

995 CMR 2.00: PILOTAGE WITHIN DISTRICT ONE

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2.01: Purpose and Scope

- (1) 995 CMR 2.00 is intended to promote the safety of navigation in Massachusetts Pilot District One, avoid interruption to navigation within the region, and to prevent damage to the environment and other coastal resources.
- (2) The Commissioners shall exercise all authority as provided in M.G.L. c. 103.
- (3) The Commissioners are appointed by the Governor, with the advice and consent of the Governor's Council and upon the recommendation, if a recommendation is made, of the Trustees of the Boston Marine Society.
- (4) 995 CMR 2.00 is approved by the Trustees of the Boston Marine Society.
- (5) 995 CMR 2.00 applies to and is binding upon persons who are authorized to and who actually perform pilotage services upon the waters of District One under M.G.L. c. 103.

2.02: Definitions

- (1) Definitions as used in 995 CMR 2.00 have the following meanings:

Commissioned Pilot. An individual who holds a Full Branch or Warrant issued by the Commissioner of Pilots under M.G.L. c. 103.

Commissioners. When used without further description, means the Commissioners of Pilots, District One.

District One or District. When used without further description, means those waters of Massachusetts specified as such in M.G.L. c. 103.

Federal First Class Pilot. An individual holding a Merchant Mariner Credential issued by the United States Coast Guard containing an endorsement entitling the individual to serve in the capacity of "First Class Pilot" of certain vessels and over specified routes or within a specific port or waterway area.

2.02: continued

Gross Tonnage. The International Gross Tonnage of a vessel, as reflected on the International Tonnage Certificate of the vessel issued in accordance with the International Convention on Tonnage Measurement of Ships, 1969.

Medical Practitioner (MP). Shall include physician, physician assistant, or nurse practitioner licensed by a State in the United States.

Misconduct. Human behavior which violates some formal, duly established rule. Such rules are found in, among other places, statutes, regulations, the common law, the general maritime law, a ship's regulation or order, or shipping articles and similar sources. Misconduct is an act which is forbidden or a failure to do that which is required.

Office of the Commissioners. The office of the Pilot Commissioners for District One is located at 100 1st Avenue, Suite 102, Charlestown, MA, 02129-2043, Tel.: (617) 242-0182, Fax: (617) 241-0505. The Secretary to the Commissioners is located in the Office of the Commissioners. Email: PilotCommissioners1@comcast.net. Website: www.masspilotage.com.

Residency. Proof of residency may include, but not limited to: Massachusetts Driver's License, appropriate tax documents, Utility Bill, appropriate housing documents (rental agreement or mortgage documents), or other documents approved at the discretion of the Commissioners.

Serious Marine Incident. Incorporated here by reference to 46 CFR § 4.03 with incidents including:

- (a) any marine casualty or accident which results in any of the following: one more deaths; an injury to a crewmember, passenger, or other person which requires professional medical treatment beyond first aid; damage to property in excess of \$200,000; actual or constructive total loss of any vessel; actual or constructive loss of any self-propelled vessel, not subject to inspection of 100 gross tons or more; and
- (b) discharge of oil of 10,000 gallons or more; discharge of a reportable quantity of a hazardous substance.

Trustees. The duly elected Trustees of the Boston Marine Society.

Unusual Incident. Accidental or intentional grounding; collision or allision with any vessel or object; a loss of main propulsion, primary steering, or any associated component or control system that reduces the maneuverability of the vessel; an occurrence that materially and adversely affected the vessel's seaworthiness or fitness for service or route; non-compliant pilot ladders; an incident relating to operation of a vessel resulting in serious damage to a vessel, or damage caused by a vessel or crew, which may reasonably be expected to be in excess of \$200,000 in monetary value, or such as to require a report to the U.S. Coast Guard, or any other provisions of the Code of Federal Regulations; any incident that places a Pilot in danger; or any incident that causes environmental damage or may reasonably be thought to pose an environmental hazard or any threat of pollution or any actual pollution. Further defined in 995 CMR 2.21.

2.03: Duties of Commissioners of Pilots for District One

- (1) The Commissioners are empowered by statute to formulate rules and regulations for pilotage, to grant Commissions as Pilots for District One, or for locations within District One, to determine the competency of Pilots, to suspend Pilots, and to revoke Commissions.
- (2) The Commissioners are required to enforce the laws and regulations for pilotage within District One and to receive, hear and determine complaints by and against Pilots for District One.
- (3) The Commissioners must obtain the approval by the Trustees of the Boston Marine Society of any person to whom the Commissioners propose the grant of a Commission.
- (4) The Commissioners may suspend any Pilot for misconduct, carelessness or neglect of duty as they deem appropriate. Any such suspension shall remain effective until the next meeting of the Trustees of the Boston Marine Society and The Commissioners may thereafter continue such suspension until the close of the next scheduled meeting of the Trustees of the Boston Marine Society.

2.03: continued

(5) The Commissioners may revoke the Commission of any Pilot if the Trustees of the Boston Marine Society decide at either meeting mentioned in 995 CMR 2.03(4) that said Commission should be revoked. Any such revocation must occur prior to any reversal of such decision by the Trustees of the Boston Marine Society.

2.04: Public Information and Access

(1) The Commissioners shall meet as often as necessary to conduct the business of the Commissioners. There must be at least two meetings of the Commissioners in each calendar year.

(2) Meetings may be called by either Commissioner and shall be held at the Office of the Commissioners, unless the Commissioners agree and decide to hold such meetings at another location.

(3) A special meeting of the Commissioners may be called by either Commissioner upon 24 hours notice, given to the other Commissioner by letter, fax, email, or by telephone in an emergency. A special meeting of the Commissioners may be held without notice or with less than 24 hours notice in the event that the Commissioners both attend and agree that circumstances require such a meeting.

(4) Any Pilot, when notified by letter, fax, email, or in an emergency by telephone, shall report in person to the Commissioners at the office of the Commissioners or other agreed meeting place unless otherwise engaged in pilot duties or unable to attend due to illness.

(5) All meetings of the Commissioners shall be open to the public and any person shall be allowed to attend any such meeting except for meetings or portions of meetings which the Commissioners agree must be held in executive sessions and which Massachusetts law permits to be held in executive session.

(6) Notices of meetings will be posted at: www.masspilotage.com.

(7) Prior to the adoption, amendment or repeal of any rules or regulations, the Commissioner shall:

- (a) obtain the written approval of the Trustees of the Boston Marine Society to such adoption, amendment or repeal; and
- (b) furnish not less than a 21-day notice to the public of the proposed action.

(8) Any public notice required to be given by the Commissioners shall be sufficient if given by:

- (a) filing a copy of such notice with the office of the Secretary of the Commonwealth;
- (b) mailing or otherwise furnishing a copy of said notice to newspaper of general circulation in Massachusetts; and
- (c) mailing or otherwise delivering a copy of said notice to any person or group which has filed within one year of the date of such notice a written request with the Commissioners for such notices and has furnished particulars for delivery of such notice.

(9) The Commissioners may require that any person or group desiring to communicate views or information to the Commissioners do so in writing and prior to any oral presentation. The Commissioners shall at all meetings have the right and obligation to control and limit oral presentations in such a fashion as to allow the orderly and efficient conduct of such meetings and of the business of the Commissioners.

(10) The Commissioners shall have all persons in attendance at meetings register their names and affiliation, and further may have a recorder present.

2.05: Number of Commissions

(1) The Commissioners may periodically determine if there is need for an additional state Commissioned Pilot for District One or for any special location within the district. The Commissioners may request advice from the existing Commissioned Pilots and may obtain advice and information from any other source prior to making a determination with respect to such need.

2.05: continued

(2) The Commissioners' decision will be made after consideration of the various factors pertaining to such need, which will include, but not be limited to, supply and demand for pilotage services, safety and efficiency in furnishing pilotage services, and the interest of the public and the maritime industry in having available a reasonable number of experienced, professional and efficient Pilots.

(3) When the Commissioners decide to change the number of commissions, they will inform the Trustees of the Boston Marine Society and the President of the Boston Pilots.

2.06: Types of Commissions

(1) The Commissioners will grant Commissions of the following two types:

- (a) Warrant Pilot Commission; and
- (b) Full Branch Pilot Commission.

(2) The Commissions, annexed hereto as Exhibit A (i)-(ii) as incorporated by reference in 995 CMR 2.00, with an original filed in the Regulations Division of the Office of the Secretary of the Commonwealth with copies available at the offices of the Pilot Commissioners: District One), shall be signed by both Commissioners in office on the date of issuance.

(3) The qualifications required as a prerequisite for each such Commission are set forth in 995 CMR 2.00.

(4) The restrictions imposed on the holders of Commissions are set forth in 995 CMR 2.00.

2.07: Applicants for Pilot Candidate Training

(1) Mariners seeking a commission as a state pilot may contact the Commissioner through the Pilot Commissioner's website (<http://www.masspilotage.com>) or email PilotCommissioners1@comcast.net.

(2) The Commissioners will consider, and will interview and examine only those applicants for Pilot Candidate Training who have:

- (a) filed a written application with the Commissioners in the form annexed hereto as Exhibit B (as incorporated by reference in 995 CMR 2.00, with an original at the offices of the Pilot Commissioners: District One) duly completed and signed;
- (b) furnished documentary proof that they are 21 years of age or older;
- (c) furnished documentary proof that they are citizens of the United States of America;
- (d) furnished documentary proof of having successfully completed 12 years of formal education or the equivalent satisfactory to the Commissioners;
- (e) proved to the satisfaction of the Commissioners that they are fluent in the English language;
- (f) obtained a physical examination that meets the license requirements of the U.S. Coast Guard by a medical practitioner licensed and qualified to practice so as to demonstrate good physical and mental health, dated within one year of submission of application. Note: form annexed hereto as Exhibit D, U.S. Department of Homeland Security/U.S. Coast Guard/CG-719K (or current revision, as incorporated reference);
- (g) proved to the satisfaction of the Commissioners that the candidate is in permissible medical and mental health as evidenced by the requirements outlined in USCG Form 719K;
- (h) furnished documentary proof that they have satisfactory maritime experience as required by 995 CMR 2.10;
- (i) furnished documentary proof that they hold current and unrestricted Merchant Marine Credential as required by 995 CMR 2.12(1);
- (j) made payment of an application fee in the amount of \$500.00 payable to the Commissioners; applications rejected upon filing will have application fee money returned minus a \$100 nonrefundable administrative fee;
- (k) all candidates will be subject to Criminal Offender Record Information (CORI) screening in accordance with 803 CMR 2.00: *Criminal Offender Record Information (CORI)*, and potential additional background checks as deemed appropriate by Commissioners. These additional checks may include Marine Index Bureau and/or other formal background checks.

2.07: continued

- (1) provide current proof of residency of at least six months in the Commonwealth of Massachusetts immediately prior to filing of application.
- (3) Upon completion to the satisfaction of the Commissioners of the requirement of 995 CMR 2.07(1) and 2.10, candidate will be selected after exam, simulator, and interview.
- (4) Upon completion to the satisfaction of the Commissioners of the requirements of 995 CMR 2.07(1) and 2.07(2), the Commissioners will notify applicants who are to be considered for Pilot Candidate training in writing of the date, time and place at which they will be tested and interviewed by the Commissioners.
- (5) Subsequent to the interview referred to in 995 CMR 2.07(4), the Commissioners will notify the final applicant in writing that the Commissioners have determined that the individual does satisfy all requirements and is judged competent for Pilot Candidate Training. The Commissioners will then seek the required approval of the Trustees of the Boston Marine Society.
- (6) If the approval of the Trustees is received by the Commissioners in respect to any individual who has satisfied the Commissioners in respect to the requirements of 995 CMR 2.07 and 2.10, and if the Commissioners determine that an additional Pilot Candidate Training is required, the Commissioners shall authorize such training.

2.08: Applicants for Warrant Pilot Commission

- (1) The Commissioners will consider, and will interview and examine, only those applicants for a Commission of Warrant Pilot who:
 - (a) is a citizen of the United States;
 - (b) is 21 years of age or older;
 - (c) have completed 12 years of formal education or the equivalent satisfactory to the Commissioners;
 - (d) is fluent in the English language;
 - (e) is physically and mentally fit for pilotage service;
 - (f) furnish documentary proof that they hold current and unrestricted Merchant Mariner Credential as required by 995 CMR 2.12;
 - (g) has documented pilot service or prior maritime service or has suitable veterans sea time as required by 995 CMR 2.10;
 - (h) furnished documentary proof that they have satisfactorily completed Candidate Training as required by 995 CMR 2.17;
 - (i) furnish to the Commissioners written evidence that they have:
 1. satisfactorily completed at least one year of service as a trainee with the Boston Pilots as required by 995 CMR 2.17; and
 2. have received written reports of performance as a trainee from at least 75% of the then Commissioned Pilots in District One certifying that they have observed said trainee, have assisted in training said trainee, and have a professional belief that said trainee is competent, professional and suited by training and temperament to furnish prompt and safe Pilotage Services; and
 - (j) furnish to the Commissioners the Trainee Evaluation Cards as indicated in 995 CMR 2.17(2)(e).
- (2) Upon completion to the satisfaction of the Commissioners of the requirements of 995 CMR 2.08(1), 2.10, 2.12 and 2.17, the Commissioners will notify each applicant in writing of the date, time and place at which they will be examined by the Commissioners pursuant to 995 CMR 2.11.
- (3) Subsequent to the examination referred to in 995 CMR 2.08(2), the Commissioners will notify each applicant in writing whether the Commissioners have determined that the individual satisfies all requirements and is judged competent for issuance of a Warrant Pilot Commission, and whether the Commissioners will seek approval of the Trustees for issuance to said individual of a Warrant Pilot Commission.

2.08: continued

(4) If the approval of the Trustees is received by the Commissioners in respect to any individual who has satisfied the Commissioners in respect to the requirements of 995 CMR 2.08 and 2.11, and if the Commissioners determine that an additional Warrant Pilot Commission is required, the Commissioners shall prepare and deliver to said individual a Warrant Pilot Commission.

(5) An application filed pursuant to 995 CMR 2.08 shall lapse and become invalid and not effective one year after the date on which it is filed with the Commissioners.

2.09: Applicants for Full Branch Pilot Commission

(1) The Commissioners will consider, and will interview and examine, only those applicants for a Commission of Full Branch Pilot who have:

- (a) filed a signed letter requesting a Full Branch Commission specifying the area required with the Secretary of the Commissioners;
- (b) furnished satisfactory proof that they remain in compliance with the requirements of 995 CMR 2.0(1)(b) through (k);
- (c) satisfactorily completed at least 250 days of service as a Warrant Pilot with the Boston Pilots;
- (d) satisfied the Commissioners that they remain competent, professional and suited by training and temperament to furnish prompt and safe Pilotage Services;
- (e) furnished their Trainee Evaluation Card as required by 995 CMR 2.17(2)(e); and
- (f) furnished documentary proof that they are citizens of the United States of America and residents of the Commonwealth of Massachusetts.

(2) Upon completion to the satisfaction of the Commissioners of the requirements of 995 CMR 2.09(1), the Commissioners will notify each applicant in writing of the date, time and place at which they will be interviewed or examined by the Commissioners pursuant to 995 CMR 2.11(4).

(3) Subsequent to the examination referred to in 995 CMR 2.09(2), the Commissioners will notify each applicant in writing whether the Commissioners have determined that the individual satisfies all requirements and is judged competent for issuance of a Full Branch Pilot Commission, and whether the Commissioners will seek approval of the Trustees for issuance to said individual of a Full Branch Pilot Commission.

(4) If the approval of the Trustees is received by the Commissioners in respect to any individual who has satisfied the Commissioners in respect to the requirements of 995 CMR 2.08 and 2.11, and if the Commissioners determine that an additional Full Branch Pilot Commission is required, the Commissioners shall prepare and deliver to said individual a Full Branch Pilot Commission.

(5) The Commissioners may issue to any individual a Full Branch Commission applicable to all (or less than all) of the harbors of Lynn, Saugus, Hull, Hingham, Weymouth, Braintree and Quincy.

2.10: Prior Maritime Experience

(1) Satisfactory maritime experience must be, in the case of an applicant for a Warrant Pilot Commission, either Merchant Marine experience or Pilot experience as set forth in 995 CMR 2.10.

(2) Merchant Marine experience must be:

- (a) At least two years of service at sea during the five-year period immediately preceding the date of original application for which such Commission is made;
- (b) During such two-year period, at least one year shall have been served aboard U.S. documented vessels over 1600 gross tons in the capacity as either:
 - 1. Master while holding a Master of ocean or near-coastal self-propelled vessels of unlimited tonnage Merchant Mariner Credential issued by the U.S. Coast Guard; or
 - 2. Chief Mate while a Master of ocean or near-coastal self-propelled vessels of unlimited tonnage Merchant Mariner Credential issued by the U.S. Coast Guard.

2.10: continued

- (c) One year of service at sea shall mean 180 days service on an operating commercial merchant vessel documented or registered under the laws of the United States or owned by the United States Government;
 - (d) Service at sea on a foreign flag vessel may, in the sole discretion of the Commissioners, be determined after appropriate inquiry and receipt of documentary evidence, be treated as equivalent to service on a vessel documented under the laws of the United States;
 - (e) The Commissioners shall make an interpretation of sea service for merchant vessels in Reduced Operating Status (ROS) and Mobile Offshore Drilling Units (MODUs) in accordance with 46 CFR § 10.232 and relevant U.S. Coast Guard policy, but no more than ½ a day for every day of service;
 - (f) All service at sea shall be evidenced by duly authenticated discharges, service books, or other official documents. The originals shall be exhibited to the Commissioners and copies delivered to the Commissioners;
 - (g) Any document not in the English language shall be accompanied by a translation by a certified translator; and
 - (h) In the event that the applicant certifies in writing under oath that any original documents have been lost or otherwise are not available, the Commissioners in their sole discretion may accept substitutes or an affidavit by the applicant under oath; and
 - (i) Any sea time acquired during the pilot training program may be acceptable as satisfactory maritime experience used toward the experience requirement.
- (3) Any applicant who is a member of any uniformed service of the United States of America may apply as sea time credit any time during which the applicant served on active duty, and the time shall be applied as experience toward the required experience in the following manner:
- (a) Military service in command of a vessel in excess of 1600 Gross Tons shall be applied as credit toward any requirements for service as Master;
 - (b) Military services as second-in-command of a vessel in excess of 1600 Gross Tons shall be applied as credit toward any requirements for service in the capacity of chief mate; and
 - (c) Military sea service in a capacity as an officer in charge of a navigational bridge watch of a vessel in excess of 1600 Gross Tons shall be applied as credit toward any sea service requirements other than those in the capacity of master or chief mate.
- (4) No person's status as a veteran or as a military reservist, and no person's susceptibility to recall to military active duty, shall diminish the person's eligibility for selection for pilot candidate training or for warrant or full branch pilot commission.
- (5) Pilot experience must be:
- (a) At least three years' service as a State Pilot holding a Commission;
 - (b) Such service must be performed within waters subject to the jurisdiction of the United States Coast Guard; and
 - (c) Such service must not have been interrupted because of suspension or revocation of Commission.

2.11: Examination

- (1) Each applicant for a Warrant Pilot Commission must attend an examination, oral and written, conducted by the Commissioners.
- (2) The examination will pertain to the management and navigation of vessels, federal and state pilotage, knowledge of channels, waters, harbors, ports, currents, courses, distances, equipment, aids, weather, laws, regulations, practices and procedures.
- (3) The examination will require specific and detailed knowledge of the following:
 - (a) International and Inland Rules of the Road;
 - (b) relevant statutes and regulations of the United States and of the Commonwealth of Massachusetts and of the cities and towns within District One; and
 - (c) relevant statutes, regulations, and procedures imposed upon the waters and port by federal and state agencies, including, but not limited to: the U.S. Coast Guard, the National Geodetic Survey, National Oceanic and Atmospheric Administration, U.S. Environmental Protection Agency, the Massachusetts Department of Environmental Protection, and the U.S. Army Corps of Engineers having effect within District One.

2.11: continued

- (4) The Commissioners shall examine the applicant as they deem appropriate to determine the fitness and ability of the applicant to satisfactorily perform the duties of a Warrant Pilot.
- (5) Pilot Evaluation Cards will be required to be submitted to Commissioners on a monthly basis.
- (6) Any applicant who does not, at such examination, satisfy the Commissioners that the applicant is fit and able to satisfactorily perform the duties of a Warrant Pilot or a Full Branch Pilot may not reapply until the expiration of 30 days from the date of the conclusion of the applicant's examination.

2.12: Licenses and Certificates

- (1) An individual who holds a Warrant Pilot Commission or a Full Branch Pilot Commission, must at all times, and as a condition to continued right to hold said Commission, possess the following duly issued, current and valid licenses and documents:
 - (a) Master of ocean or near-coastal self-propelled vessels of unlimited tonnage Merchant Mariner Credential issued by the U.S. Coast Guard;
 - (b) Valid Medical Certificate issued by the U.S. Coast Guard (*e.g.* CG-4610A (Medical Certificate wallet-sized card)).
 - (c) Radar Observer endorsement issued by the U.S. Coast Guard;
 - (d) Unlimited First Class Pilot's endorsement issued by the U.S. Coast Guard for routes and areas within District One encompassed within the relevant Commission; and
 - (e) Valid Transportation Workers Identification Credential (TWIC).
- (2) In the event any such license, endorsement, document or certificate of training becomes invalid or the holder loses the right to hold such license, endorsement, document or certificate, the holder will immediately inform the Commissioner and shall tender to the Commissioner the holder's Commission, which the Commissioner shall retain until the holder obtains all required licenses, endorsement, document or certificate.
- (3) The Commissioner, in consultation with federal and state regulators, and senior Full Branch Pilots, may impose new training standards that render Certificates of Training for new or different programs and equipment.

2.13: Health and Medical Examination

- (1) Each applicant and each individual holding a Commission must be and must remain in good physical and mental health (as determined by the USCG or medical practitioner performing general fitness examination) and be at all times fit to perform the duties of a Pilot.
- (2) Each individual holding a Commission must have a physical examination (including eye examination) that meets the license requirements of the U.S. Coast Guard by a medical practitioner licensed and qualified to practice in the United States on an annual basis to demonstrate good physical and mental health. The Commissioned Pilot must submit to the Commissioners a copy of such medical report signature page (USCG Form 719K) each calendar year. The cost of such medical examination will be at the expense of the Commissioned Pilot.
- (3) In the event of a disagreement between any individual and the Commissioners as to the results of any such physical examination or as to the physical or mental health of any individual, the individual shall have a physical examination by a medical practitioner licensed and qualified to practice in the United States and to be determined by the Commissioners. A copy of the written report of each such physical examination shall be furnished by the relevant practitioner to the Commissioners and to the individual examined. This examination shall be at the cost and expense of the Commissioners.
- (4) Each such written report shall be not less extensive than that required by the U.S. Coast Guard and must include the signature page (page 9) of the USCG Form 719K, to be submitted to the Commissioners.

2.13: continued

(5) Each pilot must promptly report to the Commissioners in writing all medications (prescription or nonprescription), dietary supplements, and vitamins that were filled, or refilled, and/or taken within 30 days prior to the date the applicant signs the CG-719K and all medications (prescription or nonprescription), dietary supplements, and vitamins that were used for a period of 30 or more days within the last 90 days prior to the date the applicant signs the CG-719K. At any time, all medications (prescription or nonprescription), dietary supplements, and vitamins that have side effects that will impair judgment, balance, or any other requirements for effective and safe performance of routine and emergency duties on board must be promptly reported to the Commissioners in writing.

(a) Pursuant to U.S. Coast Guard regulations, a Commissioned Pilot providing pilotage services under the authority of their U.S. Coast Guard Merchant Mariner Credential shall be subject to substance abuse screening, commonly referred to as "drug testing". Such drug testing shall conform to all elements of screening, including pre-employment (applicants), random selection, post-accident and probable cause. In the event that a drug test is reported as "positive" to the U.S. Coast Guard, the Commissioned Pilot shall immediately notify the Commissioner via the most expedient means of communication. The Commissioner shall immediately suspend the Commission of the Commissioned Pilot. If and when the Commissioned Pilot's Merchant Mariner Credential is reinstated, the Commissioner may or may not reinstate the Pilot's Commission but will permit the Commissioned Pilot a hearing to ascertain if reinstatement is appropriate, and if so the Commissioner may require recency trips and/or renewal application.

(b) Commissioned Pilots who are involved in a "serious marine incident" as defined in 995 CMR 2.02 or show probable cause to the U.S. Coast Guard shall be subject to urine screen for drugs and blood tests or breathalyzer (or saliva test) for alcohol content of the Commissioned Pilot. If the Blood Alcohol Content (BAC) of the Commissioned Pilot is above 0.04%, then the Commissioned Pilot shall immediately notify the Commissioner *via* the most expedient means of communication. The Commissioner shall immediately suspend the Commission of the Commissioned Pilot. If and when the Commissioned Pilot's license is reinstated, the Commissioner may or may not reinstate the Pilot's Commission but will permit the Commissioned Pilot a hearing to ascertain if reinstatement is appropriate, and if so the Commissioner may require recency trips and/or renewal application. Drug and alcohol testing will be conducted in compliance with as required 46 CFR part 4.06 and 49 CFR 40.

2.14: Commissions

(1) Each Commission shall clearly state the full name of the individual holder of the Commission, the type of Commission issued (Warrant Pilot, Full Branch Pilot), any and all restrictions on the pilotage services which are allowed to be performed by the holder, and the date of issuance and the date of expiration of said Commission.

(2) Each Commission shall be signed by each Commissioner then in office when the Commission is issued.

(3) Each Commission shall be valid for five years from the date of issue and shall thereafter be renewable by the Commissioners on each fifth year anniversary date for an additional five-year period, provided that the individual holding said commission has satisfactorily completed the requirements of 995 CMR 2.14(4).

(4) During each five years term of commission, the Pilots are required to successfully complete appropriate training when available in at least two of each of the following skills, in rotation, so all will be completed each ten years:

- (a) Bridge Resource Management, (or a refresher training if previously taken);
- (b) Ship Handling on a Bridge Simulation (preferably with programs of harbors in District One), or Ship Handling Using Manned Models (preferably of vessels of the type calling at harbors in District One);
- (c) ECDIS for Pilots, (or a refresher training if previously taken);
- (d) Portable Pilot Unit (PPU) training; and
- (e) any other course the Commissioners believe requires additional training on new technology.

2.14: continued

- (5) New or different programs of training may be substituted for the foregoing on written application to and approval by the Commissioners.
- (6) Residency in the Commonwealth of Massachusetts is required to retain Commission.

2.15: Restrictions on Commissions

- (1) All Commissions for Warrant Pilot shall contain a restriction prohibiting the holder from performing pilotage services on vessels exceeding the following criteria:

During Time Period after Date of Commission	Maximum Salt Water Draft	Maximum Length
first three months	8.6 meters	200 meters
second three months	9.8 meters	215 meters
final six months	11.0 meters	230 meters

2.16: Duties of Pilots

- (1) Pilots must, at all times, perform their duties in a professional and workmanlike manner, exercising reasonable care under the circumstances, attentive and faithful to their duties, and exercising unimpaired judgment.
- (2) Each Pilot will be liable for all damages accruing from their negligence, unskillfulness, unfaithfulness or misconduct.
- (3) Each Pilot must, at all times while on duty, have on their person either their original Commission or a copy of said Commission .
- (4) Each Pilot, immediately upon boarding any vessel upon which they are to perform pilotage services, must:
 - (a) inform the Master and any person in charge of the navigation of such vessel of any restriction in said Pilot's Commission; and
 - (b) exhibit their Commission to said Master if requested by said Master.
- (5) A Pilot may not perform pilotage services on, or take charge of, any vessel which draws more water than the Commission of said Pilot authorizes or which exceeds in any respect the limits contained in the Commission of said Pilot.
- (6) Each Pilot must, at all times while performing pilotage services, comply with all applicable statutes, regulations, international conventions, Captain of the Port orders and other requirements of the proper authorities.
- (7) Each Pilot must, at all times while performing pilotage services or otherwise on duty, refrain from using abusive or insulting language or threatening conduct.
- (8) Each Pilot must, at all times while performing pilotage services or otherwise on duty, be unimpaired by illness or by any mental or physical condition or by the use of alcohol, drugs, narcotics, chemicals or other similar material.
- (9) Each Pilot shall perform a reasonable and fair share of all pilotage duties, winter and summer, day and night, unless prevented by illness or by other causes satisfactory to the Commissioners.
- (10) No Pilot may, once having boarded a vessel for the purpose of performing pilotage services, leave such vessel:
 - (a) on an outbound voyage until the vessel has safely passed the harbor limits;
 - (b) on an inbound voyage until the vessel has been safely anchored or secured at a terminal; or
 - (c) unless the Master of said vessel has approved the Pilot's departure, provided however that a Pilot may leave said vessel:

2.16: continued

1. if the Pilot is replaced prior to leaving by a Pilot holding an equal or greater Commission; or
2. in the event of a medical or other emergency.

2.17: Candidate Training Program

- (1) (a) The term of candidate training for every trainee shall be a minimum of one year.
 - (b) While serving as trainee, the individual must:
 1. on a regular basis working a normal work week, ride vessels with at least majority of the then Commissioned Pilots, on every route, and during ebb and flood tides, day and night, in various weather conditions, on various sizes and types of vessels, all to the extent feasible and consistent with the prevalent trade patterns in the port of Boston and vicinity. Trainee to keep log of such particulars as required in 995 CMR 2.17(2)(a) and submit to Commissioners upon request.
 2. satisfactorily complete at least 120 round trips between Boston inner harbor and a point beyond the Graves;
 3. satisfactorily complete at least 40 round trips to and from the area of Braintree, Hingham, Hull, Lynn, Quincy, Saugus and Weymouth.
 4. satisfactorily complete at least 12 round trips to and from the area of Lynn and Saugus. These requirements may be made on the pilot boat in simulation of an actual passage;
 5. for each transit, pilots are required to fill out a Trainee Evaluation Card. Cards to be retained by trainee and submitted to Commissioners on a monthly basis with a copy to be retained in the Pilot Office.
 - (c) During each vessel movement to which a trainee pilot is assigned, the Commissioned Pilot will be required, in addition to other normal pilotage duties, to assist the trainee pilot in observation, learning, and discipline and to teach skills and furnish information relevant to pilotage.
 - (d) Each Commissioned Pilot is required:
 1. to observe each trainee during training voyages; and
 2. to report to the Commissioners in writing at the conclusion of each six-month period of training the progress of said trainee and the potential of said trainee to become a fully Commissioned Pilot.
 - (e) Each trainee may be terminated from that status in the event that:
 1. the trainee fails to satisfy physical or mental health requirements for a federal license or for a Commission; or
 2. the trainee fails to obtain the requisite reports from Commissioned Pilots evidencing skill and potential to be a fully Commissioned Pilot which are satisfactory to the Commissioners.
 - (f) Upon successful conclusion of the required term as a trainee, a trainee shall be considered qualified to file application as a candidate for a Warrant Pilot Commission. As a trainee approaches the conclusion of their minimum one year training, they will be examined by the Pilot Commissioners and obtain the approval of the Boston Marine Society Trustees, in order that they can receive their Warrant Commission and begin work promptly. This is contingent upon receiving the final report required by 995 CMR 2.08(1)(i) and fully completing their minimum one year training.
- (2) Warrant Pilot Training Program
- (a) The term of Warrant Pilot shall be for a minimum of one year and no longer than 18 months.
 - (b) A Warrant Commission is non-renewable.
 - (c) Warrant Pilots are considered as acting in a probationary status.
 - (d) While serving as Warrant Pilot, the individual must:
 1. work a schedule that satisfies the requirement 995 CMR 2.09 (1)(c)
 2. complete revalidation transits on the following vessel types:
 - a. No fewer than ten round trip transits on container vessels greater in size than those described in 995 CMR 2.15(2)
 - b. No fewer than ten round trip transits on passenger vessels greater in size than those described in 995 CMR 2.15(2)

2.16: continued

- c. Further transits as deemed necessary by the current working group of pilots. A petition identifying the need for additional training or revalidation shall be presented to and approved by the Commissioners. The Warrant will be notified of the petition within seven days of approval.
- 3. In the event that a Warrant Pilot is unable to complete the requirements identified in 995 CMR 2.17 (2)(d) due to circumstances beyond their control (terminal closure, waterway closure, Act of God), the Boston Pilots and Commissioners will determine suitable and equivalent training and evaluation for the Warrant to complete in *lieu* of the aforementioned requirement.
- (e) for each revalidation transit, the Branch Pilot of record is required to fill out a Trainee Evaluation Card. Cards are to be retained by the Warrant and submitted to Commissioners for application for raise in grade to Branch Pilot retain a current log of all revalidation transits that includes, but is not limited to:
 - 1. vessel name and IMO number
 - 2. vessel dimensions (including, but not limited to, Length Overall, Beam, Draft, Gross Tonnage)
 - 3. vessel type
 - 4. route travelled, times and dates
 - 5. pilot of record
- (f) During each vessel movement to which a Warrant Pilot is attending, the Branch Pilot of record will be required, in addition to other normal pilotage duties, to assist the Warrant Pilot in observation, learning, and discipline and to teach skills and furnish information relevant to pilotage.
- (g) Each Commissioned Branch Pilot is required:
 - 1. to observe each trainee during revalidation transits.
 - 2. complete a Trainee Evaluation Card
- (h) A Warrant Pilot's commission may be terminated if:
 - 1. the Warrant fails to satisfy physical or mental health requirements for a federal license or for a Commission.
 - 2. the Warrant fails to obtain the requisite reports from Commissioned Pilots evidencing skill and potential to be a fully Commissioned Pilot which are satisfactory to the Commissioners.
- (i) Each Warrant is required to request a letter of competence from the current group of working Branch Pilots. The letter may be requested only upon satisfactory completion of no less than 80% of all required revalidation trips and after the completion tenth month as a Warrant Pilot. The letter of competence will require greater than 75% of the current Branch Pilots' approval in order to be considered a valid letter of competence by the Commissioners.
- (j) Upon successful completion of the required minimum term as a Warrant and receipt of a valid letter of competence, a Warrant shall be considered qualified to file an application for a Branch Pilot Commission. As a Warrant approaches the conclusion of their required probationary period the Warrant will:
 - 1. be examined by the Pilot Commissioners; and
 - 2. obtain the approval of the Boston Marine Society Trustees.
- (k) The requirement identified in 995 CMR 2.17(B)(7), will be scheduled and completed so as not to delay the transition from Warrant to Branch Pilot.

2.18: Pilot Organization

- (1) The Pilots for District One, acting jointly, will be known as the "Boston Pilots" (or by the name of their business organization, namely "Boston Harbor Pilots Association", LLC or by the abbreviation thereof, namely "BHPA" and shall maintain a business office at a location near Boston Harbor for the sole purpose of operating the business of pilotage within District One.
- (2) The office of the Boston Pilot's will be staffed, or a Pilot dispatcher should be available by telephone, on a 24-hour basis on every calendar day.
- (3) The Boston Pilots will ensure that each Pilot shall remain in reasonable contact with the Pilot office to ensure that pilotage services will at all times be available and that vessels will not suffer unreasonable delays because of lack or unavailability of Pilots.

2.18: continued

(4) The Boston Pilots are responsible to ensure that there is available for use by individual Pilots when boarding or departing vessels a suitable Pilot boat, which has been and is designed, equipped, maintained and manned satisfactorily for use as a Pilot boat and which is in all respects at all times fit for its intended purpose and safe and seaworthy.

2.19: Pilot Boats

- (1) Any boat used by a Pilot for boarding or departing vessels must:
 - (a) have the word "PILOT" printed on its house or hull in a conspicuous manner;
 - (b) fly the appropriate flags and carry the appropriate lights and symbols as required by the International or Inland Rules of the Road as applicable;
 - (c) be equipped to communicate on all relevant and usual radio channels and be equipped to use any other communication method common and usual in the industry;
 - (d) be equipped to continuously guard all normal distress and emergency communication channels;
 - (e) have on board all required lifesaving, safety and emergency gear and equipment in good working order and condition; and
 - (f) have and maintain a Log Book in which it is required to record, in addition to the usual information recorded in a vessel's log:
 1. the names of all Pilots and crew boarding or leaving the boat and the times of such actions;
 2. the direction and force of wind, sea conditions and weather observations on a periodic basis; and
 3. any unusual events or occurrence.

2.20: Pilot Boarding Area

(1) The normal and usual boarding area for any boat with the marking "PILOT" and used by Pilots for boarding and departing vessels shall at all times, weather permitting, is any point within the precautionary area, which is established with a radius of 6.17 miles centered upon geographical position 42°22.71'N, 70°46.97'W.

(2) The "Boston Pilots" shall ensure that such location, to be known as the "Pilot Boarding Area," is published in the *U.S. Coast Pilot* and similar publications of general use within the maritime industry and is known to all vessel agents and other interested parties in the vicinity of District One.

2.21: Reports to Commissioners

(1) Merchant Mariner Credential Validity. In the event any such Merchant Mariner Credential as required 995 CMR 2.12 becomes invalid or the holder loses the right to hold said Merchant Mariner Credential, the holder will immediately inform the Commissioners in writing of such occurrence and will tender to the Commissioners the holder's Commission, which the Commissioners will retain until the holder obtains all required valid licenses. If the period of the Pilot's suspended license exceeds one year, recency trips and/or renewal examination may be required by the Commissioner.

(2) Driver's License Validity. In the event the holder loses the right to hold a Driver's License issued by any state or territory, the holder will immediately inform the Commissioners in writing of such event.

(3) Medical Examination Reports. Each individual holding a Commission must provide the Medical Practitioner signature page (page 9) of CG-719K to the Commissioners, including each time it is updated and submitted anew to the U.S. Coast Guard, and U.S. Coast Guard issued Medical Certificate (CG-4610A).

(4) Transportation Worker's Identification Credential (TWIC). In the event the holder TWIC becomes invalid the holder will immediately inform the Commissioners in writing of such event.

2.21: continued

(5) Unusual Incident Reports.

- (a) If any unusual incident occurs on a vessel while a Pilot is engaged in the provision of Pilotage services on said vessel, the Pilot must immediately file a written report with the Commissioners and must furnish the Commissioners with copies of any other reports required by any government agency to be completed and filed by the Pilot.
- (b) The report must include, but is not be limited to:
 - 1. date and time of incident;
 - 2. geographic location, including bearing and distances from known objects;
 - 3. detailed narrative description of incident;
 - 4. cause of incident if determined at time of the report;
 - 5. names and addresses of all persons known to have witnessed incident;
 - 6. description of injuries suffered or damages resulting from incident; if known
 - 7. weather prevailing at time and place of incident; and
 - 8. identification and description of any aids to navigation relevant to such incident; and
 - 9. any noncompliant pilot ladder; and
 - 10. any incident which places a Pilot in danger.
- (c) An "unusual incident" is defined as:
 - 1. accidental or intentional grounding;
 - 2. collision or allision with any vessel or object;
 - 3. incident resulting in loss of life or serious personal injury and relating to operation of a vessel;
 - 4. incident resulting in serious damage to property and relating to operation of a vessel;
 - 5. incident resulting in serious damages to a vessel, or damage caused by a vessel or crew, which may reasonably be expected to be in excess of \$200,000 in monetary value; or
 - 6. any incident which causes environmental damage or may reasonably be thought to pose an environmental hazard or any threat of pollution or any actual pollution.
- (d) A "serious incident" is defined by 995 CMR 2.02.
- (e) Any Pilot who has a reasonable belief that an unusual incident has occurred and that such unusual incident has not been reported to the Commissioners shall determine from the Commissioners if a report has been made. If a report has not been made, the Pilot shall make a written report of the Pilots knowledge of the unusual incident.

(6) Reports of Complaints.

- (a) Any person may file a report or complaint with the Commissioners regarding any suspected violation by Pilots or others of the statutes or rules or regulations governing Pilots and pilotage in District One. All such reports and complaints shall be in writing or, if oral, confirmed in writing.
- (b) Upon receipt of each report or complaint filed pursuant to 995 CMR 2.00, the Commissioners shall review the report or complaint and determine if further investigation or proceedings are appropriate or required.
- (c) The Commissioners may conduct any investigation they deem reasonable and relevant to any matter within their jurisdiction and may retain such assistance and expend such funds as they believe appropriate for such investigation.

(7) Reports and Notifications from "Boston Pilots". The "Boston Pilots" shall furnish to the Commissioners, and shall keep current with the Commissioners, the following documents:

- (a) A list of the full names, residence addressees, business addresses, and personal and business telephone numbers for all Pilots;
- (b) Copies of any Articles of Organization, Trustee documents, By-laws and similar documents recording the purposes, organization and operation of any trust, corporation, partnership or other form of organization formed for the purpose of performing or assisting in performing pilotage services; and
- (c) On an as-required basis, copies of any duty rosters and vacation schedules and medical leave rosters.

(8) Reporting Standards.

- (a) Any report required by 995 CMR 2.00, except a Report required by 995 CMR 2.22(1), to be filed with the Commissioners shall be completed and filed within five business days of the occurrence of the relevant extent or the discovery of the relevant information.

2.21: continued

However, the Commissioners may require that any such report be filed within 24 hours, or that a prompt oral report be made to them, in respect to any unusual occurrence.

(b) Any Pilot who fails, neglects or refuses to make such reports to the Commissioners as required by 995 CMR 2.00 may be suspended from duty by the Commissioners until said Pilot makes such report or satisfactorily furnishes to the Commissioners valid and persuasive reasons why such report should not be required.

2.22: Miscellaneous

(1) Leave of Absence.

(a) Each Pilot must perform a reasonable and equitable share of pilotage duties at all times except when on scheduled vacation or when unable to do so because of temporary illness. Any Pilot refusing or failing to perform a reasonable and equitable share of pilotage duties may have said Pilot's Commission suspended or revoked.

(b) Any Pilot desiring a leave of absence or permission to remain away from pilotage duties for more than 30 days must file a written application with the Commissioners for permission. Said application must specify the length of such requested leave and must state the reasons for the request. The Commissioners may grant or reject the request after consideration of all the current facts, but primarily the factors set forth in 995 CMR 2.05(2).

(2) All medical reports and reports of prescription medicine furnished to the Commissioner shall be treated as confidential to the extent allowed by applicable statutes and regulations.

(3) The Commissioners shall provide pilots and their customers a "Pilotage Rate Schedule", based upon the recommendations of the State Pilotage Rate Board, increase such rates for Pilotage services. Pilot rates may be found at: <http://www.masspilotage.com>.

2.23: Emergency Waiver

In an emergency, the Commissioners, by unanimous vote and approval of the majority of the Trustees of the Boston Marine Society, may waive any of the foregoing requirements for issuance of a Pilot Commission.

REGULATORY AUTHORITY

995 CMR 2.00: M.G.L. c. 103.