

BOARD FOR BRANCH PILOTS

Tentative MEETING AGENDA

March 14, 2024 at 10:30 a.m.

VPA Board Room

Norfolk, Virginia

1. Call to Order
2. Safety Evacuation Instructions
3. Announcements
4. Approval of Agenda
5. Approval of Minutes
 - December 11, 2023, Board Meeting Minutes
 - December 11, 2023, Public Hearing Minutes
 - December 11, 2023, Major Incident Response Plan Committee Meeting Minutes
6. Public Comment Period*
7. Exam Administrator's Report
8. Regulatory Update:
 - a) General Review
 - b) Reporting Requirements Update
 - c) Branch Pilot Regulations
9. Major Incident Response Plan Update
10. State Chemical Testing
11. Financial Statements
12. Other Business
13. Regulatory Training
14. Conflict of Interest Forms / Travel Vouchers
15. Adjourn

*Five minute public comment, per person, with the exception of any open disciplinary or application files. See page two for instructions on providing public comment.

**The meeting is open to the public; however, a portion of the Board's business may be discussed in closed session pursuant to Va. Code § 2.2-3711(A)(8).

NEXT BOARD MEETING SCHEDULED FOR JUNE 13, 2024 AT 10:30 A.M.

Agenda materials made available to the public do not include written advice of legal counsel or other information protected by the attorney-client privilege pursuant to Va. Code § 2.2-3705.1(2).

- **Call to Order**
- **Safety Evacuation Instructions**
- **Announcements**

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

**BOARD FOR BRANCH PILOTS MEETING
MINUTES**

The Virginia Board for Branch Pilots met on December 11, 2023, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Aaron Anseeuw
Captain E. Waightstill Avery
I. Vincent Behm, Jr
Captain Robert H. Callis, III
Captain J.W. Whiting Chisman, III
Michael W. Coleman
Captain January N. Collins
Patrick B. McDermott
Christine N. Piersall

Staff present for all, or part of the meeting were:

Kishore S. Thota, Director
Brian Wolford, Chief Deputy Director
Steve Kirschner, LRPD Deputy Director
Tom Payne, CID Deputy Director
Kathleen R. Nosbisch, Executive Director
Bonnie Davis, Regulatory Operations Administrator
Ecila Williams, Administrative Coordinator
Ernie Atkins, DPOR Investigator

Jemmalyn Hewlett, BPOR Liaison, was not present at the meeting with regrets.

Elizabeth Peay, Assistant Attorney General with the Office of the Attorney General, was present.

Member of the Audience included:

Mark Coberly, Manager, Maritime Law Department, Representative from Wood Rogers Vandeventer Black PLC

Cathie Vick, Chief Development and Public Affairs Officer, Port of Virginia

Finding a quorum of the Board present, Mr. Coleman, President, called the meeting to order at 10:33 a.m.

Call to Order

Ms. Nosbisch advised the Board of the emergency evacuation procedures.

Safety
Evacuation
Instructions

Ms. Nosbisch introduced Kishore Thota as the new Director of DPOR and Brian Wolford as the new Chief Deputy Director of DPOR. Ms. Nosbisch introduced guests and staff of the audience.

Introductions

The Board agreed by consensus to move agenda items “Acknowledgement of the 240th Anniversary of the Board for Branch Pilots” and “Briefing on Dredging Projects” to end of the agenda, and to add “Universal Licensing Recognition” to the agenda. Ms. Piersall moved to approve the agenda as amended. Captain Chisman seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

**Approval of
Agenda**

Ms. Piersall moved to approve the minutes from the September 14, 2023, Board meeting. Captain Callis seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Callis, Chisman, Coleman, Collins, McDermott and Piersall.

**Approval of
Minutes**

There was no public comment.

**Public
Comment
Period**

Mr. Coleman revisited the matter of Universal Licensing Recognition (ULR). Director Thota and Mr. Kirshner further explained to the Board that the Board can determine if out of state licensees meet scope of requirements. Mr. Coleman stated he had no concerns about the Branch Pilots needing an exemption from ULR. Ms. Nosbisch informed the Board that no ULR applications have been filed for Branch Pilots. Mr. Coleman asked the Board if there were any questions or concerns, and none were presented.

**Universal
License
Recognition
Update**

Mr. Behm arrived at 10:41 a.m.

**Arrival of
Board
Member**

Captain Dale Meyer retired in April 2023. Captain Chisman congratulated Captain Meyer on his career accomplishments and wished him a happy retirement.

**Branch Pilot
Retirement
Announcement**

Captain Callis provided the Board with a report of examinations conducted by the Exam Administrators on December 11, 2023. The following committee members were present, Captains: Avery, Callis, Chisman, and Collins; and Mr. McDermott, Board Member. The following report was made:

**Exam
Administrator's
Report**

Austin C. Capps answered oral questions related to the raise in grade. The

subjects included safe anchoring positions in Sewell's Point, Newport News and Lynnhaven, Thimble Shoals Channel dredging project and the auxiliary channels, monitoring and proper usage of VHF radio channels, docking and undocking without tug assistance, efficient use of bow and stern thrusters, under keel clearance (UKC) and air draft limits, formula for determining air draft, Northeast sea-lane depth, effects of high winds on vessels in ballast, limits of the automated identification system (AIS), portable pilot unit (PPU), radar usage, predicted and real time tidal data, proper lookout, Chesapeake Bay Bridge Tunnel (CBBT) marine construction project, and safe vessel speed.

After considering the results of the examination, Captain Callis moved Austin C. Capps for a raise in grade to a Bravo License (34,000 gross tons and 31 feet maximum draft). Ms. Piersall seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

Matthew C. Morse answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Sewell's Point, Newport News and Lynnhaven, Thimble Shoals Channel dredging project and the auxiliary channels, monitoring and proper usage of VHF radio channels, docking and undocking without tug assistance, efficient use of bow and stern thrusters, under keel clearance (UKC) and air draft limits, formula for determining air draft, Northeast sea-lane depth, effects of high winds on vessels in ballast, limits of the automated identification system (AIS), portable pilot unit (PPU), radar usage, predicted and real time tidal data, proper lookout, Chesapeake Bay Bridge Tunnel (CBBT) marine construction project, and safe vessel speed.

After considering the results of the examination, Captain Callis moved Matthew C. Morse for a raise in grade to a Bravo License (34,000 gross tons and 31 feet maximum draft). Mr. McDermott seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

Captain Avery stated that the members of the Board for Branch Pilots License Renewal Committee have reviewed the renewal applications for the 2024 calendar year and present the following report:

Christopher H. Behm; Charles I. Boggs, Jr.; Robert H. Callis, III; Julian Wythe Whiting Chisman, III; January N. Collins; William G. Diggs; Ernest W. Dodson, Jr.; Zachary S. Dodson; Michael S. Eubanks; Mark S. Evans; Tazewell Fitzgerald; N. Turner Gray, Jr.; Herbert R. Green, III; Adam L. Halstead; Kevin D. Hartz; David H. Heath; C. Howard Hoffman; Richard

**Consideration
of Renewal and
Licenses-
December 4 &
5, 2023**

Keith Hope; Charles A. Huffman; Chadwick M. Jamison; Jacob R. Johnson; Richard A. Lyons; Joseph R. McKnew; Ryan R. Nienstedt; Timothy D. Oksman; Frank M. Rabena, Jr.; Torrence A. Rogers; William G. Saunders, Jr.; Joseph M. Schacherer, III; G. Benjamin Schill, Jr.; Benjamin L. Speckhart; James South Trimble; David B. Ware; Gregory R. Willson; Jonathan D. Worth; and Clarence M. Young.

The members of the Board for Branch Pilots License Renewal Committee reviewed the renewal application paperwork and deemed the individuals qualified pursuant to § 54.1-906 of the *Code of Virginia*. Captain Avery moved to approve the renewal applications of the above-listed unlimited licensees. Captain Chisman seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, and Piersall. Captains Callis, Chisman, and Collins abstained from voting on their respective licenses. Mr. Behm abstained from voting on Christopher H. Behm's license. Ms. Piersall abstained from voting on Charles A. Huffman's license.

Captain Avery moved to waive the requirements of subsection C.3 of regulation 18VAC45-20-20, pursuant to subsection C.4 of regulation 18VAC45-30-20, from Wolf Trap to Smith Point upon the Chesapeake Bay for the following Pilot: E. Waightstill Avery. Ms. Piersall seconded the motion which was approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall. Captain Avery abstained from voting on his respective license.

The following limited branch pilot license was also presented for renewal: Austin C. Capps and Matthew C. Morse.

The members of the License Renewal Committee reviewed the renewal application paperwork and deemed the individual qualified pursuant to § 54.1-906 of the *Code of Virginia*. Captain Avery moved to approve the renewal application of the above-listed limited licensee at the respective limitations as of December 31, 2023. Captain Callis seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

Board members reviewed the VPA Apprenticeship Training Program.

Captain Chisman stated the Apprentice Committee is responsible for the stewardship of the Virginia Board for Branch Pilots Apprenticeship Program. Each year the committee evaluates the duties, curriculum and professional schooling that are required during the apprenticeship with the goal of providing

**Review and
Renewal of
Virginia Pilot
Association's
Apprenticeship
Training**

the Commonwealth of Virginia with the most accomplished pilots available.

Program

Board members reviewed proposed revisions to certain objectives in the VPA Apprenticeship Training Program and removal of Learning Objective 4.15 “Complete Advanced Maneuvering Simulator Course.” Revisions include updating some language in objective titles and adding geographic locations to required chart numbers in objectives because of NOAA eliminating chart numbers. The Apprentice Committee recommended removing the Simulator course because they feel that apprentices spend a tremendous amount of time in simulators in other courses including Emergency Shiphandling for Pilots, Pilot Electronics, Restricted Visibility Navigation and Azipod Shiphandling. Learning objective 4.15 is currently satisfied with the courses and objectives already in place and therefore should be removed for the Apprentice Learning Objectives.

Captain Chisman moved to renew the apprenticeship program for 2024 with learning resource modifications. Mr. McDermott seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

Ms. Peay informed the Board that pursuant to § 54.1-100 of the *Code of Virginia*, a review had been conducted of the Board’s regulations and there were no conflicts in their regulations with the Constitution of the United States, the Constitution of Virginia, the laws of the United States, or the laws of the Commonwealth of Virginia.

Review of Regulations Pursuant to §54.1-100 of the Code of Virginia

Captain Chisman presented to the Board information regarding the future of nautical charts. Captain Chisman stated that in a November 2019, Notice in the Federal Register, the National Oceanic and Atmospheric Administration (NOAA) announced the sunseting of traditional paper charts. Cancellation of individual charts began in 2021 and this process will be completed in January 2025. It is fortunate that charts of the area are some of the last charts to be cancelled. This is one of the final steps in NOAA’s transition to Electronic Navigation Charts (ENCs). To achieve this complete transition, NOAA is in process of “a systematic configuration of chart footprints”, or rescheming, which improves the quality and consistency of ENC data. However, traditional chart numbering for geographic areas will no longer exist. This is a positive step forward for Electronic Chart Display and Information Systems (ECDIS) and Portable Pilot Unit (PPU) navigation software.

The Future of Nautical Charts

ENC’s sole purpose is to provide the data package of chart and navigation

information to navigation software for use by mariners and computers for voyage planning and navigation. The representation of the data is very different than what is presented on a paper chart.

ENCs can now be printed using NOAA's Custom Chart Tool 2.0 which was made available in June 2023 and allows NOAA approved vendors to Print on Demand (POD) charts. The charts produced using this tool are renderings of a distinct layer of information that NOAA programmers have determined is important for the printed version of a chart. These printed charts will only meet carriage requirements for small, local vessels (like tugboats) but not for ocean going ships. The future printed charts are geographically correct however, because of rescheming the physical size of charts may change for the same geographic area, and they lack information that is critical for chart drawing pilot exams.

Candidates for Branch Pilot in Virginia are required by state regulation to draw charts for state initial licensing and for the USCG First Class Pilot Endorsement. Captain Chisman brings this to the Board's attention and inform the Board that they have been working with NOAA on the technical issues of future chart printing so that the creation of a chart catalogue appropriate for pilot chart drawing exams for the area. Work will continue with NOAA and the USCG to ensure that the future chart catalogue will have proper geographic boundaries and are printed at the proper scales for those areas. For state initial licensing testing, it will be ensured that what is considered critical information that has been left off of the future POD chart will be added back to the chart by hand or tested in another exam module.

NOAA has not completed rescheming in our area, so the final version of the chart catalogue will not be complete until NOAA is finished. Captain Chisman will keep the Board informed on this matter until the chart catalogue is complete.

Ms. Davis informed the Board that the Agency is currently revamping all guidance documents to determine if they need to be retained, changed or repealed. Ms. Davis stated to the Board that the Branch Pilot Guidance Document for License Renewal Requirements needed to be reviewed.

Branch Pilot
Guidance
Document

After a brief discussion, Captain Chisman moved to retain the Branch Pilot Guidance Document as is. Captain Callis seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

The Board reviewed a letter from Captain Boggs, regarding an incident on October 27, 2023, involving the MV HYUNDAI VICTORY.

Notification
Letter- Captain
Boggs- MV
HYUNDAI
VICTORY

On Friday, October 27th, 2023, Captain Boggs was ordered to sail the MV HYUNDAI VICTORY (IMO #9637258) at 19:00 from Sea to Norfolk International Terminals South Berth (NIT SB) in Norfolk, Virginia. The ship's draft was 32 feet and 10 inches.

The weather conditions were fair. The wind speed fluctuated from 5 to 10 knots from a southwest direction. Visibility was clear for 10 miles. The tidal current was flooding at approximately 0.5 knots at Sewell's Point Pierhead. Once onboard the HYUNDAI VICTORY, Captain Boggs conducted a Master/Pilot Exchange of information. The Master did not identify any problems with the ship. At approximately 20:20, Captain Boggs met tug JANE MCALLISTER at Old Point Comfort and McAllister docking master, Chris Hoffman, boarded the HYUNDAI VICTORY. JANE MCALLISTER made fast through the center lead aft and worked as an assist tug for the transit through Norfolk Harbor Reach. At approximately 20:45, when the ship was off of pier 2 Norfolk Naval Station, just north of NIT pier 3 and still in Norfolk Harbor Reach, Captain Boggs was relieved, and the Docking Master took the conn. At about this time, Tug CLAYTON MORAN started to assist maneuvering the HYUNDAI VICTORY by pushing on the starboard quarter toward NIT SB. JANE MCALLISTER was repositioned from the center lead aft to the port quarter and made fast to HYUNDAI VICTORY. At approximately, 21:03 HYUNDAI VICTORY started turning to starboard and back in towards NIT. At approximately, 21:10 CLAYTON MORAN was repositioned toward the bow of HYUNDAI VICTORY. At approximately 21:16, HYUNDAI VICTORY was turned parallel to the berth at NIT and was approximately 400 feet from the berth. At approximately 21:19, HYUNDAI VICTORY moved at a speed of approximately 0.9 knots closer to its final position on the berth.

The booms of the container cranes at NIT SB were at their normal ship arrival position, approximately 45 degrees up from the horizontal position. That has provided sufficient clearance for the deckhouses of ships docking at NIT in my experience.

On this occasion, the HYUNDAI VICTORY had completely enclosed bridge wings with no overhead visibility. The docking master and the ship's master were extending their heads out of an open window at the end of the bridge wing to judge distances to the pier and overhead during the final approach. Captain Boggs was watching forward and aft to monitor the vessel's aspect in relation to the pier as it moved toward the dock.

At approximately 21:25, the handrails above the enclosed starboard bridge wing of HYUNDAI VICTORY came in contact with NIT SB CRANE #1. HYUNDAI VICTORY was maneuvered away from the berth until CRANE #1 was moved to a different location at which time HYUNDAI VICTORY was maneuvered back alongside NIT SB and moored. Captain Boggs do not know if any damage was sustained by the crane. Captain Boggs could not see damage to the crane at the time.

After Captain Boggs departed from HYUNDAI VICTORY, he immediately proceeded to I&O Medical Office in Virginia Beach, Virginia to submit a Virginia State drug and alcohol test at approximately 23:00.

The File Review Committee made a recommendation that the letter be filed, and the Board take no action, as there appears to be no violation of the Board's regulations or statutes. The Board moved to accept the recommendation and it was approved by Messrs., Mme., and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Collins, McDermott, and Piersall. Mr. Coleman abstained from voting.

Ms. Vick presented to the Board a presentation of the briefing on the dredging projects for informational purposes.

**Briefing on
Dredging
Projects**

Ms. Nobsich reminded the Board that Financial Disclosure Statements are due in February 2024 as mandated by the Virginia Conflict of Interest and Ethics Advisory Council.

**Financial
Disclosure
Statements**

Ms. Davis informed the Board that public comment for Periodic Regulatory Review ends January 3, 2024, and there were no comments.

**Regulatory
Update**

Ms. Davis informed the Board that the proposed language to add "marijuana" to regulations 18VAC45-20-40 and 18VAC45-20-50 was returned with some technical changes.

After a brief discussion, Captain Avery moved to accept the amendment of regulations 18VAC45-20-40 and 18VAC45-20-50. Ms. Piersall seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

Ms. Davis informed the Board that a public hearing will be conducted at the Virginia Port Authority at 12:00 p.m.

Ms. Davis informed the Board that the fee adjustment is still currently in the

proposed stage.

Director Thota presented to the Board a proclamation for the 240th Anniversary of the Board for Branch Pilots. The certificate was read into the minutes by Mr. Coleman:

Acknowledgement of the 240th Anniversary of the Board for Branch Pilots

Certificate of Recognition

By virtue of the authority vested by the Constitution in the Governor of the Commonwealth of Virginia, there is hereby officially recognized:

THE BOARD FOR BRANCH PILOTS 240TH ANNIVERSARY

WHEREAS, Branch Pilots are responsible for the safe passage of ships in Virginia's major shipping lanes and waterways and to Virginia's numerous port facilities; and

WHEREAS, the Virginia House of Burgesses enacted the first law regulating Branch Pilots in 1660; and

WHEREAS, the United States Congress delegated the regulation of pilotage to the state in the Lighthouse Act of 1789; and

WHEREAS, the Board for Branch Pilots is celebrating its 240th anniversary as a regulatory board in the Commonwealth of Virginia in 2023; and

WHEREAS, it is the oldest regulatory board in continuous existence in the United States; and

WHEREAS, the Board for Branch Pilots continues to serve the Commonwealth in regulating pilotage in Virginia and thereby plays a significant role in ensuring Virginia waterways remain safe for the public, commerce, and our national defense;

NOW THEREFORE BE I, Glenn Youngkin, do hereby recognize the 240th ANNIVERSARY OF THE BOARD FOR BRANCH PILOTS in our COMMONWEALTH OF VIRGINIA, and I call this observance to the attention of all our citizens.

Ms. Nosbisch stated the financial statements were provided for informational purposes.

Financial Statements

There was no other business.

Conflict of Interest forms and travel vouchers were completed by all members present.

The meeting adjourned at 12:07 p.m.

Other Business

Conflict of Interest Forms and Travel Vouchers

Adjourn

Michael Coleman, President

Kishore S. Thota, Secretary

**BOARD FOR BRANCH PILOTS MEETING
MINUTES**

PUBLIC HEARING MINUTES

The Virginia Board for Branch Pilots held a public hearing on December 11, 2023, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, to receive public comment regarding the Board’s amendment for reporting requirements.

Board staff present:
Bonnie Davis, Regulatory Operations Administrator

Ms. Davis began the public hearing at 12:00 p.m. and read an introductory statement regarding the purpose and rules of the hearing. **Commencement of Public Hearing**

Public Comment Period – There was no public comment. (transcript attached) **Public Comment Period**

There being no further comment, the meeting was adjourned at 12:30 p.m. **Adjournment**

Michael Coleman, President

Kishore S. Thota, Secretary

1 PUBLIC HEARING FOR THE BOARD OF BRANCH PILOTS
2 HELD ON
3 DECEMBER 11th, 2023 at 12:00, P.M.
4
5
6 MS. DAVIS: Good afternoon. I am Bonnie
7 Davis, Regulatory Operations Administrator, of the Board for
8 Branch Pilots. This is a public hearing, being held at the
9 Virginia Port Authority, Norfolk, Virginia. This hearing is
10 held pursuant to 54.1-310 of the Code of Virginia, for the
11 purpose of receiving public comments on a proposed amendment
12 to the Board for Branch Pilots, amendment reporting
13 requirements, which was published in the Virginia Register on
14 November 20th, 2023, in Volume 40, Issue 7.
15 A few ground rules before we begin: The Board will
16 receive comments from any member of the public who wishes to
17 speak. Comments will be limited to five minutes. If you
18 have not signed up to speak and wish for your testimony to be
19 heard today, please sign your name on the sign-in sheet at
20 this time.
21 Anyone may speak in rebuttal to the comments of another
22 speaker, and those comments will also be limited to five
23 minutes. I will call for rebuttal comments when all speakers
24 on the sign-up sheet have finished.
25 The panel may ask speakers questions or request

Marie W. Lawson, Reporter.
(804) 749-4277

1 clarification of a statement; however, this is not the proper
2 forum for questions to the Board. If you have questions for
3 the Board, please forward them in writing to the Board by
4 email, fax or regular mail.

5 Any speaker who wishes to provide a written statement,
6 in addition to their oral testimony, may do so and the
7 written statement will be marked as an exhibit for this
8 hearing.

9 Written comments not presented at this hearing will be
10 accepted at the following address: Board for Branch Pilots,
11 care of Department of Professional and Occupational
12 Regulations, 9960 Mayland Drive, Suite 400, Richmond,
13 Virginia, 23233.

14 Comments may also be sent via fax to 866-465-6206 or by
15 email at: Branchpilots@dpwr.virginia.gov. Written comments
16 will be accepted by the Board until 5:00, p.m., January 19th,
17 2024.

18 Since there is no one in attendance today to provide
19 comments on this regulation, I declare this public hearing
20 closed.

21
22 -----
23
24
25

Marie W. Lawson, Reporter.
(804) 749-4277

**Major Incident Response Plan Committee of
the BOARD FOR BRANCH PILOTS
MEETING MINUTES**

The Major Incident Response Plan Committee of the Virginia Board for Branch Pilots met on December 11, 2023, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Aaron Anseeuw
I. Vincent Behm, Jr
Captain J.W. Whiting Chisman, III
Michael W. Coleman

Staff present for all, or part of the meeting were:

Brian Wolford, Chief Deputy Director
Steve Kirschner, LRPD Deputy Director
Tom Payne, CID Deputy Director
Kathleen R. Nosbisch, Executive Director
Bonnie Davis, Regulatory Operation Administrator

Member of the Audience included:

Captain E. Waightstill Avery, Board Member
Captain Robert H. Callis, III, Board Member
Captain January N. Collins, Board Member

Mr. Coleman called the meeting to order at 12:40 p.m.

Call to Order

All committee members were present for the earlier meeting and no one from the public was in attendance so the safety evacuations instructions were not repeated as this meeting was conducted in the same room as the full board meeting.

**Safety
Evacuation
Instructions**

Captain Chisman moved to approve the agenda. Captain Avery seconded the motion which was unanimously approved by Mr. Coleman and Captains Avery and Chisman.

**Approval of
Agenda**

There was no public comment.

**Public Comment
Period**

Mr. Coleman stated that the purpose for this plan is to promote safety of all citizens.

**Draft Major
Incident
Response Plan**

The Committee reviewed the Critical Incident Response Plan presented by Mr. Payne. Discussions took place in regarding the purpose and objectives of having a Critical Incident Response Plan for the Board for Branch Pilots.

The Committee reviewed the list of members of the Crisis Team, Crisis Communication Team, and Incident Review Committee. The President and Vice President of the Board will be added to each team and committee in the event of an incident. Discussions took place in regarding the timeline to respond in a major crisis.

The Committee agreed by consensus to present the proposed changes to the Major Incident Response Plan by the next Board Meeting on March 14, 2024.

There was no other business.

Other Business

Conflict of Interest forms and travel vouchers were completed by all members present.

**Conflict of
Interest Forms
and Travel
Vouchers**

The meeting adjourned at 1:18 p.m.

Adjourn

Michael Coleman, President

Kishore S. Thota, Secretary

- **Public Comment**
- **Exam Administrator's Report**

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- **Regulatory Update**
- **General Review**
 - **Reporting Requirements Update**

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COMMONWEALTH OF VIRGINIA

BOARD FOR BRANCH PILOTS



REGULATIONS Governing Branch Pilots

Last Updated December 1, 2012

STATUTES

Title 54.1, Chapter 9



Department of Professional and Occupational Regulation

9960 Mayland Drive, Suite 400

Richmond, VA 23233

(804) 367-8500

www.dpor.virginia.gov

NOTICE

SUMMARY OF SIGNIFICANT CHANGES

Included in this document are relevant excerpts from the Virginia Administrative Code. Please note that the Board for branch Pilots is responsible for promulgating regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), and the Virginia Code Commission is responsible for compiling and codifying all of the administrative regulations of state agencies into the Virginia Administrative Code.

It is your responsibility to stay informed and follow all regulations and statutes governing your profession or occupation. As a regulant of the Board, you should read and become familiar with all regulations applicable to your profession or occupation. You can stay informed of regulatory actions that may result in changes to the regulations at Virginia Regulatory Town Hall (www.townhall.virginia.gov).

This document is a complete, edited (unofficial) copy of the December 1, 2012 Regulations (18 VAC 45-20). Please refer to the Virginia Administrative Code for an official copy of the regulations applicable to your profession or occupation. You can access the Virginia Administrative Code online at <http://leg1.state.va.us/000/reg/TOC.HTM>.

The following summarizes significant revisions to the regulations effective December 1, 2012, but does not include all changes that were made to the Board for Branch Pilots Regulations.

- The regulations have been amended to further define the requirements and procedures for chemical testing, the physical examination requirements for initial licensing and license renewal, and additional criteria for the Medical Review Officer. “Marijuana” was also added to the definitions.

STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your Branch Pilots license. The law that governs your profession is found in the Code of Virginia, 1950, as amended, in Title 54.1, Chapter 9. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the law and regulations that you will need to know and obey to get and keep your license. BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR THE LOSS OF YOUR LICENSE.

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please write to:

Board for Branch Pilots
Department of Professional and Occupational Regulation
9960 Maryland Drive, Suite 400
Richmond, Virginia 23233

or call the Agency at (804) 367-8500.

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18VAC45-20-05. Definitions.

The words and terms used in this chapter have the following meanings unless the context requires a different meaning:

"Attempting to perform" means any time when a licensee has accepted an assignment to perform any of the duties of his office or job.

"Chemical test," except when applied to testing for the presence of alcohol, means any scientifically recognized test and analyses of an individual's breath, blood, urine, saliva, bodily fluids, hair or tissues for evidence of controlled substances listed in Schedules I - V of the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia) or marijuana. The words "chemical test" as used in this chapter in connection with the testing for the presence of alcohol refers to a scientifically recognized test involving saliva or breath.

"Illegal drugs" includes (i) any controlled substance as that term is defined in the Drug Control Act at § 54.1-3401 of the Code of Virginia listed in Schedule I (§ 54.1-3446 of the Code of Virginia-); (ii) those controlled substances illegally acquired listed from Schedules II - V (§§ 54.1-3448, 54.1-3450, 54.1-3452 and 54.1-3454 of the Code of Virginia, respectively); or (iii) marijuana. It is the intent of these regulations that in the event the contents of Schedules I - V of the Drug Control Act are changed, that these regulations incorporate such changes at the time those controlled substances are made a part of the Drug Control Act in Virginia.

"Medical review officer" or "MRO" means a Virginia licensed physician with a current valid certification from the American College of Occupational and Environmental Medicine or the American Association of Medical Review Officers whose duties, authorities and responsibilities are delineated by these organizations.

"On duty" means the period of time the licensee is available to receive orders for an assignment.

Historical Notes:

Derived from Virginia Register Volume 17, Issue 7, eff. February 1, 2001; amended, Virginia Register Volume 29, Issue 4, eff. December 1, 2012.

18VAC45-20-10. Initial licensing.

A. Any person wishing to obtain a license as a limited branch pilot shall meet the following qualifications:

1. Satisfactorily complete a two-year apprenticeship in a program approved by the board;

2. Satisfactorily complete a comprehensive examination which shall be approved by the board and administered by the examining committee of the board. The examination shall be in two parts:
 - a. Written; and
 - b. Practical oral examination;
3. ~~Pull language signed...~~ Comply with the board's regulations and Chapter 9 (§ 54.1-900 et seq.) of Title 54.1 of the Code of Virginia;
4. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. This examination shall include the chemical tests referred to in 18VAC45-20-5;
5. Notify the board of any chronic or acute physical or mental condition; and
6. Pay a licensing fee of \$60 enter new fee. Each check or money order shall be made payable to the Treasurer of Virginia. All fees shall be nonrefundable.

B. Any limited branch pilot wishing to obtain a full branch pilot license shall meet the following qualifications:

1. Satisfactorily complete a five-year apprenticeship in a program approved by the board;
2. Hold a limited branch pilot license in good standing;
3. Pass a practical examination approved by the board and administered by the board's examining committee;
4. Possess a valid unlimited Federal Inland Masters ~~credential~~ License with First Class Pilot endorsement issued by the United States Coast Guard, and shall include radar observer endorsement unlimited, for ~~the same~~ waters of the Commonwealth, ~~as his branch. Any such federal license acquired after January 1994 shall include an Automated Radar Plotting Aids (ARPA) radar certificate. A copy of this credential license shall be submitted to the board, filed with the clerk of the board immediately;~~
5. ~~Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. This examination shall include the chemical tests referred to in 18VAC45-20-50;~~
6. Qualify in accordance with § 54.1-905 of the Code of Virginia; and
7. Pay a licensing fee of \$60 update fee. Each check or money order is to be made payable to the Treasurer of Virginia. All fees shall be nonrefundable.

Commented [WC1]: In between annual physicals and licensee is enrolled in random testing program

Historical Notes: Derived from VR535-01-01 §1.1, eff. November 30, 1989; amended, Virginia Register Volume 7, Issue 5, eff. January 3, 1991; Volume 10, Issue 20, eff. July 28, 1994; Volume 15, Issue 9 eff. March 1, 1999;

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Volume 17, Issue 7, eff. February 1, 2001; Volume 23, Issue 9, eff. March 1, 2007; Volume 29, Issue 4, eff. December 1, 2012.

18VAC45-20-20. License renewal.

- A. Each pilot seeking renewal of his license shall complete a renewal application, comply with the provisions of this section, and appear before the board or its License Renewal Committee which shall determine if he possesses the qualifications to be renewed.
- B. Any limited branch pilot seeking to renew his license shall meet the following standards:
1. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. If the branch pilot has not been subject to random chemical testing during the preceding 24 months, then this examination shall include the chemical tests referred to in 18VAC45-20-50;
 2. Furnish to the board evidence that he has transited the waters embraced by his license during the preceding 12 months;
 3. After three years of licensure as a limited branch pilot, possess a valid First Class Pilot ~~License endorsement, with radar observer endorsement unlimited~~ issued by the United States Coast Guard for ~~the same waters of the Commonwealth as his limited branch. Any such federal license acquired after January 1994 shall include an Automated Radar Plotting Aids (ARPA) radar certificate; and~~
 4. Pay a license renewal fee of ~~\$60~~ ~~enter new fee~~. Each check or money order is to be made payable to the Treasurer of Virginia. All fees shall be nonrefundable.
- C. Any full branch pilot seeking to renew his license shall meet the following standards:
1. Possess a valid unlimited Federal Inland Masters ~~credential License~~ with First Class Pilot endorsement, ~~with radar observer endorsement unlimited~~ issued by the United States Coast Guard for ~~the same waters of the Commonwealth as his branch; any such federal license renewed or acquired after January 1994 shall include an Automated Radar Plotting Aids (ARPA) radar certificate;~~
 2. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. If the branch pilot has not been subject to random chemical testing during the preceding 24 months, then this examination shall include the chemical tests referred to in 18VAC45-20-50;
 3. Furnish to the board evidence that he has transited the waters embraced by his license during the preceding 12 months, and that he has piloted 12 or more ships during that time, at least six trips as a pilot within the first six months of the calendar year and six trips as a pilot within the last six months of the calendar

year. Upon the showing of good cause, the board may waive the requirements of this subdivision when in its judgment the pilot is otherwise qualified;

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4. Qualify in accordance with § 54.1-906 of the Code of Virginia; and
5. Pay a license renewal fee of \$60~~update fee~~. Each check or money order is to be made payable to the Treasurer of Virginia. All fees shall be nonrefundable.

Historical Notes:

Derived from VR535-01-01 §2.1, eff. November 30, 1989; amended, Virginia Register Volume 7, Issue 5, eff. January 3, 1991; Volume 10, Issue 20, eff. July 28, 1994; Volume 15, Issue 9, eff. March 1, 1999; Volume 17, Issue 7, eff. February 1, 2001; Volume 23, Issue 9, eff. March 1, 2007; Volume 29, Issue 4, eff. December 1, 2012.

18VAC45-20-30. Change of license.

In order to extend a license, an applicant shall satisfactorily complete twelve or more round trips with a currently licensed pilot of the branch for which the applicant seeks licensure, receive a First Class Pilot ~~License e~~Endorsement issued by the United States Coast Guard, if applicable, for that additional area and pass a practical examination approved by the board and administered by the board's Examination Committee. ~~Chisman to provide suggested language.~~

Branch Pilots who have a Full Branch license from Sea to Wolf Trap qualify to sit for a practical examination approved by the Board and administered by the Board's examination committee for the waters of Chesapeake Bay from Wolf Trap to Smith Point. Upon successful completion of the examination, the Branch Pilot obtains a Full Branch license from Wolf Trap to Smith Point and no Federal First Class Pilot endorsement is required.

Historical Notes:

Derived from VR535-01-01 §3.1, eff. November 30, 1989; amended, Virginia Register Volume 7, Issue 5, eff. January 3, 1991; Volume 10, Issue 20, eff. July 28, 1994; Volume 17, Issue 7, eff. February 1, 2001.

18VAC45-20-40. Grounds for denial of licensure, denial of renewal, or discipline.

The board shall have the authority to deny initial licensure, deny an extension of license, or deny renewal as well as to discipline existing licensees, whether limited or not, for the following reasons:

1. (i) Having been convicted or found guilty regardless of adjudication in any jurisdiction of the United States of any felony or a misdemeanor involving moral turpitude or any alcohol- or drug-related offense there being no appeal pending, therefrom or the time for appeal having elapsed.
(ii) ~~Having been convicted or found guilty regardless of adjudication in any jurisdiction of the United States of any felony or a misdemeanor resulting from an arrest for any alcohol or drug-related offense, there being no appeal pending~~

Commented [WC2]: Same as I without moral turpitude

~~therefrom or the time for appeal having elapsed.~~

Any plea of nolo contendere shall be considered a conviction for the purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence of the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction;

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2. Failing to inform the board in writing within seven calendar days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor involving moral turpitude or any alcohol- or drug-related offense;
3. Failing to report to the board in writing any reports of the National Transportation Safety Board involving the licensee, or the results of any disciplinary action taken by the United States Coast Guard against the licensee within seven calendar days of that report or action;
4. Refusing or in any other way failing to carry out an order from the pilot officers for reasons other than the public's health, safety, or welfare;
5. Negligence or misconduct in the performance of duties;
6. Violating or cooperating with others in violating any provision of Chapter 9 (§ 54.1-900 et seq.) of the Title 54.1 of the Code of Virginia or any regulation of the board;
- ~~7. Failing to, as soon as possible under the circumstances, report to the pilot officers his finishing time and other required information relating to the particulars of the ship;~~
- ~~8-7.~~ Failing to file immediately with the president or vice president of the board with a copy to the board administrator a complete written account of any violation of the statutes of Virginia or of the United States relating to pilotage or failing to report in writing to the president or vice president of the board with a copy to the board administrator an account of all collisions, groundings, or other maritime mishaps of any description that may occur during the discharge of the pilot's duties. This report shall be received no later than seven days after such an incident;
- ~~9-8.~~ Failing to report to the board any physical or mental condition which may affect his ability to perform the duties of a pilot. Such reports shall be provided within seven calendar days of the onset of the condition;
- ~~9.~~ Refusing to comply with the board's requirement for a chemical test. Such test is required:
 - ~~10.~~ ~~i.~~ immediately and no later than 12 hours after involvement in a collision, grounding, or other incident resulting in personal injury, death, environmental hazard, or property damage in excess of \$100,000. Refusing to comply with this requirement may result in summary suspension of the pilot's license in accordance with § 54.1-902 of the Code of Virginia;
 - ~~11.~~ ~~ii.~~ ~~Refusing to comply with any board requirement for chemical tests in any instance in which the board has reasonable cause to believe there is evidence of impaired performance and a test is necessary to protect the public health, safety, or welfare. Refusing to comply with this~~

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requirement may result in summary suspension of the pilot's license in accordance with § 54.1-902 of the Code of Virginia;

iii. Under the provisions of 18VAC45-20-50.

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~~12.10.~~ Failing to send proof of any test required by subdivision 10 or 11 of this section to the president or vice president of the board with a copy to the board administrator within 48 hours of the administration of the test;

~~13.11.~~ Evidence of impaired performance or a positive finding of as a result of, or on, any substance abuse or a chemical test as a result of which the board has reasonable grounds to believes there is a threat to the public health, safety, or welfare. Such a finding may result in summary suspension of the pilot's license in accordance with § 54.1-902 of the Code of Virginia;

~~14.~~ ~~Evidence of impaired performance in any instance in which the board believes there is a threat to the public health, safety, or welfare. Such a finding may result in summary suspension of the pilot's license in accordance with § 54.1-902 of the Code of Virginia;~~

~~15.12.~~ Performing or attempting to perform any of the duties of his office or job while under the influence of illegal drugs; or performing or attempting to perform any of the duties of his office or job while under the influence of alcohol, marijuana, or any medication (controlled substance or otherwise) to the extent that he or she was unfit for the performance of the duties of his or her office or job

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~~16.~~ ~~Performing or attempting to perform any of the duties of his office or job while under the influence of alcohol or any medication (controlled substance or otherwise) to the extent that he was unfit for the performance of the duties of his office or job; and~~

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~~17.13.~~ Failing to comply with any of the provisions of 18VAC45-20-50.

Historical Notes:

Derived from VR535-01-01 §4.1, eff. November 30, 1989; amended, Virginia Register Volume 7, Issue 5, eff. January 3, 1991; Volume 10, Issue 20, eff. July 28, 1994; Volume 17, Issue 7, eff. February 1, 2001, Issue 21, eff. September 10, 2007; Volume 29, Issue 4, eff. December 1, 2012.

18VAC45-20-50. Random Chemical Testing

A. All Virginia licensed branch pilots shall be subject to the random chemical testing as set forth in this chapter. Random chemical testing shall be conducted at an annual selection rate of not less than 30% and not more than 100% of total licensees. Licensees shall be responsible for all costs associated with random chemical testing. The chemical test shall be a comprehensive drug screen acceptable to the board that includes testing for controlled substances in Schedules I - V of Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1 of the Code of Virginia.

Only licensees on duty may be selected for random testing. A licensee selected for random chemical testing shall report for testing within two hours of notification. Failure to take a random chemical test is considered refusal to take the test.

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B. Duties of licensee.

1. All licensees of this board shall enroll and participate in a random chemical testing program that meets the criteria of this chapter.
2. An on-duty licensee selected for random chemical testing shall report for testing within two hours of notification that he has been selected.
3. Licensees who receive a prescription for any medication from any health care provider shall have the following duties:
 - a. Give the health care provider a copy of the licensee's job description as a Virginia pilot;
 - b. Give the health care provider a complete list of medications used within the 30 days preceding the current visit;
 - c. Obtain a written statement from the health care provider stating if the new prescription is for a controlled substance (Schedules II - V of the Drug Control Act) and obtain a written statement from the health care provider as to the licensee's fitness to safely perform the duties found in the job description; and
 - d. If prescribed any medication containing a Schedule II - V controlled substance that is to be used within 12 hours of being on duty, make certain the MRO received by hand delivery or ~~telefax~~ ~~email~~ each prescription written by any health care provider at the time such prescription is written along with a complete list of medications used by the licensee within the preceding 30 days.

C. The ~~medical review officer~~ licensee shall ensure the medical review officer shall:

1. Be completely familiar with all duties of a Virginia pilot.
2. Receive, evaluate and maintain records of all medications given to him by or on behalf of each Virginia pilot.
3. Receive, evaluate and maintain a record of each random chemical test taken by a Virginia pilot.
4. Any time the MRO finds the presence of a drug, marijuana or alcohol that may impair the safe discharge of any duty of a Virginia pilot such that he is unfit to perform those duties, report his written findings to the licensee and president or vice president of the board and to the board's administrator.
5. Report in writing to the licensee, president or vice-president of the board, and the board's administrator of any delay or refusal by a licensee in reporting to testing or being tested.

6. To the extent consistent with state and federal law, protect the confidentiality of all licensee records.
7. Judge fitness to safely perform duties in the context of the licensee's prescription medications and the licensee's available medical history. Any time the MRO finds evidence that the Virginia pilot may be impaired in the safe discharge of any of his duties such that he may be unfit to perform those duties, his written finding shall be reported to the licensee and president or vice president of the board and to the board's administrator.

Historical Notes:

Derived from Virginia Register Volume 17, Issue 7, eff. February 1, 2001; amended, Virginia Register Volume 29, Issue 4, eff. December 1, 2012.

Included in this booklet are relevant excerpts from the *Code of Virginia*. Please note that the Virginia General Assembly is responsible for creating and amending the *Code*, not the Board for Branch Pilots. The version contained herein contains all changes, if any, that have been made by the General Assembly through the 2007 session. Any changes made during the 2007 session became effective July 1, 2007, unless otherwise noted. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

**TITLE 54.1
PROFESSIONS AND OCCUPATIONS.**

**SUBTITLE II.
PROFESSIONS AND OCCUPATIONS REGULATED BY THE DEPARTMENT OF
PROFESSIONAL AND OCCUPATIONAL REGULATION AND BOARDS WITHIN THE
DEPARTMENT.**

**CHAPTER 9.
BOARD FOR BRANCH PILOTS.**

Article 1.

Board for Branch Pilots.

54.1-900. Definitions.

54.1-901. Appointment and removal of members; quorum; clerk.

54.1-902. Regulations; suspension or revocation of license; penalty for violation.

54.1-903. Decisions of controversies between pilots and masters, etc.; judgment of Board.

54.1-904. Limitation of powers of Board.

Article 2.

Examination and Licensure.

54.1-905. Examination of pilots; issuance of license; bonds and oath of office.

54.1-906. Expiration and renewal of licenses.

54.1-907. Fee for original license and license renewal.

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54.1-909. License as limited branch pilot.

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54.1-910. What vessels to take pilots and where.

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54.1-918. State Corporation Commission to prescribe and enforce rates of pilotage and other charges.

54.1-919. Appeal from action of Commission.

54.1-920. Detention on seagoing vessel.

54.1-921. Quarantine detention.

54.1-922. Liability for pilotage and other allowances.

54.1-923. When pilot to produce branch.

Article 6.

Offenses and Penalties Generally.

54.1-924. Piloting, etc., vessel without license; how offenders proceeded against.

54.1-925. Exception as to vessels in distress.

54.1-926. Pilot receiving unlawful fees.

54.1-927. Violation of chapter a misdemeanor.

Article 1.
Board for Branch Pilots.

§ 54.1-900. Definitions. - For the purposes of this chapter, unless the context requires a different meaning:

"Board" means the Board for Branch Pilots.

"Branch pilots" means pilots who have qualified and been licensed in accordance with the provisions of § 54.1-905.

"Limited branch pilots" means pilots who have qualified and been licensed in accordance with the provisions of § 54.1-909.

"Pilot" means branch pilot and limited branch pilot.

§ 54.1-901. Appointment and removal of members; quorum; clerk. - The Board for Branch Pilots shall consist of nine members to be appointed as follows: the Circuit Court of the City of Hampton shall appoint three persons, only one of whom shall be a branch pilot, and the Circuit Court of the City of Norfolk shall appoint four persons, only two of whom shall be branch pilots, and the Circuit Court of the City of Portsmouth shall appoint two persons, only one of whom shall be a branch pilot. The court which appointed a member may remove him for incapacity, neglect of duty or misconduct and may fill the vacancy.

Four members of the Board shall constitute a quorum. The Board shall appoint a clerk, who shall keep a record of the Board's proceedings.

§ 54.1-902. Regulations; suspension or revocation of license; penalty for violation. - A. The Board is authorized to promulgate regulations necessary for the proper government and regulation of pilots and to prescribe penalties for the violation of regulations in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Regulations may include the right to suspend or revoke the branch of any pilot. Such suspension or revocation may be in addition to any other penalty imposed by law for the violation. Reasonable notice and an opportunity to be heard in accordance with the Administrative Process Act shall be given before the Board shall take any action to revoke or suspend the license of any licensee.

B. The Board may suspend a license of any person without a hearing, simultaneously with the institution of proceedings for a hearing, if it finds that there is substantial danger to the public health or safety which warrants such action. The Board may meet by telephone conference call when summarily suspending a license, if a good faith effort to assemble a quorum of the Board has failed and in the judgment of a majority of the members of the Board, the continued practice of the licensee constitutes a substantial danger to the public health or safety. Institution of proceeding for a hearing shall be provided simultaneously with the summary suspension. The hearing shall be scheduled within a reasonable time of the date of the summary suspension.

C. Before any penalty for violation of the regulations may be imposed, a printed copy of the regulations shall be furnished to each pilot.

§ 54.1-903. Decisions of controversies between pilots and masters, etc.; judgment of Board.

- The Board may decide any controversy between pilots or between a pilot and the master, owner, or consignee of any vessel, which may arise under any law concerning pilots in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). If the decision requires the payment of money, the Board shall enter a judgment therefor on the record of its proceedings. When an authorized officer receives a copy of the judgment, he shall enforce the payment as if it were an execution against the property of the debtor.

§ 54.1-904. Limitation of powers of Board. - Nothing in this chapter shall authorize the Board to decide upon the liability of a pilot or his apprentice to any person injured by his negligence or misconduct, or to prevent such person from recovering for any damage occasioned thereby.

**Article 2.
Examination and Licensure.**

§ 54.1-905. Examination of pilots; issuance of license; bonds and oath of office. - ~~Applicants for examination shall submit to the Board a certificate from the circuit court in the county or city of their residence stating that the applicant is of good character and a resident of the Commonwealth.~~ The applicant shall ~~also~~ submit proof that he is a resident of the Commonwealth, has served as an apprentice for five years, including three years as a limited branch pilot. If the Board finds the applicant qualified to act as a branch pilot it shall issue the applicant a license, ~~and the applicant~~ he shall thereupon become a state officer, to be known as a branch pilot and shall hold office as such for one year next ensuing. Before the applicant he may perform any of the duties of his ~~or her~~ office the applicant he shall give bond before the clerk of the circuit court of the county or city in which he resides in the penalty of \$500, ~~conditioned for the faithful performance of his duties and he~~ shall take the oath of office required by § 49-1.

Branch pilots may conduct and pilot any vessel.

§ 54.1-906. Expiration and renewal of licenses. - All licenses issued by the Board shall expire on December 31 of the year in which issued. Every pilot who holds a license as a branch pilot shall appear before the Board every twelve months, and, if the Board deems him qualified, it shall renew his license, which shall continue his term of office for one year following each renewal. ~~Upon each renewal he shall appear before the clerk before whom he originally qualified, and renew his oath of office, but the bond given by him shall remain in force.~~

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§ 54.1-907. **Fee for original license and license renewal.** - Upon the application for license as a branch pilot and each renewal thereof, the applicant for license or license renewal shall pay a fee established by the Board pursuant to § 54.1-113.

§ 54.1-908. **State and local licenses prohibited.** - No state, city, town or county licenses shall be assessed against any branch pilot.

§ 54.1-909. **License as limited branch pilot.** - Any apprentice may apply to the Board for a license as a limited branch pilot. The Board may grant him a license after proper examination if in the opinion of the Board the applicant is qualified. The Board may endorse on the license a limitation of draft or ~~gross tonnage/ship units~~ as deemed proper and a limited branch pilot shall perform his duties of piloting and conducting vessels within the limitation imposed by his license.

**Article 3.
Duties and Liabilities of Master, etc.**

§ 54.1-910. **What vessels to take pilots and where.** - The master of every vessel, other than vessels exclusively engaged in the coastwise trade and those made exempt by United States statutes, inward bound from sea to any port in Virginia or any intermediate or other point in Hampton Roads, the Virginia waters of Chesapeake Bay, or in any navigable river in Virginia which flows into Chesapeake Bay or Hampton Roads, shall take the first Virginia pilot that offers his services. Any such vessel outward bound, or bound from one port or point in Virginia to another port or point, shall take the first Virginia pilot that offers his services at the port, point, or place of departure or sailing. Any master refusing to do so shall immediately pay to such pilot full pilotage from the point where the services are offered to the point of destination of the vessel.

§ 54.1-911. **Notice to pilot officers.** - The master, agent or consignee of any vessel requiring a pilot shall give at least two hours' notice of the need for a pilot to the pilot officers.

§ 54.1-912. **Employing unlicensed pilots.** - No master shall employ any person who is not licensed as a pilot to act as a pilot of his vessel.

~~§ 54.1-913. **Concealing name of vessel.** - The master of a vessel shall not conceal or obscure or refuse to disclose the name of his vessel when spoken to by a pilot.~~

**Article 4.
Duties, Rights and Powers of Pilots.**

§ 54.1-914. **Keeping pilot boat.** - Every pilot, or the company to which he belongs, shall keep one sufficient boat of at least thirty feet keel.

| ~~§ 54.1-915. Pilot first meeting vessel at sea to have preference.~~ The first pilot who meets a

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~~vessel coming in, which his branch entitles him to conduct, shall have the right to take charge of and conduct her into port.~~

Commented [WC5]: Redundant...54.1-910

§ 54.1-916. Discretion of pilot piloting vessel. - Any pilot piloting a vessel shall have full discretion as to when the vessel shall be piloted to or from sea, or to or from any port or place within the Commonwealth or situated within any of the waters referred to in § 54.1-910. The pilot's discretion shall be exercised in a reasonable way, with a view to the vessel's safety as well as with a view to the safety of the Commonwealth's waters and ports.

§ 54.1-917. Enforcement of suspension. - If any individual whose pilot's license has been suspended is found on board any vessel as a pilot, or offers to conduct any vessel, he may be dismissed from the vessel by any licensed pilot, to whom all the pilotage shall be paid. The Board may proceed against the individual under the provisions of § 54.1-924 as if the individual had never been licensed. An individual whose pilot's license has been suspended may also be proceeded against under § 54.1-111.

**Article 5.
Fees and Charges.**

§ 54.1-918. State Corporation Commission to prescribe and enforce rates of pilotage and other charges. - The State Corporation Commission shall prescribe and enforce the rates of pilotage and other charges to be observed in the business of pilotage, but before the Commission fixes or prescribes rates or charges it shall give ten days' notice of the time and place of a hearing by publication in a newspaper of general circulation in each of the Cities of Norfolk, Portsmouth and Newport News. For the purpose of determining the fair basis of such rates and charges, the Commission shall, for the two years next preceding, have access to the books and records of the individual pilots who have no organized association, and of any association of pilots who have an organized association whose rates are to be fixed by the Commission, and shall have the same powers given by law in fixing rates and charges of transportation companies.

The Commission shall fix amounts that will be a fair charge for the service rendered. The Commission shall have due regard for necessary operating expenses, maintenance of, depreciation on, and return on investment in properties used and useful in the business of pilotage, and the rates and charges of pilotage at comparable and competing ports of the United States.

Notwithstanding the Commission's authority to fix rates and charges as provided herein, any association of pilots who have an organized association may, without Commission approval or the requirement of any filing other than as provided in this section, upon the affirmative resolution of said association of pilots, increase or decrease all classes of its rates for pilotage services at any time, provided, however, that such adjustments will not effect a cumulative net increase or decrease in excess of nine percent in such rates in any three-year period. Said association will promptly file any such revised rates with the Commission for informational purposes.

When such rates and charges have been fixed and prescribed by the Commission or otherwise amended as provided in this section, they shall be the legal rates and charges of pilotage in Virginia, and shall be enforced as provided by law, and the Commission and any

association of pilots who have an organized association shall have the power to change or alter rates or charges ~~after notice and hearing~~ as provided in this section.

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54.1-919? § 54.1-919. PILOT LIABILITY LIMITED.

(a) A pilot providing pilot services is not liable for more than \$5,000 for damage or loss caused by the pilot's error, omission, fault, or neglect in the performance of the pilot services, except as provided by Subsection (b).

(b) Subsection (a) does not apply to damage or loss that arises because of the wilful misconduct or gross negligence of the pilot;

(c) This section does not exempt a vessel or its owner or operator from liability for damage or loss caused by the vessel to a person or property on the grounds that:

(1) the vessel was piloted by a pilot; or

(2) the damage or loss was caused by the error, omission, fault, or neglect of a pilot.

(d) In an action brought against a pilot for an act or omission for which liability is limited as provided by this section and in which other claims are made or anticipated with respect to the same act or omission, the court shall dismiss the proceedings as to the pilot to the extent the pleadings allege pilot liability that exceeds \$5,000.

§ 54.1-919. Appeal from action of Commission. - From any action of the State Corporation Commission under § 54.1-918, an appeal may be taken by the individual pilots, company or association affected, or by any other person, firm or corporation aggrieved by such action, in the manner prescribed in Article IX, Section 4 of the Constitution of Virginia.

§ 54.1-920. Detention on seagoing vessel. - If a pilot is detained on board any seagoing vessel he shall be paid by the master, owner, or consignee of the vessel the rate prescribed by the State Corporation Commission for a day's detention for each day detained. If any pilot is carried beyond the limits of the Commonwealth against his will, he shall be entitled to recover the minimum sea pilotage charge as per Schedule A of Virginia Pilotage Rates and Charges~~\$300~~ from the master or owner of the vessel upon which he has been carried away.

§ 54.1-921. Quarantine detention. - If any pilot is permitted to go on board a vessel without being informed of a contagious or infectious disease on board, and is obligated to remain on board, or perform quarantine in consequence thereof he shall be paid for each day's detention in accordance with the rate prescribed for a day's detention by the State Corporation Commission.

§ 54.1-922. Liability for pilotage and other allowances. - The master and the owner of every vessel shall each be liable to the pilot for his pilotage and other allowances, and also the consignee or supercargo of any vessel not owned by a resident of the Commonwealth. If the consignee or supercargo refuses to become responsible to the pilot for his fees, the master or owner of the vessel shall, before she leaves her port of departure, deposit with some responsible person, subject to the order of the pilot, the amount of the pilotage due him.

§ 54.1-923. When pilot to produce branch. - Every pilot shall, if required, produce his branch at the time of demanding his fees, before he shall be entitled to receive the same.

**Article 6.
Offenses and Penalties Generally.**

§ 54.1-924. Piloting, etc., vessel without license; how offenders proceeded against. - No person shall conduct or pilot a vessel to or from sea, or to or from any port or place in Virginia unless he is licensed under this chapter.

Warrants for persons violating this section may be issued by any magistrate, upon the oath of any party complaining, and shall be returnable to the Circuit Court of the City of Norfolk. After a bond hearing held pursuant to Chapter 9 (§ 19.2-119 et seq.) of Title 19.2, the bond shall be returned by the judicial officer to the circuit court of the City of Norfolk, which shall have jurisdiction for trial of such misdemeanor.

§ 54.1-925. Exception as to vessels in distress. - Section 54.1-924 shall not prevent any person from assisting a vessel in distress.

§ 54.1-926. Pilot receiving unlawful fees. - No pilot shall demand or receive other than the lawful fee for any service. Any pilot who violates this section may be suspended by the Board

for up to six months.

§ 54.1-927. Violation of chapter a misdemeanor. - Any person who violates any of the provisions of this chapter shall be guilty of a Class 1 misdemeanor.

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NOTICE

PLEASE REFER TO FIRST PAGE OF BOOKLET FOR NOTES ON IMPORTANT CHANGES.

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- **Major Incident Response Plan Update**
- **State Chemical Testing**

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**Department of Professional and Occupational Regulation
Statement of Financial Activity**

**Board for Branch Pilots
954190**

2022-2024 Biennium

January 2024

	January 2024 Activity	Biennium-to-Date Comparison	
		July 2020 - January 2022	July 2022 - January 2024
Cash/Revenue Balance Brought Forward			2,258
Revenues	0	5,040	4,800
Cumulative Revenues			7,058
Cost Categories:			
Board Expenditures	147	3,901	5,479
Board Administration	8	232	244
Administration of Exams	0	0	0
Enforcement	0	1	1
Legal Services	140	7	144
Information Systems	2	162	153
Facilities and Support Services	3	85	4,651
Agency Administration	4	107	169
Other / Transfers	0	0	0
Total Expenses	303	4,494	10,839
Transfer To/(From) Cash Reserves	0	0	(4,725)
Ending Cash/Revenue Balance			944

Cash Reserve Beginning Balance	12,899	0	17,623
Change in Cash Reserve	0	0	(4,725)
Ending Cash Reserve Balance	12,899	0	12,899

Number of Regulants	
Current Month	39
Previous Biennium-to-Date	42

Department of Professional and Occupational Regulation
 Supporting Statement of Year-to-Date Activity
 Board for Branch Pilots - 954190
 Fiscal Year 2024

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																	Amount	%
Board Expenditures	0	3	422	451	2	1,032	147	0	0	0	0	0	2,058	4,665	2,607	3,519	1,146	24.6%
Board Administration	13	12	18	6	13	20	8	0	0	0	0	0	90	201	111	140	60	30.1%
Administration of Exams	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Enforcement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Legal Services	0	0	0	0	0	0	140	0	0	0	0	0	140	3	-136	239	-236	-7666.6%
Information Systems	5	13	10	7	8	10	2	0	0	0	0	0	55	113	58	92	21	18.4%
Facilities / Support Svcs	3	3	4,576	2	3	18	3	0	0	0	0	0	4,608	53	-4,555	7,899	-7,846	-14831.4%
Agency Administration	9	9	15	5	10	14	4	0	0	0	0	0	65	124	58	104	20	16.2%
Other / Transfers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Charges	29	41	5,041	472	37	1,093	303	0	0	0	0	0	7,016	5,158	-1,858	11,993	-6,835	-132.5%

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- **Other Business**
- **Regulatory Training**
- **Conflict of Interest Forms /Travel
Voucher**
- **Adjourn**

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