One hundred and thirty years ago this month, visionary leaders of the piloting profession came together to establish the American Pilots’ Association (APA). The meeting, which took place on September 30, 1884 in New York City, was called primarily in reaction to well-funded efforts by some representatives of foreign shipping interests to advance federal legislation aimed at weakening pilotage standards or even eliminating compulsory pilotage altogether.

Based on the Report of Proceedings of the meeting, Captain Henry Harbinson (Sandy Hook Pilots), who would later be elected as APA’s first president, called the gathering to order. Captain Harbinson’s first action was to nominate Captain John Cooper (Maryland Pilots) as Chairman of the meeting and Captain Elbridge Martin (Boston Pilots) to serve as Secretary. Both were unanimously approved. Other pilots present as delegates to the meeting were Captain O.E. Edwards (Virginia), Captain R. Francis (New Orleans), Captain J.E. Dart (Georgia), Captain G.W. Lawmaster (Florida), Captain J.A. Clampitt (Philadelphia), Captain W.A. Wierst (Philadelphia), Captain J. Elwell (Philadelphia), and Captain W.R. Tucker (Philadelphia).

Among the formal declarations adopted at this historic meeting were the following:

“That the coast approaches and ports of the United States of America are now, at the end of the 19th century, not less beset with dangers, storms, fogs and shoals than of old times.”

“That never since the United States became a nation, has there been any abatement of the necessity for the pilot’s calling, or of sincere respect for his services as a seaman expert, always on the alert to safeguard human life....”

The spirit of these declarations are as valid today as when they were adopted by the APA founders those many years ago in New York City.

Over the past 130 years, there have been, from time to time, other attempts by foreign shipping representatives or particular segments of the shipping industry to undermine the State compulsory pilotage system. These efforts to weaken pilotage standards have been attempted through Congress or State legislatures, and through State and federal regulatory agencies. During these challenging times, APA has stood with pilots and has worked cooperatively with legislators, regulators and responsible shipping companies to strengthen the State pilotage system.

Unfortunately, even today a small minority of non-American shipping interests persist in pursuing adversarial rather than cooperative relationships with pilots and pilot associations. Despite the negative approach towards compulsory pilotage still being taken by a narrow sector of the maritime industry, more than a century after its founding, the APA continues to pursue a positive and principled agenda aimed at enhancing navigation safety and the piloting profession. As stated in the current By Laws, the objectives of the American Pilots’ Association are:

1) To promote the welfare and common business interests of licensed state pilots and pilot associations.
2) To assist state pilots in their efforts to maintain the traditionally high standards of the state pilot system.
3) To promote public safety, and protect life and property on the inland and coastal waters of the United States.
4) To cooperate with federal and state authorities in the national interest in matters relating to pilotage.
5) To gather and distribute information pertaining, or of interest, to state pilots and state pilot organizations.
6) To cooperate with shipping and transportation industries and organizations in matters relating to pilotage and to promote common business interests.
7) To encourage and aid in the development of closer relationships between the general public and licensed pilots.
AN UPDATE: E-NAV AT THE INTERNATIONAL MARITIME ORGANIZATION

At the first session of the Sub-Committee on Navigation, Communication and Search & Rescue (NCSR1), which was held from June 30 to July 4, the e-navigation Strategy Implementation Plan (SIP) was finalized and sent to the Maritime Safety Committee (MSC) for approval. APA was represented on the U.S. delegation to this meeting by Mr. Paul Kirchner, Executive Director-General Counsel. Captain Mike Watson, APA President, served on the IMPA delegation to NCSR1.

With the approval of the SIP, the agenda item on “Development and implementation of the e-navigation strategy” is complete. Subsequent to NCSR1, however, interested Member States and inter-governmental / non-governmental organizations have been collaborating on a proposal to MSC to include in future work programs of NCSR an item on “Monitoring and managing the implementation of e-navigation solutions.” This proposal seeks to prolong the e-navigation effort through 2019.

In addition to the general concern about extending the bureaucratic life of the e-nav project for another five years, there are also questions about the SIP task to “formulate the concept of standardized modes of operation, including store and recall...as well as S-mode functionality....” Despite efforts by IMPA, the U.S., and others to allow the current work on a store/recall feature for radar and ECDIS settings to proceed outside the SIP, that item continues to be linked to the controversial S-mode concept under the control of the SIP. How IMO addresses these outstanding tasks from the SIP will likely be determined at MSC 94, which meets from November 17-21.

IMO PUBLISHES GUIDANCE ON EBOLA PRECAUTIONS

In September, the IMO published two separate circular letters aimed at providing guidance to shipping companies, seafarers and other maritime interests regarding precautions to be taken to minimize risks on board ships from the Ebola virus disease (EVD). The IMO Circular Letters, No.3484 and No.3485, were published on September 2nd and 10th respectively. This IMO guidance is based on recommendations developed by the World Health Organization (WHO). The Circular Letters are available at the following links:

www.imo.org/Documents/3484.pdf
www.imo.org/Documents/3485.pdf

KIRCHNER ADDRESSES CANADIAN MARINE PILOT CONGRESS

Paul Kirchner, APA Executive Director-General Counsel, was a key presenter during two panel discussions at the 4th Triennial Congress of the Canadian Marine Pilots’ Association (CMPA) Congress in Niagara Falls, Canada. The theme for this year’s Congress was “Beyond the Horizon: The Future and Pilotage.”

Mr. Kirchner’s first panel, which also included Captain Frederic Moncany (French Maritime Pilots), centered around pilotage as a public interest endeavor. The 2nd panel on which Kirchner appeared included representatives of pilot organizations from South America and Europe. On this panel, Kirchner gave a report on behalf of APA President, Captain Mike Watson, which covered recent developments effecting pilotage and navigation safety in the U.S.

The Congress’ host, Captain Simon Pelletier (CMPA and IMPA President), said, “We were pleased that Paul could participate in our meeting. He is a recognized expert on pilotage and pilotage law and all of the attendees benefited a great deal from his presentations.”

XXIII IMPA CONGRESS WEBSITE UP AND RUNNING

The XXIII International Maritime Pilots Association (IMPA) Congress will be held in Seoul, South Korea from September 26-30, 2016. It is not too early to begin making plans to attend. The website for the IMPA Congress is: www.impa2016.com.
“HILL HAPPENINGS” ROUND-UP

As the second and final session of the 113th Congress nears an end, there has been some recent maritime-related activity, including several important hearings, in both the House and the Senate. The most significant maritime legislative achievement of this Congress has clearly been passage of a long-awaited “fix” to how the Nation’s maintenance dredging projects are funded. See the discussion of the Water Resources Reform & Development Act of 2014 in the last edition of ON STATION. At this point, however, it seems unlikely that the two chambers will come together to enact a unified Coast Guard and Maritime Transportation Act and send it to the President. It is primarily this legislative vehicle to which most provisions relevant to the maritime industry, merchant mariners, and pilots would likely be attached.

APA monitors very closely all maritime-related Congressional oversight hearings, as well as those hearings on specific subjects that might be of interest to pilots and the piloting profession. Similarly, the APA pays close attention to various legislative proposals that have the potential to impact pilots.

Following is an overview on the most significant Congressional activities in the past several months.

House Coast Guard and Maritime Transportation Subcommittee Hearings

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<tr>
<td>09/10/14</td>
<td>“The Status of the Merchant Marine”</td>
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<tr>
<td>09/09/14</td>
<td>“Surface Transportation Infrastructure Projects: Case Studies of the Federal Environmental Review and Permitting Process”</td>
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<td>07/24/14</td>
<td>“Implementing U.S. Maritime Policy in the Arctic”</td>
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<td>06/18/14</td>
<td>“Maintaining Coast Guard Readiness”</td>
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Senate Oceans, Atmosphere, Fisheries and Coast Guard Subcommittee Hearings

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<tr>
<td>07/23/14</td>
<td>“The Cruise Passenger Protection Act: Improving Protections for Cruise ship Passengers”</td>
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Coast Guard and Maritime Transportation Act Progress

While both the House and Senate have held a number of Coast Guard and marine transportation hearings of late, hopes are dimming for passage of major maritime transportation legislation, including a Coast Guard and Marine Transportation Act.

In this regard, the House has kept up its end of the bargain. On April 1, 2014, the House, by an overwhelming bipartisan margin, passed H.R. 4005, “The Howard Coble Coast Guard and Maritime Transportation Act of 2014.” This legislation was sponsored by Rep. Duncan Hunter (R-CA) and co-sponsored by Rep. Bill Shuster (R-PA) and Rep. Nick Rahall (D-WV).

The provision most significant to pilots and others interested in navigation safety in H.R. 4005 is section 221. This section prohibits the Coast Guard from dismantling the LORAN system infrastructure until the later of (1) one year after enactment of this legislation or (2) the date the Secretary of Homeland Security certifies to Congress that the LORAN infrastructure is not needed as a PNT system to provide fallback redundancy to the Global Positioning System (e.g., “eLORAN” as a GPS back-up).

After House passage of H.R. 4005, it was sent to the Senate for its consideration. While the Senate has not taken up H.R. 4005, the upper chamber has made some progress on its own version of this bill. On June 5, S. 2444, The Coast Guard Authorization Act for Fiscal Years 2015 and 2016, was introduced by Sen. Mark Begich (D-AK) and referred to the Commerce, Science and Transportation Committee. While there is little in this bill that directly impacts pilots, at least one section has generated some interest. Section 505 directs the Coast Guard to establish a permit program under which marine exchange or non-federal VTIS operators may receive permission to use AIS to transmit weather and other navigation safety information to vessels.

As the 113th Congress enters its last days, APA will continue to monitor any activity or legislation that could impact pilots or the piloting profession.

SENATE CONFIRMS JAENICHEN AS MARAD ADMINISTRATOR

On July 15, Deputy Maritime Administrator (MARAD) Paul Jaenichen was confirmed as MARAD Administrator by the Senate. Jaenichen has been with the Department of Transportation / MARAD since July 2012 when he was appointed deputy maritime administrator by the President.
PORT OF JACKSONVILLE LATEST TO RECEIVE PORTS®

Dr. Kathryn Sullivan, NOAA Administrator, was in the Jacksonville on July 23 to dedicate the newest Physical Oceanographic Real-Time System (PORTS®).

At the dedication, Dr. Sullivan, a featured speaker at the 2012 APA Convention, said, “Our nation’s ports are critical cogs in our country’s economic engine, and the PORTS® system gives shipping companies, captains, pilots, fishermen and others vital environmental intelligence that helps them navigate these waters more safely and efficiently.”

According to NOAA, PORTS® is formulated to provide real-time information on water levels, currents, meteorological conditions, and under-bridge clearance, giving users critical information when travelling through the river. The St John’s River is the 2nd largest PORTS® system ever implemented.

TWIC “ONE VISIT” NOW AVAILABLE AT ALL LOCATIONS

The Transportation Security Administration (TSA) issued a notice stating that the Transportation Worker Identification Credential (TWIC) “One Visit” program is now available everywhere. Under this program, the TWIC card can now be mailed directly to the applicant’s home or other location, instead of the applicant having to return to an enrollment center.

A mailer with the card’s preset Personal Identification Number (PIN) is mailed separately. If an applicant elects to pick up the card at an enrollment center, the applicant may select the PIN associated with the card, an option not available if the card is delivered via mail.

NTSB PUBLISHES 2013 MARINE CASUALTY SUMMARY

On September 11, the National Transportation Safety Board (NTSB) released its “Safer Seas 2013: Lessons Learned from Marine Accident Investigations.” This report is a compilation of accident investigations that were published in 2013 and is organized by vessel type. Vessels types covered include cargo ships, lifeboats, passenger vessels, oil tankers and towboats. For more information on the report visit: www.ntsb.gov/news/2014/140911.html.

FINAL RULE EXPANDING AIS CARRIAGE REQUIREMENTS UNDER FINAL REVIEW

The long-awaited Coast Guard "Vessel Requirements for Notices of Arrival and Departure (NOAD) and Automatic Identification System (AIS)" Final Rule regarding expansion of NOAD and AIS carriage requirements to all navigable waters is currently under final review at the White House Office of Information and Regulatory Affairs. This is the final stage of review prior to a regulation’s publication.

The AIS portion of this rulemaking would expand current AIS carriage requirements for the vessels identified in the Safety of Life at Sea (SOLAS) Convention and the Marine Transportation Marine Transportation Security Act (MTSA) of 2002.

USCG ISSUES “CORRECTION” TO FEDERAL FIRST CLASS PILOT REGULATIONS

At the request of the APA, several APA-member pilot associations from Texas, and other national mariner organizations, the Coast Guard issued a “correction” to the final rule that was published on December 24, 2013, entitled "Implementation of the Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, and Changes to National Endorsements." The text of the December 2013 final rule made changes to 46 CFR §11.705 and §11.711 that had the unintended consequence of limiting the longstanding ability of certain tug and towing vessel crewmembers to obtain an unlimited federal first class pilot endorsement.

According to the Coast Guard notice, the correction is effective immediately and "will ensure the two sections revert back to the language that was in place before the final rule went into effect."

MARINE SAFETY ALERT PUBLISHED ON AIR DRAFT

The Coast Guard issued a Marine Safety Alert (MSA 09-14) on September 9 regarding the critical importance of mariners knowing a vessel's air draft. The MSA details the significant number of overhead bridge strikes that have occurred in the last decade. The alert also stresses that owners, operators, and masters of vessels are responsible for understanding and communicating the relevant characteristics of the vessel, including the distance from the waterline to the vessel’s highest point, to those mariners “directing and controlling the movement of the vessel.” MSA 09-14 can be found at: www.uscg.mil/hq/cg5/cg545/alerts/0914.pdf
PILOTS LEND STRONG SUPPORT TO SAFETY / SECURITY CONFERENCE

The American Pilots’ Association, along with several pilots from APA-member associations, were prominently featured during the recent 15th Biennial Harbor Safety Committee and Area Maritime Security Committee Conference. The event, which was held in Philadelphia from August 25-27, was jointly organized by the Mariners’ Advisory Committee for the Bay and River Delaware (MAC) and the Transportation Research Board (TRB). The theme for this year’s conference was “Partnering for Safe, Secure, and Resilient Port Operations.” Captain Steve Roberts (Chairman of the MAC and a Bay & River Delaware pilot) served as the Conference chairman.

As far as pilots are concerned, among the more relevant sessions that was held during the two-day conference was the session titled “Pilot Commissions: Compositions, Responsibilities, and Roles in Harbor Safety.” The panelists for this session, which was moderated by Mr. Paul Kirchner (APA Executive Director-General Counsel), included commissioners from a number of State pilot commissions, as well as the Director of the U.S. Coast Guard’s Office of Great Lakes piloting. (See photo caption above for panelist names.)

The State pilot commission representatives and the Director of the Coast Guard Great Lakes piloting office made some similar points regarding their duties, authorities, and respective pilot oversight functions. During the session, a number of panelists also indicated that their organizations communicate and collaborate, when needed, with their counterparts in other States. The panel presentations and follow-up discussions, however, made clear that these regulatory authorities approach their duties in different ways that are deliberately tailored to meet the unique requirements of their particular pilotage systems and their local waterways. In fact, one presenter made reference to this famous and often quoted U.S. Supreme Court passage:

“[Pilotage] is local and not national; that it is likely to be best provided for, not by one system, or plan of regulations, but by as many as the legislative discretion of the several States should deem applicable to the local peculiarities of the ports within their limits.”

Other State pilots who addressed the Conference during various panel discussions included:

♦ Captain Jorge Viso (APA Vice President and Tampa Pilots) - “The Future of Navigation”
♦ Captain Ward Guilday (President, Bay & River Delaware) - NOAA’s PORTS®
♦ Captain Jonathan Kemmerley (Bay & River Delaware), “Partnering for Safe & Secure Port Ops”
♦ Captain Andrew McGovern (New Jersey Sandy Hook Pilots), “Port Resiliency After a Natural Disaster”

In addition to those pilots who were part of the formal Conference program, a number of pilots from throughout the United States were also in attendance and contributed to the success of the event.

VISO AND DIAMOND SPEAK AT OTHER TRB EVENT

Captain Jorge Viso and Mr. Clay Diamond (APA Deputty Director-Associate General Counsel) were invited to speak at a separate TRB conference. This event, “Innovative Technologies for a Resilient Marine Transportation System,” was held from June 24-26 in Washington, DC. Captain Viso, who also chairs the APA’s Navigation and Technology Committee, spoke about the “Impacts of e-Navigation on the Marine Transportation System.” Diamond addressed the conference and stressed how the State pilotage system is “A Critical Component of a Resilient Marine Transportation System.”
APA NEWS

CAPTAIN PAUL AMOS TO BE HONORED WITH MAJOR AWARD

The Pacific Northwest Waterways Association (PNWA) is honoring Captain Paul Amos (President of the Columbia River Pilots) with their 2014 Distinguished Service Award. This award is given to individuals who have made significant contributions to the navigation community in the Pacific Northwest. According to a PNWA release, Captain Amos will be honored for going “above and beyond the call of duty to support the PNWA mission of advocating for the region’s navigation projects and public policy to improve the economic efficiency and environmental sustainability of the Pacific Northwest.”

Captain Amos, who is also the APA Trustee for Oregon, currently serves as the PNWA’s Senior Vice President, and will be honored at the group’s 80th Annual Convention on October 15, 2014.

THE CLOCK IS TICKING MAKE YOUR PLANS FOR THE CONVENTION!

The 2014 APA Convention is just around the corner! This year’s Convention, which is from October 19-24, is being hosted by the Houston Pilots. In addition to having the opportunity to hear from leaders of the piloting profession, interesting and influential guest speakers, and representatives from businesses that provide the latest in piloting technology and equipment, the Convention is an excellent opportunity for camaraderie and to have a GREAT time.

The hotel “Room Block” closes on September 29. Don’t miss out! Make your arrangements now!

For all the information you need, go to APA’s website (www.americanpilots.org). See you there!

VIRGINIA PILOT PRESIDENT TAPPED FOR PORT AUTHORITY BOARD

On June 27, Virginia Governor Terry McAuliffe appointed Captain Bill Cofer, President of the Virginia Pilot Association, to the Board of Commissioners of the Virginia Port Authority. In a news release, the Virginia Maritime Association congratulated Captain Cofer and stressed how pleased they are that “he will bring his vast experience and understanding of Virginia’s maritime industry to the Port Authority board of Commissioners.

SANDY HOOK PILOT, APPRENTICES BOAT CREW RECEIVE PUBLIC SERVICE COMMENDATION

In September a Sandy Hook pilot, three pilot apprentices, and a pilot boat crewmember were awarded the Coast Guard Public Service Commendation for their actions in saving the lives of crewmembers of the Tug Sea Lion on January 15, 2014. The personnel receiving this prestigious award were:

Captain Robert M. Dobrowolski (Sandy Hook Pilot)
John L. McCarthy (Sandy Hook Pilot Apprentice)
Mark Wanderer (Sandy Hook Pilot Apprentice)
Thomas A. Sullivan (Sandy Hook Pilot Apprentice)
Michael Gove (Pilot Launch Deckhand)

The Commendation citation read, in part: “Maneuvering through dense fog and turbulent seas, the Pilot Boat America arrived on scene and located four persons in the water. Without hesitation, the Operator and Crew of the Pilot Boat America expertly rescued three persons from frigid Atlantic waters and skillfully transferred them to the Pilot Boat New York where the crew rendered immediate first aid.”

ELECTIONS, SELECTIONS, APPOINTMENTS, ETC.

♦ The new Officers for the Northeast Marine Pilots are: Captain Sean Bogus (President), Captain Clinton Walker (Vice President), Captain Vincent Kirby (Treasurer), and Captain Richard Astles (Secretary).

♦ The Matagorda Bay Pilots announced the results of their August elections. The Officers are: Captain David Adrian (President), Captain Joe Bokorney (Vice President), and Captain Steve Gibson (Secretary).

♦ On September 1st, Louisiana Governor Bobby Jindal appointed Captain Jackson Lemon (Lake Charles Pilots) to serve on the Board of the Calcasieu River Port Pilot commissioners and Examiners.