by or connected with the performance of the person's duties as a pilot commissioner. Compensation of Commissioners: None. Pilotage Rates: fixed by the board.

Designated funding source: Port Authority.

Administrative Officer/Support: The Executive Director of the Port of Corpus Christi Authority serves as Secretary to the Pilot Board, and the General Counsel of the Port of Corpus Christi Authority provides legal counsel to the Pilot Board.

State Department/Agency Affiliation: None.

B. Freeport

Board Website: <http://www.portfreeport.com/pilot-commission>

"Board of Pilot Commissioners for Brazoria County ports" composed of seven port commissioners of the Brazos River Harbor Navigation District of Brazoria County (the term of office coincides with a member's term as a navigation and canal commissioner). No person who has any conflict of interest or is directly or indirectly financially interested in any business that may be affected by or connected with his duties as a pilot commissioner may be a member. Compensation of Commissioners: None. Pilotage rates: Fixed by the Board.

Designated funding source: None.

Administrative Officer/Support: Secretary

State Department/Agency Affiliation: None.

C. Galveston

Board Website: <http://www.statutes.legis.state.tx.us/Docs/TN/htm/TN.67.htm>

"Board of Pilot Commissioners for Galveston County ports" consisting of five persons appointed by the governor with consent of the senate (four year term of office). No person who has any conflict of interest or is directly or indirectly financially interested in any business that may

be affected by or connected with his duties as a pilot commissioner may be a member.
Compensation of Commissioners: None. Pilotage rates: Fixed by the Board.

Designated funding source: None.

Administrative Officer/Support: Secretary

State Department/Agency Affiliation: None.

D. Houston

Board Website: <http://www.houstonpilotboard.com/>

"Board of Pilot Commissioners for Harris County Ports" is composed of the seven port commissioners of the Port of Houston Authority of Harris County (term of office as pilot commissioners coincides with term as port authority commissioner). The Pilot Board of Commissioners consists of two port commissioners appointed by the city of Houston, two by the Harris County Commissioners Court, one each by the Harris County Mayors & Councils Association and the city of Pasadena, and a chairman appointed jointly by the city of Houston and Harris County. No person who is engaged in or has any direct or indirect financial interest in a pilot boat or other business that may be affected by or connected with his duties as a pilot commissioner may be a member. Compensation of Commissioners: None. Pilotage rates: Fixed by the Board.

Designated funding source: Funded through Port Authority.

Administrative Officer/Support: Port Authority staff - The Executive Director of the Port of Houston Authority serves as Secretary to the Pilot Board, and the General Counsel of the Port of Houston Authority provides legal counsel to the Pilot Board. Staff members of the Port of Houston Authority's Legal Department work with the Application Review Committee appointed by the Board of Pilot Commissioners. The committee includes voting members from the Houston Pilots Association, the Port of Houston maritime industry, the Harris County community at large, and the Port of Houston Authority. This committee conducts the preliminary review of pool applicant, deputy branch pilot, and branch pilot applications. Legal Department members also work with the Board of Pilot Commissioners' appointed Pilot Board Investigation and Recommendation Committee, comprised of members from the Houston Pilots Association, the Port of Houston maritime industry, and the Port of Houston Authority; and nonvoting advisory members from the U. S. Coast Guard. This committee conducts investigations and hearings of complaints and incidents, and recommends action to the Board of Pilot Commissioners. The Port Authority's Managing Director of Health, Safety, Security

and Environmental (HSSE) chairs both committees and a Port Authority staff member serves as Compliance Coordinator.

State Department/Agency Affiliation: None.

E. Sabine

Board Website: <http://www.statutes.legis.state.tx.us/Docs/TN/htm/TN.69.htm>

"Board of Pilot Commissioners for Jefferson and Orange County ports" composed of the five commissioners from Jefferson and Orange County. The commissioners are appointed by the governor with the advice and consent of the senate (two year terms). "A person may not be a member of the board if the person has a direct or indirect pecuniary interest in a pilot boat or branch pilot in the business of the board's trust." Compensation of Commissioners: None. Pilotage Rates: Fixed by the board.

Designated funding source: None.

Administrative Officer/Support: Secretary

State Department/Agency Affiliation: None.

VIRGINIA

Board Website: <http://www.dpor.virginia.gov/Boards/Branch-Pilots/>

"Board of Branch Pilots" consisting of nine members. Composition: three persons appointed by the Circuit Court of Hampton, only one of whom is a pilot; four persons by the Circuit Court of Norfolk, only two of whom are pilots; and two persons appointed by the Circuit Court of Portsmouth, only one of whom is a pilot. No (non pilot) member may have any interest in the business of the board. Compensation of Board Members: None. Pilotage rates: Fixed by the State Corporation Commission.

Designated funding source: Fees for original pilot license and annual renewals (\$60 per year as of August 2017), amount varies with the expenses of Board.

Administrative Officer/Support: Executive Director.

State Department/Agency Affiliation: Department of Professional and Occupational Regulation

WASHINGTON

Board Website: <http://www.pilotage.wa.gov/>

"Board of Pilotage Commissioners of the State of Washington" consisting of nine members, one of whom is the Assistant Secretary of Marine Operations of the Department of Transportation or his designee (who is the chairman) and one of whom is the Director of the Department of Ecology or his designee. The other seven are appointed by the governor and confirmed by the senate (four year term). Composition of the seven appointed members: two pilots; two persons actively engaged in ownership, operation, or management of vessels (one related to American shipping and one to foreign shipping); one from an environmental organization; and two with maritime experience exclusive of experience as a pilot or a shipping representative. Compensation of Commissioners: \$50 per day, expenses. Pilotage rates: Fixed annually by the Commission.

Designated funding source: Annual pilot license fee of \$6,500.

Administrative Officer/Support: Executive Director and Project Director

State Department/Agency Affiliation: Department of Transportation and Department of Ecology.

Comparison of State Pilotage Commissions

States	Designated Members							Jurisdiction			Funding		
	PI	IN	PU	GO	MB	OT	NR	Lic.	Disc.	Rates	License Fee	% of Fees	Other
Alabama	1	1				1		X	X	Stat/X	\$100		
Alaska	2	2	2	1				X	X	X	\$2,500 bi		
Calif (SF)	2	2	3	1n				X	X	Stat/X		≤7.5%	
Connecticut	1	3	2	1	1	1		X	X	X	\$105.48	6%	
Delaware	3	1	2			1		X	X	Stat.	\$250		
Florida	5	2	3					X	X		\$200 bi	≤2%	Fees
Pilotage Rate Review Cmte	2	2	2			1				X			≤2 \$1,000 for rate review
Georgia	Pro	7 from IN or MB			7 from IN or MB			X	X	X	\$700		
Hawaii (No Commission)											\$380 bi		
Louisiana													
Assoc Br	3							X	X				
Cres Rvr	3							X	X				
NOBRA	3							X	X				
Lake Charles	1		1			1n		X	X				
Fee Comm	4	4	3							X			AF, Grants
Rev & Ovr	4	4				3		X	X				AF, Grants
Maine													
Portland							5	X	X	X	\$400		Fees
Others	3	2			2			X	X	X	\$375(5/yr)		Fees
Maryland	4	3	1	1n				X	X	PUC	\$200-\$600 bi		
Massachusetts													
Dist. 1					2			X	X		\$50	2%	
Dist. 2-4(each)					1			X	X		\$50	4%	
Pilotage Rate Board (Dist 1-4)		1		3		3				X			
Mississippi					3	2		X	X	X	\$50		
N. Hampshire				2n	1	5		X	X	X			State Funds
New Jersey	pro				6			X	X	Stat.		≤ 3%	Fees
New York	pro	2			4			X	X	Stat./X		≤ 3%	
N. Carolina													
Cape Fear	1	1				3		X	X	X		2%	
Mrhd City	1n	1n				3		X	X	X		2%	
Oregon	3	3	3	1n				X	X	X	\$3,149		
Pennsylvania				3n			6	X	X	Stat.	\$400		
Rhode Island	1		1	2n				X	X	X	\$50	6%	
S. Carolina	1					2n	3	X	X	X			
Charleston	1	2			3	2		X	X	X	\$960		
Georgetown	1				3	2		X	X	X	\$960		
Texas													
Houston	pro					7		X	X	X			Port Authority
Galveston	pro					5		X	X	X			
Freeport	pro					7		X	X	X			
Sabine	pro					5		X	X	X			
C.Christi	pro					7		X	X	X			Port Authority
Virginia	4						5	X	X	PUC	Varies		
Washington	2	2		2	2	1		X	X	X	\$6,500		

Legend: PI=pilot; IN=industry; PU=public; MB=maritime background; GO=government official; OT=other; NR=no restriction; n=non-voting; pro=prohibited (specific prohibition on such persons being members); Stat=statutory (set by legislature); bi=biennially; PUC=Public Utility Commission; AF=appropriated gov't funds