

**Connecticut Pilot Commission
Summary Report January 19, 2010 Public Meeting
Coast Guard Sector Long Island Sound
New Haven, CT**

1.) The public meeting was called to order at 8:34 a.m. by the Chairman. Pilot Commission members Rick Barry, Chuck Beck, Peter Boynton, Vincent Cashin, Bill Gash, Ralph Gogliettino and Dave Pohorylo were present forming a quorum of seven. Also attending was Alan Stevens and Dave Rossiter of CTDOT, CDR Kevin Oditt of the USCG, Rich Astles, Tom Dubno, Daniel Coleman (FBI), Charlie Jonas, Joseph Maco, M.A. Peszke, Chris Sadler and Alex Woodworth

2.) A motion to approve the summary report of the December 15, 2009 meeting was made by Rick Barry and seconded by Vin Cashin. The motion carried unanimously.

3.) Continuing Business:

A. Fuel Surcharge

(1) Pilot Boat Operating Costs – Chuck Beck reminded all that he had previously requested pilot boat operating cost from all of the owners/operators of pilot boats that serve the Block Island/Long Island Sound Joint Rotation but had received no information. At the December meeting, the operators expressed concerns about sharing what they thought would be proprietary information. Beck brought to the attention of all that an excerpt from the CT State Statute was part of the meeting package. The excerpt indicated that commercial or financial information given in confidence was an exception to the FOIA. Vin Cashin raised the issue of the boat operators being private companies thus the state has no authority to regulate them. Beck reminded all that the CT State Statutes (Sec.15-15e) and the CT Regulations (Sec.15-15a-17(h)) gives the Commissioner of the CTDOT the authority to regulate pilot boats including fees. Bill Gash offered to create a generic pilot boat operating cost. There was some additional discussion on the need to determine a base operating cost for the pilot boats. All were reminded that the temporary fuel surcharge is added to a \$600 per transit charge. The justification for the \$600 charge has never been documented or codified. Chuck Beck brought to the attention of all a straw man change to the pilotage rates that was part of the meeting package. The straw man would set a pilot boat rate at \$750 which would be the current base of \$600 plus the minimum fuel surcharge that has been applied. Dave Pohorylo stated that any attempt to set a pilot boat rate by regulation should include the shuttles used from port to the sea buoys. The Chairman asked Chuck Beck to reach out to the boat operators again, emphasizing that if the information is marked proprietary it would be protected from disclosure. Dave Pohorylo stated that the CPC needs to encourage more efficient operations of the various pilot boats. At present, there is no effort to consolidate pilot boat runs among the operators.

(2) Temporary Fuel Surcharge – Chuck Beck stated that the comment period on the Public Notice for extending the temporary fuel surcharge at a new rate of \$175 ends on Jan 22, 2010. No comments have been received at this time.

B Objectives and Goals - Apprentice Selection and Training Regulation

Chuck Beck reported that the draft Apprentice Selection and Training regulation had been returned by CTDOT legal unit. He had incorporated all of the edits and concerns and created a new draft. The new draft was part of the meeting package along with a document that tracked all of the changes that had been made to the previous draft. Beck asked for the Commissioners to review to insure that changes had not altered the intent of the CPC. Beck indicated that the new draft had been given back to the CTDOT legal unit who noted a few more edits/changes which had not been incorporated yet. Rick Barry stated that the changes made to the old draft had not affected the desires or intent of the CPC relative to the Apprentice Selection and Training document. A question was asked about what to do in the absence of an apprentice selection and training program. Chuck Beck asked for that matter to be discussed during Executive Session

scheduled later on the agenda. Next steps in implementing the Apprentice Selection and Training process were discussed. It was stated that after the last edits from the CTDOT legal unit were reviewed/incorporated, the draft regulation would be given to the CTDOT legislative liaison with supporting documents. The draft regulation would go to the Governor's office, OPM and then the Legislature's Regulation review Committee. The Chairman acknowledged the arrival of Deputy Commissioner Martin and thanked him and the Department for the recent progress on the draft regulation.

C. License Moratorium – Letter to CTDOT

Reference was made to a copy of the 15 December 2009 CPC letter to the CTDOT in the meeting package. The letter emphasized the urgency for CTDOT to complete the legal review of the Apprentice Selection and Training draft regulation and recommended that the CTDOT immediately issue one new pilot license to work on the CT side of the rotation pending completion of the CTDOT legal review. A copy of the CTDOT reply dated 8 January, 2010 was also part of the meeting package. The CTDOT reply asked for recommendations from the CPC on criteria to be used should the Department elect to issue a new license in the absence of the proposed apprentice program. Whether a license was issued through or in lieu of the apprentice program, Bill Gash asked for whom the newly licensed pilot would work. A discussion ensued. The original draft regulation had language that designated a pilot organization. Due to concerns expressed on authority of the CTDOT Commissioner to do so, the pilot organization designation language had been removed. Bill Gash stated that the designation of a specific pilot organization was important to building organizational infrastructure. Dave Pohorylo asked if the draft regulation could be changed to provide the specific authority to the CTDOT Commissioner to designate a pilot organization. Chuck Beck stated that authority is derived from statutes not regulations. When advised by Chuck Beck that the Commissioner was told he could not designate a CT pilot organization, Vin Cashin asked if the phrase "recommend" could be used instead. Chuck Beck said that he would look into it. Joe Maco was recognized and stated that CT needs to develop a structure similar to that of the NY-NJ oversight of the Sandy Hook Pilots. He further stated that the "us against them" attitude needs to be changed. He further questioned the "emergency" licensing request. He then presented a copy of a letter dated 18 January, 2010 he had e-mailed on 18 January from the Sound Pilots to the CPC. The letter was read aloud for the benefit of all by the Chairman. The letter requested that the CPC rescind the request for a one new license made to the CTDOT in the 15 December letter until such time as a properly approved and administered selection criterion is legally adopted by the CTDOT. The letter detailed several reasons of the request. Several comments were made that rescinding the request for a new pilot license would be an unnecessary delay/step back from the recent progress made. Joe Maco asked for his letter to be added to the February agenda but there was no motion, second or vote from the Commissioners to do so. The Chairman stated that the matter would be put on the agenda under old business for the February CPC meeting and asked that the letter be provided to Chuck Beck so that he could distribute it to the CPC Commissioners for review.

D. Letter to CTDOT on Infectious Disease Preventive Measures – The CPC had sent a letter to CTDOT dated 11/17/09 requesting assistance with getting CTDPH to evaluate the risk of exposure of marine pilots to infectious disease. A copy of the letter was in the meeting package. No response has been received. Vin Cashin asked about next step. Chuck Beck recommended readdressing and sending the letter directly to the CTDPH Commissioner. The Chairman asked Chuck Beck to try and determine the status of the letter within CTDOT.

4.) New Business

A. Pilot Fee Distribution to States – Chuck Beck stated that the information from the JRA was still being digested and converted into a more usable format. Charlie Jonas had distributed by e-mail data on ship calls to ports/platforms in LIS. The information from the Maritime Association of the Port of NY and NJ covered calendar years 2004-2009 and was compiled on 1/19 2010. The data indicated a steady decrease in the number of ship arrivals from a high of 400 in 2006 to 278 in 2009. The topic will be carried on the agenda for the next meeting in February

2010.

B. Meeting with the CT side of the JRA Executive Board – Vin Cashin provided a summary of the discussion held during a meeting requested by the CT side of the Executive Board of the JRA held 11 January, 2010 at the CTDOT HQ that included himself, Charlie Jonas, Chuck Beck Peter Boynton and Deputy Commissioner Al Martin. The main focus of the meeting was the request for the CTDOT to issue a new license immediately. Concerns were expressed about the delays in implementing the apprentice program and on safety concerns driven by the weather, work schedules and age of the pilots.

5. CONNDOT Comments – Dave Rossiter stated that he had located the tape of the October 14, 2004 CPC meeting that would provide some historical information on the 3%-6% of pilotage fees distribution to the states. The tape contains a statement made by Captain Ken Warner about how the distribution was determined. Chuck Beck offered to transcribe the conversation and provide it to the CPC for consideration at future meetings.

Joe Maco advised that he had forwarded an e-mail the APA had distributed to pilot organizations requesting information on incident review/pilot discipline matters were handled. The stated goal was to improve how accidents and complaints against pilots are investigated. The Chairman asked Chuck Beck to obtain a copy of the questions and distribute them to the CPC.

6. USCG Comments

A. LIS AMSC – CDR Kevin Oditt stated that the next LIS AMSC meeting will be 18 February, 2010. He made mention that CG SECTOR LIS will be undergoing a significant turnover of the upper level people as the results of transfers/retirement this summer. He will ask Captain Ronan to address the CPC about the changes at the February meeting.

B. LIS HSC – CDR Oditt provided a summary of the LIS HSC meeting that was held on 1/14/2010. The main topic was abandoned/derelict vessels. He also stated that action items on the 2009 PARS should be released soon and would provide them to Chuck Beck for distribution to the CPC. He mentioned the Notice to Proposed Rule Making on the closure of the LORAN C navigation system. CDR Oditt stated that the LIS Anchorage Regulations should be published within a month or so. Lastly, he stated that recently an inbound foreign flag vessel showed up at a pilot boarding station with an inoperative radar. An operating radar is a requirement unless a letter of deviation has been issued. The Chairman requested that the PARS action items and any letters of deviation be shared with the CPC.

The Chairman acknowledged the presence of the FBI Special Agent Dan Coleman and asked if he had any comments. None were offered.

7. Executive Session – An Executive Session was held to discuss two personnel items. The public session was recessed and the executive session commenced at 1000. The public session was reconvened at 1050. It was reported that no motions were made and no votes were taken during the executive session.

8. A motion to adjourn was made by Vin Cashin, seconded by Bill Gash and approved by unanimous vote. The meeting adjourned at 1052.

The Commission's next public meeting is scheduled for **8:30 a.m. on Tuesday February 16, 2010 at the Coast Guard Sector Long Island Sound in New Haven, CT**

Peter Boynton
Chairman, Connecticut Pilot Commission