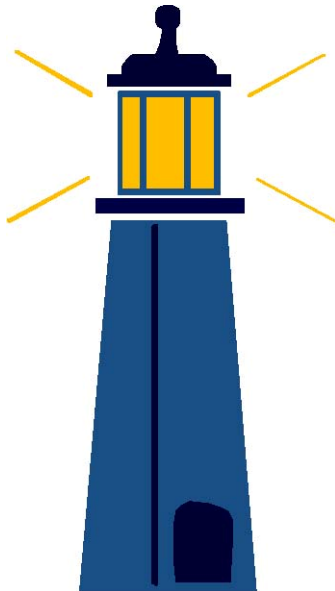


STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

STATE PILOTAGE COMMISSION

RULES AND REGULATIONS

January 1, 2009



State Pilotage Commission  
c/o Division of Law Enforcement  
235 Promenade Street  
Providence, RI 02908  
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Commission Members:  
Michael J. Scanlon, Chairman  
Larry Mouradjian, Secretary  
Capt. E. Howard McVay, Jr., Member  
Capt. J. Peter Fritz, Member

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## RHODE ISLAND STATE PILOTAGE COMMISSION

The State Pilotage Commission consists of four (4) members appointed by the Governor for a term of three (3) years one of whom shall be the Associate Director of the Bureau of Natural Resources of the Department of Environmental Management, ex officio; one shall be the Director of the Department of Environmental Management, ex officio; one shall be a State Licensed Pilot with five (5) years of active service on the waters of this State; and one shall represent the public.

The members of the Commission are: Captain E. Howard McVay Jr., a State Licensed Pilot; Mr. Larry Mouradjian, Associate Director of the Bureau of Natural Resources of the Department of Environmental Management, ex officio; Capt. J. Peter Fritz; and Mr. Michael Scanlon, Chairman, Boating Safety Program Coordinator of the Division of Enforcement, representing Mr. W. Michael Sullivan, Director of the Department of Environmental Management, ex officio.

### **RULE 1. ADMINISTRATIVE PROCEDURES ACT 42-35 AS AMENDED**

State of Rhode Island State Pilotage Commission Rules and Regulations Adopted Pursuant to Chapter 42-35 of the General Laws of Rhode Island, 1956, subsequent re-enactment as amended, and to Other Provisions of Law

#### **1.01 DEFINITIONS**

- The term "commission" wherever used in the regulations shall mean the Rhode Island State Pilotage Commission or, when the context permits, to individual members, sub-committees, its staff, agents or employees.
- The term "commission office" whenever used in the regulations shall be deemed to refer to the offices of the commission at the Division of Coastal Resources, Department of Environmental Management, 235 Promenade Street, Providence, Rhode Island, or any such address as may from time to time be the location of the principal office of the Commission.
- The term "commission meeting" where used in these regulations shall mean any meeting of the full commission.

### **RULE 2. ORGANIZATION AND METHOD OF OPERATIONS**

2.01 Organization - Chapter 46-9 of the General Laws enacted as Chapter 3253 of the Public Laws, 1956, establishes the State Pilotage Commission. This Chapter sets forth the Commission's powers and duties. The Commission consists of four (4) members, one (1) of whom is a licensed pilot with five (5) years active service on the waters of this State, appointed by the Governor, one (1) of whom represents the public, appointed by the Governor, one (1) of whom is the Chief of the Division of Coastal Resources, ex-officio. The Director of the Department of Environmental Management is an ex-officio member of said commission.

2.02 Function - The primary functions of the Commission are the providing of maximum safety from the dangers of navigation for vessels entering or leaving the waters of this State including Block Island Sound, maintaining a State pilotage system devoted to the preservation and protection of lives, property and vessels entering or leaving the waters of this State, including Block Island Sound at the highest standard of efficiency; insuring an adequate supply of pilots well qualified for the discharge of their duties.

2.03 Method of Operation and Powers - The Commission receives applications of a form approved by it, for any individual desirous of being licensed as a pilot in the waters of this State. The application requires the applicant to demonstrate that he has the proper qualifications as set forth in Sections 46-9-7 and 46-9.1-11 of the General Laws of Rhode Island. The Commission is authorized to approve, modify, set conditions for, or reject any such application. The duties of the Commission shall be to:

A. Make, establish and enforce such rules and regulations, not inconsistent with law, which shall be binding and effectual upon all pilots licensed by the commission, and upon all parties employing such pilots; and, from time to time, revise and amend such rules and regulations as may be necessary to enable the commission to carry into effect the provisions of Chapters 46-9 and 46-9.1.

- B. Make and establish rates of pilotage for such vessels as are subject to the provisions of Chapters 46-9 and 46-9.1.
- C. Establish and determine the qualifications of any person applying for a pilot's license and conduct examinations.
- D. Issue, suspend or revoke any pilot's license in accordance with the provisions of Chapters 46-9 and 46-9.1.
- E. Cause the laws, rules and regulations concerning pilots and pilotage matters to be fully observed and executed.
- F. Hear and decide complaints made in writing against any pilot for any misbehavior or neglect of or breach of rules or regulations, which it shall deem material to be investigated;
- G. Hear and decide complaints made in writing by any pilot against any charterer, owner, agent, master or seaman of a vessel for any misbehavior toward such pilot in the performance of his duty, or any breach of the rules and regulations;
- H. Administer oaths and compel the attendance of witnesses at such hearings as it may conduct;
- I. Perform all other functions set forth in Chapters 46-9 and 46-9.1 not specifically covered herein.

2.04 Meetings - The Commission shall meet at the call of the Chairman. A quorum consists of three (3) members. A majority vote of those present is required for action. All meetings of the Commission shall be open to the public and the public shall have a reasonable opportunity to be heard.

### **RULE 3. PRACTICE BEFORE THE COMMISSION**

3.01 Any person may appear before the Commission on his own behalf. Any person who has a contested matter before the Commission may appoint an attorney to represent him before the Commission. The appointment must be made prior to the Commission meeting, in writing, and duly signed by the party appointing a representative.

3.02 All persons appearing in proceedings before the Commission in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Rhode Island. If any such person does not conform to such standards, the Commission may decline to permit such person to appear in a representative capacity in any proceeding before the Commission.

3.03 All persons appearing in proceedings before the Commission, shall have the right to examine and cross-examine, through their counsel or through the commission if not represented by counsel, all witnesses.

### **RULE 4. PRELIMINARY INVESTIGATIONS**

Whenever authorized by law, the Commission may conduct preliminary investigations into matters under its jurisdiction. Upon the completion of such investigation, (1) if the Commission shall make a determination that a violation probably has not been or is not being engaged in, the Commission shall proceed no further. (2) If the Commission shall make a determination that a violation probably has been or is being engaged in, the Commission shall proceed as provided by law.

### **RULE 5. HEARINGS**

5.01 Hearings required or permitted by law shall be conducted in accordance with these rules and regulations. Hearings shall be before the Commission as a whole. A record shall be kept as provided herein. The record shall be available to the full Commission. Parties may request to be heard before the full Commission. Requests shall be in writing at least seven (7) days prior to the full Commission meeting. Upon hearing all of the facts and reviewing the record in its entirety, the Commission shall render its decision in accordance with Chapter 42-35 of the General Laws.

5.02 In any contested case, all parties shall be served with such notice as may be provided for by law, or, in the absence of such provision, as may be ordered by the Commission.

### 5.03 Service of Process

5.03.01 By Whom Served - The Commission shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served or caused to be served by the party filing it.

5.03.02 Upon Whom Served - All papers served by either the Commission or any party shall be served upon all representatives of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any representative entering an appearance subsequent to the initiation of the proceeding shall notify all other representatives then of record and all parties not represented of such fact.

5.03.03 Service Upon Parties - The final order, and any other paper required to be served by the agency upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to representatives of record.

5.03.04 Method of Service - Service of papers shall be made personally or, unless otherwise provided by law, by first class registered or certified mail, or telegraph.

5.03.05 When Service is Complete - Service upon parties shall be regarded as complete: By mail, upon deposit in the United States mail properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid.

5.03.06 Filing with Commission - Papers required to be filed with the Commission shall be deemed filed upon actual receipt by the Commission at the Commission's office.

### 5.04 Subpoenas

5.04.01 Form - Every subpoena shall state the name of the Commission and the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under his control at a specified time and place.

5.04.02 Issuance to Parties - When provided for by law and upon application of the representative for any party to a contested case, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The Commission may issue subpoenas to parties not so represented upon request or upon a showing of general relevance and reasonable scope of the testimony or evidence sought. Such subpoenas may be issued by the Chairman, Vice-Chairman, Secretary, or Legal Counsel of the Commission.

5.04.03 Service - Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to such person and by tendering him on demand the fees for one day's attendance and the mileage, if any, allowed or required by law. When the subpoena is issued on behalf of the Commission or any state officer or agency, fees and mileage need not be tendered.

5.04.04 Proof of Service - The person serving the subpoena shall make proof of service by filing the subpoena and the required return affidavit, or acknowledgement of service with the Commission. Service may be made by any person authorized to serve subpoenas under Rules of Civil Procedure of the Superior Court by employee of the Commission, by licensed constables or as herein provided by First Class Registered or certified mail, or telegraph. If service is made by a person other than a member or employee of the Commission, and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service.

5.04.05 Quashing - Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed (and upon notice to the party to whom the subpoena was issued) the Commission (1) may quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions.

5.04.06 Enforcement - Upon application and for good cause shown the Commission may seek judicial enforcement of subpoenas issued to parties and which have not been quashed.

5.04.07 Geographical Scope - Such attendance of witnesses and such production of evidence may be required from any place in the State of Rhode Island, at any designated place of hearings.

#### 5.05 Pleadings

5.05.01 Forms - All pleadings (including complaints, answers, motions and petitions) shall be on white paper, 8 1/2" x 11" in size.

5.05.02 Filing - Whenever a pleading or other document or paper is required to be filed with the Commission, it shall be filed in quadruplicate.

5.05.03 complaints - Any person (including the Commission,) filing a complaint or other document shall adhere to the following form for such purpose:

- At the top of the page shall appear the wording "Before the Rhode Island State Pilotage Commission". On the left side of the page below the foregoing shall be set out: "In the Matter of the Complaint of (name of complainant) against (Name of respondent opposite the foregoing shall appear the word "Complaint" or other properly labeled title.
- The body of the complaint or other document shall be set out numbered paragraphs which (1) identify the parties by name and address and (2) concisely state the facts which form the basis for the complaint or other pleading or documentation.
- All the complaints (except those filed by and in the name of the Commission) shall be in writing and sworn to.

Upon the filing of a complaint, the Commission, if it has not already done so, shall assign a file number or docket number to the proceeding and shall enter said number on the original of the complaint.

Hearings shall be conducted on the basis of such complaint, if any, as has been filed by or with the Commission at the commencement of any proceeding or investigation, or on the basis of such complaint as may be issued by the Commission after, or in appropriate cases absent, preliminary investigation or endeavors by the Commission, or on the basis of both of such complaints, provided that the notice of hearing to the respondent or respondents include a copy of such complaint or complaints; and such notice having been duly given the said complaint or complaints included therewith shall thereafter be deemed the "complaint" for all purposes.

5.05.04 Other Pleadings - All pleadings shall bear the same heading as the complaint, and the file number thereof, but opposite the title of the proceeding in place of the word "Complaint" shall set out the appropriate name of the pleading (e.g. "Answer; "Motion").

5.05.05 Answers - No answer to the complaint shall be required to be filed. If the respondent elects to file an answer he shall do so within ten (10) days following service upon him of the complaint.

#### 5.06 Consolidation: Separate Hearings

5.06.01 When complaints involving a common question of law or fact are pending before the Commission, it may order a joint hearing of any or all the matters at issue in the proceedings; it may order all the proceedings consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

5.06.02 The Commission, in furtherance of convenience or to avoid prejudice, may order a separate hearing of any complaint or allegation against any person or of any separate issue.

5.07 Parties A person, agency or organization is a party to a proceeding before the Commission if:

A. He or it is entitled to the status of a party under 42-35-1 of the General Laws or any other provision of law; or

- B. Upon application for leave to intervene, he or it is allowed to do so by the Commission on the ground that
- such applicant is entitled by law to the status of a party; or
  - such applicant could have been a complainant in such proceeding; or
  - such applicant has a complaint or a defense which has a question of law or fact in common with the main proceeding; provided that an application by an applicant described, above shall be subject to the discretion of the Commission

#### 5.08 Prehearing Conference Rule

5.08.01 In any proceeding, the Commission, upon its own motion or upon the motion of one of the parties or their qualified representatives, may in its discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider:

- A. The simplification of the issues;
- B. The necessity of amendments to the pleadings;
- C. The possibility of obtaining stipulations, admissions of facts and of documents;
- D. The limitation of the number of expert witnesses;
- E. Such other matters as may aid in the disposition of the proceedings.

5.08.02 The Commission shall make an order or statement which recites the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limit the issues for hearing to those not disposed of by admissions or agreements, and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

#### 5.09 Submission or Documentary Evidence in Advance When practicable the Commission may require:

- A. That all documentary evidence which is to be offered during taking of evidence be submitted to the Commission and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence,
- B. That documentary evidence not submitted in advance, as may required by subdivision (1), may not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner;
- C. That the authenticity of all documents submitted in advance in a proceeding in which such submission required, be deemed admitted unless-written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

5.10 Excerpts from Documentary Evidence - When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the Commission and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding.

5.11 Continuances - Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts required such continuance come to his knowledge, notify the Commission of said desire, stating in detail the reasons why such continuance is necessary. The Commission in passing upon a request for continuance shall consider whether such request was promptly and timely made. For good cause shown, the Commission may grant such a continuance and may at any time order a continuance upon its own motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be

received, the Commission may in its discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing.

#### **5.12 Rules of Evidence**

5.12.01 Subject to the provisions of law and to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the Commission, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the Commission shall give consideration to, but (except to the extent required by law) shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the Superior Court of the State of Rhode Island.

5.12.02 When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The Commission may in its discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

5.13 Re-opening of Hearing - At any time after a hearing has been closed, but prior to filing of decision, the Commission may, on its own initiative or upon motion by any party, re-open the proceeding to receive further evidence and/or to hear further argument.

5.14 Transcripts - Transcripts of testimony shall be available at the Commission's office for examination by any party to the proceeding until expiration of the time during which any appeal or petition for judicial review authorized by law may be filed. Thereafter, such a transcript shall not be available for examination by any person except with the approval of the members of the Commission after notice to all parties to such proceeding. If any party files proceedings for judicial review, the Commission shall, upon request by any party, supply to such party a copy or copies of the transcript of the proceedings before it at such reasonable charge as the Commission shall establish.

5.15 Findings of Fact - Any party may, at the conclusion of a hearing or within such later time as may be fixed by the Commission, submit to the Commission proposed findings of fact, copies thereof to be served upon each party to the proceeding.

### **RULE 6. PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL**

6.01 Petitions - Any interested person may petition the Commission requesting the promulgation, amendment, or repeal of any rule. Hearings on any such petition may be held at the discretion of the Commission.

6.02 Forms - At the top of the page shall appear the wording "Rhode Island State Pilotage Commission". On the left side of the page the following caption shall be set out: "In the Matter of the Petition of (name of Petitioning party) for (appropriate insert)". Opposite the foregoing shall appear the word "Petition". Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment of repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule.

### **RULE 7. DECLARATORY RULINGS**

7.01 Petitions - As prescribed by Section 42-35-8, G.L. 1956, as amended, any interested person may petition the Commission for a declaratory ruling. Within a reasonable time, and at the discretion of the Commission, after hearing, the Commission shall:

- A. Issue a binding declaratory rule: or
- B. Issue a non-binding declaratory ruling: or
- C. Notify the person that no declaratory ruling is to be issued.

7.02 Forms - Any interested person petitioning the commission for a declaratory ruling shall generally adhere to the following for such purpose:



At the top of the page shall appear the wording "Before the Rhode Island State Pilotage Commission". On the aft side of the page the following caption shall be set out: "In the Matter of Petition (name of petitioning party) for a Declaratory Ruling." Opposite the foregoing caption shall appear the word "Petition". The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts or argument relied upon in form similar to that applicable to complaints in civil actions before the Superior Courts in this State. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the Superior Courts of this State.

#### **RULE 8. PUBLIC INFORMATION**

Members of the general public who may desire to secure information, make submissions or requests in accordance with the applicable statutes of the Commission, register complaints, or to conduct business in any manner whatsoever with the Council may do so in writing delivered to the Commission or may appear in person before the Commission during its regular meeting.

#### **RULE 9. REGULATIONS GOVERNING THE RHODE ISLAND APPRENTICE PILOT PROGRAM FOR BLOCK ISLAND SOUND**

These regulations govern jurisdiction, apprentice pilot eligibility and selection, apprentice training, pilot license examinations and licenser, pilot qualification, pilot registration, application fees, safety and liability requirements.

##### 9.1 Purpose

A. The purpose of these regulations is to establish standards for the promotion and continuance of a centralized, coordinated system of pilot apprentices.

B. Safety shall be the primary objective of the pilotage apprentice program with the most qualified applicants being accepted into the pilot apprentice program.

##### 9.2 Definitions:

- *Apprentice* - an individual approved and certified by the Commissioners who is undergoing an approved pilot training and qualification program.
- *Coast Guard* - the United States Coast Guard
- *Commission* - the Rhode Island State Pilotage Commission.
- *License* - a document issued by the Commissioners to a pilot authorizing that individual to serve as a State pilot on board such vessels requiring the same.
- *Loa* - length overall
- *Pilot of record* - Pilot who shall receive all pilotage fees for the vessel movement.
- *Pilots* - licensed Rhode Island State Pilots.
- *Solo* - to direct the movement, including docking/undocking, of any vessel without any verbal guidance from the State Pilot Board Member
- *Supervising pilot* - any full branch pilot licensed by the State of Rhode Island.
- *State pilot board* - Three (3) Full Branch Pilots appointed by the State Pilotage Commission to supervise the training and instruction of Apprentices

9.3 Requirement for Licensure - No person may be licensed as a pilot without first having successfully completed the required program of apprentice training and qualification and hold a current valid Master's License issued by the US Coast Guard. This is applicable to all licenses.

##### 9.4 Apprentice Selection Process

A. Applicants for apprenticeship shall be required to have not less than a Master's License with a federal First Class Pilot's endorsement covering the waters of Block Island Sound issued by the US Coast Guard.

B. A non-refundable application fee of \$25.00 shall be submitted with each application.

C. Upon determination of eligibility by the Commissioners, copies of the complete applications of eligible applicants will be forwarded to the State Pilot Board.

D. At such times as requested by the State Pilot Board, the commission, after public hearing duly called, deems that the number of licensed pilots is not sufficient, shall certificate from among the eligible applicants the best qualified individual or individuals for apprenticeship. Selection shall be in accordance with selection criteria procedures, based upon numerical ranking promulgated by the Commissioners.

E. Numerical ranking shall be based upon a 200 point system.

- INTERVIEW. Every applicant shall be interviewed by the Commissioners. Each person interviewed shall be assigned from 0 to 50 points based upon objective scoring guidelines published by the Commissioners.
- EXPERIENCE. The commissioners shall assign up to 100 points to any applicant who has validated previous maritime experience and education. Consideration shall be given for experience and education as listed in part 10.6.
- PILOT POTENTIAL. The commissioners shall forward the application files of every eligible applicant to the State Pilot Board who shall consider the documentary evidence submitted with the application, any letters of recommendation received, and other information in the applicant's file. The State Pilot board shall assign, from 0 to 50 points to those applicants whose applications indicate that they have the greatest potential and who the pilots believe are the best qualified to become pilots.

F. The names and ranking of the applicant(s) recommended by the State Pilot Board for certification as apprentice pilots will be submitted to the commissioners along with the names and ranking of the next five highest ranked applicants not recommended.

G. The Commissioners may approve the name(s) recommended by the State Pilot Board or they may return the name(s) for reconsideration.

H. The Commission shall award a Certificate of Apprenticeship to every apprentice they have approved. Said certificate shall terminate upon satisfactory completion of the apprentice training program or upon the termination of the apprentice for cause or resignation.

#### 9.5 Apprentice Citizenship and Physical Requirements

A. Every apprentice applicant must meet the requirements of the Coast Guard for citizenship, physical health, and general federal licensure as contained in 46 CFR 10.201 - 10.223.

B. All apprentice applicants must certify and be prepared to demonstrate that they can swim unassisted for a distance of not less than 100 meters and can remain afloat unassisted for a period of not less than fifteen minutes immediately thereafter.

#### 9.6 Apprentice Safety and Liability Requirements

A. Every apprentice must own an approved and functional VHF hand-held radio and carry, ready for use, such radio on all vessels boarded as an apprentice.

B. Every apprentice must sign documents relieving the State of Rhode Island, the Commissioners, the Pilots Association, pilots, pilot boat crews, pilot boat owners and operators, and examiners from all liability while in the pilot apprentice program.

C. Every apprentice shall own and use such safety equipment, such as personal flotation devices and pilot retrieval gear, approved and required by the pilots or pilot boat owners.

D. Every apprentice must be a part of an approved random drug testing program and pay all costs incurred. Failure to report for testing when called shall be grounds for immediate dismissal from the apprentice pilot program.

9.7 False Statements: Any person who shall make or cause to be made any fraudulent or intentionally false statement on an application, or any other form filed with the Commission is not eligible for the Apprentice Pilot Program or to take an examination for pilot, and shall not be eligible to re-apply for a period of not less than one (1) year.

#### 9.8 Apprentice Maritime Experience and Education Points

A. Sailing Experience. The Applicant must have at least 6 months validated time to qualify.

|   |          |
|---|----------|
| Master of Steam or Motor vessels of over 10,000 Gross Tons      | 5 Points |
| Chief mate of Steam or Motor vessels of over 10,000 Gross Tons  | 4"       |
| Second Mate of Steam or Motor vessels of over 10,000 Gross Tons | 3"       |
| Third Mate of Steam or Motor vessels of over 10,000 Gross Tons  | 2"       |
| Master of Steam or Motor vessels of over 1,600 Gross Tons       | 3"       |
| Mate of Steam or Motor vessels of over 1,600 Gross Tons         | 2"       |
| Master of Tug/barges 2 " Mate of Tug/barges                     | 1"       |
| USN/USCG Commanding officer of vessels over 400' LOA            | 4"       |
| OOD Underway of vessels over 400' LOA                           | 2"       |

B. Simulators. The applicant must have a certificate of competency issued for the following courses, or equivalent, issued by a simulator facility approved by the Commission.

|                       |          |
|-----------------------|----------|
| Bridge Team Training  | 5 Points |
| Basic Shiphandling    | 5"       |
| Advanced Shiphandling | 10"      |

C. Education. Graduate from an approved educational facility  
State or Federal Maritime Academy

|                  |          |
|------------------|----------|
| US Naval Academy | 5 Points |
| College          | 4"       |
|                  | 3"       |

D. Pilot Licenses. USCG Issued First Class Pilot, Unlimited Tons.

|   |         |
|---|---------|
| Brenton Reef to Providence                        | 1 Point |
| Brenton Reef to Fall River                        | 1"      |
| Brenton Reef to Davisville                        | 1"      |
| Brenton Reef to West Passage                      | 1"      |
| Rhode Island Sound                                | 1"      |
| Rhode Island State Transit license for Fall River | 10"     |

E. Pilotage Experience. Validated pilot of record 25 trips with a First Class Unlimited Tons pilot license issued by the USCG.

|   |               |
|---|---------------|
| On vessels of 4,000 dwt to 10,000 dwt               | 1 to 5 Points |
| On vessels over 100,000 dwt                         | 1 to 10"      |
| On vessels over 10,000 dwt but not over 100,000 dwt | 1 to 15"      |

#### 9.9 Apprentice Training course curriculum

A. Satisfactory completion of the Apprentice Training Course as approved by the Commissioners requires that the apprentice must have satisfactorily completed a minimum of fifteen (15) round trips with a State licensed pilot, five (5) of which while holding valid federal first class pilots license over the waters of Block Island Sound. The apprentice must be accompanied by a Supervising Pilot, the Supervising Pilot shall be the pilot of record.

#### B. General Curriculum Requirements.

1 The curriculum of the approved course require that apprentices learn to direct the movement of vessels, apply the proper rules of the nautical road and other maritime procedures, interface and coordinate with the ships officers and crew, other affected vessels and facilities, and record certain information. During each vessel movement to which the apprentice is assigned, the apprentice shall accompany the licensed pilot assigned to the vessel. The licensed pilot serves as the Supervising Pilot and interacts with the apprentice in the observational and learning process. The ultimate result of the training is marked by the apprentice's satisfactory piloting of vessels under supervision of the various Supervising Pilot assigned to those movements without the need for those pilots to offer coaching or verbal guidance.

2 In addition to the above, the progress of every apprentice must be marked semi-annually during his or her term of apprentice training by the supervising-pilots with whom they have received instruction in the areas of:

##### (a) Attitude and Demeanor

- Attire suitable for the particular job.
- Reporting on time to the pilot boat or ship.
- Wearing proper safety equipment.
- VHF Radio
- Attitude towards office personnel, pilot boat crews, other apprentices, pilots, agents, tugboat crews, ships officers and crews.
- Enthusiasm for the training program.
- Alertness during breaking and while observing other pilots and handling the vessel

##### (b) Voyage Planning

- All relevant publications studied.
- Safe Tracks and Courses.
- Knows dangers of the route and safety margins.
- Tides calculated.
- UKC and Sky draft calculated.
- Currents calculated and effects considered.
- ETA's and distances known.
- Relevant VHF channels known.
- Major lights and buoys known, including light characteristics, sound signals, and dangers they mark.
- Knows names of major landmarks.
- Knows weather forecasts and historic weather patterns.
- Has contingency plans for vessel emergencies.
- Parallel indexing planned
- Local knowledge of unpublished ranges, depths, navigational aids, and currents.

##### (c) Piloting Skills

- Briefing of Master and Officers.
- Meeting vessels anticipated and passed safely.
- Proper VHF procedures and security calls made.
- Master, mates, engine room kept informed.
- ETA's maintained or updated and office informed.
- Proper helm orders given.
- Position fixed and methods used.

- Margins of safety maintained.
- Optimum use of all navigational aids.
- Parallel indexing used.
- Safe speed maintained.
- Efficient lookout maintained.
- Lights and aids properly identified.
- Proper use of bridge personnel.
- Emergencies effectively dealt with.
- Bridge presence.
- Self-control and confidence.
- Conduct under pressure.
- Vessel kept on track.
- Passing signals given.
- Restricted visibility procedures used.
- Rules of the road observed.
- Resourcefulness
- Adaptability

(d) Shiphandling Skills

- Practical knowledge of basic ship handling principles.
  - Ability to maintain the vessel in a safe position
  - Decision making under stress:
  - Decision making with lack of complete information.
  - Assessment of approach speeds.
  - Assessment of vessels position when stopping or turning.
  - Assessment of the effects of wind or current.
  - Use of tugs, anchor, or thruster to best advantage.
  - Use of lines to best advantage.
  - Keeps tugs safe.
  - Practical knowledge of basic tug make-ups and limits.
3. Every apprentice must receive satisfactory grades from the pilot-examiners during each semi-annual progress report period. A 3.2 grade point average on a 4.0 scale in every area of grading is required as the minimal satisfactory grade. This minimal grade shall be obtained during the final progress report period in order for an apprentice to receive a certificate that he or she has satisfactorily completed this training course. The State Pilot Board shall, at least semi-annually, advise each apprentice regarding his or her progress and shall also advise the Commissioners.
  4. Failure to receive satisfactory grades during the apprentice training course can result in the termination of the apprentice training program for any apprentice, at any point in the program, by the commissioners.
  5. Failure to actively participate in the apprentice training program in any report period, without the specific approval of the State Pilot Board, can result in the termination of the apprentice by the Commissioners.
  6. The discovery that any apprentice fails to satisfy the physical requirements for federal license shall be just cause for the termination of any such apprentice without regard to the grades received in the apprentice training course.
  7. In order to satisfactorily complete this training course, every apprentice must solo to the satisfaction of The State Pilot Board on all routes, day or night, ebb or flood tides and on any size and category of vessel calling in Rhode Island.

C. Upon satisfactory completion of the approved apprentice training course, the apprentice will be awarded a Certificate of Completion by the State Pilot Board.

D. Upon the successful completion of the apprenticeship training and qualification program, including certification by the State Pilot Board of satisfactory completion of the apprentice training course, the State Pilot Board shall provide the commissioners with the name of every successful apprentice along with their recommendations regarding his or her prospective licensure by the Commission.

E. The complete training record of every apprentice so recommended shall be brought before the commissioners at the time such apprentice's name is presented.

F. Nothing shall prohibit the Commissioners from periodically reviewing the progress of any apprentice undergoing training, and reviewing the progress reports on every apprentice that have been submitted by the pilots.

#### 9.10 Examination of Apprentices

A. The Commission shall supervise the administration of a written examination, to every candidate for pilot licensure. Each apprentice shall be examined relative to his or her qualifications for the Office of Pilot, and shall be examined in particular concerning their knowledge of tide, depth, bearing, and distances of the shoals, rocks and bars, points of land and night lights within the waters of Block Island Sound and its approaches, that area bounded to the east by the Narragansett Bay traffic lane and bounded to the west by the race, and also touching any other matters related there to which the Commission may deem proper.

B. The minimum passing grade shall be specified by the Commission on each part of the written test furnished to the applicant.

C. The Commission may in its own judgment and discretion, re-examine an applicant found to be deficient in any subject.

D. The State Pilot Board shall provide the board of examiners written documentation relative to the qualifying piloting experience of the license candidate. The Commission shall be unanimously satisfied that the evidence of experience provided adequately demonstrates the necessary experience for licensure.

E. The Commission shall orally examine each candidate for licensure with spontaneous questions and discussion. These questions shall be equal in importance and difficulty.

#### 9.11 Written Test: Cheating or other unauthorized conduct.

A. Except as authorized by the commission, no person may:

- 1 Copy, or intentionally remove, a written test.
- 2 Give to another, or receive from another, any part or copy of the test.
- 3 Give help on that test to, or receive help on that test from any person during the period that the test is being given.
- 4 Take any part of that test on behalf of another person.
- 5 Use any material or aid during the period that the test is being given.
- 6 Intentionally cause, assist, and participate in any act prohibited by this paragraph.

B. Any person whom the Commission finds to have committed an act prohibited by Paragraph (A) of this section, is not eligible to receive any license granted pursuant to Chapter 46-9 or 46-9.1, or to take any test for a period of not less than one year.

#### 9.12 Probationary Licensure

A. Every apprentice pilot shall be issued an original probationary license after fulfilling the following requirements:

- 1 Successful completion of the Pilot Apprentice Program.
- 2 Successful passing examinations as required in sections: 10.8A, 10.8B, 10.8C and 10.8E
- 3 Providing documentation of compliance with such rules and regulations.

#### 9.13 License Renewal:

1 Prior to the expiration of a state pilot license, the Commission shall notify the licensee of the expiration date and supply the licensee with necessary license renewal forms.

2 Not later than 30 days after the expiration date of the expired license, the licensee shall supply the Commission with the completed renewal forms and a photocopy of his Federal Master's License and pilotage endorsement and said renewal fee.

## **RULE 10. REGULATIONS GOVERNING THE RHODE ISLAND APPRENTICE PILOT PROGRAM FOR NARRAGANSETT BAY**

These regulations govern jurisdiction, apprentice pilot eligibility and selection, apprentice training, pilot license examinations and licenser, pilot qualification, pilot registration, application fees, safety and liability requirements.

### **10.1 Purpose:**

A. The purpose of these regulations is to establish standards for the promotion and continuance of a centralized, coordinated system of pilot apprentices.

B. Safety shall be the primary objective of the pilotage apprentice program with the most qualified applicants being accepted into the pilot apprentice program.

### **10.2 Definitions:**

- *Apprentice* - an individual approved and certified by the Commissioners who is undergoing an approved pilot training and qualification program.
- *Coast Guard* - the United States Coast Guard
- *Commission* - the Rhode Island State Pilotage Commission.
- *License* - a document issued by the Commissioners to a pilot authorizing that individual to serve as a State pilot on board such vessels requiring the same.
- *Loa* - length overall
- *Pilot of record* - Pilot who shall receive all pilotage fees for the vessel movement.
- *Pilots* - licensed Rhode Island State Pilots.
- *Solo* - to direct the movement, including docking/undocking, of any vessel without any verbal guidance from the State Pilot Board Member
- *Supervising pilot* - any full branch pilot licensed by the State of Rhode Island.
- *State pilot board* - Three (3) Full Branch Pilots appointed by the State Pilotage Commission to supervise the training and instruction of Apprentices

### **10.3 Requirement for Licensure**

No person may be licensed as a pilot without first having successfully completed the required program of apprentice training and qualification and hold a current valid license as "Master of Steam or Motor Vessels of any Gross Tons upon Oceans" issued by the US Coast Guard. This is applicable to all licenses.

### **10.4 Apprentice Selection Process**

A. Applicants for apprenticeship shall be required to have not less than a "Master of Steam or Motor Vessels of any Gross Tons upon Oceans" issued by the US Coast Guard.

B. Possess a current valid pilot's license issued by the State of Rhode Island for the waters of Block Island Sound.

C. Possess a current valid federal first class pilot's endorsements covering the following waters:

Rhode Island Sound Narragansett Bay (East Passage) Providence River to Providence Quonset and Davisville Channels Mount Hope Bay and Tiverton Channels

D. Posses a current annual medical certificate issued by the Commission.

E. A non-refundable application fee of \$100.00 shall be submitted with each application.

F. Upon determination of eligibility by the Commissioners, copies of the complete applications of eligible applicants will be forwarded to the State Pilot Board.

G. At such times as requested by the State Pilot Board, the commission, after public hearing duly called, deems that the number of licensed pilots is not sufficient, shall certificate from among the eligible applicants the best qualified individual or individuals for apprenticeship possessing current valid federal first class pilot's endorsement covering the sections of the waters of this state required by the commission rules to meet the demands of commerce as

determined by public hearing. Selection shall be in accordance with selection criteria procedures, based upon numerical ranking, promulgated by the Commissioners.

H. Numerical ranking shall be based upon a 200 point system.

1 INTERVIEW. Every applicant shall be interviewed by the Commissioners. Each person interviewed shall be assigned from 0 to 50 points based upon objective scoring guidelines published by the Commissioners.

2 EXPERIENCE. The commissioners shall assign up to 100 points to any applicant who has validated previous maritime experience and education. Consideration shall be given for experience and education as listed in part 10.6.

3 PILOT POTENTIAL. The Commissioners shall forward the application files of every eligible applicant to the State Pilot Board who shall consider the documentary evidence submitted with the application, any letters of recommendation received, and other information in the applicant's file. The State Pilot board shall assign from 0 to 50 points to those applicants whose applications indicate that they have the greatest potential and who the pilots believe are the best qualified to become pilots.

I. The names and ranking of the applicant(s) recommended by the State Pilot Board for certification as apprentice pilots will be submitted to the commissioners along with the names and ranking of the next five highest ranked applicants not recommended.

J. The Commissioners may approve the name(s) recommended by the State Pilot Board or they may return the name(s) for reconsideration.

K. The Commission shall award a Certificate of Apprenticeship to every apprentice they have approved. Said certificate shall terminate upon satisfactory completion of the apprentice training program or upon the termination of the apprentice for cause or resignation.

#### 10.5 Apprentice Citizenship and Physical Requirements

A. Every apprentice applicant must meet the requirements of the Coast Guard for citizenship, physical health, and general federal licensure as contained in 46 CFR 10.201 - 10.223.

B. All apprentice applicants must certify and be prepared to demonstrate that they can swim unassisted for a distance of not less than 100 meters and can remain afloat unassisted for a period of not less than fifteen minutes immediately thereafter.

#### 10.6 Apprentice Safety and Liability Requirements

A. Every apprentice must own an approved and functional VHF hand-held radio and carry, ready for use, such radio on all vessels boarded as an apprentice.

B. Every apprentice must sign documents relieving the State of Rhode Island, the Commissioners, the Pilots Association, pilot, pilot boat crews, pilot boat owners and operators, and examiners from all liability while in the pilot apprentice program.

C. Every apprentice shall own and use such safety equipment, such as personal flotation devices and pilot retrieval gear, approved and required by the pilots or pilot boat owners.

D. Every apprentice must be a part of an approved random drug testing program and pay all costs incurred. Failure to report for testing when called shall be grounds for immediate dismissal from the apprentice pilot program.

10.7 False Statements - Any person who shall make or cause to be made any fraudulent or intentionally false statement on an application, or any other form filed with the Commission is not eligible the Apprentice Pilot Program or to take an examination for pilot and shall not be eligible to re-apply for a period of not less than one (1) year.

#### 10.8 Apprentice Maritime Experience and Education Points

A. Sailing Experience. The Applicant must have at least 6 months validated time to qualify.



Master of Steam or Motor vessels of over 10,000 Gross Tons 5 points Chief Mate of Steam or Motor vessels of over 10,000 Gross Tons 4 " 2'nd Mate of Steam or Motor vessels of over 10,000 Gross Tons 3 " 3'rd Mate of Steam or Motor vessels of over 10,000 Gross Tons 2"

Master of Steam or Motor vessels of over 1,600 Gross Tons 3 " Mate of Steam or Motor vessels of over 1,600 Gross Tons 2 " Master of Tug/barges 2 " Mate of Tug/barges 1 " USN/USCG Commanding officer of vessels over 400' LOA 4 " OOD Underway of Vessels over 400' LOA 2"

B. Simulators. The applicant must have a certificate of competency issued for the following courses or equivalent, issued by a simulator facility approved by the Commission.

Bridge Team Training 5 Points Basic Shiphandling 5 " Advanced Ship handling 10 "

C. Education. Graduate from an approved educational facility

State or Federal Maritime Academy 5 Points US Naval Academy 4 " College 3 "

D. Pilot Licenses. USCG Issued First Class Pilot, Unlimited Tons.

Brenton Reef to Fall River 1 Point

" " " West Passage 1 " Rhode Island State Transit license for Fall River 10 "

E. Pilotage Experience. Validated pilot of record 25 trips with a First Class Unlimited Tons pilot license issued by the USCG.

On vessels of 4,000 dwt to 10,000 dwt 1 to 5 Points On vessels over 100,000 dwt 1 to 10 " On vessels over 10,000 dwt but not over 100,000 dwt 1 to 15 " Pilot of record in Narragansett Bay, 3 round trips 1 to 20 "

#### 10.9 Apprentice Training Course Curriculum

A. Satisfactory completion of the Apprentice Training Course as approved by the Commissioners requires that the apprentice must have satisfactorily completed a minimum of fifteen (15) round trips with a State licensed pilot, five (5) of which while holding valid federal first class pilots license over the waters of Narragansett Bay including Brenton Reef to Providence, Davisville Channel and Mount Hope Bay. The apprentice must be accompanied by a Supervising Pilot, the Supervising Pilot shall be the pilot of record.

#### B. General Curriculum Requirements

1 The curriculum of the approved course require that apprentices learn to direct the movement of vessels, apply the proper rules of the nautical road and other maritime procedures, interface and coordinate with the ships officers and crew, other affected vessels and facilities, and record certain information. During each vessel movement to which the apprentice is assigned, the apprentice shall accompany the licensed pilot assigned to the vessel. The licensed pilot serves as the Supervising Pilot and interacts with the apprentice in the observational and learning process. The ultimate result of the training is marked by the apprentice's satisfactory piloting of vessels under supervision of the various Supervising Pilots assigned to those movements without the need for those pilots to offer coaching or verbal guidance.

2 In addition to the above, the progress of every apprentice must be marked semi-annually during his or her term of apprentice training by the Supervising Pilots with whom they have received instruction in the areas of:

##### (a) Attitude and Demeanor

- Attire suitable for the particular job.
- Reporting on time to the pilot boat or ship.
- Wearing proper safety equipment.
- VHF Radio
- Attitude towards office personnel, pilot boat crews, other apprentices, pilots, agents, tugboat crews, ship officers and crews.
- Enthusiasm for the training program.
- Alertness during breaking and while observing other pilots and handling the vessel

##### (b) Voyage Planning

- All relevant publications studied.

- Safe Tracks and Courses.
- Knows dangers of the route and safety margins.
- Tides calculated.
- UKC and Sky draft calculated.
- Currents calculated and effects considered.
- ETA's and distances known.
- Relevant VHF channels known.
- Major Lights and buoys known, including light characteristics, sound signals, and dangers they mark.
- Knows names of major landmarks.
- Knows weather forecasts and historic weather patterns.
- Has contingency plans for vessel emergencies.
- Parallel indexing planned
- Local knowledge of unpublished ranges, depths, navigational aids, and currents.

(c) Piloting Skills

- Briefing of Master and Officers.
- Meeting vessels anticipated and passed safely.
- Proper VHF procedures and security calls made.
- Master, mates, engine room kept informed.
- ETA's maintained or updated and office informed.
- Proper helm orders given.
- Position fixed and methods used.
- Margins of safety maintained.
- Optimum use of all navigational aids.
- Parallel indexing used.
- Safe Speed Maintained.
- Efficient lookout maintained.
- Lights and aids properly identified.
- Proper use of bridge personnel.
- Emergencies effectively dealt with.
- Bridge presence.
- Self-control and confidence.
- Conduct under pressure.
- Vessel kept on track.
- Passing signals given.
- Restricted visibility procedures used.
- Rules of the road observed.
- Resourcefulness
- Adaptability

(d) Shiphandling Skills

- Practical knowledge of basic ship handling principles.
- Ability to maintain the vessel in a safe position
- Decision making under stress:
- Decision making with lack of complete information.
- Assessment of approach speeds.
- Assessment of vessels position when stopping or turning.
- Assessment of the effects of wind or current.
- Use of tugs, anchor, or thruster to best advantage.
- Use of lines to best advantage.
- Keeps tugs safe.
- Practical knowledge of basic tug make-ups and limits.

1 Every apprentice must receive satisfactory grades from the State Pilot Board during each semi-annual progress report period. A 3.2 grade point average on a 4.0 scale in every area of grading is required as the minimal satisfactory grade. This

minimal grade shall be obtained during the final progress report period in order for an apprentice to receive a certificate that he or she has satisfactorily completed this training course. The State Pilot Board shall, at least semi-annually advise each apprentice regarding his or her progress and shall also advise the Commissioners.

2 Failure to receive satisfactory grades during the apprentice training course can result in the termination of the apprentice training program for any apprentice, at any point in the program, by the commissioners.

3 Failure to actively participate in the apprentice training program in any report period, without the specific approval of the State Pilot Board, can result in the termination of the apprentice by the Commissioners.

4 The discovery that any apprentice fails to satisfy the physical requirements for federal license shall be just cause for the termination of any such apprentice without regard to the grades received in the apprentice training course.

5 In order to satisfactorily complete this training course, every apprentice must solo to the satisfaction of all the State Pilot Board on all routes, day or night, ebb or flood tides and on any size and category of vessel calling in Rhode Island.

C. Upon satisfactory completion of the approved apprentice training course, the apprentice will be awarded a Certificate of Completion by the State Pilot Board.

D. Upon the successful completion of the apprenticeship training and qualification program, including certification by the State Pilot Board of satisfactory completion of the apprentice training course, the State Pilot Board shall provide the commissioners with the name of every successful apprentice along with their recommendations regarding his or her prospective licensure by the Commission.

E. The complete training record of every apprentice so recommended shall be brought before the Commissioners at the time such apprentice's name is presented.

F. Nothing shall prohibit the Commissioners from periodically reviewing the progress of any apprentice undergoing training, and reviewing the progress reports on every apprentice that have been submitted by the pilots.

#### 10.10 Examination of Apprentices

A. The Commission shall supervise the administration of a written examination, to every candidate for pilot licensure. Each Apprentice shall be examined relative to his or her qualifications for the Office of Pilot, and shall be examined in particular concerning their Knowledge of tide, depth, bearing, and distances of the shoals, rocks and bars, points of land and night lights within the waters of Block Island Sound and its approaches, that area bounded to the east by the Narragansett Bay traffic lane and bounded to the west by the Race, and also touching any other matters related there to which the Commission may deem proper.

B. The minimum passing grade shall be specified by the Commission on each part of the written test furnished to the applicant.

C. The Commission may in its own judgment and discretion, re-examine an applicant found to be deficient in any subject.

D. The State Pilot Board shall provide the board of examiners written documentation relative to the qualifying piloting experience of the license candidate. The Commission shall be unanimously satisfied that the evidence of experience provided adequately demonstrates the necessary experience for licensure.

E. The Commission shall orally examine each candidate for licensure with spontaneous questions and discussion. These questions shall be equal in importance and difficulty.

#### 10.11 Written Test: Cheating or other unauthorized conduct.

A. Except as authorized by the Commission, no person may

1 Copy, or intentionally remove, a written test.

2 Give to another, or receive from another, any part or copy of that test.

3 Give help on that test to, or receive help on that test from any person during the period that test is being given.

4 Take any part of that test in behalf of another person.

5 Use any material or aid during the period that the test is being given.

6 Intentionally cause, assist, and participate in any act prohibited by this paragraph.

B. Any person whom the Commission finds to have committed an act prohibited by paragraph (A) of this section, is not eligible to receive any license granted pursuant to Chapter 46-9 or 46-9-1, or to take any test for a period of not less than one year.

#### 10.12 Probationary Licensure

A. Every apprentice pilot shall be issued an original probationary license after fulfilling the following requirements:

- 1 Successful completion of the Pilot Apprentice Program.
- 2 Successful passing examinations as required in sections: 10.8A, 10.8B, 10.8C and 10.8E
- 3 Providing documentation of compliance with such rules and regulations.

#### 10.13 License Renewal

1 Prior to the expiration of a state pilot license, the Commission shall notify the licensee of the expiration date and supply the licensee with necessary license renewal forms.

2 Not later than 30 days after the expiration date of the expired license, the licensee shall supply the Commission with the completed renewal forms and a photocopy of his Federal Master's License and pilotage endorsement and said renewal fee.

### **RULE 11. RHODE ISLAND STATE PILOTAGE COMMISSION RULES AND REGULATIONS CLASSIFICATION OF BLOCK ISLAND PILOTS**

Classification of Block Island sound pilots as defined in Chapter 46-9.1-2 (2)

11.01 There shall be three (3) classes of Licenses to act as a Block Island Sound Pilot, a probationary pilot, a limited pilot, and a Branch pilot.

11.02. A probationary license shall be issued to a successful applicant who has never previously held a Block Island Sound Pilot license. A probationary license shall not be renewed, except by a unanimous vote of the Commission. Such License shall expire after one (1) year.

11.03 An original probationary license shall not authorize the holder thereof to act as a pilot of vessels drawing more than thirty-six (36) feet of water or of more than twenty thousand (20,000) gross tons burden, that six (6) months after the issuance of such probationary license, the State Pilotage Commission shall review the probationary licensee's record of pilotage and may increase the draft and tonnage of vessels. Such licensee may thereafter pilot, but in no case in excess of the draft and tonnage for vessels a limited licensed pilot may pilot.

11.04. During the period of the probationary license, the State Pilotage Commission may, after consideration of a probationary licensee's pilotage record, revoke said license for inactivity or for other just cause.

11.05 At the expiration of a probationary license, the Commission shall review such applicant, and, based on his ability, knowledge, aptitude and skill either decline to issue any license to the applicant or shall issue a limited or full branch license.

11.06 A limited license shall be issued to a successful applicant whose ability, knowledge, aptitude and skill do not qualify such applicant for a branch license. Such license may be renewable.

11.07 A limited license shall not authorize the holder thereof to act as a pilot of vessels of more than sixty thousand (60,000) gross tons.

11.08 The holder of a probationary or limited license may six (6) months after the issuance of either such license, apply to the Commission for review and revision of his license states at any time, but not more often than once in any three (3) months.

11.09 A branch license shall authorize the holder thereof to act as a pilot on Block Island Sound without restriction. Such License may be renewed.

**RULE 12 CLASSIFICATION OF RHODE ISLAND PILOTS FOR WATERS NORTH OF LINE FROM POINT JUDITH TO SAKONNET POINT AS DEFINED IN CHAPTER 46-9-2.**

12.01 There shall be three (3) classes of Licenses to act as a Rhode Island pilot, a probationary pilot, a limited pilot, and a full branch pilot.

12.02 A probationary License shall be issued to a successful applicant who has never previously held a Rhode Island pilot license. A probationary License shall not be renewed, except by a unanimous vote of the Commission. Such License shall expire after one (1) year.

12.03 The holder of an original probationary license is strictly prohibited from acting as a pilot of any vessels with the exception of the following vessels:

(A) During the first (6) months that a holder possesses said license, he/she shall be limited to vessels of no more than twenty-five thousand (25,000grt.) gross tons and which further possess draft restrictions in compliance with the following:

- (1) During the first two (2) months that a holder possesses said license, the draft shall not exceed (30) feet; and
- (2) During the third and fourth months that a holder possesses said license, the draft shall not exceed thirty-two (32') feet; and
- (3) During the fifth and sixth months that a holder possesses said license, and until such time that the Commission modifies the type of vessel the holder is authorized to pilot, the draft of the vessel being piloted shall not exceed thirty-four (34') feet.

(B) The State Pilotage Commission shall review the licensee's record of performance during his/her first six (6) months of service with a probationary license. On the basis of said review, the Commission may reduce the restrictions on the vessels for which the licensee is authorized to pilot to the following extent:

- (1) The Commission may permit the licensee to pilot any vessel of no more than twenty-five thousand (25,000grt) gross tons regardless of draft on said vessel; and
- (2) The Commission may also permit the licensee to pilot vessels of more than twenty-five thousand (25,000grt) gross tons which further possess draft restrictions in compliance with the following:
  - (a) During the first two (2) months that a holder possesses said license, the draft shall not exceed thirty (30') feet; and
  - (b) During the third and fourth months that a holder possesses said license, the draft shall not exceed thirty-two (32') feet; and
  - (c) During the fifth and sixth months that a holder possesses said license, and until such time that the Commission modifies the type of vessel the holder is authorized to pilot, the draft of the vessel being piloted shall not exceed thirty-four (34') feet.

12.04 During the period of the probationary license, the State Pilotage Commission may, after consideration of a probationary licensee's pilotage record, revoke said license for inactivity or for other just cause.

12.05 A probationary license shall authorize the holder thereof to act as a pilot only on such routes for which the Commission finds him qualified and certifies thereto by an endorsement on each such license.

12.06 At the expiration of a probationary license, the Commission shall review such applicant, and, based on his ability, knowledge, aptitude and skill either decline to issue any license to the applicant or shall issue a limited or full Branch license.

12.07 A limited license shall expire as provided in Section 46-9-11 of the General Laws, and shall be issued to a successful applicant whose ability, knowledge, aptitude and skill do not qualify such applicant for a full branch license. Such license may be renewable.

12.08 A limited license shall not authorize the holder thereof to act as a pilot of vessels of more than sixty thousand (60,000) gross tons, nor shall it authorize the holder thereof to act as a pilot except on such routes for which the Commission finds the holder qualified and certified thereto by an endorsement on each such license.

12.09 The holder of a probationary or limited license may six (6) months after the issuance of either such license, apply to the Commission for review and revision of his license status at any time, but not more often than once in any three (3) months.

1 A Full Branch License shall authorize the holder thereof to act as a pilot without restriction. Such license may be renewed as provided in Section 46-9-11.

2 The Commission may, after the notice and hearing, revise the license status of the holder or any class of License, and may revoke or restrict any such License, and issue a lower class of license.

### **RULE 13 PILOTAGE SYSTEM FOR THE WATERS OF NARRAGANSETT BAY AND ITS TRIBUTARIES.**

13.01 Every pilot licensed by the Rhode Island State Pilotage Commission pursuant to Chapter 46-9 of the General Laws of Rhode Island, as amended, of Limited or Full Branch Class and of active status, shall be collectively responsible for the maintenance of a State Pilotage System for the state waters north of a line from Point Judith to Sakonnet Point. The Pilotage System shall incorporate but not be limited to the following:

A. The maintenance of a roster of all active, status pilots licensed pursuant to Chapter 46-9 of the General Laws of Rhode Island, as amended, available in a rotation system to serve the needs of commerce, and to insure the equal distribution of pilotage and responsibility for the maintenance of the pilotage system.

B. The maintenance of a pilot station in Rhode Island Sound, including the necessary pilot boats, equipment and personnel as may be required.

C. The appointment by the roster of pilots of an agent responsible for the centralized billing and collection of all pilotage fees and the equitable distribution of such fees and expenses for the maintenance of said system.

D. The maintenance of a pilot apprenticeship training program pursuant to Chapter 46-9-7 (10) of the G.L.R.I., to train applicants who have applied to the Commission for a State Pilot license and who have been designated by the Commission for such training.

E. The responsibility for the operation and maintenance of certain state-owned property or equipment allotted to the roster for use to insure and effective operation of the Pilotage system.

F. The adoption by the roster of pilots of rules, approved by the Pilotage Commission, for the daily operation of said system.

G. In the interpretation of this rule, active status shall mean a pilot who holds a valid Rhode Island State Pilot's License issued pursuant to Chapter 46-9 G.L.R.I., for the waters of Narragansett Bay and its tributaries, who has a current medical certificate, who is a participant in an approved Federal Department of Transportation Random Drug Testing Program, who is in compliance with recency of trip requirements, and who is not retired but licensed, or on a leave of absence approved by the Pilotage Commission.

H. No pilot licensed pursuant to Chapter 46-9 G.L.R.I., other than while acting in conjunction with his Massachusetts District 4 Pilot Commission, shall exercise the office of his license other than through the aforementioned pilots roster pursuant to its rules, nor shall he bill for services rendered other than through the aforementioned pilots agent.

I. The failure of a pilot to comply with the provisions of this rule shall be deemed "Misconduct or Neglect of Duty Detrimental to the Business of Piloting" and shall be subject to the provisions of Chapter 46-9-22 (1) and 46-9-22.1 (2) G.L.R.I., as amended.

### **RULE 14 PILOT BOATS RULES AND REGULATIONS**

#### **14.01 -Certificate of Compliance**

The owner or operator of a pilot boat used for the purpose of boarding or disembarking any Rhode Island State Licensed Pilot in the waters of Rhode Island Sound, Block Island Sound, and Narragansett Bay south of Newport and Jamestown Bridges shall secure from and hold a valid "Certification of Compliance", issued annually by the

Rhode Island State Pilotage Commission. Said certificate shall be conspicuously displayed on the pilot boat to show that it is manned and operated in compliance with the Rules and Regulations of the State Pilotage Commission. The above certificate may be revoked by the Commission for infractions of Commission Rules and Regulations.

14.02 - Log Book to Be Kept On board each pilot boat, there shall be kept a log book furnished by the State Pilotage Commission, and all appropriate entries shall be made therein by the operator of the pilot boat of all registry and enrolled vessels boarding and disembarking pilots from it. On or before the seventh (7) day of the following month, the carbon copy of the log shall be detached and forwarded to the State Pilotage Commission. The original log book shall be subject to the inspection of the Commissioners at all times and each log book shall be preserved for reference for a period of not less than seven (7) years thereafter.

#### 14.03 - Inspection and Certification of Pilot Boats

A. The owner or operator of a pilot boat 'used for the purpose of boarding or disembarking any Rhode Island State Licensed Pilot in the waters of Rhode Island Sound, Block Island Sound, and Narragansett Bay south of Newport and Jamestown Bridges, shall secure from and hold a valid "Certificate of Compliance" issued annually by the Rhode Island State Pilotage Commission. Said certificate shall be conspicuously displayed on the pilot boat to show that it is manned and operated in compliance with the Rules and Regulations of the State Pilotage Commission. The above certificate may be revoked by the Commission for infractions of Commission Rules and Regulations.

B. The "Certificate of Compliance" will be issued only after vessels have been inspected and found to be satisfactorily in compliance with the safety standards and regulations as set forth in this Section.

C. A "Certificate of Compliance" will be issued for a period of one (1) year. All pilot boats will be inspected annually and within the sixty (60) day period immediately preceding the expiration date of the existing "Certificate of Compliance".

D. For the purpose of receiving a "Certificate of Compliance", pilot boats will be inspected by a U.S. Coast Guard Inspection Officer or by a certified marine surveyor or inspector, authorized by the Pilotage Commission. Any deficiencies noted by the inspection officer shall be corrected by the pilot boat owner to the satisfaction of the Commission prior to the issuance or renewal of the "Certification of Compliance".

E. The standards and requirements hereby adopted for pilot boats covered by this Section will be the same U.S. Coast Guard Rules and Regulations governing small passenger vessels (under 100 gross tons) as described in Title 46 of the Code of Federal Regulations, Subchapter T, as described in Coast Guard (CG-323), Department of Transportation Rules and Regulations for Small Passenger Vessels (under 100 gross tons) dated July 1, 1977, and all amendments, revisions; and substitutions thereof from time to time made to said Rules and Regulations; said Rules and Regulations shall be required when and where necessary, for providing a reasonably safe and adequately maintained pilot vessel.

Inspection procedures, requirements, and standards for R.I. Pilot vessels are covered in the following parts of the aforesaid U.S. Coast Guard (CG-323) for small passenger vessels:

Part 175 General

Part 176 Inspection and Certification

Part 177 Construction and Arrangement

Part 178 Watertight Integrity (collision bulkhead desirable-not mandatory)

Part 180 Life Saving Equipment

Part 181 Fire Protection Equipment

Part 182 Machinery Installation

Part 183 Electrical Installation

Part 184 Vessel Control and Miscellaneous System and Equipment

Part 185 Operations

Part 186 Manning

14.04 - Complement of Pilot Boat The crew of every pilot boat engaged in the service of transporting pilots to and from vessels shall consist of the operator of the boat (federally licensed to carry persons for hire) and at least one (1)

other qualified person whose duties shall include in particular, the safety of the pilot in embarking and disembarking and the protection of life and property in general.

14.05 - Additional Equipment on Pilot Boats In addition to the equipment required by Rule 40.03 and its subsections, every pilot boat subject to certification by the State Pilotage Commission shall be equipped with the following items which shall be maintained in good working order:

- Radar.
- Life Raft - A Commission approved self-inflatable life raft (Renene, Avon, or equivalent) of six (6) person capacity, in a canister, fixed on a deck with a Coast Guard approved hydrostatic release or installed on a float free installation. Said life raft and release shall be tested by a Coast Guard approved inspection station every twelve (12) months.
- Radios -Two (2) fixed VHF radio Tran receivers with appropriate frequencies. Said radios shall be independent of each other including its antennae.
- Flood Lights -Every vessel shall be fitted with floodlights on the mast or superstructure in a manner to light the fore deck and boarding area at night.
- Ladder on Stern -Every vessel shall have fixed on the stern ladder rounds or means to enable a person in the water to be retrieved.
- Work Vest -In addition to the required life preservers to be carried on board, every vessel shall supply the required deck hand and operator with a Coast Guard approved float work vest.

1. Survival Suits -During the winter months, October 1st through June 1st, every pilot boat shall have on board three (3) Coast Guard approved survival suits stored in an approved manner. Said suits shall be inspected by a Coast Guard approved inspection station every 24 months.

2. Anti-Collision Strobe Light - Every pilot boat shall be equipped with an anti-collision Xenon strobe light for use on the pilot station when necessary to identify it from other craft in the area and to give its location to approaching vessels or for use in an emergency. The light shall be fixed on the mast or superstructure where it can best be seen and shall show a white flash of 500,000 peak lumens per flash, 60 times per minute (Model ACR/ACZ-3 or equivalent).

14.06 -Pilots & Pilot Boats, Exception to Rules In the case of an emergency, or due to conditions beyond the control of the pilot, or the owner, or operator of a pilot boat where Commission Rules and Regulations cannot be observed, said pilot, owner, or operator of said pilot boat shall within 24 hours of reaching shore, shall make a preliminary report to the Pilotage Commission and may be required to give a detailed written report and appear before the Commission in person.

14.07 -Pilot Station Brenton Reef Pilot Station, at Lat. 41°-23.4'N, Long. 71°-21.2'W (072° - 6 miles from Point Judith Light), is the main pilot station for the boarding of all State Licensed Pilots in the waters of Rhode Island Sound and Block Island Sound. Pilots shall board vessels, when practical, within the boarding area bounded by the following points:

41°-23.6'N 71°-22.4'W  
41°-22.6'N 71°-22.0'W  
41°-24.2'N 71°-20.0'W  
41°-22.61N 71°-20.6'W

Vessels bound to and from Long Island Sound ports may be boarded and disembarked at Point Judith Pilot Station, at Lat. 41°-17.0'N, Long. 71°-31.0'W, (199° - 4.9 miles from Point Judith Light), through prior arrangement with the vessel's agents or the pilots, weather permitting.

The Rhode Island Pilot Approach Communications system shall maintain a watch of VHF Radio Channel #16 at least two (2) hours before the vessel's E.T.A.



## **RULE 15 PILOTS RULES AND REGULATIONS**

### **15.01 -Application of Rules and Regulations**

The Rules and Regulations adopted by the Rhode Island State Pilotage Commission shall be applicable to all pilots licensed by the Commission and by pilot boats in their employment, except in such cases as where it appears from the regulation that it is applicable to Rhode Island pilots (46-9) only, or to Block Island Sound Pilots (46-9.1) only.

### **15.02 -Pilots and Pilot Boats, Exception to Rules**

In the case of an emergency, or due to conditions beyond the control of the pilot, or the owner or operator of a pilot boat where Commission rules and regulations cannot be observed, said pilot, owner or operator of said pilot boat shall within 24 hours of reaching shore shall make a preliminary report to the Pilotage Commission and may be required to give a detailed written report and appear before the Commission in person.

### **15.03 -Records to Be Kept By Pilots or Their Agent: Report to Commission**

The pilot or his agent, shall maintain records and shall when requested report to the Commission, at the office of the Commission, every vessel piloted by him, specifying the name, draft, nationality, where boarded, destination, time of boarding if inward bound, time of leaving if outward bound or transported, extra services rendered, the length of any detention of the pilot on board at an anchorage or elsewhere, the name of any pilot apprentice or other person accompanying him. Such reports shall be made at such time as the Commission may require. The pilots shall also keep records, which at all times shall be open to the Commission and to the personnel of the Commission. If the records so kept do not contain information, which the Commission may think necessary, the Commission shall direct the pilots to keep their records in such manner, as the Commission may think requisite.

### **15.04 -Absence of Pilot from Duty: Active And Inactive Status: Notification To Commission: Refresher Pages.**

A. Whenever any pilot is absent from duty for any cause, whatsoever, for more than sixty (60) days, he shall inform the Commission in writing, or cause them to be informed, as to the reason for, and the probable length of his absence from duty.

B. However, any pilot who has been away from duty for a period of six (6) months or longer, or has not completed a passage through the waters of his Commission during this period shall be placed on inactive status and shall complete at two (2) passages over each route for which he is licensed by the Commission before resuming his pilotage duties as an active status pilot. The refresher passages shall be made as an observer in the company of an active pilot who is licensed by the Commission in the same or higher grade.

C. Furthermore, such pilot, before resuming his pilotage duties, shall submit to the Commission a list of completed refresher passages including the name, gross tons and draft of each ship involved, a description and date of each passage, and the name of the attending pilot. In addition, such pilot may be required to appear before the Commission prior to resumption of his piloting duties.

### **15.05 -Vessels Going Aground or Other Accident to Be Reported To Commission by Pilot: Fine for Violation.**

In the event of a vessel going aground or meeting with any accident while a pilot is in charge, the pilot or the pilot's agent shall cause the Commission to be notified of the circumstances of said accident or grounding as soon as practical, and not later than the pilot's arrival alongside or ashore. Further, the pilot shall render to the Commission within twenty-four (24) hours of his arrival ashore a written report of the circumstances specifying the location and exact time of such grounding or accident and the nature and cause thereof. Every violation of this rule shall be punishable by a fine of \$300.00.

### **15.06 -Duty of Master of Vessel-Safety of Pilot: Damages-Penalty: Ship Mail: Return Of Letters by Pilot Non-liability**

A. Whenever a vessel is receiving or discharging a pilot, the master of the vessel shall, at the time of boarding, make a lee for the pilot boat and bring his vessel to a full stop or to a speed as directed by the pilot boat, and shall supply a suitable ladder, in good condition, properly placed and secured over the side about three (3) feet above the water to enable the pilot to board or leave the vessel safely. In addition to any damages which may be awarded to a pilot against any vessel or their owners or agents for failing to provide the pilot with a safe means of boarding or leaving

the vessel, the owners or agents of any vessel failing to comply with this regulation shall be subject to a penalty of not more than \$500 and not less than \$100.

B. Subject to all laws, rules and regulations of the United States, or any agency or Department thereof, a pilot may, when requested by a vessel owner or agent to deliver on board an incoming vessel the ship's mail and on an outbound vessel may, when requested to do so, return to the agent of such vessel all letters handed to him by the master or purser of that vessel, provided such letters shall contain sufficient postage and are properly prepared for carriage and mailing. Neither the pilot nor any association of which he is a member, shall be liable in any way for the loss or misdelivery of any letter or parcel of letters or other mailing matter so delivered to the pilot, and a pilot may require the master of the vessel or the vessel's agent to sign a written statement relieving the pilot and the pilot's association to which he belongs from all such responsibility and necessary expense attending such service shall be paid by the local agent of the vessel.

#### 15.07 -Pilots Use of Certified Pilot Boat

Every Rhode Island State Licensed Pilot when boarding or disembarking any vessel under registry within the waters of Rhode Island Sound, Block Island Sound or in the waters of Narragansett Bay south of the Newport and Jamestown Bridges, shall use only pilot boats which hold a valid certification of compliance issued by the Rhode Island State Pilotage Commission and which shall be conspicuously displayed in said pilot boats.

#### 15.08 -Pilot Station

Brenton Reef Pilot Station (Lat. 41°-23.4'N, Long. 71°-21.2'W a position 150° - 4 miles from Brenton Reef Pilot Light) is the main pilot station for the boarding of all State Licensed pilots in the waters of Rhode Island Sound and Block Island Sound. Pilots shall board vessels, when practical, within the boarding area bounded by the following points:

41°-23.6'N 71°-22.4'W

41°-22.6'N 71°-22.0'W

41°-24.2'N 71°-20.0'W

41°-22.6'N 71°-20.6'W

Vessels bound to and from Long Island Sound ports may be boarded and disembarked at Point Judith Station, (in position Lat. 41°-17.0'N, Long. 71°-31.0'W at a position of 199°, 4.1 miles from Point Judith Light) through prior arrangement with the vessel's agents or the pilots, weather permitting.

The Rhode Island Pilot Approach Communications System shall maintain a watch on VHF Radio Channel #16 at least two (2) hours before the vessel's E.T.A.

#### 15.09 -Pilot Boarding, Ending of a Pilot's Services, Assisting In Docking or Undocking and Leaving Vessel Underway, Disembarking:

Every pilot shall board incoming vessels at an adequate distance southerly of Narragansett Bay entrance to insure that he has ample time to review the vessel's maneuvering characteristics, draft, sky draft, any limitations of the engineering plant and navigational equipment, and to assume full control of the vessels' navigation before passing inbound north of a line due east and west through a position one and one-half (1 1/2) miles south of Beavertail Light. Further, a pilot shall, before commencing any vessel movement, consult with the Master and other relevant deck officers, the vessel's proposed route, including course, speeds, squat, and unique maneuvers that may be encountered. A pilot's services end and he is entitled to discharge by the Master of a vessel when he has brought the vessel to a safe anchorage or to a position off the pier to which the vessel is bound, unless the Master shall have formally requested the pilot to assist in the docking of a vessel. Whenever formally requested by the Master to do so, the pilot of a vessel may assist in either the docking or undocking of such vessel. A pilot shall not leave a vessel underway unless he shall have first been properly relieved. Pilots on outbound vessels shall not disembark vessel before clearing seaward of Beavertail Light.

#### 15.10 - Quarterly Report - Negative Report

The provisions of Sections 46-9-20 and 46-9.1-8 of the General Laws of Rhode Island pertaining to quarterly reports are to be strictly adhered to. In case no piloting under the provisions of Chapters 46-9 and 46- 9.1 of the General Laws of Rhode Island has been performed during a particular quarter, a negative report shall be filed.

#### 15.11 - Annual Physical Examination -Annual Medical Certificate

A. No person licensed under any provision of Chapter 46-9 and 46-9.1 G.L.R.I. shall perform any pilotage duties under the overall supervision of the Commission unless he has a current "Annual Medical Certificate".

B. Every pilot licensed pursuant to the provisions of Chapter 46-9 and 46-9.1 G.L.R.I., shall annually during the ninety (90) days period preceding December 31st of each year have at his own expense a physical examination.

C. The results of such examinations on forms provided by the Commission shall be filed with the Commission.

D. On or before December 31st of each year the Commission shall award said pilot satisfactorily completing the required examinations an "Annual Medical Certificate: for the following year. Said certificate shall be attached to the pilot's license.

E. Should the examining physician consider the health or eyesight of the pilot, such as to render him unfit to perform his required duties, the Commission shall withhold the issuance of an Annual Medical Certificate until such time after re-examination, the physician finds said pilots to be physically fit to perform his duties. The Commission may, on advice of the examining physician, issue a certificate for a shorter period of time or with limitations attached.

F. The "Annual Medical Certificate" shall automatically become suspended when a pilot becomes hospitalized for any purpose for more than seven (7) days or he is absent from duty for more than 30 days to an accident or any illness. Said pilot or his agent, shall cause the Commission to be notified of the circumstances of said hospitalization, illness or accident and shall supply the Commission with notice from the attending physician that he is physically fit to perform his required duties before the Commission shall reinstate his Annual Medical Certificate.

G. Any violation of the provisions of this rule shall subject said pilot to forfeit to the Commission any pilotage fees he has earned while in violation of this rule and subject him to provisions of Chapter 46-9-22 and 46-9.1-21.

#### 15.12 -Pilots - Block Island Sound Filing of Report Fees

Once in every three (3) months, every pilot shall render to the Commission an accurate account of all vessels subject to the law piloted by him. Said report shall be filed within thirty (30) days of the end of the quarter.

#### 15.13 -Pilotage Units - Definitions

A. "Pilotage Units" as used in this Rule shall be determined by multiplying the overall length of the vessel by the extreme breadth by the depth to the uppermost continuous deck and dividing the total by ten thousand, as expressed by the following formula: Overall Length X Extreme Breadth X Depth To Uppermost continuous Deck = Pilotage Units 10,000. Pilots shall first round off any fraction of an inch to the nearest inch and change the feet and inches to feet and decimal part, using the scale below:

| Inches = Feet | Inches = Feet |
|---------------|---------------|
| 1 .083        | 7 .583        |
| 2 .167        | 8 .667        |
| 3 .250        | 9 .750        |
| 4 .333        | 10 .833       |
| 5 .417        | 11 .917       |
| 6 .500        | 12 1.000      |

In cases where vessel's particulars are listed in meters, we recommend that the use of the constant 35.314665 in the conversion, as below:

$$\frac{\text{LOA} \quad \times \quad \text{Ex. Breadth} \quad \times \quad \text{Depth} \quad \times \quad \text{Constant}}{\text{In Meters} \quad \text{in Meters} \quad \text{in Meters} \quad 10,000 \quad 35.214665} = \text{Pilotage Units}$$

(1 Meter - 3.2808399 EXACT)

(3.28083993 = 35.314665)

In both cases, the number of pilotage units should be rounded off to the nearest hundredth or two decimal points.

#### B. Definitions:

- "Overall Length" is the distance between the forward and after extremities of the vessel.
- "Extreme Breadth" is the maximum breadth to the outside of the shell plating of the vessel.
- "Depth" is the vertical distance at amidships from the top of the keel plate to the uppermost continuous deck, fore and aft, and which extends to the sides of the vessel. The continuity of the deck shall not be considered to be affected by the existence of tonnage openings, engine spaces, or a step in the deck.
- All measurements shall be in feet and inches (U.S.).
- The State Pilotage Commission shall be the sole arbiter with respect to a question concerning these definitions. The decision by the Commission shall be final.
- The measurements of overall length, extreme breadth, and depth as previously defined, shall be made available to the pilot by the master or his agent for the computation of pilotage fees. Failure to provide the measurements so required shall subject the vessel to the maximum pilotage charge.

#### 15.14 Rates of Pilotage Fees which shall be paid to state licensed pilots in Rhode Island Waters (Narragansett & Mount Hope Bays & Tributaries)

Pilotage rates per pilot unit:

12/1/2003 - 5/31/2005..... \$ 9.56  
 6/1/2005 - 5/31/06 ..... \$ 9.94  
 6/1/2006 - 5/31/07 ..... \$10.24  
 6/1/2007 – 12/31/08 ..... \$10.55  
 Period beginning 1/1/09..... \$10.97

1. All vessels shall pay the yearly pilotage rate per pilotage unit with a minimum of one hundred fifty (150) units and not to exceed a maximum of five hundred (500) units. Pilotage units shall be determined by multiplying the overall length of the vessel by the extreme breadth by the depth to the uppermost continuous deck and dividing the total by ten thousand, as expressed by the following formula:

$$\frac{\text{Overall length} \times \text{extreme breadth} \times \text{depth to uppermost continuous deck}}{10,000} = \text{Pilotage Units} = \text{Pilotage Units}$$

All measurements shall be in feet and inches (U.S.)

2. The foregoing rates apply to all pilotage between Rhode Island Ports except between:

- a. Melville and Tiverton - fee shall be 75% of foregoing rates.
- b. Vessels bound to Rhode Island Ports and stopping at Newport/Jamestown for anchorage for the purpose of lightering cargoes to the draft requirements at the discharge berth. The fee for the movement of said vessel from seas to the discharge berth shall be 100% of the rate.
- c. Vessels bound to Massachusetts District Four Ports and stopping at Newport/Jamestown anchorage for the purpose of lightering cargo to the draft requirements at the discharge berth. The fee for the movement of said vessel from sea to the Massachusetts District Four line shall be 100% of the rate.
- d. Cruise ships bound for Goat Island, anchorage shall be charged a fee of 75% of the foregoing rates.

15.15 (Pursuant to § 46-9-20 - General Laws of Rhode Island, 1956, as amended)

"ACCOUNTS OF FEES & PAYMENTS TO STATE": Once every month, every pilot or his agent, shall render to the Commission an accurate account of all vessels subject to this chapter piloted by him and of all money received by him for pilotage of such vessels, and shall pay to the State of Rhode Island six percent (6%) of the amount thereof. Pilots shall add six percent (6%) to the rates established by the Commission when they perform the service of piloting any vessel subject to this chapter and collect the same in like manner as they are authorizing to collect passage fees...."

15.16 Estimated Port Disbursement Monies - Payment to Pilots:

A. The master, owner, agent, or consignee of every vessel requiring a pilot pursuant to Chapters 46-9 and 46-9.1 G.L.R.I., as amended, shall include any and all pilotage fees in the "Estimated Port Disbursement Monies" for said vessel, and shall make these pilotage fees available to said vessel's local agent prior to the said vessel's departure from R.I. State waters for timely payment to the pilots.

B. All pilots licensed pursuant to Chapter 46-9 and 46-9.1 G.L.R.I., as amended, who have not received payment for their services on the first day of the fourth month after the month of the original billing date, shall charge the master, owner, agent, or consignee of the said vessel an additional fee of one and one-half percent (1 1/2%) of the uncollected monies and a said charge each first day of each month thereafter until full payment is received.

C. Every pilot having uncollected fees as set forth in Paragraph 2 above of this rule shall, during the first fifteen (15) days of every month, report to the R.I. State Pilotage Commission such uncollected fees on forms provided by the Commission.

D. Any party failing to observe the provisions of this rule shall be liable to a Civil Penalty of not more than \$200 payable to the State of Rhode Island, for each violation of this rule and also may be subject to any disciplinary action permitted by R.I. General Laws, 1956, as amended, Chapter 46-9 and 46-9.1, and any relevant provision of the Rules and Regulations of the Rhode Island State Pilotage Commission.

Additional fees payable to Pilots - Pilot Detention Fee:

1 Vessels anchoring during any movement for more than two hours for reasons other than lack of safe navigational weather, shall pay the pilot a detention fee of \$75 per hour or fraction thereof during such anchorage time. Where the pilot is discharged from the vessel at anchor a minimum transportation fee of five hundred (\$500) dollars shall be paid.

2 Notice of Sailing: On the arrival of a vessel in Port, Pilots shall be given an estimated time of sailing (ETS) and shall be given at least four (4) hours advance notice of cancellation or change of the sailing time.

3 Pilots who are detained on outward-bound vessels more than two (2) hours beyond scheduled sailing time shall be paid a fee of seventy-five (\$75) dollars for each hour, or fraction thereof, beyond scheduled sailing time.

4 Fee for Being Carried Away to Sea: A pilot who is carried away to sea shall be paid One thousand (\$1,000) dollars per day plus first class return transportation, unless the decision to carry the pilot away is a mutual decision by the pilot and the master of the vessel.

5 Fee for adjusting compass and RDF calibration - each \$300.

6 Any vessel shifted within the harbor shall pay a fee of \$300.

15.17 Offenses Involving Narcotic Drugs Marijuana and Depressants or Stimulant Drugs or Substances

A. No person who is convicted of violating any Federal or State statute relating to using, growing, processing, manufacturing, selling, disposing, transporting, or importing of narcotic drugs, marijuana, or depressant or stimulant drugs or substance, is eligible for any license issued pursuant to Chapter 46-9 or 46-9.1 G.L.R.I., as amended, for a period of at least ten (10) years after the date of -conviction.

B. Every active status Rhode Island State Licensed Pilot shall be in compliance with Title 46, Parts 4-5 b 16 of the Code of Federal Regulations "Federal Drug Testing Regulations", prescribed by the United States Coast Guard and the United States Department of Transportation and if not a participant in an approved Random Testing Program, shall furnish the Commission with a pre-employment Chemical Test Certificate to verify his compliance with Code of Federal Regulations Part 16 Subpart B Section 16.210.

C. Any conviction specified in paragraph (a) of this section or failure to comply with the above-mentioned regulation in paragraph (b) is grounds for suspending or revoking any license pursuant to Chapter 46-9 or 46-9.1 G.L.R.I.

#### 15.18 Navigational Rules of the Road

Every pilot licensed pursuant to the provisions of Chapters 46-9 or 46-9.1 of the Rhode Island General Laws shall operate any vessel under his or her care consistent with the Inland Navigational Rules Act of 1980, as amended, as applicable, (33 U.S.C. §§ 2000 et. seq.) and or the International Regulations for Preventing Collisions at Sea 1972 (commonly called the 72 Col Regs), as amended, as applicable, (hereinafter the "Federal Rules of the Road"). Any pilot who is found by the Commission to have operated a vessel under his or her care in violation of the Federal Rules of the Road within the jurisdiction of the Commission may be subject to disciplinary action pursuant to Section 46-9-22 or 46-9-22.1, or 46-9.1-18. G.L.R.I.

#### 15.19 Utilization of Commission Issued Navigational Computer Equipment

A. No pilot licensed pursuant to the provisions of Chapters 46-9 or 46-9.1 of the Rhode Island General Laws shall navigate any vessel unless he or she possesses on board said vessel a unit of the navigational computer equipment provided by the Commission and the pilot employs said equipment throughout the vessel's journey consistent with the best practices prescribed for its utilization. The only exceptions to the instant requirements are the two following circumstances: (1) when a pilot is navigating a vessel from one berth to another berth within the same harbor; or (2) when a pilot is navigating vessel that he or she knows is equipped with computer navigation equipment in whose operation the pilot has been trained and which he or she is familiar, whose capacity is either equal to or better than the computer navigation equipment provided by the Commission, and which the pilot will be afforded the opportunity to employ while navigating the vessel.

B. In the event that a pilot fails or is unable for whatever reason to comply with the requirements of part 15.19 (A). The pilot shall cause the Commission to be notified of the circumstances of the incident as soon as practical, and not later than the pilot's arrival ashore. Further, the pilot shall render to the Commission within twenty four (24) hours of his or her arrival ashore a detailed written report describing the nature and cause of the incident. The Commission may require the pilot to appear before the Commission in person to assist the Commission in determining what penalty, if any, is to be assessed as a result of the incident.

C. Any navigational computer equipment provided by the Commission for use by pilots remains the property of the State of Rhode Island and as such must be returned to the Commission or its agent by the pilot having possession thereof within twenty four (24) hours of receipt of notice from the commission requesting its return.

D. Any pilot who is found by the Commission to have operated a vessel under his or her care in violation of Part 15.19 (A) within the jurisdiction of the Commission, or to have failed to comply with Part 15.19 (C), may be subject to disciplinary action pursuant to section 46-9-22 or 46-9-22.1, or 46-9.1-18 of the General Laws of Rhode Island.

### **RULE 16 RATES OF PILOTAGE FEES, WHICH SHALL BE PAID TO STATE LICENSED PILOTS IN BLOCK ISLAND SOUND**

16.01 The following scale of fees for pilotage on Block Island Sound shall be applicable:

A. All vessels of up to 100 pilotage units shall pay \$530.00.

B. All vessels of 100 pilotage units and over shall pay \$5.30 per pilotage unit with a maximum of \$2,385.00.

C. A pilot detained on board a vessel at anchorage awaiting tide or berth or detained' on board a vessel at berth for more than 2 hours shall be paid at the rate of \$25.00 per hour of fraction thereof.

D. A pilot carried off on board a vessel by reason of bad weather or any other cause shall be paid \$200.00 per day during the time of his detention. He shall also be awarded first class return transportation at the earliest possible moment.

E. "Pilotage units" as used in this subdivision shall be determined by multiplying the overall length of the vessel by the extreme breadth by the depth to the uppermost continuous deck and dividing the total by ten thousand. as expressed by the following formula:

Overall Length X Extreme Breadth X Depth  
to Uppermost Continuous Deck

10.000

Equals Pilotage Unit

F. All pilotage fee rates provided in Rule 16.01 shall be increased by Four Percent (4%) effective January 1, 2009.

16.02 Definitions:

- "Overall Length" is the distance between the forward and after extremities of the vessel.
- "Extreme breadth" is the maximum breadth to the outside of the shell plating of the vessel.
- "Depth" is the vertical distance at amidships from the top of the keel plate to the uppermost continuous deck, fore and aft, and which extends to the sides of the vessel. The continuity of the deck shall not be considered to be affected by the existence of tonnage openings, engine spaces, or a step in the deck.

All measurements shall be in feet and inches (U.S.).

The State Pilotage Commission shall be the sole arbiter with respect to a question concerning these definitions. The decision by the board shall be final.

16.03 The measurements of overall length, extreme breadth, and depth as previously defined, shall be made available to the pilot by the master of his agent for the computation of pilotage fees. Failure to provide the measurements so required shall be subject to the vessel to the maximum pilotage charge.

D. Additional fee for a vessel serviced at Point Judith Pilot Station area.

An additional fee of \$125.00 shall be billed to the vessel and payable to the pilot for the servicing of the vessel from the Point Judith Pilot Station area.

E. Fee for adjusting compass and RDF calibration - \$ 100.00.

PILOT STATION:

Brenton Reef Light Station (Lat 41 ° - 25.8' N Long 71 ° - 23.4' W). shall be the main pilot station for the boarding and disembarking of all State Licensed Pilots in the waters of Rhode Island Sound and Block Island Sound. Pilots shall board vessels when practical within the precautionary zone area of the Narragansett Bay Traffic Separation Scheme (3 k mile radius - southerly of Brenton Reef Light) (USCG Chart # 1210).

Vessels bound to and from Long Island Sound parts may be boarded and disembarked at Point Judith Station (2 mile radius southerly of Lighted Whistle Buoy 112. Lat. 41 ° 19.3' Long 71 ° 28.5' W) through prior arrangement with the vessel's agents for the pilots, weather permitting.

Pilot boats shall maintain a watch on VHF Radio Channel #16 at least one hour before the vessels E.T.A.

Per order:

The foregoing Rules and Regulations for State of Rhode Island and Providence Plantations State Pilotage Commission, after due notice, are hereby adopted and filed with the Secretary of State this 11<sup>th</sup> day of December, 2008, to become effective twenty (20) days thereafter, in accordance with the provisions of Chapter 42-35, 42-7.1, and 42-17.6 of the General Laws of Rhode Island of 1956, as amended.

Michael Scanlon  
Chairman  
RI Pilotage Commission

|                      |   |
|----------------------|---|
| Notice Given on:     | March 28, 2008                                      |
| Public Hearing Held: | May 8, 2008   |
| Filing Date:         | December 12, 2008                                   |
| Effective Date:      | January 1, 2009, <u>Twenty (20) days thereafter</u> |