**TRANSPORTATION**

**NEW JERSEY MARITIME PILOT AND DOCKING PILOT COMMISSION**

**Maritime Piloting Licensing**

**Grades of Licenses and Grade Advancement**

**Proposed Amendment: N.J.A.C. 16:64-3.5**

Authorized By: New Jersey Maritime Pilot and Docking Pilot Commission, Honorable Timothy J. Dacey, President.

Authority: N.J.S.A. 12:8-1 et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2019-006.

Submit written comments by March 8, 2019, to:

Andre M. Stuckey, Executive Director

New Jersey Maritime Pilot and Docking Pilot Commission

One Penn Plaza East

9th Floor

Newark, NJ 07105

Fax (973) 491-4352

E-mail: Astuckey@njtransit.com

The agency proposal follows:

**Summary**

Pursuant to N.J.S.A. 12:8-1 et seq., the New Jersey Maritime Pilot and Docking Pilot Commission (Commission) proposes amendments to N.J.A.C. 16:64-3.5. As the Commission has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The proposed amendments make changes to the grades of licenses and grade advancements for maritime pilots at N.J.A.C. 16:64-3.5(e). The proposed amendments will allow the pilots to be better utilized and will also create a more gradual increase in tonnage levels, so that the pilots are able to respond to the increasing size of the ships that need towing services in the industry.

**Social Impact**

The proposed amendments will provide a positive social impact because the proposed amendments will allow the pilots to be better utilized and will also create a more gradual increase in tonnage levels.

**Economic Impact**

It is not anticipated that the proposed amendments will have any economic impact on pilots or the maritime industry. The proposed amendments better utilize maritime pilots as they advance in grade and will not impact the length of time it takes to become a full branch pilot. Finally, the changes in grade and tonnage levels for pilots have been proposed in response to the larger size of ships that need towing services being seen in the industry.

**Federal Standards Statement**

New Jersey Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. (P.L. 1995, c. 65), require that all rulemakings include a statement as to whether the proposed rulemaking contain any standards or requirements that exceed the standards or requirements imposed by Federal law.

While the regulation of pilots working in navigable waters of the United States is clearly a regulation of commerce within the powers of Congress, there is a concurrent system of state pilotage regulation. States have jurisdiction over foreign vessels and vessels sailing under register. Federally licensed pilots are, in general, required to be used on coastwise (domestic trade) vessels that are “enrolled” but not sailing under register, 46 U.S.C. § 8502. States may regulate pilotage on 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). Thus, New Jersey pilotage laws and rules are controlling in situations regulated by this chapter.

Accordingly, the proposed amendments do not contain any standards or requirements that exceed the standards or requirements imposed by Federal law and no further analysis is required.

**Jobs Impact**

The Commission does not anticipate that any jobs will be lost or generated as a result of the proposed amendments.

**Agriculture Industry Impact**

The proposed amendments have no impact on the agriculture industry.

**Regulatory Flexibility Statement**

A regulatory flexibility analysis is not required since the proposed amendments would have no effect on small businesses as defined under the Regulatory Flexibility Act (the Act), N.J.S.A. 52:14B-16 et seq., since the proposed amendments concern changes to the current grade of licenses and grade advancements for maritime pilots, and do not impose reporting, recordkeeping, or compliance requirements on small businesses as defined under the Act.

**Housing Affordability Impact Analysis**

Since the proposed amendments concern changes to the current grades of licenses and grade advancements for maritime pilots, the proposed amendments would have no impact on the number of housing units or the average costs of housing in New Jersey.

**Smart Growth Development Impact Analysis**

Since the proposed amendments concern changes to the grades of licenses and grade advancements for maritime pilots, the proposed amendments would have no impact on smart growth or on housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan.

**Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The Commission has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 3. MARITIME PILOT LICENSING

16:64-3.5 Grades of licenses and grade advancement

(a)-(d) (No change.)

(e) For all maritime pilots who obtain a certificate of appointment from the Commission pursuant to N.J.A.C. 16:64-7.5(a) on or after October 1, 2001, the pilot licensed for a specific grade shall not pilot any vessel of draft or registered gross tonnage greater than that indicated in (e)1 through 8 below. The registered gross tonnage of a vessel shall be the highest tonnage published in Lloyd’s Register of Ships. A maritime pilot whose license is not of a grade that would allow assignment to the deepest vessel in a tow shall not be assigned to the towing vessels.

1. (No change.)

2. Grade 6: A Grade 6 pilot shall complete a minimum of a one-year length of service in Grade 6. The draft may not exceed 33 feet and the registered gross tonnage may not exceed [36,000] **45,000**.

3. Grade 5A: A Grade 5A pilot shall complete a minimum of a one-year length of service in Grade 5A. The draft may not exceed [36] **35** feet and the registered gross tonnage may not exceed [42,000] **60,000**.

4. Grade 5: A Grade 5 pilot shall complete a minimum of a one-year length of service in Grade 5. The draft may not exceed 39 feet and the registered gross tonnage may not exceed [48,000] **70,000**.

5. Grade 4: A Grade 4 pilot shall complete a minimum of a one-year length of service in Grade 4. The draft may not exceed 42 feet and the registered gross tonnage may not exceed [58,000] **80,000**.

6. Grade 3: A Grade 3 pilot shall complete a minimum of a one-year length of service in Grade 3. The draft may not exceed 45 feet and the registered gross tonnage may not exceed [64,000] **90,000**.

7. Grade 2: A Grade 2 pilot shall complete a minimum of a one-year length of service in Grade 2. The draft may not exceed [50] **48** feet and the registered gross tonnage may not exceed [70,000] **105,000**.

8. (No change.)