

California Pilotage: Analyzing Models of
Harbor Pilot Regulation and Rate Setting

Compendium of State Practices

State	Alabama
Model	Legislative Approval Required
Details	The Commission consists of three members, one from each of three categories, whose categorical occupations are prescribed by statute: one to be an official of a steamship company which maintains an office in Mobile, one to be an active bar pilot, licensed and branched by such State Pilotage Commission, and one to be a business man or in a professional occupation licensed by the State of Alabama.

State	Alaska
Model	Misc.
Details	<p>Alaska's Board of Marine Pilots consists of two licensed pilots who have been actively engaged in piloting, two registered agents or managers of vessels that are pilot services users, two public members and the commissioner or the commissioner's designee. The Board of Marine Pilots is staffed by the Division of Corporations, Business, and Professional Licensing. A representative for the commissioner of the Department of Commerce, Community, and Economic Development also serves on the board. Board members, except the commissioner's representative, are appointed by the governor and confirmed by the Legislature.</p> <p>Alaska has a unique rate setting process, but ultimately the Board must consider eight factors in determining what constitutes a reasonable rate. Following is a brief summary of the eight factors: (1) current and historical rates charged; (2) the actual time aboard the vessel, time engaged in preparing to provide the pilotage services, seasonal and weather conditions, and risks; (3) the reasonable expenses incurred; (4) the financial effect of pilotage expenses on the owner of the vessel; (5) the number of vessels and volume of pilotage services at issue in the</p>

<p>dispute and the number of members of the pilot organization; (6) the effect of the determination on the income of affected pilots relative to prior years, taking into account changes in vessel tonnage and vessel traffic in the pilotage region from year-to-year; (7) prior determinations under this subsection; and (8) other factors the board considers relevant.</p>
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State	Connecticut
Model	Misc.
Details	<p>The Connecticut Pilot Commission consists of nine members, one who is the Commissioner of Transportation or the commissioner's designee and one who is an actively licensed pilot the Connecticut side of the rotation system for the assignment of pilots. The pilot member is designated by a majority vote of pilots. The remaining seven members are appointed as follows: The Governor appoints one member representing a maritime-related industry; the president pro tempore of the Senate appoints a public member with an environmental interest; the majority leader of the Senate appoints a public member with an environmental interest; the minority leader of the Senate appoints a member who is a retired ship's master or captain; the speaker of the House of Representatives appoints one member representing a maritime-related industry; the majority leader of the House of Representatives appoints one member representing a maritime-related industry from a shipping agent perspective; the minority leader of the House of Representatives appoints one member with an expertise in the area of admiralty law.</p> <p>Connecticut has an unusual "rotation" system with New York for the waters around the Long Island Sound. The Commissioner of Transportation establishes the rates of pilotage and the Board provides recommendations.</p>

State	Delaware
Model	Legislative Approval Required
Details	The Delaware Board of Pilot Commissioners consists

	<p>of seven members, residents of the State, appointed by the Governor, for a term of five years, composed as follows: three state-licensed pilots and four other members, at least two of whom shall be public members and at least one of whom shall be a shipping industry representative. Changes to rates for pilotage services require legislative approval.</p>
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State	Florida
Model	Separate Rate Setting Board
Details	<p>The Board of Pilot Commissioners is established within the Division of Professions of the Department of Business and Professional Regulation. The board is composed of ten members appointed by the Governor, as follows: five members who are licensed and active state pilots; two members who are actively involved in a professional or business capacity in the maritime industry, marine shipping industry, or commercial passenger cruise industry; one member who is a certified public accountant; and two members who are citizens of the state. The latter three board members must be public members.</p> <p>Housed within the Board is a rate committee that has the following seven member composition: two licensed and active state pilots; two industry representatives; one certified public accountant; and two public members.</p>

State	Georgia
Model	Single Board with Rate Setting Authority
Details	<p>The corporate authorities of Savannah, Darien, Brunswick, and St. Marys shall each have power to appoint a Board of Pilotage Commissioners, consisting of seven commissioners, each appointed for a term of seven years. Only ship agents, exporters, merchants, or other persons who are not pilots and who are engaged in or are familiar with marine shipping and with the requirements of their respective ports shall be appointed commissioners of pilotage. The Board of Pilot Commissioners is empowered to set and review rates.</p>

State	Great Lakes Pilotage
Model	Federal
Details	Pilotage on the Great Lakes is overseen by the Federal Government.

State	Hawaii
Model	Misc.
Details	In Hawaii, pilotage regulation is provided by the Director of the state's Department of Commerce and Consumer Affairs. The Director has the final authority with respect to establishing rates for pilot services.

State	Louisiana
Model	Separate Rate Setting Board
Details	<p>Louisiana has four pilot associations and each pilot group has its own a board of "Examiners" or "Commissioners" made up of pilots appointed by the governor. The actions of those boards, however, are subject to review by a statewide Board of Louisiana River Pilot Review and Oversight, which has eleven members, four of which are pilots.</p> <p>Louisiana also has an eleven member Pilotage Fee Commission. The Governor appoints the members as follows: four members as designated by the four pilot associations; four industry representatives selected from a pool of candidates that are nominated by seven identified industry associations; and three at-large members with neutral interests.</p>

State	Maine
Model	Single Board with Rate Setting Authority
Details	The Maine Pilotage Commission consists of seven members who are citizens of the United States and the State of Maine appointed by the Governor as follows: Three licensed pilots who are actively piloting, one member from each of the coastal zones; 2 members who are not licensed pilots but are from a maritime industry that utilizes the services of pilots; and 2 members representing the

	public who are not licensed pilots but have a maritime background. The Maine Pilotage Commission has Rate Setting Authority.
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State	Maryland
Model	Separate Rate Setting Board
Details	The Maryland State Board of Pilots consists of nine members appointed by the Governor composed as follows: one shall be the Secretary, as an ex officio member, or a designee of the Secretary; one shall be the President of the Association; three shall be retired or licensed pilots; two shall be members of the steamship industry who actively employ pilots; one shall be a representative of the ship docking tugboat industry in the Port of Baltimore; and one shall be a consumer member. Maryland's Public Utility Commission is responsible for setting rates.

State	Massachusetts
Model	Separate Rate Setting Board
Details	<p>Massachusetts is divided into four separate regions. The Pilotage Commission is composed of two commissioners of pilots for district one and one deputy commissioner of pilots for each of the other three districts. Commissioners are appointed by the governor, with the advice and consent of the council, for terms of 3 years. A deputy commissioner of pilots for any district shall be a resident of a town having a landing place accessible to vessels from the sea situated within that district. They shall have experience in maritime and nautical affairs. Appointments of commissioners for district one shall be made upon the recommendation of the trustees of the Boston Marine Society provided such recommendation is made. Appointments of commissioners for districts other than district one may be made upon the recommendation of said trustees. No commissioner for any district shall be such a trustee.</p> <p>In Massachusetts, rates were previously set by legislature though this practice was recently overhauled with the responsibility now under a</p>

	<p>rate commission's jurisdiction. The board consists of the following members: the director of the Massachusetts Port Authority; the president of the Boston Marine Society; the president of the Boston Shipping Association; a commissioner of pilots designated by the trustees of the Boston Marine Society; the chair of the Seaport Advisory Council; the executive director of the Boston Harbor Association; and the executive director of the New Bedford Harbor Development Commission.</p>
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State	Mississippi
Model	Single Board with Rate Setting Authority
Details	<p>Any city in the State of Mississippi with a port or harbor has a commission composed of five resident citizens of that city. Three must be skilled and experienced in maritime affairs. In the cities of Natchez, Vicksburg and Greenville, the mayor and board of commissioners or aldermen of such cities are also the port commissioners of their respective harbors.</p> <p>The port commission is appointed as follows: one is appointed by the Governor who must be experienced in maritime affairs; one is appointed by the board of supervisors of the county in which such port of entry is located, who must be experienced in maritime affairs, and three shall be appointed by the mayor and board of aldermen or commissioners of the city, one of whom shall be skilled and experienced in maritime affairs.</p> <p>The port commissions in Mississippi have rate setting authority.</p>

State	New Hampshire
Model	Misc.
Details	<p>Pilotage in New Hampshire is overseen by the Pease Development Authority in which one member is appointed by the governor and executive council, one member is appointed by the mayor and city council of the city of Portsmouth, one member appointed by the board of selectmen of the town of Newington, one member is appointed by the</p>

president of the senate, one member is appointed by the speaker of the house of representatives, one member is appointed jointly by the mayor and city council of the city of Portsmouth and the board of selectmen of the town of Newington, and one member who is nominated by majority vote of the legislative delegation of Strafford county.

State	New Jersey
Model	Legislative Approval Required/Misc.
Details	<p>The New Jersey Commissioners of Pilotage is composed of six members appointed by the Governor. No more than three of the commissioners can be members of the same political party, and they are selected from among such persons as have been officers in our naval, Coast Guard or merchant service, or have been duly qualified as United States Merchant Marine Officers.</p> <p>Pilotage in New Jersey has a unique historical relationship with New York, and rates for maritime pilotage are initially set by the New York Legislature. New Jersey law requires the Commission to adopt the New York rate after review. Pilots are barred from serving on the Commission.</p>

State	New York
Model	Legislative Approval Required
Details	<p>The New York Pilotage Commission is composed of six members each with two year terms. The governor, temporary president of the senate and the speaker of the assembly each appoint one commissioner. Two other commissioners are elected by the presidents and vice-presidents of the marine insurance companies of the city of New York, composing or represented in the board of underwriters of the city. The sixth member is appointed by the governor from among the members or the staff of the Albany port district commission.</p> <p>Of the six members of the board of commissioners of pilots, at least four commissioners must have</p>

	<p>been a licensed deck officer in the United States Merchant Marine or an unrestricted line officer in the United States Naval Service or a commissioned officer in the Coast Guard, and commanded a navigation watch on an ocean going vessel. The remaining two commissioners shall each have a minimum of five years of experience within the maritime industry. New York bars pilots from serving on the Commission.</p>
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State	North Carolina
Model	Single Board with Rate Setting Authority
Details	<p>North Carolina is broken up into two different regions each with their own Commission. The Commission for Wilmington-Cape Fear consists of five voting members, four appointed by the Governor, and the president of the Wilmington-Cape Fear Pilots Association who serves as an ex officio voting member. Of the four members appointed by the Governor three are from New Hanover County, one is from Brunswick County. One member must represent maritime interests.</p> <p>For the Morehead City area, the Commission consists of three voting members, all appointed by the Governor. The president of the Morehead City Pilots' Association serves as an ex officio nonvoting member. All of the three members appointed by the Governor must be from Carteret County. One additional nonvoting ex officio member shall represent the maritime interests and is designated by the Governor.</p> <p>With the exception of the ex officio member, licensed pilots and members of their immediate families are not allowed to serve on either Commission. Both Commissions have authority to set pilotage rates. Rates must be reviewed and revised annually as necessary.</p>

State	Oregon
Model	Single Board with Rate Setting Authority
Details	The Oregon Board of Maritime Pilots is a nine member board appointed by the Governor and approved by the Senate. Three of the members must

be public members, one of which must be the chairperson. Three members must be pilots from the various pilotage groups in Oregon, one from Columbia river, one from Columbia river bar, and one from either Coos Bay or Yaquina Bay. The final three members must operate or represent commercial oceangoing vessels.

The Board has authority to set rates for pilotage; however, when voting on rate increases, the voting threshold for a quorum increases from five to seven members.

State	Pennsylvania
Model	Legislative Approval Required
Details	The Pennsylvania Constitution creates a departmental administrative commission in the Department of State, known as the Navigation Commission for the Delaware River and its navigable tributaries. It consists of nine members, four who are appointed by the Governor, with the advice and consent of the Senate; two who are appointed from among the residents of Delaware County; one who is appointed from among residents of Bucks County; one who is appointed from among the residents of Philadelphia County; two who are appointed by the Mayor of the City of Philadelphia; one by the Secretary of Environmental Protection who will serve ex officio or the designee of the secretary; one by the Secretary of the Commonwealth who will serve ex officio or the designee of the secretary and who will be chairperson; and the Director of Commerce of the City of Philadelphia who shall serve ex officio or the designee of the Director. Legislative approval is required for rate increases.

State	Rhode Island
Model	Single Board with Rate Setting Authority
Details	The Rhode Island pilotage commission is a state commission within the department of environmental management independent of the department and the director. It consists of four members, two of whom are appointed by the governor. Of the members

	<p>appointed by the governor, one must be a licensed pilot and must 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. The Rhode Island pilotage commission has authority to set rates.</p>
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State	South Carolina
Model	Single Board with Rate Setting Authority
Details	<p>The South Carolina Commissioners of Pilotage for the Lower Coastal Area are composed of eight members, one of whom is the Chairman of the South Carolina State Ports Authority, ex officio, or a board member designated by the chairman, one of whom is the president of the International Longshoremen's Association Local 1422 or his designee, ex officio, one of whom is a licensed pilot, one of whom is recommended by the Beaufort County Legislative Delegation from its maritime community and one by the Jasper County Legislative Delegation from its maritime community to be appointed by the Governor. The remaining members are appointed by the Governor upon the recommendation of the Charleston County Legislative Delegation from lists of nominations for the offices submitted to the delegation by the Greater Charleston Chamber of Commerce, the Maritime Association of the Port of Charleston, and the Propeller Club of the Port of Charleston. The Commission has the authority to set rates for pilotage.</p>

State	Texas
Model	Misc.
Details	<p>Texas vests the majority of power in a board of pilot commissioners for each port. Texas's statutes contain general guidelines for the appointment of members to such boards, but they also specify particular requirements for certain ports. The general scheme for the appointment of board members requires that the governor, with the approval of the state senate, appoint five members</p>

to each port having the population and circumstances to warrant a board of pilot commissioners. The specified areas under this general framework are Houston, Galveston County, Brazoria County, Jefferson County, Orange County, and the Port of Corpus Christi.

The authority of the boards of pilot commissioners for Texas also extends to the determination of pilotage rates. Provided that the rates have not been changed for that particular pilotage service within the last year, a pilot, a pilot association, or a user of pilot services may apply to the board of pilot commissioners for a rate change. After an examination of the subject pilot association's financial report and consideration of a range of factors, the board of pilot commissioners may reach a decision to either grant or deny the request, stating the reasons for its decision. An appeal of the board of pilot commissioners' decision is available to court after the aggrieved party exhausts all other available administrative remedies.

State	Virginia
Model	Separate Rate Setting Board
Details	The Board for Branch Pilots consists of nine members to be appointed as follows: the Circuit Court of the City of Hampton shall appoint three persons, only one of whom shall be a branch pilot, and the Circuit Court of the City of Norfolk shall appoint four persons, only two of whom shall be branch pilots, and the Circuit Court of the City of Portsmouth shall appoint two persons, only one of whom shall be a branch pilot. The state's Public Utility Commission is responsible for setting rates for pilot services

State	Washington
Model	Single Board with Rate Setting Authority
Details	The Board of Pilotage Commissioners includes members who are appointed by the Governor, confirmed by the Senate and serve staggered four-year terms. The members consist of a designee of the Director of Washington State Ferries, who is

the chairperson, two public members, one American shipping representative, one foreign shipping representative, two licensed Pilots, one environmental member, and one Department of Ecology member.

The Washington Board of Pilotage Commission has the power to set rates and is instructed to do so annually. They are also specifically exempted from any responsibility with respect to pension liability.