

IMPORTANT: Read instructions on back of last page (Certification Page) before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations

State of Connecticut
REGULATION
of

Department of Transportation

concerning

Rates of Pilotage

Section 1: Sections 15-14-1a through 15-14-1c of the Regulations of Connecticut State Agencies are amended to read as follows:

Sec. 15-14-1a. Rates of Pilotage

Pilotage rates for Connecticut harbors and the Thames River and waters of Long Island Sound shall be as follows:

(a) [New Haven & Bridgeport] Connecticut Harbors and Thames River

Minimum charges (each way)	Effective upon passage	Effective July [20] 1, [2008]2013	Effective July [20] 1, [2009] 2014	Effective July 1, 2015
[25] 0 through 49 pilotage units	[\$279.84] <u>\$323.86</u>	[\$296.63] <u>\$333.58</u>	[\$314.43] <u>\$343.59</u>	<u>\$353.90</u>
50 through 99 pilotage units	[\$337.08] <u>\$390.08</u>	[\$357.30] <u>\$401.78</u>	[\$378.72] <u>\$413.83</u>	<u>\$424.25</u>

Effective upon passage, all vessels of 100 pilotage units and over shall pay three dollars and [thirteen] sixty-three cents [(\$3.13)] (\$3.63) per pilotage unit, up to a maximum of [\$1,097.10] \$1,815.00.

Effective [July 20, 2008] July 1, 2013, all vessels of 100 pilotage units and over shall pay three dollars and [thirty- two] seventy-four cents [(\$3.32)] (\$3.74) per pilotage unit, up to a maximum of [\$1,162.93] \$1,870.00.

Effective [July 20, 2009] July 1, 2014, all vessels of 100 pilotage units and over shall pay three dollars and [fifty-two] eighty-five cents [(\$3.52)] (\$3.85) per pilotage unit, up to a maximum of [\$1,232.71] \$1,925.00.

Effective July 1, 2015, all vessels of 100 pilotage units and over shall pay three dollars and ninety-six cents (\$3.96) per pilotage unit, up to a maximum of \$1,980.00.

[(b) New London Harbor

Minimum charges (each way)	Effective upon passage	Effective July 20, 2008	Effective July 20, 2009

25 through 49 pilotage units	\$227.90	\$241.57	\$256.06
50 through 99 pilotage units	\$285.14	\$302.25	\$320.39

Effective upon passage, all vessels of 100 pilotage units and over shall pay two dollars and eighty-one cents (\$2.81) per pilotage unit, up to a maximum of \$1,075.90.

Effective July 20, 2008, all vessels of 100 pilotage units and over shall pay two dollars and ninety-eight cents (\$2.98) per pilotage unit, up to a maximum of \$1,140.45.

Effective July 20, 2009, all vessels of 100 pilotage units and over shall pay three dollars and sixteen cents (\$3.16) per pilotage unit, up to a maximum of \$1,208.88.

(c) Thames River

Minimum charges (each way)	Effective upon <u>passage</u>	Effective July 20, <u>2008</u>	Effective July 20, <u>2009</u>
25 through 49 pilotage units	\$265.00	\$280.90	\$297.75
50 through 99 pilotage units	\$318.00	\$337.08	\$357.30

Effective upon passage, all vessels of 100 pilotage units and over shall pay three dollars and two cents (\$3.02) per pilotage unit, up to a maximum of \$1,086.50.

Effective July 20, 2008, all vessels of 100 pilotage units and over shall pay three dollars and twenty cents (\$3.20) per pilotage unit, up to a maximum of \$1,151.69.

Effective July 20, 2009, all vessels of 100 pilotage units and over shall pay three dollars and thirty-nine cents (\$3.39) per pilotage unit, up to a maximum of \$1,220.79.]

[(d)] (b) Connecticut waters of Long Island Sound

Effective upon passage, all vessels shall pay [seven dollars (\$7.00)] eight dollars and eleven cents (\$8.11) per pilotage unit with a minimum of one hundred fifty (150) units and not to exceed a maximum of five hundred (500) units with a maximum of [\$3,500.00] \$4,055.00.

Effective [July 20, 2008] January 1, 2014, all vessels shall pay [seven dollars and forty-two cents (\$7.42)] eight dollars and twenty-seven cents (\$8.27) per pilotage unit with a minimum of one hundred fifty (150) units and not to exceed a maximum of five hundred (500) units with a maximum of [\$3,710.00] \$4,135.00.

Effective [July 20, 2009] January 1, 2015, all vessels shall pay [seven dollars and eighty-seven cents (\$7.87)] eight dollars and forty-four cents (\$8.44) per pilotage unit with a minimum of one hundred fifty (150) units and not to exceed a maximum of five hundred (500) units with a maximum of [\$3,935.00] \$4,220.00.

Effective January 1, 2016, all vessels shall pay eight dollars and sixty cents (\$8.60) per pilotage unit with a minimum of one hundred fifty (150) units and not to exceed a maximum of five hundred (500) units with a maximum of \$4,300.00.

Effective January 1, 2017, all vessels shall pay eight dollars and eighty-six cents (\$8.86) per pilotage unit with a minimum of one hundred fifty (150) units and not to exceed a maximum of five

hundred (500) units with a maximum of \$4,430.00.

Sec. 15-14-1b. Docking and Undocking Fees

All vessels shall pay a docking/undocking fee of one dollar and twelve cents [(\$1.00)] (\$1.12) per pilotage unit with a minimum fee of two hundred and twenty-five dollars [(\$200.00)] (\$225.00) to be paid by any vessel under two hundred (200) units.

Sec. 15-14-1c. Additional Fees

The following additional pilotage fees shall be imposed as appropriate:

(a) A fee of one hundred and [fifty] seventy dollars [(\$150.00)] (\$170.00) for each hour of pilotage in excess of eight (8) hours [for tows only].

(b) A fee of one hundred and [fifty] seventy dollars [(\$150.00)] (\$170.00) for each hour of detention aboard a vessel at platforms or at anchor.

(c) A fee of one hundred and [fifty] seventy dollars [(\$150.00)] (\$170.00) for each hour in excess of one hour (1) if a vessel arrives or departs late unless a four hour (4) notice of a change to the time of arrival or departure is provided to the Administrator as defined in Section 15-15a-6 of the Regulations of Connecticut State Agencies.

(d) A cancellation fee of five hundred and sixty dollars [(\$500.00)] (\$560.00) unless a four hour (4) notice is provided to the Administrator as defined in Section 15-15a-6 of the Regulations of Connecticut State Agencies.

(e) A fee of one thousand one hundred and twenty dollars [(\$1,000.00)] (\$1,120.00) for the first day, five hundred and sixty dollars [(\$500.00)] (\$560.00) for each additional day and the cost of return first class travel expenses should a pilot be carried away.

(f) A base pilot boat fuel surcharge of two hundred dollars (\$200.00) shall be paid by the vessel to the pilot boat operator. Adjustments to the base pilot boat fuel surcharge shall be calculated by the Joint Rotation Administrator and with the permission of the commissioner be applied every calendar quarter (three month period) commencing January 1, 2013. The adjustment shall be determined by calculating the percentage change between the base price per gallon of marine diesel fuel of three dollars and four cents (\$3.04) and the average cost per gallon of marine diesel fuel during the quarter and applying the percentage change to the base pilot boat fuel surcharge.

[(quarterly average price per gallon - \$3.04)/\$3.04 x \$200.00] +\$200.00

On the first day of January, April, July and October of each year and no later than the fifteenth of each of these months, the Joint Rotation Administrator shall notify and obtain permission from the commissioner for the newly calculated pilot boat fuel surcharge.

(g) A fee of six hundred and seventy-five dollars (\$675.00) for a shift of a vessel within any harbor with the exception of a shift less than 25 nautical miles in Long Island Sound which will be charged at two-thirds (2/3rds) the harbor shift fee. The shift fee is in addition to the docking and undocking fee as set forth in Section 15-14-1b of the Regulations of Connecticut State Agencies.

(h) A fee of twenty dollars (\$20.00) per pilot boat transit between shore and an authorized pilot transfer station, or the reverse, for the purposes of boarding or disembarking a Connecticut state licensed pilot shall be paid into a pilot training and safety equipment account by the vessel and held in escrow by the Joint Rotation Administrator. Connecticut State licensed marine pilots operating within the Waters, as defined in Section 15-15(a)-6(m) of the Regulations of Connecticut State Agencies, can draw upon the account to fund the procurement of personal safety equipment as well as continuous training courses and programs.

Sec. 2: Sections 15-14-3 and 15-14-4 of the Regulations of Connecticut State Agencies are amended to read as follows:

Sec. 15-14-3. Definitions

As used in sections 15-14-1a to 15-14-4, inclusive, of the Regulations of Connecticut State Agencies:

- (1) "Overall Length" is the distance between the forward and after extremities of the vessel.
- (2) "Extreme Breadth" is the maximum breadth to the outside shell plating of the vessel.
- (3) "Depth" is the vertical distance at amidships from the top of the keel plate to the uppermost continuous deck, fore and aft, and which extends to the sides of the vessel. The continuity of the deck shall not be considered to be affected by the existence of tonnage openings, engine spaces, or a step in the deck.
- (4) All measurements shall be in feet and inches (U.S.).
- (5) The measurements of the overall length, extreme breadth, and depth as previously defined shall be made available to the pilot by the master or his agent for the computation of the pilotage fees. Failure to provide the measurements so required shall subject the vessel the maximum pilotage charge.
- (6) "Pilotage" means the transit from or to the designated pilot boarding station through the waters of Block Island and Long Island Sound and the waters of Connecticut and New York to or from the Connecticut and New York ports of Long Island Sound.
- (7) "Pilotage fees" are those charges for the services of a licensed marine pilot through pilotage waters excluding docking, undocking and additional fees set forth in Section 15-14-1a to [15-14-1e] 15-14-1c, inclusive of the Regulations of Connecticut State Agencies .
- (8) "Pilotage waters" means those waters of Block Island Sound and Long Island Sound, including the waters of Connecticut and New York, where pilots must be used to navigate vessels between designated pilot boarding stations and the ports of Connecticut and New York in Long Island Sound.
- (9) "Carried away" means a pilot taken beyond a designated pilot boarding station on an outbound transit and not disembarked until the next port of call.

Sec. 15-14-4. Accounting

On the first of January, April, July and October of each year and no later than the fifteenth of each of these months every pilot shall render to the Commissioner of Transportation an accurate account of all vessels, subject to Chapter 263 of the Conn. General Statutes, piloted by him, and of all money received by him for pilotage of such vessels.

Connecticut licensed pilots who hold additional licenses and pilot vessels into Connecticut waters are subject to the fees and rates of Connecticut established for Connecticut harbors and Thames River and Connecticut waters of Long Island Sound. Failure to comply with this section is interpreted as misconduct on the part of the pilot and that individual is then subject to actions set forth in Sec. 15-13(e) of the Connecticut General Statutes.

Along with said accounting each and every pilot shall pay to the Commissioner of Transportation six percent (6%) of the gross amount of all money received by him for pilotage of such vessels.

(d) On the first day of January, April, July and October of each year and no later than the fifteenth of each of these months, the Joint Rotation Administrator shall render to the Commissioner of Transportation an accurate account of all funds collected and distributed relative to the training and safety equipment account established in Section 15-14-1c(h) of the Regulations of Connecticut State Agencies.

Statement of Purpose: Pursuant to Section 15-15a-17(h) of the Regulations of Connecticut State Agencies and in accordance with the recommendation of the Connecticut Pilot Commission, the Commissioner of Transportation proposes a three percent (3%) increase per year for four years to the current marine pilotage rates. Connecticut marine pilots are charged with guiding foreign flagged commercial vessels into Connecticut's waters and ports. The last rate increase was fully implemented in 2009. Prior to that there had not been a pilotage rate increase since 1983. The proposed 12% pilotage rate increase (3% per year for four years) for Connecticut licensed marine pilots will bring Connecticut pilotage rates more in line with those of neighboring states. Additionally, the 3% increase per year for four years is in alignment with the Consumer Price Index (CPI) over the past several years.

Marine pilots undertake a substantial capital investment in order to acquire and maintain pilot boats as well as to provide for training and safety equipment costs. The pilotage rate structure should fairly compensate marine pilots while keeping Connecticut's ports competitive with other East Coast ports. Neighboring states (Rhode Island, Massachusetts and New York) regularly increase pilotage fees using incremental changes, sometimes based on the Consumer Price Index. The states of New York and New Jersey have only failed to raise pilot rates in New York Harbor once in the past ten years. Even with the increase, the Connecticut pilotage rates will be approximately 60% of those in Rhode Island and 65% of those in New York.

The proposed regulation also codifies established charges and practices such as the temporary pilot boat fuel surcharge.