

Regulation of the  
**Department of Transportation**

CONCERNING  
**Rates of Pilotage**

Regulations become effective upon posting to the website of the Secretary of the State, or at a later date specified within the regulation.

Website posted on  
**August 1, 2013**

Effective Date  
***August 1, 2013***

Approved by the Attorney General on  
**May 9, 2013**

Approved by the Legislative Regulation Review Committee on  
**July 23, 2013**

Received and filed in the Office of the  
Secretary of the State on  
**July 31, 2013**

Electronic copy with agency head certification  
statement submitted to the Office of the  
Secretary of the State on  
**July 31, 2013**

Published in the Connecticut Law Journal on

**Purpose and Legal Disclaimer:** This form was designed to facilitate submission of the "statement from the department head" required by CGS 4-172(a) as amended by PA 12-92, Section 6. This form does not constitute legal advice. The Office of the Secretary of the State (SOTS) is not authorized to provide legal advice to state agencies. Consult with your agency's legal counsel before completing and submitting this form for filing

**Instructions:** (1) Save a copy of this document to your computer; (2) To enter data, use the Tab key to move between fields, or click-and-highlight an entire <text field>; (3) When complete, submit to your agency's legal counsel for review and approval; (4) After approval by counsel, PRINT and submit to your agency head for his/her original signature; (5) Scan the originally-signed form and submit it as an email attachment, along with the electronic copy of the regulation that the statement certifies, to [regulations.sots@ct.gov](mailto:regulations.sots@ct.gov); (6) retain the originally-signed copy for your agency's regulation-making record.

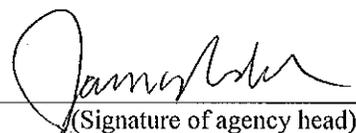
*Submit the electronic copy and its certification statement to the Secretary of the State at [regulations.sots@ct.gov](mailto:regulations.sots@ct.gov) concurrently with the paper copy of the original regulation, as required by CGS Section 4-172 as amended.*

## Electronic Copy Certification Statement

I, **James Redeker, Commissioner of the Department of Transportation**, in accordance with the provisions of Section 4-172 of the *General Statutes of the State of Connecticut*, do hereby certify:

That the electronic copy of a regulation concerning **Rates of Pilotage for Connecticut Marine Pilots**, which was approved by the Legislative Regulation Review Committee on **July 23, 2013**, and which shall be submitted electronically for filing to the Secretary of the State by **Pamela Sucato** of this agency on **July 31, 2013**, is a true and accurate copy of the original regulation approved in accordance with Sections 4-169 and 4-170 of the *General Statutes of the State of Connecticut*.

In testimony whereof, I have hereunto set my hand on **July 31, 2013**.

  
(Signature of agency head)

R-39 Rev. 03/2012  
(Title page)

**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 <u>passage</u>	Effective July [20] 1, <u>[2008] 2013</u>	Effective July [20] 1, <u>[2009] 2014</u>	<u>Effective</u> July 1, <u>2015</u>
[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 <u>passage</u>	Effective July 20, <u>2008</u>	Effective July 20, <u>2009</u>

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 Joint Rotation 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 Joint Rotation 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 of Transportation be applied every calendar quarter 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.

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, except a shift less than 25 nautical miles in Long Island Sound, which will be charged at two-thirds the harbor shift fee established in this subsection. The harbor 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 from shore to an authorized pilot transfer station, or from an authorized pilot transfer station to shore, for the purposes of boarding or

disembarking a Connecticut state licensed marine 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 15-15a-6(m) of the Regulations of Connecticut State Agencies, can draw upon the account to fund the procurement of personal safety equipment and 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**

(a) 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.

(b) 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, as defined in section 15-15a-6 of the Regulations of Connecticut State Agencies, shall render to the Commissioner of Transportation an accurate account of all funds collected and distributed relative to the pilot training and safety equipment account referenced 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.

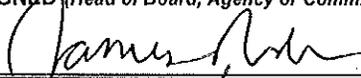
The proposed regulation also codifies established charges and practices such as the temporary pilot boat fuel surcharge.

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(Certification page—see Instructions on back)

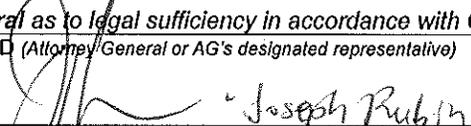
### CERTIFICATION

This certification statement must be completed in full, including items 3 and 4, if they are applicable.

- 1) I hereby certify that the above (check one)  Regulations  Emergency Regulations
- 2) are (check all that apply)  adopted  amended  repealed by this agency pursuant to the following authority(ies): (complete all that apply)
  - a. Connecticut General Statutes section(s) 15-14 and 15-15a.
  - b. Public Act Number(s) \_\_\_\_\_  
(Provide public act number(s) if the act has not yet been codified in the Connecticut General Statutes.)
- 3) And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the **Connecticut Law Journal** on March 5, 2013;  
(Insert date of notice publication if publication was required by CGS Section 4-168.)
- 4) And that a public hearing regarding the proposed regulations was held on \_\_\_\_\_;  
(Insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)
- 5) And that said regulations are **EFFECTIVE** (check one, and complete as applicable)
  - When filed with the Secretary of the State
  - OR  on (insert date) \_\_\_\_\_

DATE May 3, 2013	SIGNED (Head of Board, Agency or Commission) 	OFFICIAL TITLE, DULY AUTHORIZED Commissioner
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**APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended**

DATE 5/9/13	SIGNED (Attorney General or AG's designated representative)  Joseph Rubin	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENERAL
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Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.

(For Regulation Review Committee Use ONLY)

- Approved  Rejected without prejudice
- Approved with technical corrections  Disapproved in part, (Indicate Section Numbers disapproved only)
- Deemed approved pursuant to CGS Section 4-170(c)

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE July 23, 2013	SIGNED (Administrator, Legislative Regulation Review Committee) 
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Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.

DATE	SIGNED (Secretary of the State)	BY
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(For Secretary of the State Use ONLY)

## GENERAL INSTRUCTIONS

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for his/her determination of legal sufficiency. (See CGS Section 4-169.)
2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Sections 4-168 and 4-170 as amended by Public Act 11-150, Sections 18 and 19.)
3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)
4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
5. Existing language to be deleted must be enclosed in brackets [ ]. (See CGS 4-170(b).)
6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
8. The Certification Statement portion of the form must be completed, including all applicable information regarding *Connecticut Law Journal* notice publication date(s) and public hearing(s). (See more specific instructions below.)
9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/rr/>.
10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at [http://www.cga.ct.gov/lco/pdfs/Regulations\\_Drafting\\_Manual.pdf](http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf).

## CERTIFICATION STATEMENT INSTRUCTIONS

*(Numbers below correspond to the numbered sections of the statement)*

1. Indicate whether the regulation is a regular or an emergency regulation adopted under the provisions of CGS Section 4-168(f).
2. a) Indicate whether the regulations contains newly adopted sections, amendments to existing sections, and/or repeals existing sections. Check all cases that apply.  
b) Indicate the specific legal authority that authorizes or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.
3. Except for emergency regulations adopted under CGS 4-168(f), and technical amendments to an existing regulation adopted under CGS 4-168(g), an agency must publish notice of its intent to adopt a regulation in the *Connecticut Law Journal*. Enter the date of notice publication.
4. CGS Section 4-168(a)(7) prescribes requirements for the holding of an agency public hearing regarding proposed regulations. Enter the date(s) of the hearing(s) held under that section, if any; also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law.
5. As applicable, enter the effective date of the regulation here, or indicate that it is effective upon filing with the Secretary of the State. Please note the information below.

Regulations are effective upon filing with the Secretary of the State or at a later specified date. See CGS Section 4-172(b) which provides that each regulation is effective upon filing, or, if a later date is required by statute or specified in the regulation, the later date is the effective date. An effective date may not precede the effective date of the public act requiring or permitting the regulation. Emergency regulations are effective immediately upon filing with the Secretary of the State, or at a stated date less than twenty days thereafter.