

POTPOURRI

Office of the Governor Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River

Public Hearing – Substantive Changes to Proposed Rule;
(LAC 46:LXX.Chapters 62 and 63)

The Board of Examiners published a Notice of Intent to promulgate changes to Chapter 62, Qualifications and Examination of Pilots, and Chapter 63, Standards of Conduct, in the September 20, 2021, edition of the *Louisiana Register* (LR 47:1381-86). The notice solicited comments and testimony. As a result of its analysis of the comments and testimony received, the board proposes to amend certain portions of the proposed rule changes. Within §6206, the board proposes to add a requirement that an applicant be licensed under federal law, add a code of federal regulations citation for that requirement, and modify the education and experiential requirements to include more experience and a higher degree of licensure. Within §6207, the board proposes to reinsert the language “at any given time” regarding the board’s ability to determine the maximum number of pilots accepted into the Pilot Development Program, add language requiring the board to notify applicants that have submitted applications pursuant to the new application process of the commencement of the selection process within five business days, add language to require an in-person interview before applicants are considered eligible apprentice candidates, and modify an incorrect reference to a provision within the rules. Within §6307, the board proposes a requirement for pilots to annually provide the board a copy of their United States Coast Guard Medical Certificate. Finally, within §6312, the board proposes additional language prohibiting examiners and association members from counting days worked at VTC towards recency turns.

Taken together, the proposed amendments will more closely align the proposed Rule with the board’s original intent and the concerns brought forth during the comment period for the Notice of Intent as originally published. No fiscal or economic impact will result from the amendments proposed in this notice.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXX. River Pilots

Subpart 3. Board of Examiners for the New Orleans and Baton Rouge Steamship Pilots

Chapter 62. Qualifications and Examination of Pilots

§6206. Licenses/Education/Experience

A. ...

1. An applicant must be licensed under federal law, with requirements for service, experience, and tonnage as defined in CFR Title 46, Chapter I, Subchapter B, Part 11, Subpart G, or its successor regulations.
2. An applicant must hold at least a current First Class Pilots License, Any Gross Tons, upon the Lower Mississippi River from Chalmette, Louisiana to Baton Rouge Railroad and Highway Bridge at Baton Rouge, Louisiana.

a. Notwithstanding Paragraph A.1 of this Section, an applicant with first class pilotage from mile marker 88.0 AHP to mile marker 232.2 AHP shall be eligible for selection into the Pilot Development Program. However, an applicant selected for the Pilot Development Program shall be required to obtain first class pilotage from mile marker 232.2 AHP to mile marker 234.0 AHP prior to commissioning.

3. An applicant must meet one of the following requirements prior to the date of selection into the Pilot Development Program:

a. Hold a United States Coast Guard Second Mate's License, or an equivalent or greater license, AND a bachelor's degree or higher from an accredited Maritime Academy (Deck Curriculum) approved by and conducted under rules prescribed by the Federal Maritime Administrator as listed at title 46, Code of Federal Regulations, part 310; or

b. Hold either a United States Coast Guard Master of Steam or Motor Vessels of not more than 1600 gross tons upon Inland Waters, Rivers or Lakes, Near Coastal, or Oceans, or any upgrade thereof, OR a Master of Towing, to be held by the applicant for a minimum of 2 years prior to apprentice selection as described in §6207 AND a bachelor's degree from an Accredited Institution of Higher Learning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2473 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:495 (March 2010), LR 38:3166 (December 2012), LR 44:44 (January 2018).

§6207. Notice of Apprentice Selection

A. – A.5. ... For any apprentice selection occurring prior to December 31, 2022, the following provisions shall be utilized:

6. At the conclusion of a NOBRA apprentice selection, NOBRA shall provide the board, in writing, a list of those candidates selected for admission into the Pilot Development Program as an Apprentice Pilot. The board shall unilaterally determine the maximum number apprentices admitted into the Pilot Development Program at any given time. After receipt of notification from NOBRA, the board will notify the selected applicant via U.S. Mail of the time, date and location of the commencement of the Pilot Development Program.

B. – B.1. ...

2. Annually, the board will advertise the deadline for submission of application materials, in at least two periodicals, one of which shall have a circulation of the greater New Orleans area and one of which shall have a circulation of the greater Baton Rouge area and all relevant dates will be posted on the board's website. Additionally, when NOBRA notifies the board that a selection is to be held, the board shall notify all applicants within five business days.

3. The Board will review all initial application received by October 31, schedule physicals, conduct background checks on the applicants, and certify that the applicants meet the criteria set forth by the board. At the Board's discretion, the applicant may be given the opportunity to cure a deficient application prior to December 31. Prior to December 31, all applicants shall have completed an in-person application review with a member of the board or their authorized representative and an in-person interview with a board member prior to being considered an eligible apprentice candidate for the Pilot Development Program. Applicants must submit to interviews with additional board members upon request. All applications

meeting the requirements set forth in §6205 and §6206 shall be considered complete on December 31.

B.4. – B.5. ...

6. When NOBRA notifies the board that a selection is to be held, the board will submit to the pilots the list of eligible apprentice candidates as described in §6207(B)(4). At the conclusion of a NOBRA apprentice selection, NOBRA shall provide the board, in writing, a list of those candidates selected for admission into the Pilot Development Program as an Apprentice Pilot. The board shall unilaterally determine the maximum number apprentices admitted into the Pilot Development Program at any given time. After receipt of notification from NOBRA, the board will notify the selected applicant via U.S. Mail of the time, date and location of the commencement of the Pilot Development Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2474 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:496 (March 2010), LR 38:3166 (December 2012), LR 44:44 (January 2018).

Chapter 63. Standards of Conduct

§6307. Standards of Conduct

A.1. – A.3. ...

4. failure to maintain a current satisfactory United States Coast Guard approved physical (Merchant Mariner Physical Examination Report), which is to be submitted to the board annually along with a copy of the pilot's United States Coast Guard Medical Certificate;

A.5. – A.9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2476 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:498 (March 2010), LR 38 3167 (December 2012), LR 44:45 (January 2018).

§6312. Recency Requirement

A. – B.1. ...

2. Members of the examiners and association officers shall be considered recent by completing 25 turns or 25 observer turns each calendar year. Under this subsection, days worked at the VTC may not count as turns.

B.3. – D.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 44:45 (January 2018).

Public Hearing

In accordance with the provisions of the Administrative Procedures Act, specifically R.S. 49:968(H)(2), the Board of Examiners gives notice of a public hearing to receive additional comments and testimony on these substantive amendments to the proposed Rule. The hearing will be held at 10 a.m. on Monday, December 20, 2021, at the Old Metairie Library located at 2350 Metairie Road, Metairie, Louisiana 70001. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing.

Interested persons may submit written comments to Capt. Casey Clayton, President, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, via U.S. mail at 2805 Harvard Avenue, Suite 101, Metairie, LA 70006, via fax at (504) 887-5799, or e-mail at cc@nobraexaminers.com. The deadline for receipt of all written comments is 10 a.m. on Monday, December 20, 2021.

Casey E. Clayton
President