

250-RICR-80-00-9

TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 80 - LAW ENFORCEMENT

SUBCHAPTER 00 - N/A

PART 9 - Rhode Island State Pilotage Commission Rules and Regulations

9.1 Authority

~~Administrative Procedures Act of the R. I. Gen. Laws Chapter 42-35 as Amended~~
~~State of Rhode Island, State Pilotage Commission Rules and Regulations adopted pursuant to R.I. Gen. Laws Chapter 42-35 (1956), subsequent re-enactment as amended, and to Other Provisions of Law. These regulations are promulgated pursuant to R.I. Gen. Laws Chapters 42-1746-9 and 46-9.1, and in accordance with the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter § 42-35.~~

9.2 Incorporated Materials

- A. ~~These regulations hereby adopt and incorporate the United States Coast Guard's "Requirements for Uninspected Passenger Vessels" (2016) by reference, not includingincluding any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.~~
- B. ~~These regulations hereby adopt and incorporate the United States Coast Guard's "Navigational Regulations" commonly called 72 COLREGS (1989) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.~~
- C. ~~These regulations hereby adopt and incorporate the United States Coast Guard's "Requirements for all Merchant Mariners" (2017), 46 C.F.R. §§ 10.201 through 10.223 by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.~~

9.3 Definitions

- A. The following words when used in the se rules shall have the following meaning:-

1. "Adjudicatory proceeding" means an adjudicatory proceeding before the Commission in which the legal rights, duties or privileges of specifically named persons are determined after an opportunity for a hearing.-
2. "Agent" means the agency that represents the state pilot and appoints the pilot for ~~duty~~duty. The agent is responsible for the distribution of pilotage assignments and oversees all expenditures and day-to-day operations.
3. "Appearance" means ~~an appearance is defined as~~ notice of participation in an adjudicatory proceeding which may be accomplished either by the filing of a pleading or an entry of appearance with the ~~administrative~~ secretary of the Commission.-
4. "Apprentice" means an individual approved and certified by the ~~commissioners~~ Commission who is undergoing an approved pilot training and qualification program.
5. "Certification" means a statement wherein a party attests that they have performed the requirements of § 9.5(I) of this Part.
6. "Coast Guard" means the United States Coast Guard.
7. "Commenced" means an administrative hearing has commenced upon conclusion of the pre-hearing conference.
8. "Commission" means the Rhode Island State Pilotage Commission, or, when the context permits, to individual members, sub-committees, its staff, agents or employees.-
9. "Commission meeting" means any meeting of the full Commission.
10. "Commission office" means the offices of the Commission at the Division of Law Enforcement, Department of Environmental Management, 235 Promenade Street, Providence, Rhode Island.
11. "Depth" means 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.
12. "Extreme breadth" means the maximum breadth to the outside of the shell plating of the vessel.

13. "License" means a document issued by the ~~commissioners~~ Commission to a pilot authorizing that individual to serve as a state pilot on board such vessels requiring the same.
14. "~~Lea~~LOA" means length overall.
15. "Mile" or "~~M~~Miles" means a unit of length that is approximately one minute of arc measured along any meridian and by international agreement it has been set at 1,852 meters exactly (or approximately 6,076 feet).
16. "Overall length" means the distance between the forward and after extremities of the vessel.
17. "Papers" means all written communications submitted to the Commission in an adjudicatory proceeding, including but not limited to, motions, pleadings, documents and all other correspondence.
18. "Party" means the specifically named person(s) whose legal rights, duties, or privileges are being determined in an Adjudicatory Proceeding; and any other person who has been granted the right to intervene.
19. "Person" means any individual, partnership, corporation, limited liability company, association, governmental subdivision, or public or private organization.
20. "Petitioner" means a person who initiates an adjudicatory proceeding.
21. "Pilot of record" means pilot who shall receive all pilotage fees for the vessel movement.
22. "Pilots" means licensed Rhode Island state pilots.
23. "Portable pilot unit" or "PPU" means ~~as used in these regulations shall be defined as~~ any portable computer device issued or made available to a Rhode Island licensed pilot to assist in navigational responsibilities.
24. "Regular business hours" means papers will be deemed filed during regular business hours if received during the hours of 8:30 a.m. to 4:00 p.m. Monday through Friday on days other than state holidays. The department's physical, facsimile, or electronic mail date stamp shall be presumptive of the actual date and the time of filing. Filing by electronic transmittal is permitted, provided however, an original copy of said filing shall be delivered to the Commission within five (5) days of electronic transmittal.

25. "Reportable incident" means ~~as used in these regulations shall be defined as~~ any grounding of a vessel while being piloted, or the allision of a piloted vessel with another vessel or structure, or if the pilot becomes aware that a piloted vessel has suffered any engine or navigational control failures while in the waters under the control of the Commission, or any other occurrence that the pilot believes could reasonably affect the safe navigation of the vessel.
26. "Respondent" means the party who challenges an order of the Commission or any other parties not bearing the burden of proof.
27. "Secretary" means the administrative secretary of the Commission.
28. "Solo" means to direct the movement, including docking/undocking, of any vessel without any verbal guidance from the State Pilot Board Member.
29. "State Pilot Board" means three (3) full branch pilots appointed by the State Pilotage Commission to supervise the training and instruction of apprentices.
30. "Supervising pilot" means any full branch pilot licensed by the State of Rhode Island.

~~9.4__2 Organization and Method of Operations~~

- ~~A. Organization R.I. Gen. Laws Chapter 46-9 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 Ddirector of the Department of Environmental Management is an ex officio member of said Ccommission.~~
- ~~B. 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.~~
- ~~C. 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 or she has the proper qualifications as set forth in R.I. Gen. Laws §§ 46-9-7 and § 46-9.1-11. _ The Commission is authorized to approve, modify, set conditions for, or reject any such application.~~

~~D. — The Duties of the Commission Shall bBe to:~~

- ~~1. — Make, establish, and enforce such Rrules and Rregulations, 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 Rrules and Rregulations as may be necessary to enable the Commission to carry into effect the provisions of Chapter 46-9 and 46-9.1 of the R.I. Gen. Laws;~~
- ~~2. — Make and establish rates of pilotage for such vessels as are subject to the provisions of Chapter 46-9 and 46-9.1 of the R.I. Gen. Laws;~~
- ~~3. — Establish and determine the qualifications of any person applying for a pilot's license and conduct examinations;~~
- ~~4. — Issue, suspend or revoke any pilot's license in accordance with the provisions of Chapter 46-9 and 46-9.1 of the R.I. Gen. Laws;~~
- ~~5. — Cause the laws, Rrules and Rregulations concerning pilots and pilotage matters to be fully observed and executed;~~
- ~~6. — 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;~~
- ~~7. — Hear and decide complaints made in writing by any pilot against any charterer, owner, agent, mmaster or seaman of a vessel for any misbehavior toward such pilot in the performance of his or her duty, or any breach of the Rrules and Rregulations;~~
- ~~8. — Administer oaths and compel the attendance of witnesses at such hearings as it may conduct;~~
- ~~9. — Perform all other functions set forth in R. I. Gen. Laws Chapters 46-9 and 46-9.1 not specifically covered herein;~~

~~E. — Meetings — The Commission shall meet at the call of the cChair. _ 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.~~

9.4 Practice before the Commission

- A. Any person may appear before the Commission on his or her own behalf. Any person who has an adjudicatory proceeding before the Commission may appoint an attorney to represent him/her before the Commission if the attorney is licensed to practice before the Supreme Court of the State of Rhode Island, or is authorized to do so in compliance with Provisional Order 20 of the R.I. Supreme Court Rules. The notice of appointment of counsel must be made prior to the Commission meeting, in writing, and duly signed by the party appointing the representative.
- B. 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.
- C. 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.
- D. Preliminary Investigations
 - 1. Whenever authorized by law, the Commission may conduct preliminary investigations into matters under its jurisdiction. Upon the completion of such investigation:
 - a. 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, or
 - b. 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.

9.5 Formal Adjudicatory Proceedings

- A. If the Commission makes a preliminary determination that a violation probably occurred or that a formal adjudicatory proceeding should be instituted, the Commission shall serve notice upon the person who allegedly committed the violation or ~~identifying as is~~ potentially culpable for the incident in question. ~~The notice will state the advising the person(s) served of the~~ time and location upon which the hearing is scheduled.

B. In addition to adjudicatory proceedings identified in § 9.5(A) of this Part, any person who believes that he/she has been aggrieved by a license or a permit denial may request an ~~ad-judiciary~~adjudicatory ~~e-judiciary~~ proceeding by filing an appeal in writing with the secretary within thirty (30) calendar days of receipt of the contested Commission action. ~~—The time and manner of filing established in these Rules and Regulations are mandatory and jurisdictional.—~~

C. Adjudicatory proceedings required or permitted by law shall be conducted in accordance with these Rules and Regulations. Adjudicatory proceedings shall be before the Commission as a whole. A record shall be kept as provided herein. Upon hearing all of the facts and reviewing the record in its entirety, the Commission shall render its decision in accordance with R.I. Gen. Laws Chapter 42-35 ~~of the R. I. Gen. Laws.-~~

~~D. Representation~~

~~1. Appearance. The Commission shall inform a person of his/her right to be represented by legal counsel in an adjudicatory proceeding.—~~

~~2. Any attorney purporting to represent any party in an adjudicatory proceeding shall enter an aAppearance with the Secretary of the Commission.—~~

~~3. No person who is not an attorney and counselor of the Supreme Court of the State of Rhode Island shall be permitted to act as attorney or counselor for any party in any proceeding before the Commission unless authorized to do so in compliance with Provisional Order 20 of the R.I. Supreme Court Rules.—~~

D. Continuances

~~1. The Commission at its sole discretion shall determine when a valid scheduling conflict exists which requires a continuance of the hearing.—~~

1. Any request for a continuance by a party shall be submitted in writing, to the Commission at least twenty four (24) hours prior to the scheduled proceeding. The Commission may waive this requirement upon the showing of good cause.

2. A scheduled proceeding shall be continued upon presentation of a signed court excuse by an attorney of record covering the date in question.

3. A scheduled proceeding may be continued upon notification to the Commission that an attorney of record is otherwise engaged on the date of the hearing in a state or federal court, or for other good cause shown.

The Commission shall be informed of the nature of the conflicting action, the case name, and the court in which the attorney's presence is mandated.

4. Should the Commission grant a continuance, it shall be the responsibility of the party requesting the continuance to immediately notify all other parties of record and their representatives and pay any costs that may be associated with the cancellation of the proceeding.

E. Extension of Time

1. It shall be within the discretion of the Commission, for good cause shown, to extend any time limit contained in these rules, unless precluded by statute. All requests for extensions of time shall be made by motion before the expiration of the original or previously extended time period.

F. Ex Parte Communications

1. Except as provided below, no person who is a party to, or a participant in, any proceeding before the Commission, including his/her counsel, employee, agent or any other person acting on his/her behalf, shall engage in any ex parte, off the record communications with any member of the Commission.
2. The above prohibition does not apply to a communication from a party or participant or his/her counsel, agent, or other person acting on his or her behalf, if the communication relates solely to general matters of procedure or scheduling.

G. Time

1. Timely filing - Papers required or permitted to be filed under these regulations, or any provision of the applicable law must be filed with the sSecretary at the Commission's office within the time limits ~~for such filing as are~~ set by the Commission, or other provision of law.-
2. Papers filed in the following manner shall be deemed filed as set forth herein:-
 - a. Hand-delivery. Papers hand delivered during rRegular bBusiness hHours shall be deemed filed on the date of hand-delivery. —Papers delivered by hand at times other than during rRegular bBusiness hHours shall be deemed filed on the next regular business day when stamped by the sSecretary of the Commission.

- b. Mailing. Papers deposited in the U.S. mail shall be deemed filed on the date the **pP**apers are postmarked. In the event that no postmark appears, **pP**apers shall be deemed filed on the date received by Commission.
 - c. Electronic Transmittal. Papers transmitted by electronic mail or facsimile shall be accepted for filing so long as the original copy is received by the Commission within five (5) days of electronic transmittal and opposing counsel is also transmitted a copy of the pleading by facsimile or electronic transmittal simultaneously as well as provided with a hard copy of the pleading within five (5) days of electronic transmittal.
3. Computation of Time - Unless otherwise specifically provided by law or these rules, computation of any time period referred to in these rules shall begin with the first day following the act which initiates the running of the time period. The last day of the time period so computed is to be included unless it is a Saturday, Sunday, or legal holiday or any other day on which the Commission is closed, in which event the period shall run until the end of the regular business hours of the next following business day. When the time period is less than seven (7) days, intervening days when the Commission is closed shall be excluded in the computation.

H. Filings Generally

- 1. Title/Caption - Papers filed with the Commission shall state the file number, if any, the title or caption of the proceeding, and the name of the **pP**erson on whose behalf the filing is made.
- 2. Signatures - Papers filed with the Commission shall be signed and dated by the party on whose behalf the filing is made. This signature constitutes a certification that: the individual has read the document; knows the content thereof, and to the best of his/her knowledge, that such statements are true; that it is not interposed for delay; and that if the document has been signed by an authorized representative he/she has full power and authority to do so.
- 3. Form Size and Printing Requirements - All papers, except those submittals and documents which are kept in a larger or smaller format during the ordinary course of a party's business shall be submitted on an 8 1/2" x 11" inch paper. All papers shall be hand printed or typewritten.

4. Copies - The original of all papers shall be filed with the sSecretary together with such number of additional copies as the Commission may require.
5. Service - Simultaneously with the filing of any and all papers with the Commission, the party filing such papers shall send a copy with certification thereof to Commission's counsel, all other parties, or their authorized representative to the proceedings, by delivery in hand, or by U.S. mMail, postage prepaid, properly addressed and consistent with § 9.5(G)(3) of this Part.

I. Motions

1. General Requirements

- a. Motion Practice - A party may request of the Commission any order or action not inconsistent with law or these regulations. Such a request shall be called a motion. The types of motions made shall be those, which are permissible under these rRules and the R.I. Superior Court Civil Rules of Civil Procedure.
- b. Presentation/Objection to Motions - Motions may be made in writing at any time, or they may be made orally during a hearing. Each motion shall set forth the grounds for the desired order or action and state whether oral argument is requested. Within seven (7) days after a written motion is filed with Commission, a party opposing said motion must file a written objection to the allowance of the motion and shall, if desired, request oral argument and allow three (3) extra days if the motion is sent by mail. All motions and objections shall be accompanied by a written memorandum specifying the legal basis and support of the party's position. Failure to file a written objection within the prescribed time period will be deemed a waiver of the objection, although a-the Commission, within his or hertheir discretion, may grant additional time to a party in order to respond to a motion.
- c. Action on Motion - The-If the Commission shall if he/she determines that oral argument on the motion is warranted it shall give at least three (3) days' notice of the time and place for such argument. The Commission may act on a motion when all parties have responded thereto, or the deadline for response has passed, whichever comes first.

- J. Withdrawals - A petitioner at any time may withdraw his/her request for an adjudicatory proceeding, but the withdrawal must be submitted in writing signed by the petitioner or his/her authorized representative, or by written stipulation signed by the parties. All withdrawals must be submitted to the Commission.
- K. Emergency Scheduling - Any party may on motion request, or by the Commission *sua sponte* may for good cause order; an accelerated hearing.
- L. Discovery
1. General - Parties to an adjudicatory proceeding are encouraged to engage in voluntary discovery ~~as parties follow pursuant to the rules R.I. Superior Court Rules of Civil Procedure of the socedure superior courts of this state.~~
 2. Time for Filing - In accordance with the R.I. Superior Court Rules of Civil Procedure, request for discovery may be made any time after a request for a hearing has been filed and shall be made in accordance with § 9.5(l) of this Part. The Commission, in its discretion may establish limits on such discovery, including but not limited to, when discovery shall commence and close.
 3. Review of Commission's Files - The Commission must make all discoverable records available for review by the parties at a specified time and provide the parties with an opportunity to copy any discoverable records. However, the Commission is not required to send copies of its records and documents to the parties upon their request.
 4. Commission Costs - The Commission shall be entitled to a fee per page for copies, and such other costs as set forth in R.I. Gen. Laws § 38-2-1, *et seq.*
- M. Intervention
1. Initiation - Except as otherwise specifically provided by these rules, any person not initially a party who wishes to intervene in, or participate in, an adjudicatory proceeding shall file a written petition to intervene with the Commission.
 2. Form and Content - The petition shall state the name and address of the person submitting the petition. It shall specifically describe the injury in fact alleged by the petitioner and set forth how the petitioner(s) interests differ from, and are not adequately represented by, existing parties. The petition must identify the areas in dispute, specifically citing ~~each each regulation where applicable. section of these Rules and Regulations is art.~~

3. Filing the Petition - Except as otherwise specifically provided by these rules or unless an applicable statute requires otherwise, the petition shall be filed with the Commission not later than seven (7) days prior to the date set for the initial prehearing conference. Petitions filed may be granted at the discretion of the Commission provided that the parties are given notice and opportunity to object.
4. Rights of Intervenor - Intervenor shall be persons who have demonstrated an injury in fact which will result from a challenged action or application and whose interests are not adequately represented by other parties to the hearing. Any person permitted to intervene shall be a full party to the hearing. Every petition to intervene shall be treated in the alternative as a petition to participate.

N. Public Participation

1. Rights to Participate - In general any person who is not a party or intervenor to the proceeding may, in the discretion of the Commission, participate in the hearing by filing a motion with the Commission. The Commission shall set such limits on public participation as he/she/they deems necessary to ensure that the hearing is held in an orderly and expeditious fashion. Permission to participate shall be limited to the right to file a brief. Permission to participate, unless otherwise stated, shall not be deemed to constitute an expression that the person allowed to participate is a party in interest who may be aggrieved by any final decision. A person who petitioned to intervene and who was allowed to participate may participate without waiving its rights to judicial review of the denial of said petition to intervene.
2. Hearing Hours - Whenever possible hearings shall be held during regular business hours. The Commission may, in its discretion, schedule an evening hearing if it deems it necessary to provide adequate opportunity for public comment, public questioning of witnesses, or to expedite the case.

O. Prehearing Conference

1. The Commission shall require the parties to appear for a prehearing conference at least seven (7) days prior to the scheduled commencement of the hearing to consider:
 - a. The simplification or clarification of the issues;

- b. The possibility of obtaining stipulations, admissions, agreements on documents, understanding on matters already of record, or similar agreement which will avoid unnecessary proof;
 - c. The limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;
 - d. The possibility of agreement disposing of all or any of the issues in dispute; and
 - e. Such other matters as may aid in the disposition of the aAdjudicatory pProceeding.
- 2. The parties may meet prior to the initial prehearing conference to exchange and consider all documentary exhibits. As to those admissible without objection, counsel shall affix sequential numbers and shall prepare a descriptive list in numerical order of all such exhibits. The parties may also consider the qualification of expert witnesses and as to those who may be qualified without objection, counsel shall prepare a list of such qualified pPersons and the precise area of agreed qualification.
- 3. The parties shall submit the following to the Commission at the commencement of the prehearing conference:
 - a. A typed or printed list of each party's proposed witnesses and their addresses with a brief statement of each witness' anticipated testimony; specialization areas for proposed expert witnesses; and the precise area of qualification for agreed experts.
 - b. A typed or printed list of each party's proposed exhibits which provides the following information:
 - (1) A description of each document.
 - (2) Identification of the document by reference to the offering party and assignment of a number in sequential order.
 - (3) Indication whether the document has been agreed to be admitted as a full exhibit or is to be marked for identification.
 - c. The actual exhibits identified and marked as indicated above.
 - d. A typed or printed statement of proposed stipulated facts and agreed issues to be considered at the hearing signed by the parties.

- e. A typed or printed statement of any additional issues which a party determines should be considered at the hearing.
4. At the prehearing conference, the Commission and parties shall specify the burden of proof for the hearing and that standard shall be announced on the record. In matters in which a violation is alleged the burden of proof shall be on the Commission. In matters in which a permit or application denial is at issue the burden shall rest with the applicant. In both instances, the burden of proof shall be a preponderance of the evidence.
5. All preliminary motions (including but not limited to Motions for Summary Judgment, Motions to Dismiss, Motions to Suppress or Exclude Evidence, Motions for Protective Orders and Motions in Limine) must be in writing and received by the Commission by the date of the pPrehearing cConference.
6. A party shall not be permitted to introduce into evidence in said party's direct case exhibits which are not filed with the party's prehearing memorandum.
7. Upon the conclusion of the prehearing conference, the Commission may in its discretion, enter an order reciting the concessions and agreements made by the parties and summarizing the status of exhibits and witnesses.

P. Hearings

1. Submission without a Hearing - The Petitioner may elect to waive a hearing and to submit its case upon the record. Submission of a case upon the record, without a hearing, does not relieve the parties from the necessity of providing the facts supporting their burdens, allegations or defenses.
2. Hearings - When and Where Held. Hearings will be held at the location designated by the Commission. Any party may, by motion, request that a hearing be held at some place other than that designated, due to disability or infirmity of any party or witness, or where justice and equity would be best served. Upon motion of any party and upon good cause shown, the Commission may in his/her discretion schedule a case for hearing.
3. Notice of Hearings - The notice of hearing must include the date, time and place of the hearing and prehearing conference and a statement of the pPetitioner's right to have counsel present. The notice shall provide sufficient notice of the issues involved so that the parties may have a reasonable opportunity to prepare and present evidence and argument the notice of hearing must set forth the requirements for intervention as

outlined in [§ 9.5\(O\) of this Part](#). The Notice of Hearing shall advise the parties as to the burden of proof.

4. Conduct of Hearing

- a. General - Hearings shall be as formal as may be reasonable and appropriate under the circumstances.
- b. Decorum - All parties, authorized representatives, witnesses and other persons present at a hearing shall conduct themselves in a manner consistent with the standards of decorum commonly observed in any court. Where such decorum is not observed, the Commission may take appropriate action including adjournment, if necessary.
- c. Duties of the Commission - The Commission shall conduct the hearing, make all decisions regarding admission or exclusion of evidence or any other procedural matters, and administer an oath or affirmation to all witnesses.

5. Opening - Except as otherwise required by law, it shall be the usual practice that the party bearing the burden of proof shall open.

6. Rights of Parties - All parties shall have the right to present evidence, cross-examine witnesses, make objections, bring motions and make oral arguments.

7. Witnesses and Evidence

- a. Oath - A witness' testimony shall be under oath or affirmation.
- b. Rules of Evidence - Pursuant to R.I. Gen. Laws § 42-35-10, the [R.I. Rules of Evidence](#) shall apply to evidence introduced during public participation to the same extent the rules apply to evidence admitted by other parties.
- c. Offer of Proof - An offer of proof may be made in connection with an objection in response to a ruling of the Commission rejecting or excluding proffered testimony. The offer of proof shall consist of a statement and substance of the evidence which the party contends would be adduced by such testimony, and if the excluded evidence consists of evidence in documentary or written form, or of reference to documents or records, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.

8. Documentary Evidence Included - Documentary evidence may be received in evidence in the form of copies or excerpts.
9. Administrative Notice - Per R.I. Gen. Laws § 42-35-10(4), the Commission may take notice of any judicially cognizable facts which may be judicially noticed by the courts of this state, or of generally recognized technical or scientific facts within the Commission's specialized knowledge, only if the parties are notified of the material so noticed and are given an opportunity to contest the facts so noticed. Notice may also be taken of properly adopted Rrules and Rregulations adopted by the agencies of this state or fFederal agencies.
10. Subpoenas - In all cases of every nature before the Commission, the cCchair, vVice-chair, or the sSsecretary may issue, and the Commission may vacate, and modify subpoenas requiring the attendance and testimony of witnesses and to compel the production and examination of pPpapers, books, accounts, documents, records, certificates and other legal evidence that may be necessary or proper for the determination and decision of any question before or the discharge of any duty required by law of the said Commission.
 - a. All subpoenas and subpoenas duces tecum shall be signed by the cCchair, vVice-chair, or the sSsecretary and shall be served as subpoenas are served in civil cases in the Superior Court.
 - b. Motion to Quash, Vacate or Modify. Any person to whom a subpoena is directed may, within a five (5) day period, file in writing a motion that the subpoena be quashed, vacated or modified. The Commission may grant such motion in whole, or in part, upon a finding that the testimony, or the evidence whose production is requested, does not relate with reasonable directness to any matter in question, or upon a finding that a subpoena for the attendance of a witness or the production of evidence is unreasonable or oppressive, or has not been issued a reasonable period in advance of the time when the evidence is requested or for other good and sufficient cause.
 - c. Costs - Witnesses subpoenaed under these rules shall be entitled to the same fees for attendance and travel as are provided for witnesses in civil cases in the Superior Court. When the subpoena is issued on behalf of the Commission or any state officer or agency, fees and mileage need not be tendered.

- d. Contumacy - In cases of contumacy or refusal to obey the command of the subpoena so issued, the Superior Court shall have jurisdiction to compel compliance.
- 11. Recording and Transcripts - Testimony and argument at the hearing shall be recorded electronically or stenographically. Transcripts of the proceedings shall be supplied to any party at his/her own expense upon request to the stenographer. The Commission, within its discretion and in order to ensure an accurate record, is authorized to require the record the hearing stenographically and a certified copy of the transcript shall be provided to the Secretary of the Commission.-
- 12. Correction of Transcript - Corrections in the official transcript may be made only to make it conform to the evidence presented at the hearing. Transcript corrections, agreed to by opposing parties, may be incorporated into the record, if and when approved by the Commission, at any time during the hearing, or after the close of evidence. The Commission may call for the submission of proposed corrections and may make disposition thereof at appropriate times during the course of the proceeding.
- 13. Contents of Records - The record shall, at all reasonable times, be available for inspection by the parties.
- 14. Evidence after Completion - No evidence shall be admitted after completion of a hearing or after a case submitted on the record, unless otherwise ordered by the Commission.
- 15. Weight of Evidence - The weight to be attached to any evidence in the record will rest within the sound discretion of the Commission in accordance with the R.I. Rules of Evidence. The Commission may in any case require either party, with appropriate notice to the other party, to submit additional evidence on any matter relevant to the administrative hearing.
- 16. Exceptions - Formal exceptions to rulings on evidence and procedure are unnecessary. It is sufficient that a party, at the time that a ruling is made or sought, makes known his or her objection to such action and his or her grounds therefore.

Q. Decisions

- 1. Decisions - All decisions rendered by the Commission at the conclusion of a hearing shall be in writing. Parties shall be notified either in person, or by mail, or electronic transmittal of any order. Included in the final order shall

be a separate notice advising the parties of the availability of judicial review, the appeal period and the procedure for filing an appeal, and providing a reference to the statutory authority.

2. Withdrawal of Exhibits - After a decision has become final and all appeal periods have lapsed the Commission may in his/her discretion, upon motion, permit the withdrawal of original exhibits or any part thereof by the party or person entitled thereto.

R. Consent Order or Withdrawal

1. Negotiations - At any time prior to rendering a final decision, parties to a hearing may attempt to dispose of a matter by entering into a consent order. A joint request for a stay of a hearing for this purpose shall be forwarded to the Commission and shall indicate the present status of negotiations. If an agreement is not reached within the time period for which the stay was approved, a hearing shall be promptly rescheduled by the Commission.
2. Contents of Agreement - Every agreement shall contain, in addition to an appropriate order, an admission of all jurisdictional facts and express waivers of further procedural steps before the Commission and of the right to appeal and shall also state that such agreement is enforceable as an order of the Director in accordance with procedures prescribed by law. In addition, the agreement may contain a statement that the signing thereof is for settlement purposes only and does not constitute an admission by any party that the law or regulations have been.
3. Disposition of Proposed Agreement - Upon receiving such agreement, the Commission may:
 - a. Accept it and issue the order agreed upon;
 - b. Reject it and reschedule a hearing; or
 - c. Take such other action as he or she deems appropriate.

9.6 Petitions for Rulemaking, Amendment or Repeal

- A. 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.
- B. 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 or 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.

9.7 Declaratory Rulings

- A. Petitions - As prescribed by R.I. Gen. Laws § 42-35-8, ~~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 the hearing, the Commission shall:
 - 1. Issue a binding declaratory rule or .
 - 2. Issue a non-binding declaratory ruling or .
 - 3. Notify the person that no declaratory ruling is to be issued .
- B. Forms - Any interested person petitioning the Commission for a declaratory ruling shall generally adhere to the following for such purpose:
 - 1. At the top of the page shall appear the wording "Before the Rhode Island State Pilotage Commission". On the aft-left 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 R.I. 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.

9.8 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 [eCouncilCommission](#) may do so in writing delivered to the Commission or may appear in person before the Commission during its regular meeting.

9.9 Apprentice Pilot Program - Regulations Governing the Rhode Island Apprentice Pilot Program for Block Island Sound Requirements for Obtaining a Block Island Sound License

A. ~~These regulations~~[This Part](#) governs jurisdiction, apprentice pilot eligibility and selection, apprentice training, pilot license examinations and licenser, pilot qualification, pilot registration, application fees, safety and liability requirements, [for Block Island Sound.](#)

B. Purpose:

1. The purpose of ~~these regulations~~[this Part](#) is to establish standards for the promotion and continuance of a centralized, coordinated system of pilot apprentices.
2. Safety shall be the primary objective of the pilotage apprentice program with the most qualified applicants being accepted into the pilot apprentice program.

C. Requirement for ~~Li~~[licensure](#):

1. No person may be licensed or maintain licensure 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, as well as possess a~~ [current annual medical certificate issued by the commission, and have on record with the Commission each of the following: A current merchant mariner's document \(Master Oceans Any Gross Tons\); a current Radar Certificate; and a current TWIC \(Transportation Worker Identification Card\).](#)
2. [A licensed pilot is charged with both the knowledge of, and the responsibility for, remanining current with all requirements for licensure. Should a person pilot or attempt to pilot a vessel in the state's territorial waters while not satisfying each and every requiriement set out in these](#)

Ruels and Regulations, the Commission may find that said person has violated the provisions of these Rules Regulations and the Commission may suspend said person's pilot license for a period not to exceed three (3) months for each violation.

D. Apprentice Selection Process:

1. Applicants for apprenticeship shall be required to have not less than a ~~m~~Master's ~~l~~icense with a federal First Class Pilot's endorsement covering the waters of Block Island Sound issued by the U.S. Coast Guard.
2. A non-refundable application fee of \$25.00 shall be submitted with each application.
3. Upon determination of eligibility by the ~~e~~ommissionersCommission, copies of the complete applications of eligible applicants will be forwarded to the State Pilot Board.
4. At such times as requested by the State Pilot Board, the ~~C~~eommission, after a public hearing is duly called, deems that the number of licensed pilots is not sufficient, shall certify 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 ~~e~~CeommissionersCommission.
5. Numerical ranking shall be based upon a 200 point system.
 - a. Interview - Every applicant shall be interviewed by the ~~e~~CeommissionersCommission. Each person interviewed shall be assigned a score from 0 to 50 points based upon objective scoring guidelines published by the ~~e~~CeommissionersCommission.
 - b. Experience - The ~~e~~CeommissionersCommission 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 § 9.9(G) of this Part.
 - c. Pilot Potential - The ~~e~~CeommissionersCommission 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 a score; 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.

6. 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~~Commission along with the names and ranking of the next five highest ranked applicants not recommended.
7. The ~~eCommissioners~~Commission may approve the name(s) recommended by the State Pilot Board or they may return the name(s) for reconsideration.
8. The Commission shall award a Certificate of Apprenticeship to every apprentice ~~they have~~that is approved. Said certificate shall terminate upon satisfactory completion of the apprentice training program or upon the termination of the apprentice for cause or resignation.

E. Apprentice Citizenship and Physical Requirements:

1. Every apprentice applicant must meet the requirements of the Coast Guard for citizenship, physical health, and general federal licensure as contained in 46 C.F.R. §§ 10.201 through 10.223, incorporated above at § 9.2(C) of this Part.
2. 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.

F. Apprentice Safety and Liability Requirements:

1. 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.
2. Every apprentice must sign documents relieving the State of Rhode Island, the ~~eCommissioners~~Commission, the Pilots Association, pilots, pilot boat crews, pilot-boat owners and operators, and examiners from all liability while in the pilot apprentice program.
3. 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.
4. 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.

G. 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.

H. Apprentice Maritime Experience and Education Points:

1. Sailing Experience: The applicant shall be ranked as set forth below and shall receive the highest rating available for any of the subparts listed ~~in § 9.9119(G)(1) of this Part~~ below, upon the applicant's demonstration to the satisfaction of at least six (6) months responsible service in that capacity.
 - a. Master of steam or motor vessels of over 10,000 Gross Tons.
~~Points Allowed:~~ 1-5 Points. Points will be allocated according to the types of vessels, service of vessels, and amount of ship handling the applicant accomplished. The most valuable experience would be on a variety of coastwise vessels making repeated port calls and those on which the applicant did a considerable amount of ship handling in challenging situations. The least valuable experience would be on a vessel which sits at anchor or dock for a majority of the time. An oceanographic vessel which spends most of its sea time steaming in open water also would be less valuable. Master's experience in Rhode Island waters would be valuable.
 - b. Chief mate of steam or motor vessels of over 10,000 gross tons. 1-4 Points. A chief mate experience ~~would~~ will be graded based upon the same factors employed above for the grading of experience by a ~~m~~master. Points would be allocated according to the difficulty and responsibility of the duties performed by the chief mate. For example, the mate on a coastwise chemical tanker is shouldering more responsibility than a mate on a container vessel serving most of his/her time on long sea passages.
 - c. Second mate of steam or motor vessels of over 10,000 gross tons. 1-3 Points. The type of vessels, difficulty of the service, and job responsibilities on the vessels would be weighed for the allocation of points. The greatest number of points would be assessed for experience on vessels calling at a variety of ports. The Commission is seeking an applicant who has experienced some of the challenges of piloting on different ships in different situations. Local experience would also be a plus. Increased responsibilities on specific ships would also be weighed. A second mate who was responsible for laying out a voyage around the world stopping at

many ports would be considered more experienced than a second mate on a pre-positioning ship which never left port.

- d. Third mate of steam or motor vessels of over 10,000 Gross Tons. 1-2 Points. The greatest number of points would be assessed for experience on a variety of vessels calling at many ports.
- e. Master of steam or motor vessels of over 1,600 Gross Tons. 1-3 Points. The service of the vessels, the amount of ship handling and the difficulty of such would weigh heavily in the assessment of points. If it is a small research vessel spending most of its time in open waters, the applicant's score would be lower. A vessel in service in local waters where the applicant is doing a lot of challenging would score higher.
- f. Mate of steam or motor vessels of over 1,600 Gross Tons. 1-2 Points. Same as § 9.9(G)(1)(e) of this Part subpart (5) above.
- g. Master of tug/barge combinations. 1-2 Points. Local experience would be more valuable. The type and amount of ship handling involved in the service would be weighed.
- h. Mate of tug/barge combination. 1 Point. Same as § 9.9(G)(1)(g) of this Part subpart (7) above.
- i. USN/USCG commanding officer. 1-4 Points. The applicant would be scored according to the same parameters laid out in § 9.9(G)(1)(a) of this Part subpart (1) above for the ~~m~~master of vessels over 10,000 GRT category.
- j. USN/USCG OOD underway of vessels over 400' LOA. 1-2 Points. The applicant would will be scored according to the variety of vessels he or she has served upon and the challenges of that service. Experience maneuvering a vessel in close quarters situations is more valuable than experience in open waters.
- k. Recency of applicable experience. 1-5 Points. An applicant currently employed on vessels dealing with situations comparable to those he or she would see as a pilot would be awarded the most points. An applicant who may have had such experience but has been doing other work for some years would receive fewer points. All experience would be weighed according to applicability to piloting. An applicant teaching ship handling would be awarded points but fewer points than an applicant currently employed ship handling.

2. Further professional qualification

- a. Ship handling training. 1-5 Points. Applicants ~~would~~will receive points according to the amount of ship handling training they have received. Basic ship handling would be worth 1 point. Advanced ship handling on a stimulator would be worth an additional point. Training in a manned model course would be worth 2 points. Additional ship-handling training would be weighed according to the type of training and whether the applicant took the initiative to get the course on his/her own. Many employers require the training whether the person has an interest or not.
- b. Federal pilotagee. 1-5 Points. An applicant with a federal pilotage endorsement will receive one point. An applicant who has worked under an endorsement will be scored according to the difficulty of service and its applicability to pilot service Rhode Island waters.
- c. Other marine activities. 1-5 Points (each). Applicants who have shown an interest and gained experience in applicable maritime activities will be given points according to their achievements. As an example, an applicant who has a master's degree in marine affairs would receive two points. An applicant who has extensive experience sailing in Rhode Island and thereby has a very high degree of familiarity with our waters would be given a point. Awards for maritime activities, work on local ferries, work on tugs docking ships and all applicable experience in maritime activities would be considered. No single activity would be weighed 5 points.
- d. 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:
 - (1) Bridge team training:. 5 Points
 - (2) Basic ship handling:. 5 Points
 - (3) Advanced ship handling:. 10 Points
- e. Education:. The applicant shall be ranked as set forth below and shall receive the highest rating available for any one of the subparts listed in this rule § 9.9(G)(2)(e) of this Part upon the applicant's demonstration to the satisfaction of the Commission of the satisfactory completion of a recognized course of study at an institution in any one of the following categories:

- (1) State or federal maritime academy: 5 Points
- (2) US Naval Academy/USCG Academy: 4 Points
- (3) College: 3 Points

f. Pilot licenses: Upon the applicant's demonstration to the satisfaction of the Commission receipt of USCG Issued First Class Pilot, Unlimited Tons License(s) in any of the categories listed below, the applicant shall be awarded the points listed below for that respective license(s):

- (1) Brenton Reef to Providence: 1 Point
- (2) Brenton Reef to Fall River: 1 Point
- (3) Brenton Reef to Davisville: 1 Point
- (4) Brenton Reef to West Passage: 1 Point
- (5) Rhode Island Sound: 1 Point
- (6) Rhode Island State Transit License for Fall River: 10 Points

g. Pilotage experience: Validated pilot of record 25 trips with a First Class Unlimited Tons pilot license issued by the USCG.

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

I. Apprentice Training Course Curriculum

- 1. Satisfactory completion of the apprentice training course as approved by the [eCommissionersCommission](#) 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 a valid federal first-class pilot's license over the waters of Block Island Sound. The apprentice must be accompanied by a supervising pilot and the supervising pilot shall be the pilot of record. Each of these trips must be evaluated by the

supervising pilot who is required to complete and submit to the Commission the Apprentice Pilot Evaluation Report ~~(a copy of which is attached hereto and designated as § 9.19 of this Part Appendix No. 2).~~

2. General Curriculum Requirements-

a. 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.

b. 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:

(1) Attitude and demeanor: Attire suitable for the particular job, rReporting on time to the pilot boat or ship, wWearing proper safety equipment, VHF rRadio, aAttitude towards office personnel, pilot boat crews, other apprentices, pilots, agents, tugboat crews, ships officers and crews, eEnthusiasm for the training program, aAlertness during briefing and while observing other pilots and handling the vessel.

(2) Voyage planning: All relevant publications studied, sSafe tTracks and cCourses, kKnows dangers of the route and safety margins, tTides calculated, UKC and sSky draft calculated, cCurrents calculated and effects considered, ETA's and distances known, rRelevant VHF channels known, mMajor lights and buoys known, including light characteristics, sound signals, and dangers they mark, kKnows names of major landmarks, kknows weather forecasts and historic weather patterns, hHas contingency plans for vessel emergencies, Parallel indexing planned,

Local knowledge of unpublished ranges, depths, navigational aids, and currents.

- (3) Piloting skills: Briefing of mMaster and oOfficers, mMeeting vessels anticipated and passed safely, pProper VHF procedures and security calls made, mMaster, mates, engine room kept informed, ETA's maintained or updated and office informed, pProper helm orders given, pPosition fixed and methods used, mMargins of safety maintained, oOptimum use of all navigational aids, pParallel indexing used, sSafe speed maintained, eEfficient lookout maintained, lLights and aids properly identified, pProper use of bridge personnel, eEmergencies effectively dealt with, bBridge presence, sSelf-control and confidence, ceConduct under pressure, vVessel kept on track, pPassing signals given, rRestricted visibility procedures used, rRules of the road observed, rResourcefulness, aAdaptability.

- (4) Ship handling 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.

- c. 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~~Commission.

- d. 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~~Commission.-

- e. 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 [CommissionersCommission](#).
 - f. 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.
 - g. In order to satisfactorily complete this training course, every apprentice must solo to the satisfaction of ~~the~~ 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.
- 3. Upon satisfactory completion of the approved apprentice training course, the apprentice will be awarded a Certificate of Completion by the State Pilot Board.
 - 4. 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 [CommissionersCommission](#) with the name of every successful apprentice along with their recommendations regarding his or her prospective licensure by the Commission.
 - 5. The complete training record of every apprentice so recommended shall be brought before the [CommissionersCommission](#) at the time such apprentice's name is presented.
 - 6. Nothing shall prohibit the [CommissionersCommission](#) 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.

J. Examination of Apprentices

- 1. 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.

2. The minimum passing grade shall be specified by the Commission on each part of the written test furnished to the applicant.
3. The Commission may in its own judgment and discretion, re-examine an applicant found to be deficient in any subject.
4. 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.
5. The Commission shall orally examine each candidate for licensure with spontaneous questions and discussion. These questions shall be equal in importance and difficulty.

K. Written Test: Cheating or Other Unauthorized Conduct.

1. Except as authorized by the Commission, no person may:
 - a. Copy, or intentionally remove, a written test.
 - b. Give to another, or receive from another, any part or copy of the test.
 - c. Give help on that test to, or receive help on that test from any person during the period that the test is being given.
 - d. Take any part of that test on behalf of another person.
 - e. Use any material or aid during the period that the test is being given.
 - f. Intentionally cause, assist, and participate in any act prohibited by this paragraph.
2. Any person whom the Commission finds to have committed an act prohibited by § 9.9(J)(1) of this Part ~~his section~~ is not eligible to receive any license granted pursuant to R.I. Gen. Laws Chapters 46-9 or 46-9.1 ~~and is ineligible of the R. I. Gen. Laws~~ to take any test for a period of not less than one year.

L. Probationary Licensure

1. Every apprentice pilot shall be issued an original probationary license after fulfilling the following requirements:-
 - a. Successful completion of the Pilot Apprentice Program.
 - b. Successful passing examinations as required in § 9.9(l) of this Part.
 - c. Providing documentation of compliance with ~~such~~ these Rules and Regulations.

M. 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/her ~~f~~Federal ~~m~~Master's ~~L~~License and pilotage endorsement and said renewal fee pursuant to R.I. Gen. Laws § 46-9.1-15.

9.10 Apprentice Pilot Program - Regulations Governing the Rhode Island Apprentice Pilot Program for Requirements for Obtaining a Narragansett Bay License

- A. ~~These regulations~~ This Part governs jurisdiction, apprentice pilot eligibility and selection, apprentice training, pilot license examinations and licenser, pilot qualification, pilot registration, application fees, safety and liability requirements.

B. Purpose

1. The purpose of ~~these regulations~~ this Part is to establish standards for the promotion and continuance of a centralized, coordinated system of pilot apprentices.
2. Safety shall be the primary objective of the pilotage apprentice program with the most qualified applicants being accepted into the pilot apprentice program.

C. Requirement for Licensure

1. No person may be licensed or maintain licensure as a pilot without first having successfully completed the required program of apprentice training and qualification, as well as possess a current annual medical certificate

issued by the Commission and have on record with the Commission each of the following: a current merchant mariner's document (Master Oceans Any Gross Tons); a current Radar Certificate; a current TWIC (Transportation Worker Identification Card); and ~~hold~~ a current valid license as "Master of Steam or Motor Vessels of any Gross Tons upon Oceans" issued by the U.S. Coast Guard. This is applicable to all licenses.

2. A licensed pilot is charged with both the knowledge or, and the responsibility for, remaining current with all requirements for licensure. Should a person pilot or attempt to pilot a vessel in the state's territorial waters while not satisfying each and every requirement set out in these Rules and Regulations, the Commission may find that said person has violated the provisions of these Regulations and the Commission may suspend said person's pilot's license for a period not to exceed three (3) months for each violation.

D. Apprentice Selection Process:

1. Applicants for apprenticeship shall be required to have not less than a "Master of Steam or Motor Vessels of any Gross Tons Upon Oceans" license issued by the U.S. Coast Guard.
2. Possess a current valid pilot's license issued by the State of Rhode Island for the waters of Block Island Sound.
3. 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, Mt. Hope Bay, and Tiverton Channels.
4. Possess a current annual medical certificate issued by the Commission.
5. Pursuant to R.I. Gen. Laws § 46-9-13, A non-refundable application fee of \$100.00 (one hundred dollars) shall be submitted with each application.
6. Upon determination of eligibility by the ~~Commissioners~~Commission, copies of the complete applications of eligible applicants will be forwarded to the State Pilot Board.-
7. At such times as requested by the State Pilot Board, the Commission, after a public hearing is duly called, deems that the number of licensed pilots is not sufficient, shall ~~certificate~~certify from among the eligible applicants, the best qualified individual or individuals for apprenticeship possessing a current valid federal first class pilot's endorsement covering the sections of the waters of this state required by the Rhode Island State

Pilotage Commission Rules and Regulations. Selection shall be in accordance with selection criteria procedures, based upon numerical ranking, as promulgated by the eCommissionersCommission.

8. Numerical ranking shall be based upon a 200-point system.-
 - a. Interview - Every applicant shall be interviewed by the GeommissionersCommission. Each person interviewed shall be assigned a score from 0 to 50 points based upon objective scoring guidelines published by the GeommissionersCommission.
 - b. Experience - The GeommissionersCommission 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 § 9.10(H) of this Part.
 - c. Pilot Potential - The GeommissionersCommission 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 a score 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.
9. The names and ranking of the applicant(s) recommended by the State Pilot Board for certification as apprentice pilots will be submitted to the GeommissionersCommission along with the names and ranking of the next five highest ranked applicants not recommended.
10. ~~Commissioners-~~The Commission may approve the name(s) recommended by the State Pilot Board or they may return the name(s) for reconsideration.
11. 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.

E. Apprentice Citizenship and Physical Requirements:

1. Every apprentice applicant must meet the requirements of the U.S. Coast Guard for citizenship, physical health, and general federal licensure as contained in ~~Shipping, 46 C.F.R. Chapters §§~~ 10.201 ~~through~~ 10.223, incorporated above at § 9.2(C) of this Part.

2. 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.

F. Apprentice Safety and Liability Requirements:

1. 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.
2. Every apprentice must sign documents relieving the State of Rhode Island, the [GeocommissionersCommission](#), the Pilots Association, pilot, pilot boat crews, pilot boat owners and operators, and examiners from examiners from all liability while in the pilot apprentice program.
3. 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.
4. 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.

G. 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 licensure and shall not be eligible to re-apply for a period of not less than one (1) year.

H. Apprentice Maritime Experience and Education Points:

1. Sailing Experience - The Applicant must have at least 6 months validated time to qualify.
 - a. Master of steam or motor vessels of over 10,000 Gross Tons: 5 points.
 - b. Chief Mate of steam or motor vessels of over 10,000 Gross Tons: 4 points.
 - c. 2nd Mate of steam or motor vessels of over 10,000 Gross Tons: 3 points.

- d. 3rd Mate of steam or motor vessels of over 10,000 Gross Tons: 2 points.
 - e. Master of steam or motor vessels of over 1,600 Gross Tons: 3 points.
 - f. Mate of steam or motor vessels of over 1,600 Gross Tons: 2 points.
 - g. Master of tug/barges: 2 points.
 - h. Mate of tug/barges: 1 point.
 - i. USN/USCG commanding officer of vessels over 400' LOA: 4 points.
 - j. OOD underway of vessels over 400' LOA: 2 points.
2. 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.
- a. Bridge Team Training: 5 Points.
 - b. Basic Ship handling: 5 points.
 - c. Advanced Ship handling: 10 points.
3. Education - Graduate from and approved educational facility
- a. State or Federal Maritime Academy: 5 Points.
 - b. US Naval Academy: 4 points.
 - c. College: 3 points.
4. Pilot Licenses - USCG Issued First Class Pilot, Unlimited Tons.
- a. Brenton Reef to Fall River: 1 Point.
 - b. West Passage: 1 point.
 - c. Rhode Island State Transit license for Fall River: 10 points.
5. Pilotage Experience - Validated pilot of record 25 trips with a First Class Unlimited Tons pilot license issued by the USCG.
- a. On vessels of 4,000 dwt to 10,000 dwt: 1 to 5 Points.

- b. On vessels over 100,000 dwt: 1 to 10".
- c. 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".

I. Apprentice Training Course Curriculum:

1. Satisfactory completion of the Apprentice Training Course as approved by the ~~Ge~~Commissioners~~Commission~~ 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 a valid federal first class pilot's 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 and the supervising pilot shall be the pilot of record. Each of these trips must be evaluated by the Supervising Pilot who is required to complete and submit to the Commission and the Apprentice Pilot Evaluation Report ~~(a copy of which is attached hereto and designated as § 9.19 of this Part Appendix No. 1).~~
2. General Curriculum Requirements
 - a. 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 ship's 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.
 - b. 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:
 - (1) Attitude and Demeanor: Attire suitable for the particular job, rReporting on time to the pilot boat or ship, wWearing proper safety equipment, VHF Radio, aAttitude towards office personnel, pilot boat crews, other apprentices, pilots, agents,

tugboat crews, ship officers and crews, eEnthusiasm for the training program, aAlertness during briefing and while observing other pilots and handling the vessel.

- (2) Voyage Planning: All relevant publications studied, sSafe tracks and courses, kKnows dangers of the route and safety margins, tTides calculated, UKC and sky draft calculated, cCurrents calculated and effects considered, ETA's and distances known, rRelevant VHF channels known, mMajor lights and buoys known, including light characteristics, sound signals, and dangers they mark, kKnows names of major landmarks, kKnows weather forecasts and historic weather patterns, hHas contingency plans for vessel emergencies, pParallel indexing planned, ILocal knowledge of unpublished ranges, depths, navigational aids, and currents.
- (3) Piloting Skills: Briefing of mMaster and officers, MMeeting vessels anticipated and passed safely, pProper VHF procedures and security calls made, mMaster, mates, engine room kept informed, ETA's maintained or updated and office informed, pProper helm orders given, pPosition fixed and methods used, mMargins of safety maintained, oOptimum use of all navigational aids, pParallel indexing used, sSafe sSpeed mMaintained, eEfficient lookout maintained, ILights and aids properly identified, pProper use of bridge personnel, eEmergencies effectively dealt with, bBridge presence, sSelf-control and confidence, cConduct under pressure, vVessel kept on track, pPassing signals given, rRestricted visibility procedures used, rRules of the road observed, rResourcefulness, aAdaptability.
- (4) Ship Handling Skills: Practical knowledge of basic ship handling principles, aAbility to maintain the vessel in a safe position, DDecision making under stress: DDecision making with lack of complete information, aAssessment of approach speeds, aAssessment of vessels position when stopping or turning, aAssessment of the effects of wind or current, uUse of tugs, anchor, or thruster to best advantage, uUse of lines to best advantage, kKeeps tugs safe, pPractical knowledge of basic tug make-ups and limits.

- c. 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 [eCommissionersCommission](#).

- d. 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 [eCommissionersCommission](#).
- e. 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 [eCommissionersCommission](#).
- f. 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.
- g. In order to satisfactorily complete this training course, every apprentice must solo to the satisfaction of ~~all~~ the Pilot Board on all routes, day or night, ebb or flood tides and on any size and category of vessel calling in Rhode Island.
- h. Upon satisfactory completion of the approved apprentice training course, the apprentice will be awarded a Certificate of Completion by the State Pilot Board.
- i. 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 [eCommissionersCommission](#) with the name of every successful apprentice along with their recommendations regarding his or her prospective licensure by the Commission.
- j. The complete training record of every apprentice so recommended shall be brought before the [eCommissionersCommission](#) at the time such apprentice's name is presented.
- k. Nothing shall prohibit the [eCommissionersCommission](#) 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.

J. Examination of Apprentices

1. 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 Narraganset Bay and its approaches.
2. The minimum passing grade shall be specified by the Commission on each part of the written test furnished to the applicant.
3. The Commission may in its own judgment and discretion, re-examine an applicant found to be deficient in any subject.
4. 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.
5. The Commission shall orally examine each candidate for licensure with spontaneous questions and discussion. These questions shall be equal in importance and difficulty.

K. Written Test: Cheating or Other Unauthorized Conduct

1. Except as authorized by the Commission, no person may:
 - a. Copy, or intentionally remove, a written test.
 - b. Give to another, or receive from another, any part or copy of that test.
 - c. Give help on that test to, or receive help on that test from any person during the period that test is being given.
 - d. Take any part of that test in behalf of another person.
 - e. Use any material or aid during the period that the test is being given.

- f. Intentionally cause, assist, and participate in any act prohibited by § 9.10(K)(1) of this Part.
- 2. Any person whom the Commission finds to have committed an act prohibited by § 9.10(K)(1) of this Part is not eligible to receive any license granted pursuant to R.I. Gen. Laws Chapters 46-9 or R.I. Gen. Laws § 46-9-1, or to take any test for a period of not less than one year.
- L. Probationary Licensure - 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 § 9.10(J) of this Part.
 - 3. Providing documentation of compliance with ~~such these~~ Rrules and Rregulations.
- M. 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 or her federal master's license and pilotage endorsement and said renewal fee.

9.11 ~~Rhode Island State Pilotage Commission Rules and Regulations~~ Classification of Block Island Pilots

~~Classification of Block Island Sound pilots as defined in R.I. Gen. Laws § 46-9.1-2(2).~~

- A. There shall be three (3) classes of llicenses to act as a Block Island Sound Pilot, a probationary ~~pilot pilot~~license, a limited ~~pilot~~branch pilot license, and a full~~--~~bBranch pilot ~~pilot~~license.
- B. 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.
- C. 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

thirty thousand (30,000) gross tons burden, ~~that~~ Ssix (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.

- D. 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.
- E. At the expiration of a probationary license, the Commission shall review such applicant, and, based on his/her ability, knowledge, aptitude and skills either decline to issue any license to the applicant or shall issue a limited or full branch license.
- F. 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.
- G. 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.
- H. 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 or her license states-status at any time, but not more often than once in any three (3) months.
- I. A branch license shall authorize the holder thereof to act as a pilot on Block Island Sound without restriction. Such license may be renewed.

9.12 Classification of Rhode Island Pilots for Waters North of Line from Point Judith to Sakonnet Point as Defined in R.I. Gen. Laws § 46-9-2.

- A. 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.
- B. 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.
- C. 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:

1. During the first six (6) months that a holder possesses said license, he/she shall be limited to vessels of no more than thirty five thousand (35,000~~grt~~) gross tons and 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 (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.
2. The State Pilotage Commission shall review the licensee's record of performance during his or 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:
 - a. The Commission may permit the licensee to pilot any vessel of no more than thirty five thousand (35,000~~grt~~) gross tons regardless of draft on said vessel; and.
 - b. The Commission may also permit the licensee to pilot vessels of more than thirty five thousand (35,000~~grt~~) gross tons 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 thirty (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.

- D. 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.
- E. A probationary license shall authorize the holder thereof to act as a pilot only on such routes for which the Commission finds him or her qualified and certifies thereto by an endorsement on each such license.
- F. At the expiration of a probationary license, the Commission shall review such applicant, and based on his or her ability, knowledge, aptitude and skill either decline to issue any license to the applicant or shall issue a limited or full branch license.
- G. A limited license shall expire as provided in R.I. Gen. Laws § 46-9-11, 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.
- H. 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 or her license status at any time, but not more often than once in any three (3) months.
 - 1. Full branch license shall authorize the holder thereof to act as a pilot without restriction. Such license may be renewed as provided in R.I. Gen. Laws § 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.

9.13 Pilotage System for the Waters of Narragansett Bay and its Tributaries

- A. Every pilot licensed by the Rhode Island State Pilotage Commission pursuant to R.I. Gen. Laws Chapter 46-9, ~~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 ~~p~~Pilotage ~~s~~System shall incorporate but not be limited to the following:
 - 1. The maintenance of a roster of all active status pilots licensed pursuant to the R.I. Gen. Laws Chapter 46-9, ~~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.

2. The maintenance of a pilot station in Rhode Island Sound, including the necessary pilot boats, equipment and personnel as may be required.
3. 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.
4. The maintenance of a pilot apprenticeship training program pursuant to the R.I. Gen. Laws § 46-9-7~~(10)~~ 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.
5. 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.
6. The adoption by the roster of pilots of rules, approved by the Pilotage Commission, for the daily operation of said system.
7. 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 R.I. Gen. Laws Chapter 46-9, 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.
8. No pilot licensed pursuant to the R.I. Gen. Laws Chapter 46-9, other than while acting in conjunction with his/her Massachusetts District 4 Pilot Commission, shall exercise the office of his/her license other than through the aforementioned pilot's roster pursuant to its rules, nor shall said pilot bill for services rendered other than through the aforementioned pilot's agent.
9. 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 Ppiloting" and shall be subject to the provisions of the R.-I. Gen. Laws §§ 46-9-22-(1) and 46-9-22.1-(2), ~~as amended~~.

9.14 Pilot Boats Rules and Regulations

- A. 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 territorial waters of Rhode Island 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 Rhode Island~~ State Pilotage Commission Rules and Regulations. The Commission may suspend or revoke the license of any Rhode Island state licensed pilot if the Commission finds that said Rhode Island state licensed pilot has boarded or disembarked a vessel in the territorial waters of Rhode Island utilizing a pilot boat that does not possess a valid "Certification of Compliance" and thereby failed to ensure the health, safety, and welfare of the residents of the ~~S~~state of Rhode Island and the individuals utilizing the waters of the state.
- B. Log Book to Be Kept: On board each pilot boat, there shall be kept a log book approved 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, a copy of the log shall be forwarded to the State Pilotage Commission. The original log book shall be subject to the inspection of the ~~commissioners~~ Commission at all times and each log book shall be preserved for reference for a period of not less than seven (7) years thereafter.
- C. Inspection and Certification of Pilot Boats
1. The owner or operator of a pilot boat used for the purpose of boarding or disembarking any licensed pilot on the waters of Rhode Island Sound, Block Island Sound, and Narragansett Bay, 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 Pilotage Commission~~ Rhode Island State Pilotage Commission Rules and Regulations. The above certificate may be revoked by the Commission for infractions of ~~Commission these~~ Rules and Regulations.
 2. 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.
 3. 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".

4. 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".

5. For the purpose of receiving a "Certificate of Compliance", a pilot boat must satisfy the standards set forth in the "U.-S. Coast Guard's "Requirements for Uninspected Passenger Vessels" (2016) incorporated above at in § 9.2(A) of this Part (a copy of which can be found on the R.I. State Pilot Commission informational page hosted on the RIDEM Website: <http://www.dem.ri.gov>).

D. 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.

E. Additional Equipment on Pilot Boats:

1. In addition to the equipment required by R.I. Gen. Laws § 46-9-6 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:

a. ~~Radar~~:

b. 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.

c. Radios - Two (2) fixed VHF radio transceivers with appropriate frequencies. Said radios shall be independent of each other including its antennae.

- d. 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.
- e. 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.
- f. 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.
- g. 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.

F. 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~~the Rhode Island State Pilotage Commission Rules and Regulations cannot be observed, said pilot, owner, or operator of said pilot boat shall within 24 hours of reaching shore, 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.

G. Pilot Station

1. 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:
 - a. 41 °-23.6'N 71 °-22.4'W
 - b. 41 °-22.6'N 71 °-22.0'W
 - c. 41 °-24.2'N 71 °-20.0'W
 - d. 41 °-22.61N 71 °-20.6'W
2. 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.

3. 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.

9.15 Pilots ~~Boat Rules and Regulations~~

A. ~~Application of Rules and Regulations :-~~

- ~~1. 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 (R.I. Gen. Laws Chapter 46-9) only or to Block Island Sound Pilots (R.I. Gen. Laws Chapter 46-9.1) only.~~

B. ~~Pilots and Pilot Boats, Exception to Rules:~~

1. 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~~ Rhode Island State Pilotage Commission Rules and Regulations cannot be observed, said pilot, owner or operator of said pilot boat shall, within 24 hours of reaching shore, 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.

B. Records to ~~b~~Be Kept by Pilots or ~~t~~Their Agent: Report to Commission:

1. The pilot or pilot's agent, shall maintain records and shall when requested, report to the Commission at the office of the Commission every vessel piloted by him/her, 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/her. 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.

C. Absence of Pilot from Duty: Active and Inactive Status: Notification to Commission: Refresher Pages.

1. Whenever any pilot is absent from duty for any cause, whatsoever, for more than sixty (60) days, he/she shall inform the Commission in writing, or cause them to be informed, as to the reason for, and the probable length of his or her absence from duty.
2. 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/her commission during this period shall be placed on inactive status and shall complete at two (2) round-trip passages over each route for which that pilot is licensed by the Commission before resuming his/her pilotage duties as an active status pilot. One of the required round trip passages shall be completed during the night time. 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.
3. Furthermore, such pilot, before resuming his or her 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 or her piloting duties.
4. The Commission at its discretion may require that the pilot present evidence demonstrating that he or she has successfully completed pilot simulation training as designated by the Commission prior to being authorized to return to active status.

| D. Vessels Going Aground or Other Accident to **bBe** Reported to Commission by Pilot: Fine for Violation:

1. 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 two (2) hours following the incident. Further, the pilot shall provide to the Commission within twenty-four (24) hours of the incident with 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 \$1,000 (one thousand dollars).

| E. Duty of Master of Vessel-Safety of Pilot: Damages-Penalty:

1. Whenever a vessel is receiving or discharging a pilot, the **mm**aster of the vessel shall, at the time of boarding, make a lee for the pilot boat and

bring his/her vessel to a full stop or to a speed as directed by the pilot boat, and shall supply a suitable ladder, in safe condition, properly placed and secured over the side 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 \$1,000 (one thousand dollars) and not less than \$500 (five hundred dollars).

F. Pilots Use of Certified Pilot Boat:

1. 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~~ Certificate of Compliance issued by the Rhode Island State Pilotage Commission and which shall be conspicuously displayed in said pilot boats.

G. Pilot Station

1. 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:
 - a. 41 °-23.6'N 71 °-22.4'W
 - b. 41 °-22.6'N 71 °-22.0'W
 - c. 41 °-24.2'N 71 °-20.0'W
 - d. 41 °-22.6'N 71 °-20.6'W
2. 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.
3. 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.

4. It is strictly prohibited to identify, reference, or contact any vessel in any manner other than by the registered name of said vessel during any radio communication by, with, or on behalf of any pilot or pilot boat.

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

1. Every pilot shall board incoming vessels at an adequate distance outside the waters of Rhode Island Sound, Block Island Sound, or Narragansett Bay as appropriate in order to insure that he or she has ample time in order to complete a full ~~m~~Master pilot exchange (MPX) to review the vessel's maneuvering characteristics, draft, air 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 if it is intended to enter Narragansett Bay.
2. In addition to conducting the ~~examination-evaluation~~ described above in [§ 9.15\(H\)\(1\) of this Part](#), a pilot shall, before commencing any vessel movement, consult with the ~~m~~Master and other relevant deck officers, the vessel's proposed route, including course, speeds, squat, and unique maneuvers that may be encountered.
3. If a pilot should decide on the basis of the facts determined following his or her examination conducted as required pursuant to [§§ 9.15\(H\)\(1\) and/or 9.15\(H\)\(2\) of this Part](#) that the movement of the incoming vessel into or continuing the movement of the vessel within the waters of the state would reasonably present a hazard to the health, safety, and welfare of the residents of the State of Rhode Island and/or the individuals utilizing the waters of the state, the pilot should immediately contact the Commission and, if deemed necessary, prevent the vessel from entering the waters of the state, bring the vessel into safe anchorage, or return the vessel to dock or keep the vessel tied up, as may be deemed appropriate by the pilot. The pilot shall remain with the vessel until the vessel is secured.
4. A pilot's services end and he or she is entitled to discharge by the ~~m~~Master of a vessel when said pilot has brought the vessel to a safe anchorage or to a position off the pier to which the vessel is bound, unless the ~~m~~Master shall have formally requested the pilot to assist in the docking of a vessel except in those cases in which a pilot has deemed it necessary to exercise his/her authority pursuant to [§ 9.15\(H\)\(3\) of this Part](#). Whenever formally requested by the ~~m~~Master to do so, the pilot of a vessel may assist in either the docking or undocking as such vessel. —A pilot shall not leave a vessel underway unless he/she shall have first been

properly relieved. -Pilots on outbound vessels shall not disembark vessel before clearing seaward of Beavertail Light.

5. A pilot may only permit a ~~m~~master to relieve the pilot for the purposes of docking or berthing the vessel or releasing the vessel's anchor in anchorage.

I. ~~Quarterly Report~~ ~~Negative Report~~ Reporting: The provisions of R.I. Gen. Laws §§ 46-9-20 and 46-9.1-8 pertaining to monthly and quarterly reports are to be strictly adhered to. -In case no piloting under the provisions of R.I. Gen. Laws Chapters 46-9 and ~~§ 46-9.1 of the R.I. Gen. Laws~~ has been performed during a particular quarter, a negative report shall be filed.

J. Annual Physical Examination - Annual Medical Certificate

1. No person licensed under any provision of the R.I. Gen. Laws Chapter s 46-9 and 46-9.1 shall perform any pilotage duties under the overall supervision of the Commission unless he or she has a current "Annual Medical Certificate".
2. Every pilot licensed pursuant to the provisions of the R.I. Gen. Laws Chapter s 46-9 and 46-9.1, shall annually during the ninety (90) days period preceding December 31st of each year have at his or her own expense a physical examination.
3. The results of such examinations on forms provided by the Commission shall be filed with the Commission. Among these forms is the examination report form which is attached hereto and designated as § 9.17 of this Part; Appendix 1, a copy of which is available on the Commission's website. ~~"Attachment A."~~ In order for a physician to accomplish the annual physical examination of a licensed pilot, the pilot is obligated to provide said physician prior to commencement of the examination with a copy of § 9.17 of this Part; Appendix 1 Attachment A and the physician is required to submit the form to the Commission in order for the Commission to issue the Annual Medical Certificate referenced above in § 9.15(J)(1) of this Part.
4. 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.
5. Should the examining physician consider the health or eyesight of the pilot, such as to render that pilot unfit to perform his or her 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 their duties. The Commission may, on advice of the examining physician, issue a certificate for a shorter period of time or with limitations attached.

6. The "Annual Medical Certificate" shall automatically become suspended when a pilot becomes hospitalized for any purpose for more than seven (7) days or said pilot is absent from duty for more than 30 days due to an accident or any illness. Said pilot or pilot's 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/she is physically fit to perform the required duties before the Commission shall reinstate his or her Annual Medical Certificate.
7. A pilot is further obligated to possess at all times a current Merchant Mariner Credential Medical Evaluation Report (CG-719 K) issued by the United States Coast Guard. A pilot is not required to submit the entire medical evaluation report that he or she submitted to the Coast Guard via CG Form 719K; Rather the Commission will deem the pilot in compliance with this subsection upon the Commission's receipt of a valid copy of a current Merchant Mariner Credential Medical Evaluation Report (CG-719 K).
8. Any violation of the provisions of this rule shall subject said pilot to forfeit to the Commission any pilotage fees that he or she has earned while in violation of this rule and subject said pilot to the provisions of the R.I. Gen. Laws §§ 46-9-22 and 46-9.1-21.

K. Pilotage Units

1. 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. Upper. Pilots shall first round off any fraction of an inch to the nearest inch and change the feet and inches to feet and decimal point, using the scale below: Inches = Feet Inches = Feet:
 - a. 1 .083 7 .583
 - b. 2 .167 8 .667
 - c. 3 .250 9 .750

- d. 4 .333 10 .833
- e. 5 .417 11 .917
- f. 6 .500 12 1.000

2. 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:

$$\frac{LOA * Ex. Breadth * Depth * Constant}{10,000} = Pilotage Units$$

(1 Meter - 3.2808399 EXACT) (3.28083993 = 35.314665)

3. In both cases, the number of pilotage units should be rounded off to the nearest hundredth or two decimal points.
4. All measurements shall be in feet and inches (U.S.).
5. 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.
6. The measurements of overall length, extreme breadth, and depth as previously defined, shall be made available to the pilot by the ~~m~~master or his/her agent for the computation of pilotage fees. Failure to provide the measurements so required shall subject the vessel to the maximum pilotage charge.

- L. Rates of pilotage fees which shall be paid to state licensed pilots in Rhode Island Waters (Narragansett and Mount Hope Bays and Tributaries). Pilotage rates per pilot unit:

~~12/1/2003 5/31/2005 \$ 9.56~~

~~06/1/2005 5/31/2006 \$ 9.94~~

~~06/1/2006 5/31/2007 \$10.24~~

~~06/1/2007 12/31/2008 \$10.55~~

~~01/1/2009 12/31/2009 \$10.97~~

~~01/1/2010 12/31/2010 \$11.41~~

~~01/1/2011 - 12/31/2011~~ ~~\$11.75~~

~~01/1/2013 - 12/31/2013~~ ~~\$12.10~~

1. 01/1/2014 - 12/31/2014 \$12.34

2. 01/1/2015 - 12/31/2015 \$12.59

3. ~~Period beginning 01/1/2016~~ 01/1/2016 - 12/31/2016 \$12.84

4. ~~Period beginning~~ 01/1/2017 - 12/31/2017 \$13.10

5. Period beginning 01/1/2018 \$13.23

6. Period beginning 01/1/2019 \$13.49

7. 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:

$$\frac{LOA * Ex. Breadth * Depth}{10,000} = Pilotage Units$$

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

~~a. Overall length x extreme breadth x depth to uppermost continuous deck~~

~~b. 10,000 = Pilotage Units = Pilotage Units~~

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

a. Melville and Tiverton - fee shall be 75 percent 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 percent 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 percent of the rate.
 - d. Cruise ships bound for Goat Island anchorage shall be charged a fee of 85 percent of the foregoing rates.
- 9. Any vessel that meets the following standards has been determined by the Commission not to pose a threat to the environment and as such shall receive a special exemption from the provisions of R.I. Gen. Laws Chapters 46-9 and § 46-9.1 and the Rules and Regulations promulgated pursuant thereto: Any vessel that is less than 200' LOA which is not engaged in commercial operations.
- M. (~~Pursuant to R.I. Gen. Laws § 46-9-20, 1956, as amended:~~) "Accounts of Fees and Payments to State: Once every month, every pilot or pilot's agent shall render to the Commission an accurate account of all vessels subject to this chapter piloted by him or her and of all money received by said pilot 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."
- N. Estimated Port Disbursement Monies - Payment to Pilots:
 - 1. The ~~m~~master, owner, agent, or consignee of every vessel requiring a pilot pursuant to of the R.I. Gen. Laws Chapters 46-9 and 46-9.1, ~~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.
 - 2. All pilots licensed pursuant to of the R.I. Gen. Laws Chapters 46-9 and 46-9.1, ~~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 ~~m~~master, owner, agent, or consignee of the said vessel an additional fee of one and one-half percent~~+~~ (1 ½%) of the uncollected monies and a said charge each first day of each month thereafter until full payment is received.

3. Every pilot having uncollected fees as set forth in § 9.15(N)(2) of this Part.
~~abParagraph 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.
4. 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. Gen. Laws Chapter s 46-9 and 46-9.1 ~~(1956) as amended~~, and any relevant provision of the ~~Rules and Regulations of the~~ Rhode Island State Pilotage Commission Rules and Regulations.
5. Additional fees payable to Pilots - Pilot Detention Fee:
 - a. 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.
 - b. Vessel arrivals: The order for a vessel arrival shall be placed at a minimum of twenty four (24) hours in advance of the arrival time. Six (6) hours' notice is required to change the arrival time without penalty. If a vessel arrives late at any pilot station without a minimum of six (6) hours' notice of change, a fee of \$200 will apply for every hour that the vessel is late.
 - c. Vessel departures: The original order for a departing vessel shall be placed at a minimum of twelve (12) hours in advance of the sailing time. Six (6) hours' notice is required to change a sailing time. In the exceptional case where a request is made to change a sailing time, with less than six hours' notice prior to the original sailing order, and where the sailing time is between the hours of 18:00 and 07:00, a \$500 fee for each and every change shall apply. Changes, with less than six hours' notice, are always subject to pilot availability. Vessels that do not sail within one (1) hour of the final sailing notification will incur a \$500 fee. Vessels that do not sail within two (2) hours of the scheduled sailing time will automatically cancel and incur an additional \$500 cancelation fee. Canceled sailings require that the vessel re-schedule a sailing time and is subject to pilot availability.

- d. ~~In addition to the provisions set forth above in Section 15.15 (E) (2) and (3) which seek to address and minimize pilot fatigue, the~~ Commission ~~recommends that pilots follow hereby incorporates by reference within these Rules pursuant to R.I. Gen. Laws § 42-35-3.2,~~ the ~~new~~ fatigue policy that was adopted by Northeast Marine Pilots Association in Annex C on January 15, 2016 in order to supplement Rule 19 of the Association's Rules.
- e. Fee for Being Carried Away to Sea: A pilot who is carried away to sea shall be paid ~~one~~ 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 ~~mm~~master of the vessel.
- f. Fee for adjusting compass and RDF calibration - each \$300.
- g. Any vessel shifted within the harbor shall pay a fee of \$300.

O. Offenses Involving Narcotic Drugs Marijuana and Depressants or Stimulant Drugs or Substances

- 1. 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 the R.I. Gen. Laws Chapters ~~s~~ 46-9 or 46-9.1, ~~as amended~~, for a period of at least ten (10) years after the date of conviction.
- 2. Every active status Rhode Island state licensed pilot shall be in compliance with ~~Title~~ 46 C.F.R. ~~§§~~ 1 ~~through~~ 46 "Chemical Testing", prescribed by the United States Coast Guard and the United States Department of Transportation Homeland Security 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/her compliance with 46 C.F.R. § 16.210.
- 3. Any conviction specified in § 9.15(O)(1) of this Part or failure to comply with the above-mentioned regulation in § 9.15(O)(2) of this Part is grounds for suspending or revoking any license pursuant to the R.I. Gen. Laws Chapters ~~s~~ 46-9 or 46-9.1.

P. Navigational Rules of the Road

- 1. Every pilot licensed pursuant to the provisions of the R.I. Gen. Laws Chapters ~~s~~ 46-9 or 46-9.1 shall operate any vessel under his or her care

consistent with the Inland Navigational Rules Act of 1980, ~~as amended~~, as applicable, (33 C.F.R. §§ 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") incorporated ~~above~~ at in § 9.2(B) of this Part. 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 ~~the~~ R.I. Gen. Laws §§ 46-9-22, ~~or~~ 46-9-22.1, or 46-9.1-18.

Q. Utilization of Commission Issued Navigational Computer Equipment

1. No pilot licensed pursuant to the provisions of the R.I. Gen. Laws Chapters § 46-9 or 46-9.1 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:
 - a. when a pilot is navigating a vessel from one girth berth to another berth within the same harbor; or
 - b. 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.
2. In the event that a pilot fails or is unable for whatever reason to comply with the requirements of § 9.15(Q)(1) of this Part, ~~t~~The pilot shall cause the Commission to be notified of the circumstances of the incident as soon as practical, as 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.
3. Any navigational computer equipment or PPU 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.

4. Any pilot who is found by the Commission to have operated a vessel under his or her care in violation of [§ 9.15\(Q\)\(1\) of this Part](#) within the jurisdiction of the Commission, or to have failed to comply with [any of these Rules and Regulations](#), may be subject to disciplinary action pursuant to the R.I. Gen. Laws §§ 46-9-22 or 46-9-22.1, or 46-9.1-18.
5. In the event that a reportable incident should occur while a pilot is in charge of a vessel, the pilot shall immediately power down the PPU utilized during the incident upon being relieved by a duly licensed state pilot and provide said PPU to the Commission immediately upon returning to shore.

R. Additional Reports Required to be Submitted to the Commission

1. [The Northeast Marine Pilots Association](#) ~~A~~or any pilot licensed pursuant to the provisions of the R.I. Gen. Laws Chapters [§ 46-9](#) or [46-9.1](#) who navigates a vessel within the waters under the jurisdiction of the Commission shall report any incident in which the vessel being navigated is involved in a grounding, the striking of a submerged object, or any unintended contact with any object or vessel. Such report shall be submitted in writing to Commission within twenty four (24) hours of the incident.
2. [The Northeast Marine Pilots Association](#) ~~or A~~any pilot licensed pursuant to the provisions of the R.I. Gen. Laws Chapters [§ 46-9](#) or [46-9.1](#) who navigates a vessel within the waters under the jurisdiction of the Commission shall report any incident in which the vessel being navigated experiences a loss of electrical power, loss of steering, or whose gyro does not appear to be working properly. Such report shall be submitted in writing to Commission within twenty four (24) hours of the incident.
3. [The Northeast Marine Pilots Association](#) ~~A~~or any pilot licensed pursuant to the provisions of the ~~R.I.~~ R.I. Gen. Laws Chapters [§ 46-9](#) or [46-9.1](#) who navigates a vessel within the waters under the jurisdiction of the [Commission](#) shall report any incident in which the vessel being navigated is damaged, or a dock or terminal are damaged by the vessel during the docking or undocking of the navigated vessel. Such report shall be submitted in writing to Commission within twenty four (24) hours of the incident.
4. [The Northeast Marine Pilots Association](#) ~~A~~or any pilot licensed pursuant to the provisions of the R.I. Gen. Laws Chapters [§ 46-9](#) or [46-9.1](#) who

navigates a vessel within the waters under the jurisdiction of the Commission shall report any incident in which the vessel being navigated loses an anchor or uses the vessel's anchor in an emergency. Such report shall be submitted in writing to Commission within twenty four (24) hours of the incident.

5. The Northeast Marine Pilots, Inc. Association or any pilot licensed pursuant to the provisions of the R.I. Gen. Laws Chapter s 46-9 or 46-9.1 who navigates a vessel within the waters under the jurisdiction of the Commission shall report any incident in which a complaint is received alleging that a pilot navigated vessel within the waters under the jurisdiction of the Commission at excessive speed, created excess wake, or that damage was caused by the navigated vessel. Such report shall be submitted in writing to Commission within twenty four (24) hours receipt of the complaint.

9.16 Pilot Station

- A. 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 (3k mile radius - southerly of Brenton Reef Light) (USCG Chart # 1210).
- B. 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.
- C. Pilot boats shall maintain a watch on VHF Radio Channel #16 at least one hour before the vessels E.T.A.

9.17 Rhode Island Pilot Commission Medical Form

Rhode Island
Pilotage
Commission

Notice to all Rhode Island Licensed Pilots Supplemental Medical Form

This form must be supplied to your physician at the time of:

Required annual

Returning to duty after an injury or

The prescribing or change of

physical

illness

dosages of any medications

Name of Pilot:

List of medications / include both prescription and Non-prescription including dosages:

Dosage:

Dosage:

Dosage:

Dosage:

Dosage:

Dosage:

Duties and responsibilities of a Rhode Island State licensed pilot and the physical requirements necessary to perform those duties: In addition to the customary tasks performed by mariners:

A pilot's duties include but are not limited to:

Safe navigation* of a vessel of up to 1100 feet in length through narrow channels during all hours of the day or night in any weather condition.

Safely moor and/or anchor those same vessels.

A pilot's responsibilities include but are not limited to:

Protecting the port (its people, property and environment) from the hazards and cargo aboard the vessel under his/her keeping while transiting the waters of the state.

Determining if the proposed vessel transit is safe considering such factors as vessel characteristics, weather, current, draft, etc.

The ability to bring to the safest possible conclusion any contingencies that may arise.

Physician requirement necessary to perform pilotage duties include but are not limited to:

Transferring between the pilot vessel and the transiting vessel in all weather conditions. This may include jumping from a moving pilot boat onto a Pilot Ladder (rope and wood ladder hanging down the side of a vessel) and climbing a height of up to 10 meters and then a stair climb of as much as 10 stories.

Eyesight and hearing up to standards to perform the above duties.

On call and available for duty 24 hours a day 7 days a week.

Unavailability of professional medical intervention during most of the time on board vessels.

Long periods of stress and concentration periodically interspersed with short periods of extreme stress.

*Navigation – to steer, direct, manage, or sail a vessel by determining the vessel's position, piloting, directing the vessel along a desired trackline, keeping account of the vessel's progress through the water, ordering or executing changes in course, rudder position or speed, maintain a lookout.

I have read and understand the above information concerning the duties of a pilot and have taken this into consideration during my evaluation of said pilot. I hereby certify that the pilot has, in my opinion, the ability to competently perform his/her duties and that the pilot's use of medications listed above will not adversely interfere with his/her ability to perform those duties.

Signature of Physician:

Date:

Print Name of Physician:

Address:

City:

State: Zip: