

U.S. Department
of Transportation

United States
Coast Guard



Department of Transportation
United States Coast Guard

COMDTPUB P16700.4

NVIC 8 - 94
4 October 1994

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 8-94

Subj: ISSUES REGARDING FEDERAL PILOTAGE

1. PURPOSE. This Circular provides Coast Guard Captains of the Port (COTPs) and members of industry with answers to various questions regarding Federal pilotage requirements.
2. DIRECTIVES AFFECTED. Interpretations of Various Issues Regarding Pilots and the Pilotage Regulations, NVIC 3-91, is hereby canceled.
3. DISCUSSION. Regulations concerning pilots have been under revision since about 1980. There have been numerous changes to the regulations, and consequently, there are areas where interpretations and guidance are necessary. The pilot licensing regulations are located at 46 CFR §10.701 through §10.713. The pilot manning regulations are located at 46 CFR §15.812. Enclosure (1) is meant to answer some of the common questions asked about topics related to Federal pilotage requirements.

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Issues Regarding Federal Pilotage Requirements
General questions

Question - What vessels require pilots?

Answer - Attachment (1) is a summary of U.S. pilotage requirements which apply everywhere in the U.S., except the Great Lakes and Saint Lawrence Seaway. Attachment (2) is a summary of U.S. pilotage requirements for U.S. vessels on the Great Lakes and Saint Lawrence Seaway. Attachment (3) is a summary of U.S. pilotage requirements for foreign merchant vessels on the Great Lakes and Saint Lawrence Seaway.

Question - Who may serve as a Federal pilot?

Answer - There are two types of individuals who may serve as a pilot. One is an individual holding a Federal first class pilot's license with endorsement for the route, in accordance with 46 CFR §15.812(b)(1).

Question - To qualify as an "acting as" tank barge pilot, must the tug have a barge in tow during the required twelve round trips?

Answer - No. Coast Guard policy requires that only 2/3 of the required round trips be made with the barge in tow. An OCMI may, however, further reduce or eliminate the number of round trips required with the barge in tow if he/she determines that it is appropriate for any routes or segments within the zone.

Question - Will an individual seeking a Federal first class pilot's license or endorsement, who obtains his or her qualifying experience exclusively on tug and barge combinations, be limited to piloting only tug and barge combinations?

Answer - In general, applicants who obtain their qualifying experience on tug and barge combinations of over 1,600 gross tons should be issued an unrestricted first class pilot's license or endorsement of "any gross tons" without a "tug and barge combinations" limitation. However, there are routes where, due to the nature of the waters, an OCMI could reasonably conclude that it is appropriate to require an applicant, irrespective of other licenses held, to obtain experience on self-propelled vessels greater than 1,600 gross tons on those particular waters in order to qualify for an unrestricted first class pilot license or endorsement for that route. Accordingly, when appropriate, and in the OCMI's sole discretion, the OCMI may place a limitation on such a license or endorsement.

Those cases where the restrictive endorsement is warranted are expected to be relatively few in number, and limited primarily to those individuals who have little or no self-propelled deep draft vessel experience and who have performed their round trips primarily on tug and barge combinations.

OCMIs will identify and notify the Regional Exam Centers (RECS) of all waters in their zones that are of a nature such that the "tug and barge combination" restriction may be warranted.

Docking Pilots/Masters and Mooring Masters

Question - What is the official status of docking pilots and docking masters, and are they required to be licensed?

Answer - In some ports, particularly on the East and Gulf Coasts, individuals frequently referred to as docking pilots or docking masters direct the docking and undocking of vessels. In most cases, these individuals are employees of tug boat companies.

Coast Guard licensing regulations (46 CFR Part 10) do not address docking pilots or docking masters and, to our knowledge, the states also do not issue these licenses. Therefore, "docking pilot" and "docking master" are unofficial employer trade designations, rather than types of licenses.

Inspected, coastwise seagoing vessels, not sailing on register, when underway and not on the high seas, must be under the direction and control of a Federal pilot (46 U.S.C. §8502) (46 CFR §15.812). With respect to these vessels, the law and regulations are clear. If a vessel meets the above description, it must be operated under the direction and control of a federally licensed pilot at all times when it is underway in U.S. navigable waters. Any individual directing the navigation of such a vessel (a docking pilot/master, or an individual called by any other name) must have the appropriate first class pilot's license issued by the Coast Guard for the particular route in question. Vessels sailing on a registry endorsement are subject to state pilotage requirements. Under 46 U.S.C. §8503, the Coast Guard may require a Federal pilot in those instances where the states do not require a pilot. This is generally accomplished through the regulatory process. In emergency situations, however, it may be accomplished through a Captain of the Port Order.

Question - What are the requirements for mooring masters.

Answer - The regulations concerning mooring masters are found at 33 CFR §150.211. These regulations have no bearing on pilotage requirements. Under 46 U.S.C. §8502, if a U.S. coastwise seagoing vessel is within U.S. pilotage waters, a mooring master or anyone else directing the movements of the vessel must have the appropriate pilotage credentials for that vessel.

Licensing questions

Answer - With regard to tank barges, at least 2/3 of the round trips must be made with a barge in tow (unless reduced by the OCMI), and the remaining 1/3 round trips may be made on any vessel of reasonable size. An outboard motorboat is not a vessel of reasonable size, but a towboat is reasonable. Regarding self-propelled vessels, again, any vessel of reasonable size is acceptable, however, an outboard motorboat is not reasonable.

Federal vs. State Pilotage

Question - When is a vessel subject to pilotage requirements? How is it determined whether state or Federal pilotage law applies in any given case?

Answer - The states regulate pilotage on foreign trade vessels (foreign vessels and U.S. vessels operating on register) in the bays, rivers, harbors and ports of the United States (46 U.S.C. §8501). The responsibility for establishing pilotage requirements rests with the states in these cases and it is to the law of the state in whose waters a particular vessel is found that one must look to determine those requirements. Any U.S. documented vessel with only a registry endorsement on its certificate of documentation (COD) would be subject to state pilotage laws. All foreign vessels are subject to state pilotage laws.

Coastwise seagoing vessels are subject to Federal pilotage requirements and are to be under the direction and control of a Federal pilot if the vessel is not sailing on register, is underway, not on the high seas, propelled by machinery, and subject to inspection under either part B of subtitle II of title 46, United States Code or subject to inspection under chapter 37 of title 46 (46 U.S.C. §8502). A U.S. documented vessel meeting these requirements, with only a coastwise endorsement on its COD is subject to Federal pilotage.

There are two exceptions to the guidelines listed above. The first exception occurs on the Great Lakes, where all vessels are subject to Federal pilotage laws pursuant to 46 U.S.C. §9306. The second exception occurs where a state fails to provide for pilotage under 46 U.S.C. §8501. In this case the Federal government may intervene in accordance with 46 U.S.C. §8503 and require a Federal pilot on vessels engaged in foreign trade and operating on the navigable waters of the United States. In those cases, the assertion of Federal pilotage requirements will expressly appear by regulation in the Code of Federal Regulations.

Dual or Multi-Documented Vessels

Question - When is a dual- or multi-documented U.S. vessel deemed to be sailing on its registry endorsement and when is it deemed to be sailing on its coastwise endorsement?

Answer - Pursuant to 46 U.S.C. §12103 a vessel eligible for documentation may have its certificate of documentation (COD) endorsed with one or multiple endorsements. Where a vessel possesses more than one endorsement on its COD, the actual use of the vessel determines the endorsement under which the vessel must sail. See 46 CFR §67.17-1(c). Vessels carrying two or more such endorsements are generally referred to as dual- or multi-documented vessels. For each voyage leg upon which such a vessel is engaged, it may sail under only one of its endorsements. It cannot claim to be sailing under more than one endorsement at any given time. Where a vessel is sailing under its coastwise endorsement, it is subject to Federal pilotage requirements. Where the vessel sails under its registry endorsement, it is subject to state pilotage laws.

For pilotage purposes, the use to which a vessel is being put is determined by examining the voyage leg upon which it is engaged at any given time. A voyage leg is considered to be any trip between two ports or any transit within a port. For any given voyage leg, a dual- or multi-documented U.S. vessel is deemed to be operating on its registry endorsement so long as it is:

- (a) carrying any domestic cargo for delivery to a foreign port;
 - (b) carrying any foreign cargo for delivery to a U.S. port or place embraced within the coastwise laws;
 - (c) carrying any foreign cargo for delivery to a foreign port (even though there may be intermediate stops in U.S. ports);
- or

than 1600 gross tons to satisfy their pilotage requirement by the master or mate who has, among other things, made four round trips over the route to be traversed.

Public Vessels

Question - What are the Federal pilotage requirements for public vessels?"

Answer - Public vessels are exempted from Federal pilotage requirements, except for some Department of Transportation (DOT) vessels (see 46 U.S.C. §2109). The pilotage requirements for DOT vessels are as follows:

(a) Coast Guard and St. Lawrence Seaway Development Corporation vessels are exempted from pilotage requirements; but

(b) all other DOT vessels (such as Ready Reserve Fleet and other Maritime Administration vessels) are not exempted from pilotage requirements.

For assistance in determining the status of a vessel, it is recommended that the local Coast Guard Captain of the Port be contacted.

"Laid up" Vessels

Question - Do "laid up" vessels require pilots when they are towed?

Answer - Laid up vessels do not normally require a Federal pilot because they are not normally subject to Federal inspection. 46 U.S.C. §8502(a)(4) (A) and (B) state that Federal pilotage requirements only apply to vessels "subject to inspection under part B of this subtitle; or subject to inspection under chapter 37 of this title." 46 U.S.C. §3302(e) states, "A vessel laid up, dismantled, or out of commission is exempt from inspection." Accordingly, a laid up vessel is not required to carry a Federal pilot, because the vessel is exempt from inspection.

If the vessel is not officially laid up, and consequently is still subject to inspection, it still has its regular Federal pilotage requirements. For instance, when a laid up vessel fails to surrender an unexpired Certificate of Inspection (COI), the Coast Guard will look to the COI and the Certificate of Documentation (COD) to determine pilotage requirements. Where the COI permits the vessel to proceed beyond the boundary line (i.e., a coastwise or ocean route endorsement), and the COD contains a coastwise endorsement, a Federal pilotage requirement exists.

It should be stressed that the Captain of the Port has broad general authority under the Port and Waterways Safety Act (33

U.S.C. §1223) to regulate the safe movement of vessels, including the authority to require a pilot aboard a laid up vessel that is being moved. Notwithstanding the foregoing, State pilotage requirements apply where Federal pilotage is not required under 46 U.S.C. §8502. Reference should be made to the cognizant State pilotage commission respecting State pilotage requirements.

Question - Are "laid up" cargo vessels considered tank barges for pilotage purposes when they're towed if they have bunkers on board?

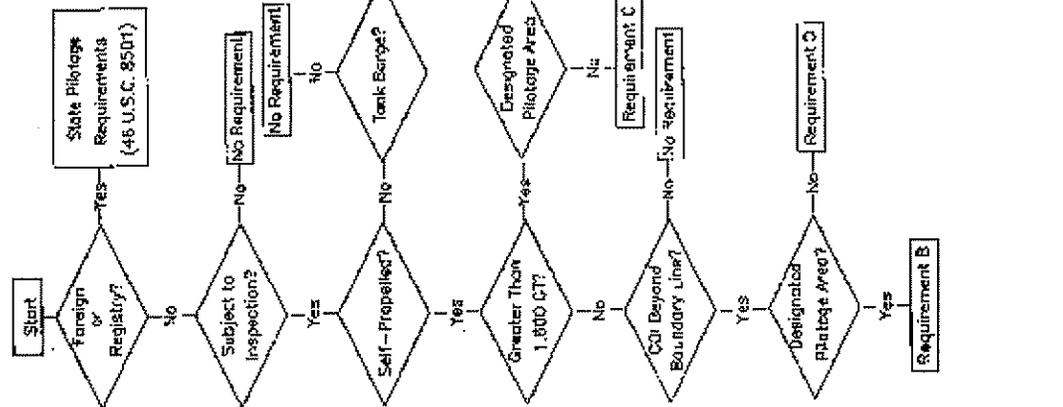
Answer - No. Vessels are not classified differently just because they are laid up.

According to MVI-1 Policy Letter No. 05-92 dated March 26, 1992, the existence of bunkers which were present when the vessel was initially laid up does not change the classification of that vessel to a tank barge, or anything else. However, if fuel or other cargo is loaded on board a laid up vessel prior to that vessel being towed to some location, then that vessel has changed its operation and is acting as a tank or a freight barge. In this case, the vessel would have to meet all the inspection and documentation standards associated with its new status. It would also have to meet all the pilotage requirements associated with its new status.

Dredges

PILOTAGE REQUIREMENTS FOR VESSELS NOT ON THE GREAT LAKES

(See 46 CFR 15.812, Unless Noted)



Requirement A
First Class Pilot

Requirement B
First Class Pilot or Master or Mate may serve as pilot if the individual:

- 1) Is at least 21 yrs old
- 2) Maintains current knowledge of the waters to be navigated
- 3) Has four round trips over the route (1 in dark for route in dark)

Requirement C
Master or Mate may serve as pilot if the individual:

- 1) Is at least 21 yrs old
- 2) Maintains current knowledge of the waters to be navigated
- 3) Has an annual physical exam

Requirement D
Master or Mate may serve as pilot if the individual:

- 1) Is at least 21 yrs old
- 2) Maintains current knowledge of the waters to be navigated

Requirement E
First Class Pilot or Master, Mate or Operator may serve as pilot if the individual:

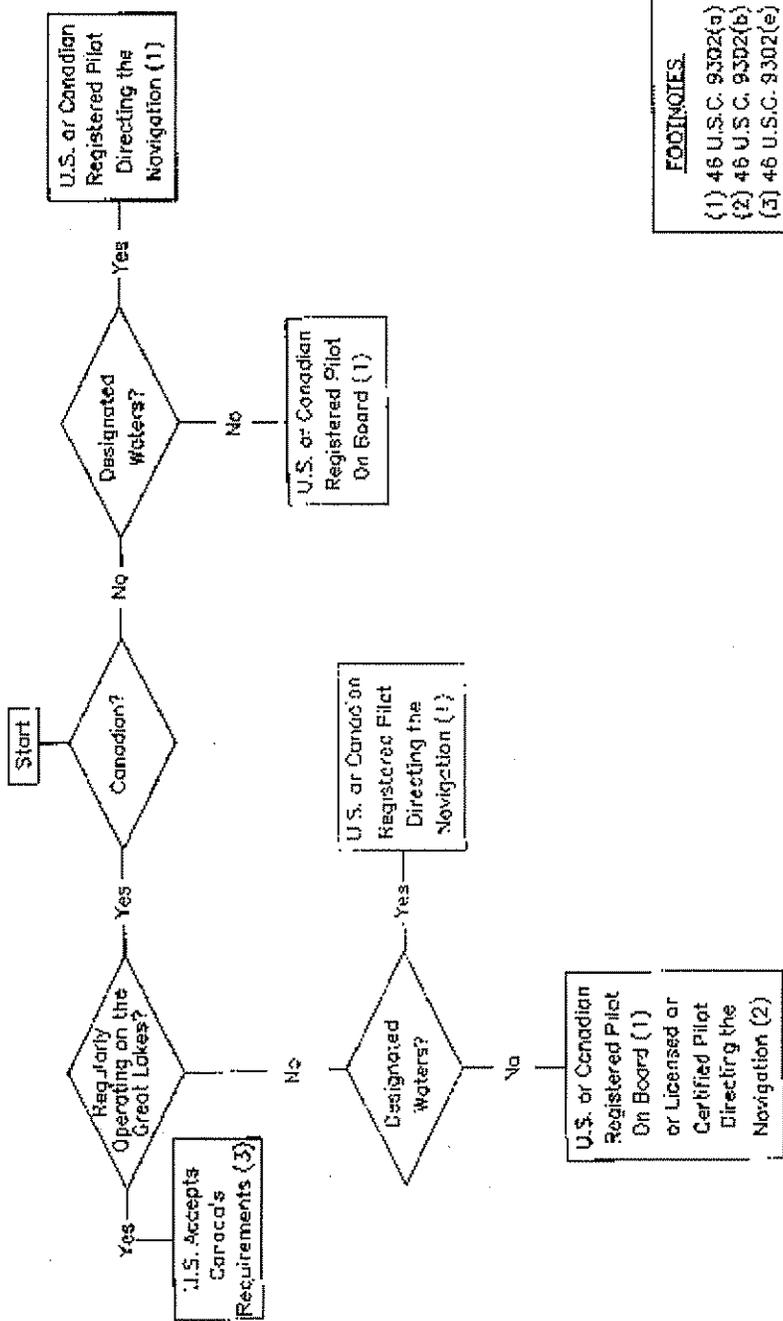
- 1) Is at least 21 yrs old
- 2) Maintains current knowledge of the waters to be navigated
- 3) Has annual physical (does not apply if tank barge less than 1,800 GT)
- 4) Has 6 months towing experience
- 5) Has 12 round trips over the route (3 in dark for route in dark)

Requirement F
Master, Mate or Operator may serve as pilot if the individual:

- 1) Is at least 21 yrs old
- 2) Maintains current knowledge of the waters to be navigated
- 3) Has annual physical (does not apply if tank barge less than 1,800 GT)
- 4) Has 6 months towing experience

Attachment (1)

**PILOTAGE REQUIREMENTS
ON THE GREAT LAKES
FOR FOREIGN VESSELS**



FOOTNOTES.
(1) 46 U.S.C. 9302(a)
(2) 46 U.S.C. 9302(b)
(3) 46 U.S.C. 9302(e)

Attachment (3)