

RHODE ISLAND



State Pilotage Commission



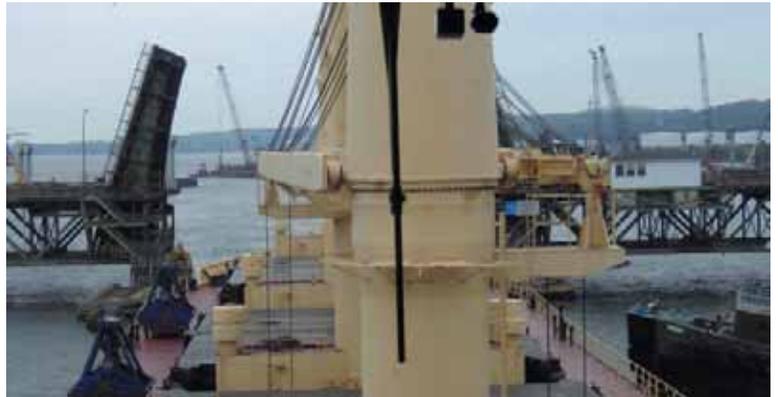
Annual Report Fiscal Year 2007

About the Commission

The Rhode Island State Pilotage Commission was established to: provide maximum safety from the dangers of navigation for vessels entering or leaving the waters of the state; to maintain a state pilotage system devoted to the preservation and protection of lives, property, and vessels entering or leaving waters of the state at the highest standard of efficiency; and, to insure an adequate supply of pilots well qualified for the discharge of their duties.

The Rhode Island State Pilotage Commission meets on the first Thursday of each month with the exceptions of July & August. Meetings are held at the Department of Environmental Management, Division of Law Enforcement offices at 235 Promenade Street, Providence, Rhode Island.

Meetings are open to the general public. One public hearing is required to be held each year for the purposes of reviewing any proposed changes to the Pilot Regulations, to assess the need for new pilots and to take comments from the public, and all other matters under the jurisdiction of the Commission.



A Pilot's View - This is what Rhode Island Pilot Captain E. Howard McVay Jr. saw as he he piloted the MV Clipper Ranger through the Brightman Street Bridge in Fall River.

Members

Mr. Michael J. Scanlon, Chairman

Mr. Larry Mouradjian, Member

Captain E. Howard McVay, Member

Captain J. Peter Fritz, Member

Mr. Gary Powers, ESQ, Legal Consul

Ms. Virginia Maccoy, Secretary

2007 Highlights

In accordance with Title 46, Chapter 9, Section 6 of Rhode Island General Laws the following report is submitted. During the fiscal year ending on June 30, 2007 the commission met as scheduled and conducted the following business:

- Completed an investigation into the grounding of the M/V Mantenha near Castle Hill Light in the East Passage of Narragansett Bay, Newport RI on February 10, 2005. The vessel was under the control of pilot Captain Kenneth Walker acting under the authority of his Rhode Island to Fall River Transit License. The full report of this investigation appears in Attachment A.
- Authorized the addition of four pilot apprentices for Block Island Sound and certified two new pilots for Narragansett Bay. For a complete listing of all Rhode Island licensed pilots, see Attachment B.



Pilot boat Northeast 4 docked at Goat Island in Newport.

- Held a public hearing on March 16, 2007 at 235 Promenade Street, Providence, Rhode Island in Conference Room 250C. The hearing was held pursuant to Chapter 9-14 (1) of the General Laws of Rhode Island and in accordance with Chapter 16-9.1-13 RIGL (Attachment C).



Above, Pilot Captain E. Howard McVay talks with the Master of the MV Clipper Ranger. At right, all pilots are equipped with Portable Pilot Units (PPU) to help navigate the waters of Narragansett Bay and Southern New England.



- Oversaw the pilotage of 1,574 ships through the waters of Rhode Island. The ships ranged from large petroleum carriers, automobile carriers, and cruise ships to tugs and tows. See Table 1 below for details.

Table 1- Ship Transits Fiscal Year 2007

Vessel:	Registered	Enrolled	BIS
July	78	3	75
August	58	2	77
September	85	2	60
October	92	2	59
November	64	3	56
December	54	6	53
January	60	2	63
February	46	4	52
March	61	4	66
April	61	5	46
May	75	3	64
June	70	3	60
Total	804	39	731

Vessel Definitions:

•*Registered* - foreign vessels that require a Rhode Island pilot on board

•*Enrolled* - U.S. documented vessels that require a federal pilot on board

•*Block Island Sound (BIS)* - are handled by several different pilot associations depending on the destination

A History of Piloting and Pilots

Printed with permission of Mr. Edward Spinney from his recently published manuscript "Piloting on Narragansett Bay "

The ancient and practical practice of bringing a vessel safely into strange harbors where charts and navigation aids such as lighthouses were non-existent was accomplished by the practice of soundings. This was usually done with a weighted or leaded line marked in intervals of fathoms (6 feet to a fathom) thrown out in *front* of the vessel by a crew member or done by prodding the bottom with long marked poles. Both methods were both time-consuming and tedious and at times a ship struck a rock or shoal while the line was being retrieved.

The entrance to Narragansett Bay provided its own traps to the unsuspecting vessel and even during daylight hours there were treacherous rocks to avoid. The lighthouse at Beavertail provided a valuable reference and a variable bearing line as the vessel moved into the bay but provided little assurance unless other marks could be used to provide a cross bearing as to the vessel's actual position. One method evolved advancing the single bearing by the vessel's estimated speed and taking a second bearing at a given time. Even with this navigational "fix," the position was an estimate only and the unknowns below the water were a constant worry. Here is where local knowledge of the bottom, tides and currents was worth the money paid.

The use of "local knowledge" was always preferred. This meant placing aboard a person, the "Pilot," who was familiar with the location of rocks, shoals and channels. The pilot would guide the ship master and helmsman to steer the vessel and avoid these under-water hazards which he learned existed from first-hand experience. It was common practice to seek out a local indigenous native or fisherman and engage him to guide the vessel. In return ship owners and captains were willing to pay handsome fees for safe guidance into port.



Captain Arthur Lemke boards a tanker bound for Providence.

Brenton Reef, a long rock shoal running southwest from Brenton Point, was notorious and along side it South by East stood Seal Ledge totally underwater waiting for any ship with a draft over 19 feet. Newton Rock off the southern tip of Beavertail Point, where the lighthouse was located, lay offshore less than one half mile from the point. Only when there was a high swell did it provide an advance warning of its danger. Over on the East Passage side another hidden danger was Butter Ball Rock. While always awash, its proximity to Castle Hill with

the deepest water in the bay (184 feet) gave navigators a false sense of security. As a ship ventured further up the bay before entering Newport Harbor, other obstructions had to be heeded. Off Conanicut Island lay Kettle Bottom Rock near the entrance of Mackerel Cove. The infamous Dumplings, a series of small rocky islands off of Bull Point were treacherous claws waiting for the unwary navigator. Further up were the shoals around Rose and Dyer Islands the Bishop Rock Shoals and Mitchell Rocks. The locations of all of these hazards are where the valuable knowledge of the local fishermen was in demand. The fishermen used piloting as a means to supplement their income.

There is no information how pilots were engaged during the late 18th century. Perhaps the ship owners or those who manned the watch house at Beavertail would alert a fisherman to row or sail out and meet an incoming vessel. Block Island residents had an earlier opportunity to sight incoming vessels and often were able to get out to an incoming vessel and offer services as a pilot. As shipping increased, local fishermen saw these as a financial opportunity. These developed into a very lucrative pastime supplementing his fishing income. There were no rules or regulations for piloting and it was the convention of ship masters that the pilot who “first came; was the first engaged.”

For over 100 years pilots in Narragansett Bay were not well organized. Early piloting was looked upon not as a profession but as a sideline business. Pilots were local fisherman or captains of coastal vessels who knew where the rocks, shoals and natural channels lay. Piloting was chaotic. Even in later years it was a freelance business which anyone could enter. The business of getting the job to pilot a ship was usually a competitive race by local entrepreneurs to row or sail out to an incoming vessel. Often it was two rowers per pulling boat setting out from the Jamestown shore or Newport’s inner harbor in both good and bad weather. Once reaching the incoming vessel, the pilot had to convince the Captain he was a qualified pilot and negotiate a fee. The pulling boat was then towed by the incoming vessel. In later years there was serious feuding between Block Island pilots and those on the main land which eventually brought about Rhode Island piloting regulations. These piloting laws were not enacted by the Rhode Island General Assembly until 1867.



The Energy Enterprise, shown here anchored in Jamestown, is one of approximately 1,500 ships that make their way up Narragansett Bay each year.

Regulations included individual licensing by qualifications and designation of geographical piloting locations where a pilot could be expected to be stationed in order to board a ship. Fees were also established based on a formula defining the vessel to be piloting. It was only in later years that international signal flags or lights at night denoting the ship was requesting a pilot were flown from a yard arm or mast of the vessel. The striped blue and yellow international code flag “G” (Golf) became the “request for a pilot” when flown at the yard arm and after the pilot was on board, the vessel flew the red and white code flag “H” (Hotel) signifying that a pilot was on board and the ship was under his guidance.

The work was both hard and sometimes hazardous since weather played a significant role. Narragansett Bay with an ebbing tide against the strong prevailing Southwest breeze results in a rough chop mixed with rolling seas. Rowing two to five miles to intercept a vessel in these conditions is only for the very few. During winter time the famous “Northeaster” is experienced that makes the situation more precarious and dangerous. This excerpt from the Newport Daily News of January 10, 1903 starkly reflects the risks.



The 1,132 foot Queen Mary 2 is one of many passenger cruise ships that Rhode Island pilots navigate safely through the challenging waters of Narragansett Bay each year.

This morning about 7 o'clock Captain C.H. King sighted a large tramp steamer laying her jack for a pilot. He hurried across the island (Conanicut) with his brother, Andrew T. King, and secured a rowboat at the ferry, started to row to the steamer. It was rough and cold work and the boat shipped considerable water, and the two men were soon completely cased in ice where the spray struck them and froze. They were fortunate enough while off Castle hill to be taken in tow by a Newport auxiliary sloop, and a mile and a half southwest of the lightship boarded the steamer, which was an English tramp with about 5,000 tons of Welsh coal for Providence. She was 22 days out from England and was well covered with ice.

Today, Narragansett Bay pilots are equipped with computer mapping programs coupled to GPS navigation instruments and hand held radios which they carry aboard the vessels to be piloted. Although experienced and supplemented with electronic aids, they still rely on lights, buoy's and visual bearings to direct the ship safely into the channels and finally to harbor. The safety record of piloted vessels in Narragansett Bay is impressive with few mishaps and groundings. A large number of vessels such as tugs and barges are exempt from piloting regulations as are the many private recreational boats.

Meet the Commissioners



Michael J. Scanlon, Chair

Michael, CWO4 USCG (Ret), retired after more than 28 years with the U.S. Coast Guard, where he was assigned to the marine safety field and was in charge of the merchant marine license and examination office at the Coast Guard Marine Safety Office, Providence, Rhode Island. He now works as a Programming Services Officer for the Rhode Island Department of Environmental Management (DEM), Division of Law Enforcement. Mr. Scanlon was first appointed to the Commission by the Director of DEM in 1990.



Larry Mouradjian

Larry, Associate Director of DEM's Bureau of Natural Resources, is a 28 year veteran of DEM, where he has held various positions of increasing responsibility. He is responsible for the natural resource management functions, including the oversight of 8 divisions and 225 full-time and 470 seasonal employees. He holds a Bachelor's degree in Natural Resources from URI and has completed advanced training in incident command, the DEM Municipal Police Academy, and forestry law enforcement and firefighting. He has been a Commissioner since 2005.



Captain E. Howard McVay, Jr.

Captain McVay is a deep sea master mariner with 27 years piloting experience. Prior to becoming a Northeast Marine Pilot, Captain McVay graduated from Massachusetts Maritime Academy and went to sea first with the Masters Mates and Pilots (MMP) union. After MMP, Capt McVay went to sea with Arco Marine, sailing aboard the largest vessels under US flag. Captain McVay has been a Commissioner since 1998 and is an active pilot working the waters from Boston to New York.



Captain J. Peter Fritz

Captain Fritz was brought up on Narragansett Bay and knew at an early age that he wanted to "go to sea." Just days after graduating high school, he joined the brand new super-tanker *Mobil Aero* as an ordinary, advancing quickly to able body seaman. He is a graduate of Wentworth Institute in Boston and the Massachusetts Maritime Academy. He served for over 26 years, as Third Mate thru Ship's Master on tankers, breakbulk freighters and the largest automated container vessels afloat. Presently he is with the Transportation Security Administration at T.F. Green Airport. Captain Fritz was appointed to the Commission in 2004.



Gary Powers

Attorney Powers has served as Legal Counsel to the Commission since July 2001 including the representation of the Commission relative to various administrative proceedings enforcing the duly promulgated regulations of the Commission. Attorney Powers also serves as Deputy Chief Legal Counsel within the Department of Environmental Management and has previously served as the State's Environmental Advocate under Attorney General James O'Neil from 1987 to 1989.

Attachment A

Decision of the Rhode Island State Pilotage Commission Relative to the February 10, 2005 Grounding of the M/V Mantenha in the Vicinity of Castle Hill Light, Newport Rhode Island

I. INTRODUCTION

On February 10, 2005, at approximately 1820 hours the M/V Mantenha Official Number 7104154 went aground in the East Passage of Narragansett Bay in the vicinity of Castle Hill Light, Newport, Rhode Island. The vessel was transiting from the Brenton Reef Pilot Station, Rhode Island to Fall River, Massachusetts. At the time of the incident, the vessel was under the navigational control of Captain Kenneth H. Warner, who is licensed as a pilot by the Rhode Island State Pilotage Commission (hereinafter the “Commission”) pursuant to the laws of Chapter 9 of Title 46 of the General Laws of the State of Rhode Island. Captain Warner was working in his capacity as a pilot licensed under the laws of the State of Rhode Island at the time of the grounding. The License authorized the holder to pilot vessels from the Brenton Reef Pilot Station to Fall River Massachusetts only. The Commission instituted an investigation into the grounding under the laws of the State of Rhode Island RI General Law Title 46 Chapter 9. There was no major damage to the vessel, personal injury, oil spill, or other pollution resulting from the grounding of the M/V Mantenha.

A hearing was held on April 7, 2005 in the Commission’s offices at Providence, Rhode Island by the Commission in executive session before court reporter Christine Silva-Adermann of New England Reporting Service with notice provided to, and with the participation of Captain Warner and his counsel Attorney Richard Hewig. A second hearing was conducted and transcribed in the same manner on January 12, 2006 at the request of Captain Warner and his legal counsel for the presentation of lay and expert testimony. In addition to testimony received at these hearings, the Commission reviewed several items of documentary evidence received from various sources including reports from the United States Coast Guard. All records of these hearings were made available to Captain Warner’s counsel at his request.

After consideration thereof, the Commission offers the following findings of fact and conclusions of law.

II. FINDINGS OF FACTS

The M/V Mantenha Official Number 7104154 of Portuguese registry is a vessel of 1448 gross tons, 230 feet in length returning in ballast, inbound to Fall River Massachusetts from the Azores.

The Commission has authority over the transit of foreign or registered vessels that enter into Rhode Island waters under Title 46 Chapter 9 et al of the Rhode Island General Laws and as such licenses and administers a “transit license” to qualified persons to engage in interstate commerce.

Captain Warner is a federally licensed pilot who holds a valid Rhode Island to Fall River transit license that allows him to pilot registered vessels from the Brenton Reef Pilot Station to the Rhode Island/Massachusetts border in Mount Hope Bay. Captain Warner has held this license since November of 1974. This is the first incident concerning Captain Warner that has been reported to the pilot commission.

The M/V Mantenha went aground in Narragansett Bay, East Passage in the vicinity of Castle Hill Light, Newport Rhode Island while the subject vessel was under the navigational control of Captain Warner in his capacity as a pilot licensed under the laws of the State of Rhode Island.

The United States Coast Guard boarded and inspected the M/V Mantenha shortly after the grounding and determined that the vessel had numerous mechanical defects to its steering systems and gyro compass. Some of these discrepancies may have contributed to the grounding.

Captain Warner submitted to drug and alcohol testing in accordance with Rhode Island and Federal Law and the results were negative for the presence of any banned substance or alcohol.

III. CONTRIBUTING FACTORS

Captain Warner failed to conduct a proper Master/Pilot conference prior to piloting the M/V Mantenha in state waters as required by state pilot regulations.

Captain Warner failed to carry aboard the M/V Mantenha and/or use one of the Portable Pilot Navigational Units, i.e., computer navigational assistance devices, which the State has issued to him and the other licensed pilots. This in and of itself was not a violation of regulations at the time of the grounding but may have been an early indication of problems with the steering systems and the gyro compass.

Captain Warner navigated the vessel outside of the recommended traffic lane on approach to the turn off of Castle Hill light and continued to keep the vessel close to the eastern shore line leaving very little room to maneuver when the ship's intermittent steering system problem became apparent.

The Captain of the M/V Mantenha was not on the bridge of the vessel during this transit

Captain Warner had piloted this vessel in the past and was aware of its poor navigational equipment.

IV. CONCLUSIONS OF LAW

The Commission has subject matter jurisdiction over the incident in question and personal jurisdiction over Captain Kenneth H. Warner.

The Commission is cognizant of the fact that there were a number of contributing factors beyond the control of Captain Warner that may have contributed in varying degrees to the grounding of the M/V Mantenha on February 10, 2005. The authority of this Commission does not extend to the responsibility to attempt to delineate these various contributing factors, or the degree of their comparative responsibility for the subject grounding. Rather, the limits of the jurisdiction of this Commission is to determine whether, while taking into account these potential contributing factors, Captain Warner violated his obligations as a pilot licensed by the State of Rhode Island.

In keeping with this responsibility, the Commission finds that Captain Kenneth H. Warner violated the obligations imposed upon a pilot licensed by the State of Rhode Island in the following areas, in that he:

A. failed to conduct a proper Master/Pilot conference prior to accepting navigational control of the M/V Mantenha on February 10, 2005 as required pursuant to Part 15.09 of Rules and Regulations; and

B. failed to keep the M/V Mantenha in safe navigational waters as required pursuant to R.I. Gen. Laws Section 46-9-22.2.

V. FINAL DISPOSITION

On the basis of the above, the Commission hereby determines that the license issued by the State of Rhode Island to Captain Kenneth H. Warner authorizing him to pilot vessels from the Brenton Reef Pilot Station to the Rhode Island/Massachusetts border in Mount Hope Bay shall be suspended for a period of three (3) months. The Commission further determines and hereby holds that the above described license suspension shall be and is hereby stayed until May 31, 2007. The Commission further holds that Captain Kenneth H. Warner shall present evidence on or before April 30, 2007 demonstrating to the Commission's satisfaction that he has successfully completed a Pilot Bridge Resource Management Course by a school duly accredited by the American Pilots Association. Further, if the requisite evidence is presented to the Commission on or before May 3, 2007, said license suspension order shall be permanently vacated and shall be expunged from Captain Warner's records that are maintained by the Commission, and be replaced with a letter of reprimand.

Rhode Island State Pilotage Commission By:
Michael J. Scanlon, Chairman

Attachment B

Roster of Marine Pilots

Full Branch (Narragansett Bay & Block Island Sound):

<i>Name</i>	<i>Original RI License Date</i>
Captain Joseph Maco	July 27, 1981
Captain E. Howard Mcvay	March 25, 1987
Captain Irving E. Bracy Jr	March 25, 1987
Captain Arthur Lemke Jr	June 6, 2000
Captain John Lasnier	November 23, 2003
Captain Clinton Walker	December 1, 2006
Captain Vincent Kirby	June 7, 2007

Probationary License: Narragansett Bay:

Captain Richard Astles

Block Island Sound (Only):

Captain Michael D. Ball	March 12, 1982
Captain Keith Kelsey	October 18, 2004
Captain Arthur Duffy	January 27, 1975

Fall River Transit, Block Island Sound Only:

Captain Kenneth Warner November 22, 1974

Recently Retired:

Captain John F. Hadley
 Captain Lawrence Palmer

Pilotage Fees and FY07 Expenditures

The following is a list of the State's share of pilotage fees collected by the Pilots from registered vessels in accordance with Commission regulations. A detailed listing of all vessels piloted and the individual fees paid is available from the Commission.

FY 06		FY 07	
5-Jul	\$15,049.41	6-Jul	\$16,339.02
5-Aug	\$15,439.16	6-Aug	\$12,981.62
5-Sep	\$18,695.53	6-Sep	\$20,519.10
5-Oct	\$19,746.01	6-Oct	\$19,783.17
5-Nov	\$14,349.33	6-Nov	\$14,535.02
5-Dec	\$14,513.24	6-Dec	\$12,581.47
6-Jan	\$16,183.84	6-Jan	\$13,113.50
6-Feb	\$13,610.16	6-Feb	\$10,537.61
6-Mar	\$11,137.16	6-Mar	\$13,694.32
6-Apr	\$12,949.14	6-Apr	\$12,389.64
6-May	\$15,620.82	6-May	\$14,143.05
6-Jun	\$11,994.74	6-Jun	\$14,966.57
Totals	\$179,288.54	Totals	\$175,584.09

Fees collected from RI Licensed Pilots are deposited into the State's general revenue account. Funding for the operation of the Pilotage Commission is charged to the Department of Environmental Management and is administered by the Division of Coastal Resources. Legal and clerical support is provided on a non-reimbursable basis by the Department of Environmental Management, Division of Coastal Resources and the Office of Legal Services.

Fiscal Year 2007 expenditures were less than \$1,000 for hearings. Also, it should be noted that public members of the Commission have waived all compensation.

Attachment C

TITLE 46 - Waters and Navigation: CHAPTER 46-9 Pilots – Rhode Island Sound, Narragansett Bay, Sakonnet River, and Tributaries

§ 46-9-1 **Declaration of policy.** – (a) It is declared to be the policy and intent of the general assembly and the purpose of this chapter: (1) To provide maximum safety from the dangers of navigation for vessels entering or leaving the waters of this state; (2) To maintain a state pilotage system devoted to the preservation and protection of lives, property, and vessels entering or leaving waters of this state at the highest standard of efficiency; and (3) To insure an adequate supply of pilots well qualified for the discharge of their duties. (b) The general assembly recognizes, finds, and declares that it is the policy of the state of Rhode Island that the waters, harbors and ports of the state of Rhode Island are important resources, and it is deemed necessary in the interest of public health, safety, and welfare to provide laws regulating the piloting of vessels utilizing the navigable waters of the state in order that the resources, the environment, life, and property may be protected to the fullest extent possible. (c) The general assembly further finds and declares that it is a policy of the state of Rhode Island to have pilots experienced in the handling of vessels aboard vessels in certain of the state waters with prescribed qualifications and licenses issued by the state. (d) It is further the intent of the general assembly not to place in jeopardy Rhode Island’s position as an able competitor for waterborne commerce from other ports and nations of the world, but rather to continue to develop and encourage that commerce. (e) It is the further intent of the general assembly to regulate pilots, piloting, and pilotage to the full extent of any congressional grant of authority, except as limited in this chapter.

§ 46-9-2 **Vessels required to employ state licensed pilot – “Vessel” defined.** – (a) Every foreign vessel, regardless of gross tonnage or draft, and every American vessel under register, regardless of gross tonnage or draft, and every other vessel not exempted by § 46-9-3, or the laws of the United States, entering or departing from any port of the state or traversing the waters of the state north of a line drawn from Point Judith to Sakonnet Point, shall take and employ a pilot licensed under this chapter and shall be subject to the provisions of this chapter; and the vessel, its master, owner, agent, or consignee shall be liable for any pay pilotage rates in accordance with the pilotage rates established by the pilotage commission or which may be established under the provisions of this chapter; and the vessels shall be subject to regulations established by the pilotage commission, which commission is established under § 46-9-5. (b) Unless otherwise provided, as used in this chapter, the word “vessel” means every description of watercraft or other artificial contraption used or capable of being used as a means of transportation on water and measuring one thousand (1,000) gross tons or more, and capable of loading to a draft of twelve feet (12’) or more, and every foreign ship, boat, barge, vessel, and watercraft, regardless of gross tonnage or draft, and every American ship, boat, barge, vessel, and watercraft under register,

regardless of gross tonnage or draft. (c) Notwithstanding any of the above provisions, any vessel carrying or towing a barge or similar conveyance carrying more than one thousand (1,000) gross tons of any oil, petroleum, petroleum distillate, or any by-product thereof, shall be defined as a vessel and shall be subject to the provisions of this chapter.

§ 46-9-5 **Pilotage commission.** – (a) There is hereby created a state pilotage commission within the department of environmental management independent of the department and the director, consisting of four (4) members, two (2) of whom shall be appointed by the governor. Of the members appointed by the governor, one shall be a licensed pilot with five (5) years active service on the waters of this state, and one shall represent the public. The associate director of the bureau of natural resources within the department of environmental management, or his or her designee and the director of the department of environmental management or his or her designee shall serve as ex officio members of the commission. Each appointed member of the commission shall serve for a term of three (3) years and until his or her successor shall be appointed and qualified. In the month of February, the governor shall appoint a member to hold office until the first day of March in the third year of his or her appointment, and until his or her successor shall be appointed and qualified to succeed the member whose term shall next expire. Gubernatorial appointments made under this section after the effective date of this act [April 20, 2006] shall be subject to the advice and consent of the senate. (b) Any vacancy which may occur in the commission shall be filled by the governor as in the case of an original appointment for the remainder of the unexpired term. Any member shall be eligible to succeed him or herself. (c) Newly appointed and qualified public members and designees of ex-officio members shall, within six (6) months of their qualification or designation, attend a training course that shall be developed with commission approval and conducted by the chair of the commission and shall include instruction in the following areas: the provisions of chapters 46-9, 42-46, 36-14 and 38-2 and the commission’s rules and regulations. The director of the department of administration shall, within ninety (90) days of the effective date of this act [April 20, 2006], prepare and disseminate training materials relating to the provisions of chapters 42-46, 36-14 and 38-2. (d) Members of the commission shall be removable by the governor pursuant to § 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal reason unrelated to capacity or fitness for the office shall be unlawful.

§ 46-9-6 **Duties of commission.** – The commission shall perform the duties and have the powers set forth in this section as well as other duties and powers as may be provided by law: (1)

Attachment C (Continued)

To make, establish, and enforce rules and regulations, not inconsistent with law, which shall be binding and effectual upon all pilots licensed by the commission, all vessels subject to this chapter, and all parties employing the pilots; and, from time to time, revise or amend the rules and regulations as may be necessary to enable the commission to carry into effect and enforce the provisions of this chapter; the rules and regulations shall include, but not be limited to, those rules and regulations necessary to enable the commission to respond to emergencies or catastrophic conditions as may occur, whether environmental or otherwise. The rules and regulations shall formalize and detail the authority of the commission over individual bay pilots in relation to other state, federal, and municipal agencies, and any other public safety programs; (2) To make and establish rates of pilotage for vessels that are subject to the provisions of this chapter; (3) To establish and determine the qualifications of any person applying for a pilot's license and conduct examination; (4) To issue, suspend, or revoke any pilot's license in accordance with the provisions of this chapter; (5) To take any action that is necessary to cause the laws, rules, and regulations concerning pilots and pilotage matters to be fully observed and executed; (6) To hear and decide complaints made in writing against any pilot, pilot's agent or employee, or person subject to the provisions of this chapter for any misbehavior or neglect or breach of rules or regulations of the commission which it shall deem material to be investigated; (7) To hear and decide complaints made in writing by any pilot against any charterer, owner, agent, master, or sailor of a vessel for any misbehavior toward that pilot in the performance of the pilot's duty, or for any breach of the rules and regulations; (8) To have the power and authority to take testimony and evidence and administer oaths and compel the attendance of witnesses and issue and serve witness subpoenas and subpoenas duces tecum at any hearings that it may conduct; provided, further, that the commission shall conduct at least one public hearing annually, duly advertised, to hear and receive complaints and comments from individual pilots, associations, or other public or private agencies with regard to any matters that may properly come within the jurisdiction of the commission; (9) To make an annual report to the director of environmental management for the preceding calendar year, together with the amounts of pilotage collected by the pilots and the amounts paid to the state. The report shall also include but not be limited to: (i) A review and synopsis of commission activities and administrative proceedings; (ii) A fiscal report and recommendations on fee collections; (iii) A synopsis of hearings, complaints, suspensions, or other legal matters related to the authority of the commission; (iv) A review of goals established and findings and recommendations on commission activity. (10) To establish criteria for the training, experience, ability, knowledge, aptitude, skill, and professional qualifications of pilots and establish and determine the training, experience, ability, knowledge, aptitude, skill, and professional qualifications requirements necessary to make any person eligible to apply for a pilot's license and to conduct examinations, and, in this connection, to appoint a special board of state licensed pilots to supervise the training and instructions of those persons seeking eligibility to

apply for a pilot's license, and to certify their experience, competency, ability, knowledge, skill, aptitude, education, and training in accordance with criteria established by the commission and in accordance with the rules and regulations of the commission; (11) To require an applicant for a license or a licensed pilot to submit proof of the applicant's mental or physical capability to serve or continue to serve; (12) To institute proceedings in the appropriate courts in this state to restrain and enjoin actions when any violation of this chapter or rule promulgated there under has occurred or is threatened by any person; (13) To require holders of licenses or certificates, and applicants for licenses or certificates, to submit pertinent information under oath necessary to determine their qualifications or to enforce the provisions of this chapter; (14) To regulate the station and operation of any pilot boat within the waters of the state used for the purpose of boarding or disembarking any pilot and to designate the areas in which the vessels shall be boarded or left by the pilots; and (15) To require the reporting of all maritime accidents pursuant to the regulations of the commission. (16) Within ninety (90) days after the end of each fiscal year, the commission shall approve and submit an annual report to the governor, the speaker of the house of representatives, the president of the senate, and the secretary of state, of its activities during that fiscal year. The report shall provide: an operating statement summarizing meetings or hearings held, meeting minutes if requested, subjects addressed, decisions rendered, rules or regulations promulgated, studies conducted, policies and plans developed, approved, or modified, and programs administered or initiated; a consolidated financial statement of all funds received and expended including the source of the funds, a listing of any staff supported by these funds, and a summary of any clerical, administrative or technical support received; a summary of performance during the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related to the authority of the commission; a summary of any training courses held pursuant to subsection 46-9-5(d); a briefing on anticipated activities in the upcoming fiscal year; and findings and recommendations for improvements. The report shall be posted electronically on the general assembly and the secretary of state's websites as prescribed in § 42-20-8.2 of the Rhode Island general laws. The director of the department of administration shall be responsible for the enforcement of this provision.

Acknowledgements

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c/o Rhode Island Department of Environmental Management (RIDEM)
Division of Coastal Resources Management
301 Great Island Road, Narragansett, RI 02882
Phone: (401) 783-5551; Fax: (401) 783-7285
[Http://www.state.ri.us/dem](http://www.state.ri.us/dem)

Editor

Michael Scanlon, RIDEM, Division of Law Enforcement

Design/Layout

Terri Bisson, RIDEM, Office of Strategic Planning & Policy

Photographs

Courtesy of Northeast Marine Pilots and J. P. Fritz

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Division of Coastal Resources Management
301 Great Island Road, Narragansett, RI 02882