



PA 18-163—HB 5309
Transportation Committee

AN ACT CONCERNING THE PORT AUTHORITY

SUMMARY: This act expands the powers and duties of the Connecticut Port Authority (CPA), authorizing it to, among other things, (1) enter into joint business ventures to advance its purposes; (2) charge fees for its services; and (3) provide loans, grants, and other forms of financial assistance.

The act also exempts recreational vessels (i.e., those manufactured or used primarily for pleasure) that are less than 200 feet long from state laws on harbors and ports, including pilotage requirements. By law, most registered foreign and American vessels entering or departing from a state port or crossing the Long Island Sound must take on board a Connecticut- or New York-licensed marine pilot (see BACKGROUND). Existing law already exempts from these requirements (1) certain enrolled vessels under the control of a federally-licensed marine pilot, (2) American fishing vessels, and (3) vessels otherwise exempt by federal law.

EFFECTIVE DATE: October 1, 2018

EXPANSION OF CPA POWERS

The act expands the CPA's powers, authorizing it to enter into joint ventures, invest in, and participate with any person or public or private entity in the formation, ownership, management, and operation of businesses that are formed to advance the authority's purposes. The businesses may be formed as stock or nonstock corporations, partnerships, or limited liability companies. The act (1) allows the CPA's officers, employees, and board members to serve, without compensation, as directors or officers of any business entity formed and (2) deems such service to be within the discharge of the officers', employees', or directors' duties.

The act additionally authorizes the CPA to:

1. enter into all contracts and agreements necessary, desirable, or incidental to its business;
2. receive and accept aid or contributions, including money, property, labor, and other things of value, from any source;
3. award grants and subsidies, make loans, and provide other financial assistance under a written policy establishing eligibility criteria, application processes, and other necessary provisions;
4. charge reasonable fees for the services it performs and waive, reduce, or otherwise modify the fees according to written CPA-established procedures; and

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5. adopt any policies and procedures necessary to carry out its duties and purposes.

Under the act, the CPA must (1) provide at least 30 days' notice prior to changing any of its service fees and (2) follow the existing procedure for quasi-public agencies to adopt any policies or procedures required or permitted under the act.

BACKGROUND

Marine Pilots

A marine pilot is not a member of a vessel's crew, but comes aboard to help navigate the vessel in or out of port. State-licensed marine pilots are expected to act in the public interest and take reasonable actions to prevent ships under their navigational direction from engaging in unsafe operations.

Under existing law, the CPA licenses marine pilots and sets pilotage rates. The Connecticut Pilot Commission, which is within the CPA for administrative purposes, advises the CPA on marine pilot licensure, safe conduct of vessels, pilotage rates, and the protection of ports and waters in Connecticut. Connecticut marine pilots must, among other things, (1) hold a federal ship master's license (which is required to serve as a ship captain) and a federal pilotage license and (2) complete the required number of trips as a pilot or observing pilot (CGS § 15-13; Conn. Agencies Reg., § 15-15a-7).

Registered and Enrolled Vessels

Registered vessels typically operate in foreign commerce, whereas enrolled vessels generally carry domestic cargo between U.S. ports (referred to as "coastwise" under federal law). Federal law requires that a federally-licensed marine pilot accompany coastwise vessels (46 C.F.R. § 15.812(a)(1)).