

DECLARATION OF EMERGENCY

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

General Provisions and Standards of Conduct
(LAC 46:LXX.6103, 6304, 6309, and 6310)

In accordance with the emergency provisions of the Administrative Procedures Act, R.S. 49:953 (B), and under the authority of R.S. 34:1041, et seq. and Title 46, Professional and Occupational Standards, Part LXX, River Pilots, Subpart 3. Board of Examiners for the New Orleans and Baton Rouge Steamship Pilots, et seq. the Board of Examiners for New Orleans—Baton Rouge Steamship Pilots for the Mississippi River declares an emergency to exist and adopts by emergency process the attached regulations for the increased requirements to be appointed as a member of the board of examiners; defines and establishes standards of care; and supplements and enhances the board's continuing professional education curriculum and increases the annual hourly requirement for pilot compliance.

Since 2018, the board has interfaced with its state and federal partners relative to evolving threats to the maritime industry and the State of Louisiana. In order to counter these threats, the board must systematically respond to protect the public, infrastructure, safety of navigation and state interests. In order to preserve safety and efficiency of the vital Mississippi River port infrastructure as it relates to the NOBRA route, the board continues to implement measures regarding risk reduction and safer Mississippi River piloting. These rules are in the public's interest and will promote public safety and integrity.

The board's rules and regulations are issued in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., for the purpose of adopting rules, regulations and requirements regarding the general operation of the board. The board of examiners is the sole competent pilotage authority statutorily created for the purpose of regulating, supervising and overseeing the body of pilots authorized by R.S. 34:1042, et seq. This rule shall apply to all applicants, apprentice pilots and commissioned pilots. This Emergency Rule amends LAC 46:LXX.6103 to provide for increased mandatory requirements to be appointed as a member of the board of examiners.

Due to the safety sensitive nature of the duties performed by state commissioned pilots, this board has a strong commitment to the public and maritime industry. The board has promulgated standards of conduct, in order to further enhance the safety and wellbeing of the citizens of Louisiana and New Orleans—Baton Rouge Steamship Pilots as well as to prevent any imminent peril to public health, safety and welfare, and to achieve and maintain reliable, safe and efficient pilotage services.

The board has the authority to compel each and every individual pilot to be available for and accept orders for pilotage assignments in declared emergency situations or in other overriding operational conditions. This Emergency Rule amends LAC 46:LXX.6304, 6309, and 6310 to define and establish standards of care; and supplement and enhance the board's continuing professional education curriculum and increase the annual hourly requirement for pilot compliance.

This Emergency Rule becomes effective upon the signature of the President of the Board of Examiners for New Orleans—Baton Rouge Steamship Pilots for the Mississippi River and shall remain in effect for 120 days, unless rescinded, renewed or until permanent rules and regulations become effective.

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 61. General Provisions

§6103. Appointment

A. When there is a need for new examiners, the board shall make recommendations to the governor for replacement(s) to fill any vacancies.

B. When this need arises the board shall recommend only those pilots who have served at least ten years as a Louisiana state commissioned New Orleans and Baton Rouge steamship pilot and has not been an individual directly involved in a serious marine incident or major marine casualty, as defined at title 46, Code of Federal Regulations, in the ten years prior to recommendation.

C. Examiners in the performance of their statutory duties have the exclusive and complete authority to determine their work schedule. Further, examiners shall not suffer any loss of benefits or compensation while they are performing their duties.

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 30:2471 (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 36:493 (March 2010), LR 47:

Chapter 63. Standards of Conduct

§6304. Definitions

A. As used in this Chapter, the following terms, unless the context otherwise requires or unless redefined by a particular part hereof, shall have the following meanings.

Administrative Procedure Act (APA)—the Louisiana Administrative Procedure Act, R.S. 49:950 et seq.

Applicant—any person who has submitted an application to be considered for selection into the Pilot Development Program for New Orleans and Baton Rouge steamship pilot(s).

Application—the completed written application including all supporting documentation supplied to the board by an applicant who desires to become a New Orleans and Baton Rouge steamship pilot.

Apprentice—any person duly selected by the members of NOBRA, but not yet commissioned, who is serving in the Pilot Development Program.

Association or NOBRA—New Orleans and Baton Rouge Steamship Pilot Association.

Association Officer—any person duly elected by the members of NOBRA to serve as vice president(s), secretary/treasurer or other officer of the association.

Association President—any person duly elected by the members of NOBRA to serve as president of the association.

Board of Examiners or Board—Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, as established in R.S. 34:1041 et seq.

Deputy Pilot—a commissioned pilot in the Pilot Development Program.

Fit for Duty—a pilot who meets the board's requirements regarding licensure, physical and medical competency and is current with their continuing education requirements.

Pilot—a New Orleans and Baton Rouge steamship pilot, as designated in R.S. 34:1041 et seq.

Services of a Pilot—any advice or assistance with respect to pilotage by the commissioned pilot, including but not limited to advice concerning weather, channel conditions, or other navigational conditions.

Standard(s) of Care—navigational standard(s) established to promote the health, safety and welfare of the citizens of Louisiana and to maintain safety of maritime commerce along the Mississippi River.

VTC—Vessel Traffic Center, or any other similarly related United States Coast Guard or governmental facility, institution, or program whatsoever.

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 30:2475 (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), LR 47:

§6309. Adoption of Navigational Rules

A. Pilot(s), deputy pilot(s) and apprentice(s) shall use a standard of navigation consistent with that of a prudent pilot in adherence with common local practices.

B. Pilot(s), deputy pilot(s) and apprentice(s) shall review and follow the board's applicable standards of care prior to executing each dispatched turn.

C. The board's standards of care are located at: www.nobraexaminers.louisiana.gov.

D. Pilot(s), deputy pilot(s) and apprentice(s) may exceed the board's applicable posted standards of care.

E. Pilot(s), deputy pilot(s) and apprentice(s) shall use their own independent judgment when piloting an assigned vessel.

F. The board does not direct or control a pilot(s), deputy pilot(s) and apprentice(s) in the performance of their duties.

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 36:499 (March 2010), LR 47:

§6310. Continuing Professional Education

[Formerly §6311]

A.1. Every pilot seeking to maintain a pilot's commission must successfully complete the following required courses every five years:

a. a bridge resource management (B.R.M.P.) course or seminar for pilots;

b. an emergency ship handling course or seminar for pilots;

c. a marine technical course or seminar, which includes vessel traffic service training;

d. a course or seminar in marine electronic navigation for pilots;

e. a course or seminar on applicable United States Coast Guard navigation regulations (Rules of the Road);

f. a course or seminar on marine incident management for pilots;

g. a course or seminar in marine cyber care for pilots; and

h. a course or seminar in two pilot bridge team navigation.

2. Every pilot must annually and successfully complete 16 hours of professional development courses approved by the board. The board may, from time to time, adjust these requirements in order to maintain the highest level of professional competency and pilot safety.

B. All professional education classes and programs shall be approved by the board. The board will maintain a non-exclusive list of approved professional education classes and programs, which may be periodically updated.

C. It is the responsibility of the pilot to attend the necessary professional education classes and to present the board with proof of satisfactory completion.

D. Any pilot who fails to successfully complete the required professional education classes or programs will be removed from duty until the pilot complies with the requirements of this section.

E. The board may, for good cause shown, grant a waiver or extend the time for a pilot to complete the continuing professional education requirement, upon timely application, in writing, by the pilot.

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 30:2477 (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 36:499 (March 2010), LR 38:3167 (December 2012), LR 47:

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