



**STATE OF CONNECTICUT**  
**DEPARTMENT OF TRANSPORTATION**  
**CONNECTICUT PILOT COMMISSION**



**CONNECTICUT PILOT COMMISSION**  
**ANNUAL REPORT**

**JULY 1, 2010 – December 31, 2011\***

\*The reporting period for the Annual Report is being changed from a Fiscal Year to a Calendar Year

Pursuant to Conn. Gen. Stat. ch. 263, sec. 15-13c, the Connecticut Pilot Commission (CPC) advises the Commissioner of Transportation (CTDOT) on issues related to the licensure of marine pilots, the safe conduct of vessels, pilotage rates and the protection of the ports and waters of Connecticut. The nine Commission members, including appointees of the Governor and various legislative leaders, a designee of the Commissioner of Transportation and a pilot representative, represent a broad spectrum of business, maritime, and environmental interests. The Commission currently includes members with expertise in admiralty and environmental law, shipping, stevedoring and port operations as well as experience as Merchant Marine, Navy, and Coast Guard officers. Further information regarding the Commission, including monthly minutes, is available at [www.ct.gov/dot/cwp/view.asp?a=2314&q=307026](http://www.ct.gov/dot/cwp/view.asp?a=2314&q=307026). This is a report of the Commission's activities for the period July 1, 2010 through June 30, 2011.

**Background**

Long Island Sound ports (consisting of Connecticut's three deepwater ports and petroleum terminals on Long Island's north shore) are vital to the regional economy. These ports provide millions of people with access to global commerce and offer the potential to reduce congestion along the northeast corridor. In addition to petroleum products, Connecticut ports handle lumber, rolled steel, scrap metal, coal, salt and chemical cargoes shipped to and from every part of the world. International cruise ships have called on New London.

As is common throughout the maritime world, merchant ships arriving at Long Island Sound ports are required by law to take aboard a local pilot, who has up-to-date knowledge about hazards to navigation, tides and current, communications and vessel traffic. Conn. Gen. Stat. ch. 263, sec. 15-15. As advisors to the ship's Master, pilots direct the vessel's movement in restricted waters, including docking and undocking. Pursuant to the Federal Boundary Waters Act, 46 U.S.C. sec. 8501(b) and Conn. Gen. Stat. ch. 263, sec. 15-15d, Connecticut and New York share authority to regulate pilotage on Long Island Sound. The Boundary Waters Act entitles New York-licensed pilots to pilot ships to all Connecticut ports and Connecticut-licensed pilots to pilot ships on the New York waters of Long Island Sound. The two states are party to a 1999 Memorandum of Agreement (MOA), implemented by regulation, under which Connecticut-licensed pilots and New York-licensed pilots participate in a joint rotation to provide pilotage service for all ports on the Long Island Sound. Conn. Agencies Regs. Sec. 15-15a-17. The rotation is administered by a Joint Administrator, designated by the mutual agreement of Connecticut and New York. The Joint Administrator establishes work rules, dispatches pilots to assignments, collects pilotage fees, pays expenses and distributes earnings. During calendar year 2010, the Joint Rotation Administrator dispatched pilots to 662 assignments (down from 712 in 2009). The pilotage fees generated totaled \$ 2,071,817.65 of which \$ 97,743.65 went to the Connecticut General Fund.

Under the MOA, CTDOT retains authority to regulate the licensing, conduct, and duties of Connecticut-licensed pilots as necessary to ensure public safety and protection of the environment. Conn. Gen. Stat. ch. 263, sec. 15-15a. The CPC and CTDOT work closely with the Board of Commissioners of Pilots of the State of New York (NY Board) to coordinate the regulation of pilotage on Long Island Sound. The CPC and CTDOT also maintain an active working relationship with the U.S. Coast Guard, which regulates many aspects of merchant

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vessel operations.

Certain U.S. flag vessels in domestic trades (enrolled vessels) and naval or government-operated vessels (public vessels) are exempt from compulsory state pilotage. Pilotage of these vessels is regulated by the Coast Guard, which issues federal pilotage endorsements. Connecticut-licensed pilots may pilot enrolled or public vessels on the authority of their federal pilotage endorsements outside the joint rotation.

### The Commission Members

Chairman: Peter J. Boynton. Appointed by the Governor for a term ending June 30, 2012 to represent maritime related industry interests.

Vice-Chairman: Captain Richard E. Barry, Jr. Re-appointed by the Senate Minority Leader for a term ending June 30, 2013 as a retired ship's Master. Elected Vice-Chair by a vote of the Commission on October 11, 2007.

Member: Alan Blume. Appointed by the Speaker of the House for a term ending June 30, 2012 to represent non-recreational maritime industry interests.

Member: William C. Gash, Jr. Appointed by the Senate President Pro Tempore for a term ending June 30, 2012 to represent public environmental interests.

Member: Ralph Gogliettino. Appointed by the Senate Majority Leader for a term that ended June 30, 2013 to represent public environmental interests.

Member: John C. Love, Esq. Appointed by the House Minority Leader for a term ending June 30, 2011 as a member with expertise in admiralty law.

Member: David E. Pohorylo. Appointed by the House Majority Leader for a term ending June 30, 2015 to represent non-recreational maritime industry interests.

Member: Captain Philip D. Gaughran. Replaced Captain Vincent Cashin as the active pilot elected by a majority of Connecticut-only licensed pilots for an indefinite term.

Member: Captain Charles C. Beck, USCG. (Ret.). Transportation Maritime Manager selected by the Commissioner of Transportation as his designee for an indefinite term.

During the period, Commissioner Richard Barry resigned effective December 31, 2011. Commissioner David Pohorylo was re-appointed by the House Majority Leader for another four year term ending June 30, 2015.

### Current Issues

#### Pilotage Rates

Pursuant to Conn. Gen. Stat. sec. 15-14, CTDOT Commissioner is obligated to set pilotage rates. The Commission is charged with advising CTDOT on "the establishment of fair and reasonable rates of pilotage . . . including establishment of a hearing process for the setting of fair and reasonable rates of pilotage." Conn. Gen. Stat. Sec. 15-13c. Pilotage rates established in 1983 were increased by eighteen percent (18%) effective July 20, 2009. The increase was phased in over a three year period; six percent (6%) per year starting July 2007. In March 2011, the Joint Rotation Administrator submitted a request on behalf of the Rotation System Executive Board (RSEB) for a 4% pilotage rate increase for each of the next 3 years. The letter also requested that the pilot unit minimum and maximum fees for all Harbors be brought in line with those already

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established for the Sound (150 PU min and 500 PU max). A desire to include pilot boat rates as well as the establishment of a pilot training and safety equipment fund in the rate increase proposal was discussed. A committee was formed to research the request and draft a CPC recommendation. The committee was tasked with addressing how to incorporate pilot boat and boat launch fees into the request as well as establishing a safety equipment and continuing training fund into the pilotage rate increase. In November 2011 a letter was received from an attorney representing the Connecticut State Pilots documenting the need for the pilotage rate increase. However, the CPC concluded that the letter still lacked sufficient detail needed to justify the increase and requested the Connecticut State Pilots provide additional information. It was also determined that the pilotage rate increase had never been submitted to the NY Board. At the close of the year, action on the rate increase still pends.

### Fuel Surcharges

Beginning in February, 2006 CTDOT and the NY Board jointly imposed a temporary fuel surcharge based on a November 28, 2005 recommendation of the CPC. The intent of the fuel surcharge is to compensate pilot boat operators for substantial increases in the cost of diesel fuel, a major factor in the cost of operating pilot boats. Since its imposition, the fuel surcharge has been periodically reviewed and adjusted by CTDOT and the NY Board on the recommendation of the CPC. The CPC recommended continuation of the fuel surcharge on July 13, 2006, January 9, 2007, June 15, 2007, November 27, 2007, May 21, 2008, December 12, 2008, May 19, 2009, November 24, 2009, July 20, 2010 and January 31, 2011. As approved by CTDOT and the NY Board, the fuel surcharge was last set on August 1, 2011 at \$200.00 per boarding and disembarkation and will expire unless further extended on July 31, 2012.

The CPC considered proposals to incorporate a fuel surcharge index into the pilotage rate structure to avoid the necessity of continual review of fuel costs by the Commission and CTDOT. Under the concept discussed, a fuel surcharge would periodically be adjusted upward or downward by the Joint Administrator based on a publicly-available fuel cost index. The need to establish a new baseline charge for the operation of the pilot boats upon which a surcharge would be applied was identified. Determining the actual cost of operating a pilot boat upon which a fuel surcharge could be based remains elusive. Action pends.

### Joint Rotation Operation

Pursuant to the MOA and implementing regulation, participation in the joint rotation is mandatory for both Connecticut-licensed pilots and New York-licensed pilots. The Joint Administrator dispatches pilots, collects fees, pays expenses (including pilot boat costs) and distributes revenues among the pilots. The joint rotation is administered by Sound Pilots, Inc. (d/b/a Block Island Pilots), selected by agreement of CTDOT and the NYBCP. The operation of the joint rotation is overseen by a Rotation System Executive Board, consisting of three pilots from the Connecticut side and three pilots from the New York side of the rotation. Unlike most other jurisdictions, pilots participating in the joint rotation are not compelled to belong to a single business entity. There had been five separate pilot organizations (Northeast Marine Pilots, Sandy Hook Pilots of New York and New Jersey, Interport, Long Island Sound State Pilots, Connecticut State Marine Pilots) and a couple of non-affiliated individual pilots operating within the joint rotation. In November 2008, the CPC was notified that the Connecticut licensed pilots working on the Connecticut side of the joint rotation had agreed in principle to work together as the Connecticut State Pilots, a registered d/b/a under Interport Pilots, Inc. The coordination and cooperation among the Connecticut licensed pilots working on the Connecticut side of the joint rotation continued during the period of this report. Three organizations currently provide pilot boat services; Interport, Long Island Sound State Pilots and Northeast Marine Pilots.

As of January 2011, Connecticut licensed 11 marine pilots, 3 of which work on the New York side of the rotation. Of those 3, all are also concurrently licensed by New York. As a condition of

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maintaining their Connecticut licenses, all of these pilots must also possess federal licenses endorsed for first-class pilotage. The 11 pilots licensed by Connecticut who participate on the Connecticut side of the joint rotation are allocated 70% of vessel movements subject to the joint rotation pursuant to the terms of the MOA. Pilots licensed by New York (including the 3 pilots who are licensed by both Connecticut and New York) participate on the New York side of the joint rotation and are allocated 30% of vessel movements. During 2010, a total of 10 pilots participated on the New York side of the rotation. The 7 pilots participating on the Connecticut side of the joint rotation covered 463 of the 662 assignments made by the Joint Administrator during the year (70 %). The most assignments handled by a single pilot participating on the Connecticut side of the rotation totaled 83; the least was 64. Over 69 % of the vessel traffic in Long Island Sound was into and out of a Connecticut port. In December, the CPC established a report from the RSEB as a recurring agenda item.

### Boarding Stations

The CPC's mandate specifically includes the provision of advice regarding the designation of pilot boarding and disembarkation stations. Conn. Gen. Stat. ch. 263, sec. 15-13c(e)(9). During 2004, the CPC issued a comprehensive report recommending that CTDOT designate mandatory pilot stations at Point Judith, Rhode Island and Montauk Point, New York under authority of existing regulations. After reviewing industry comments and consulting with the NY Board and U.S. Coast Guard, the CTDOT issued instructions to Connecticut-licensed pilots dated March 1, 2005 requiring use of the Point Judith and Montauk Point pilot stations. CTDOT's instructions are consistent with the NY Board's requirements for New York-licensed pilots.

CTDOT previously initiated administrative proceedings against several Connecticut-licensed pilots for a failure to use the pilot stations on multiple occasions. One proceeding culminated in a Hearing Officer's determination upholding CTDOT's designation of pilot stations in international waters. The remaining complaints were investigated and confirmed by CTDOT, resulting in the dismissal or consensual resolution of charges against the pilots. There have been no reported violations of the pilot boarding stations during the period of this report.

### Apprenticeship and Training

Connecticut State Agency Regulations Section 15-15a-17(i) required the Connecticut licensed marine pilots to submit for approval to the CTDOT Commissioner and the CPC a proposed program for the training of new pilots within six months of the effective date of the regulation (09/10/2003). Conn. Gen. Stat. ch. 263, sec. 15-13c(e) charges the CPC to set (subject to CTDOT approval) the requirements for pilot licensure and apprenticeship programs as well as the appropriate number of pilots necessary for the "safe, efficient and proper operation of the pilotage system." For a number of years, CTDOT had not solicited applications for new licenses consistent with recommendations of the CPC. In the absence of a recommended new pilot selection and training program from the Connecticut licensed pilots, the CPC drafted regulatory language to establish an Apprentice Selection and Training Program. The document was forwarded to CTDOT for approval and implementation as a regulatory change to Section 15-25a-6 through 15-15a-17. The Apprentice Selection and Training regulations were approved by the Legislative Review Committee on December 21, 2010. A request for one apprentice pilot was initiated by the Connecticut State Pilots in February 2011 and forwarded to the CTDOT by the CPC in March 2011. The CTDOT concurred with the request and solicited for mariners interested in becoming an apprentice pilot on April 14, 2011. As a result of a public solicitation, thirteen applications were received. Of the thirteen, eight applicants met or exceeded the minimum requirements specified in the Connecticut Regulations. After the written examination was administered and scores considered, the top four applicants were interviewed by a panel consisting of three Commissioners and the CTDOT designee to the CPC. The apprentice pilot evaluation process concluded in October 2011 with the top four applicants being ranked based on

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their respective total scores. In November 2011, the Connecticut State Pilots submitted a new request for three vs. one apprentice pilots. Final action by the CTDOT pending.

### Objectives and Goals

In early 2009, the CPC charted a strategy in the form of a 2-page statement of 'missions, objectives and goals' adopted by unanimous vote at the June 16, 2009 meeting. The CPC's objectives fell into four main categories:

- 1) Enhance and maintain marine safety & environmental protection
- 2) Maintain competitive pilot rates that permit Connecticut ports to compete for commerce while also recruiting and retaining qualified mariners as pilots
- 3) Optimize the organization of Connecticut pilotage
- 4) Establish standard operating procedures

The following goals were identified as requiring priority action:

- 1) Establishing an apprentice selection and training program for apprentice pilots as submitted by the CPC to CTDOT in October, 2008.
- 2) Amending the state statute that created the CPC to include administrative support from the CTDOT for the CPC similar to that provided for the CT Maritime Commission.

Both priority goals have been accomplished. No changes were made to the Objectives and Goals during the period.

### Other Items

There has been an increase in vessel activity in Port Jefferson, NY. The new activity created a recency problem for most pilots. The CPC, CTDOT and the NY Board evaluated and implemented a course of action that would facilitate the safe transit of the vessels through the Port Jefferson approach and harbor. State licensed pilots can maintain recency by conducting and documenting rides on the Bridgeport-Port Jefferson Ferry as well as other commercial vessels that do not require a state licensed pilot.

The CPC requested and the CT State Pilots provided a 5 Year Plan. The request was generated in part by the need to determine the number of pilots needed on the CT side of the rotation and the expected attrition rate of the presently licensed pilots due to retirement.

Discussion on a standard Pilot Information Card, restrictions on the use of wireless devices while piloting, recency requirements, anchorage areas changes, evaluation of the Joint Rotation Administrator, the need for a pilot to be fully integrated into the bridge team, pilot boat certification regulations, a review of the 70/30 pilotage work split between the licensed pilots on the CT side vs. the NY side of the rotation, the Atlantic Coast Port Access Routing Study being initiated by the Coast Guard and the OPSAIL2012CT event were discussed during the period.

The July 2010, October 2010, January 2011, July 2011 and December 2011 meetings of the CPC were canceled due to inclement weather or a known lack of a quorum.



Peter J. Boynton  
Chairman  
Connecticut Pilot Commission