

waters, whereupon interested parties shall be immediately notified of the relocation.

### 16:64-4.3 Log books

(a) On board each station ship, or at each shore station from which vessels are served without the use of a station ship, the Association shall keep a log book in which shall be recorded for each regulated vessel:

1. The time of arrival of the cruising pilot vessel on, or departure from, station as applicable;
2. The name(s) of the pilot(s) embarking or disembarking the vessel;
3. The name of the vessel piloted;
4. The time the pilot(s) embarked or disembarked the vessel; and
5. Such additional information as is required in the practice of good seamanship.

(b) Log books shall be available for inspection by the Commissioners at all times. Each separate book, when filled, shall be filed in the office of the pilot association concerned and shall continue to be available for inspection by the Commissioners. Shore stations may substitute other forms of recordkeeping for log books but such records must include the above information.

## SUBCHAPTER 5. DUTIES OF PILOTAGE

### 16:64-5.1 Scope

This subchapter sets forth additional requirements and duties that must be met by all licensed pilots.

### 16:64-5.2 Piloting duties

(a) A pilot shall, in a timely fashion, provide pilotage services to all regulated vessels. However, a pilot shall only pilot a vessel of a size (tonnage or draft) that is authorized by the pilot's state license and only over routes authorized by the pilot's state license.

(b) Pilots shall be available for duty and accept pilotage assignments in accordance with a rotation schedule established by the Association.

(c) A pilot of an inbound vessel or a vessel being transported is entitled to discharge by the master of the vessel when the vessel has been brought to a safe anchorage or secured in the berth to which the vessel is bound.

(d) Whenever requested by the master, the pilot shall dock or undock a vessel.

(e) A pilot is entitled to discharge by the master of an outbound vessel when the vessel reaches the vicinity of the pilot station unless the master expressly requests the pilot to remain on board for such purposes as returning the vessel to port, bringing the vessel to a safe anchorage, assisting due to weather conditions, or assisting the master in maneuvering the vessel in the vicinity of the pilot station.

(f) When requested by the master to remain with a vessel at an anchorage or berth, the pilot shall do so or arrange for a relief and shall not leave until the relief arrives. A pilot shall not leave a vessel that is underway unless the pilot has been properly relieved.

(g) All pilots shall comply with the Rules of the Road as defined in N.J.A.C. 16:64-1.3.

(h) Except in circumstances which prevent their use, maritime pilots shall use a carry-on device which includes electronic charts coupled with a differential global positioning system and which displays the vessel's position and track while the maritime pilot is piloting a vessel or is on the bridge of a vessel being piloted by a docking pilot.

(i) The devices referred to in (h) above shall record the track of the vessel while it is being piloted. In the event the vessel is involved in an occurrence, the maritime pilot shall preserve the recording until the Commission authorizes its disposition.

Amended by R.2006 d.295, effective August 21, 2006.

See: 38 N.J.R. 1402(a), 38 N.J.R. 3311(a).

Rewrote (d); and added (h) and (i).

### 16:64-5.3 Master-pilot conference and unsafe passages

(a) Prior to assuming the con of a vessel, a pilot shall conduct a master-pilot conference.

(b) During the conference, the pilot will provide the master with information that a prudent pilot should convey to the master under the prevailing circumstances including, but not limited to:

1. Information specific to navigation and conditions along the intended route;
2. Tug assistance;
3. Transfer of pilotage duties to others;
4. The pilot's lookout and anchor watch requirements; and
5. The pilot's bridge manning requirements.

(c) The pilot shall request such information from the master that a prudent pilot should request under the prevailing circumstances including, but not limited to:

1. The status of the vessel's navigation equipment;

2. The status and characteristics of the vessel's engine and steering equipment;
3. The vessel's handling characteristics;
4. The vessel's compliance with Federal and International regulations, statutes and Captain of the Port's orders;
5. The drafts of the vessel; and
6. The location and currency of wheel house posters.

(d) If a pilot has a reasonable basis to believe that the vessel's intended passage cannot be conducted safely, the pilot shall:

1. Not undertake the piloting of the vessel;
2. Advise the master that the pilot will not pilot the vessel and describe the rationale for the decision;
3. If appropriate under the prevailing circumstance, offer to pilot the vessel to a safe anchorage; and
4. Request the master to enter the refusal, as well as the rationale for the decision, into the ship's log book.

(e) In the event the master, despite the pilot's advice to the contrary in (d) above, commences the passage or states an intention to commence the passage, the pilot shall:

1. Immediately report the situation, and the circumstances that caused the pilot's belief that the vessels' intended voyage cannot be conducted safely, to:
  - i. The United States Coast Guard, Captain of the Port, by way of the most expeditious means available, including VHF and land line;
  - ii. The Vessel Traffic Service, or their successors, on the most appropriate sector frequency or by land line; and
  - iii. As soon as practical thereafter to the President of the Association and the Commission; and

2. Advise the master that the pilot shall remain on the bridge as an observer only and not as a pilot. However, if the pilot, acting as an observer, notes the vessel is falling into danger, the pilot shall advise the master of the danger and give the master such advice, to the extent the pilot is able, as the master may require in a cooperative effort to extradite the vessel from the impending danger.

(f) Under (e) above, if an occurrence or accident follows, the Commission shall take any special circumstances of the case into account when judging the performance of the pilot.

Amended by R.2005 d.307, effective September 6, 2005.

See: 37 N.J.R. 1685(a), 37 N.J.R. 3446(b).

In (f), substituted "Commission" for "Board".

Amended by R.2006 d.295, effective August 21, 2006.

See: 38 N.J.R. 1402(a), 38 N.J.R. 3311(a).

In (c)4, inserted "and International"; and in (e)liii, substituted "Commission" for "Board".

#### 16:64-5.4 Illness

(a) A pilot who has been ill or injured to the extent that the pilot has been unable to perform pilotage duties for a period of 30 calendar days or longer shall:

1. Notify the Commission, or arrange for it to be notified as soon as possible, after the 30th day of the disability; and
2. Not resume pilotage duties until the pilot has received the permission of the Commission President, or the designated Commissioner, to return to work.

(b) A pilot applying for permission to return to work shall present to the Commission President or designated Commissioner a statement from a physician indicating fitness for duty and a detailed evaluation of the pilot's physical condition.

(c) Before allowing the pilot to return to duty, the Commission, the Commission President or the designated Commissioner may require the pilot to:

1. Submit to an examination, at the Commission's expense, by a Commission selected physician;
2. Complete the observation trips as set forth in N.J.A.C. 16:64-5.5(c); and
3. Appear before the Commission.

Amended by R.2005 d.307, effective September 6, 2005.

See: 37 N.J.R. 1685(a), 37 N.J.R. 3446(b).

Substituted "Commission" for "Board" throughout section.

#### 16:64-5.5 Route currency

(a) Prior to undertaking the piloting of a vessel, the pilot shall be fully conversant with the existing conditions of the pilotage route including, but not limited to:

1. Tidal and current conditions;
2. Status of aids to navigation;
3. Weather conditions; and
4. Obstructions, traffic conditions and changes since the pilot's last trip over the route.

(b) In the event a pilot has been absent from the performance of pilotage duty or it is anticipated that the pilot will be absent for a period of time in excess of 90 continuous days, for reasons other than illness or injury, the pilot shall notify the Commission and the President of the Association in writing. The notice shall include the reasons for the absence and the date the pilot expects to resume pilotage duties.

(c) A pilot who has not performed pilotage duties for more than 90 continuous days shall, prior to resuming piloting activities, submit a written certification to the Commission, with a copy to the Association, that the pilot is fully conversant with the conditions in (a) above. The Commission may require the pilot to appear before the Commission prior

to resumption of piloting duties and may, at its discretion, condition the pilot's return to duty upon the completion of a specified number of observation trips over the routes the pilot will be piloting upon return to duty.

Amended by R.2005 d.307, effective September 6, 2005.  
See: 37 N.J.R. 1685(a), 37 N.J.R. 3446(b).

In (b) and (c), substituted "Commission" for "Board".

### 16:64-5.6 Occurrences

(a) Any pilot or apprentice who witnesses an occurrence or who is aboard a vessel involved in an occurrence shall:

1. Immediately after the occurrence, and as soon as the pilot's or apprentice's services are no longer needed, provide a report to the Commission President or designee; and

2. Within 72 hours, or one business day, whichever is longer, provide the Commission President or designee and the President of the Association or designee with a written report, in a form acceptable to the Commission, which provides a detailed description of the occurrence.

(b) Any pilot or apprentice who is involved in or witnesses an occurrence may be required to appear before the Commission.

(c) In addition, the Association shall promptly investigate any occurrence which occurs during the time a pilot licensed by the Commission was piloting a vessel involved in an occurrence and the occurrence results in one or more of the following:

1. Personal injury;
2. Property damage in excess of \$10,000;
3. A discharge of substance into the water;
4. Delay of the vessel;
5. A collision or allision; or
6. A grounding or touching of the bottom.

(d) After investigating an occurrence pursuant to (c) above, but not later than 30 calendar days after said occurrence, the Association shall, where relevant, obtain and deliver to the Commission copies of the following:

1. Witness statements;
2. Log books (rough and smooth);
3. Printouts from course recorders, depth-measuring devices, and engine orders;
4. Position plots;
5. Photographs; and
6. Soundings.

(e) The Association, in its activities in (c) and (d) above, shall not be required to provide the Commission with any

opinions or conclusions of the Association or its investigators as to the culpability of a pilot licensed by this Commission.

Amended by R.2005 d.307, effective September 6, 2005.

See: 37 N.J.R. 1685(a), 37 N.J.R. 3446(b).

Substituted "Commission" for "Board" throughout section.

Amended by R.2006 d.295, effective August 21, 2006.

See: 38 N.J.R. 1402(a), 38 N.J.R. 3311(a).

Rewrote (a)1; in (a)2, inserted "or one business day, whichever is longer,"; and in the introductory paragraph of (c), substituted "was piloting" for "is on board".

## SUBCHAPTER 6. PENALTIES, ORDERS, AND HEARINGS

### 16:64-6.1 Scope

This subchapter sets forth the Commission's procedures for the issuance of penalties and orders, and the conduct of hearings.

Amended by R.2005 d.307, effective September 6, 2005.

See: 37 N.J.R. 1685(a), 37 N.J.R. 3446(b).

Substituted "Commission's" for "Board's".

### 16:64-6.2 Investigations and penalties

(a) The Commission or a designated Commissioner(s) may conduct an investigation of any occurrence or any matter where there is a potential violation of this chapter or the Act.

(b) The Commission may impose any of the penalties set forth in the Act, N.J.S.A. 12:8-1 et seq., or in this chapter.

Amended by R.2005 d.307, effective September 6, 2005.

See: 37 N.J.R. 1685(a), 37 N.J.R. 3446(b).

In (a) and (b), substituted "Commission" for "Board".

### 16:64-6.3 Orders of the Commission

(a) The Commission may issue Orders to implement the Act or this chapter, or to ensure the better government of pilots. Orders may include, but are not limited to:

1. The requirement to appear at a meeting of the Commission;
2. The requirement to appear before the Commission at a show cause hearing conducted pursuant to N.J.A.C. 16:64-6.5;
3. The requirement to cease a specified activity or take a specified action;
4. The requirement to submit an oral statement or written report;
5. The requirement to provide written documents, log books, photographs, data, recorded material, or other objects; and
6. The requirement to immediately cease engagement in pilotage operations pursuant to N.J.A.C. 16:64-6.4(b).

(b) Any Order issued by the Commission shall be delivered to the person named in the Order by personal service or by certified mail return receipt requested to the person's usual place of abode as it appears in the records of the Commission. The Order shall specify the time and place for compliance with the Order.

Amended by R.2005 d.307, effective September 6, 2005.  
See: 37 N.J.R. 1685(a), 37 N.J.R. 3446(b).

In the rule heading and in (a) and (b), substituted "Commission" for "Board".

#### **16:64-6.4 Suspension, limitation, or revocation of a license**

(a) The Commission may suspend, limit, or revoke the license and/or the branch of a pilot for any one of the following grounds:

1. The pilot has violated N.J.S.A. 12:8-1 et seq., this chapter, or any Order issued by the Commission;
2. The pilot has negligently lost any vessel under his or her care;
3. The pilot has a mental or physical condition that precludes proper piloting;
4. The pilot has failed to comply with the Rules of the Road;
5. The pilot has failed to comply with the United States Coast Guard Vessel Traffic Service Regulations or directives;
6. The pilot meets any of the grounds in N.J.A.C. 16:64-7.3 or 7.15; or
7. The pilot has failed to perform his or her piloting duties as a prudent pilot would under the prevailing circumstances.

(b) Where the Commission deems it necessary, it may issue an Order immediately prohibiting the pilot from engaging in pilotage operations. Such an Order shall include the Commission's grounds for its action and shall provide the pilot with an opportunity to appear at an adjudicatory hearing, in accordance with N.J.A.C. 16:64-6.6, within a reasonable time of the date of the Order.

(c) Before a pilot's license is limited, suspended, or revoked, unless it is done so pursuant to (b) above, the Commission shall issue an Order of limitation, suspension or revocation which includes the Commission's grounds for the action, the effective date of the action, and an opportunity for the pilot to request an adjudicatory hearing, pursuant to N.J.A.C. 16:64-6.6.

(d) After a branch or license is limited, suspended or revoked, the Commission may request that the pilot surrender the license. Should the pilot fail to surrender the license, the

Commission shall publish a newspaper notice that states that the person no longer has the right to act as a pilot until reinstated by Order of the Commission.

Amended by R.2005 d.307, effective September 6, 2005.  
See: 37 N.J.R. 1685(a), 37 N.J.R. 3446(b).

Substituted "Commission" for "Board" throughout section; in (b) and (c), substituted "Commission's" for "Board's".

#### **16:64-6.5 Show cause hearing**

(a) The Commission may issue an Order, in the form of a written notice, to appear before the Commission or a designated Commissioner(s) at a show cause hearing.

(b) The written notice will include the following information:

1. The date, time and place where the person is required to appear;
2. To the extent it is appropriate, the Commission's grounds for its proposed action; and
3. Where appropriate, that the person has the right to show cause why the Commission's proposed action should not be taken.

(c) The written notice shall, at least 15 days before the show cause hearing, be delivered to the person:

1. By personal service; or
2. By certified mail return receipt requested to the person's usual place of abode as it appears in the records of the Commission.

(d) A show cause hearing shall be conducted as follows:

1. The Commission President, or the designated Commissioner(s), may administer an oath and the Commission or the designated Commissioner(s) may examine any person;
2. The show cause hearing shall be an informal hearing and shall not be conducted in accordance with the adjudicatory hearing procedures set forth in N.J.A.C. 1:1. However, any person appearing at the show cause hearing shall have the right to testify, produce evidence and/or witnesses, bring an attorney or other representative approved by the Commission under New Jersey Court Rule R. 1:21-1(e), and cross-examine any witnesses.

(e) The Commission or designated Commissioner(s) shall give due consideration of the issues presented and may issue an Order regarding the matter. The Order shall specify the time frame for compliance with the Order.

Amended by R.2005 d.307, effective September 6, 2005.  
See: 37 N.J.R. 1685(a), 37 N.J.R. 3446(b).

Substituted "Commission" for "Board" throughout section; in (b), substituted "Commission's" for "Board's" throughout.

**16:64-6.6 Adjudicatory hearings**

(a) Any person authorized to request an adjudicatory hearing in this chapter may request a hearing by written notice to the Commission. The notice shall be postmarked no later than 30 calendar days after the receipt of the Commission's action. The request for a hearing shall include:

1. The date the Commission's action was received; and
2. A detailed statement of which factual findings or legal conclusions in the Commission's action are being challenged and the basis for the challenged issues.

(b) The Commission shall determine if the matter constitutes a contested case as defined in N.J.S.A. 52:14B-1 et seq.

(c) Where the Commission determined that the matter constitutes a contested case, an adjudicatory hearing shall be conducted before the Commission or, if the Commission so directs, the matter shall be referred to the Office of Administrative Law for a hearing to be conducted in accordance with N.J.A.C. 1:1. Where the Commission determines that the matter does not constitute a contested case, the Commission's action shall be deemed final agency action.

(d) Where the Commission conducts an adjudicatory hearing, the following process shall be used:

1. The hearing shall be conducted in accordance with the hearing procedures set forth in N.J.A.C. 1:1; and
2. After reviewing the issues presented, the Commission shall issue a Final Decision in accordance with N.J.S.A. 52:14B-1 et seq.

(e) If the Office of Administrative Law conducts the adjudicatory hearing, the Commission shall issue a Final Decision adopting, rejecting, or modifying the Initial Decision in accordance with N.J.S.A. 52:14B-1 et seq.

Amended by R.2005 d.307, effective September 6, 2005.  
See: 37 N.J.R. 1685(a), 37 N.J.R. 3446(b).

Substituted "Commission" for "Board" throughout section; in (a) and (c), substituted "Commission's" for "Board's" throughout.

**SUBCHAPTER 7. DRUG FREE WORKSHOP PROGRAM****16:64-7.1 Scope**

(a) The purpose of this subchapter is to maintain a drug and alcohol-free workplace. This subchapter prohibits the use or possession of dangerous drugs by a licensed pilot or registered apprentice whether on duty, subject to being called on duty, or off duty.

(b) This subchapter also prohibits the use of alcohol by a licensed pilot or registered apprentice whether on duty or subject to being called on duty, or during an eight-hour period prior to being on duty or subject to being called on duty.

**16:64-7.2 Definitions**

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

Amended by R.2005 d.307, effective September 6, 2005.

See: 37 N.J.R. 1685(a), 37 N.J.R. 3446(b).

In (b), (c), (e) and (f), substituted "Commission" for "Board" throughout.

#### 16:64-7.15 Penalties

(a) Any pilot who violates either of the prohibitions in N.J.A.C. 16:64-7.3(a)2 or 3 shall immediately be prohibited from engaging in pilotage operations pursuant to N.J.A.C. 16:64-6.4(b) and may, after opportunity for an adjudicatory hearing pursuant to N.J.A.C. 16:64-6.6:

1. For the first offense:
  - i. Forfeit the pilotage fee for the pilotage operations performed while intoxicated;
  - ii. Be suspended for six months; and
  - iii. Pay a penalty of \$50.00; and
2. For the second offense, have his or her license permanently revoked.

(b) Any apprentice who violates either of the prohibitions in N.J.A.C. 16:64-7.3(a)2 or 3 shall immediately be prohibited from engaging in pilotage operations and may, after opportunity for a show cause hearing pursuant to N.J.A.C. 16:64-2.5, be suspended or have his or her registration permanently revoked.

(c) Any pilot or apprentice who fails to comply or cooperate with specimen collection and/or chemical drug testing; or who tests positive on a chemical drug test required pursuant to this subchapter or a chemical drug test required pursuant to a Federal statute or regulations, including 46 C.F.R. Part 16; or who is convicted under a Federal or state criminal drug statute or second conviction under any state statute for operating while under the influence or operating while intoxicated; or who violates any other provision of this subchapter shall immediately be prohibited from engaging in pilotage operations and may, after opportunity for a hearing pursuant to N.J.A.C. 16:64-6.4(c) (for pilots) or N.J.A.C. 16:64-2.5 (for apprentices), have his or her license/Registration permanently revoked unless there are extenuating circumstances which, in the discretion of the Commission, justify only the suspension of his or her license/registration.

(d) Any pilot or apprentice who was prohibited from engaging in pilotage operations pending a hearing before the Commission and who is not suspended or who does not have his or her license/registration revoked following the hearing before the Commission shall be returned to normal duties.

(e) Any pilot or apprentice who is suspended from duty pursuant to (a), (b) and/or (c) above must pass a chemical drug test for dangerous drugs and alcohol prior to reinstatement. The specific date of such test shall be unannounced but shall occur within the month prior to reinstatement. Notice of the specific date of such test shall be provided only so far as is necessary to ensure the individual's

presence at the time and place set for testing. In addition, the pilot or apprentice shall be subject to increased, unannounced chemical drug testing for dangerous drugs and/or alcohol at the pilot's or apprentice's expense for a period as determined by the Commission.

Amended by R.2005 d.307, effective September 6, 2005.

See: 37 N.J.R. 1685(a), 37 N.J.R. 3446(b).

In (c) through (e), substituted "Commission" for "Board" throughout.

#### 16:64-7.16 Responsibilities of the Association

(a) After consultation with and approval by the Commission, the Association shall promptly enter into an agreement(s) or contract(s) with a testing facility and a MRO, and subsequent facilities and MROs as necessary, for the performance of the tests and duties required by this subchapter.

(b) It shall be the responsibility of the Association, except as otherwise provided in this subchapter, to pay for the tests required by this subchapter and the fees of the MRO.

(c) It shall be the responsibility of the Association to direct the pilots and apprentices to present themselves at the time and place for the test(s) required by this subchapter.

(d) The agreement(s) or contract(s) in (a) above shall provide that the testing facility and MRO:

1. Cooperate with the Commission including agreement to provide documents and competent testimony; and
2. Comply with the requirements of this subchapter including confidentiality and the production of reports, documents, and competent witnesses.

(e) This subchapter shall not in any way limit the authority of the Commission to suspend or revoke the license of any pilot or terminate any apprenticeship as authorized by any other regulations of the Commission or the laws of the State of New Jersey.

(f) The Association shall submit a copy of its proposed and amended procedures for the implementation of this subchapter and copies of the agreement(s) or contract(s) in (a) above to the Commission for review and approval.

Amended by R.2005 d.307, effective September 6, 2005.

See: 37 N.J.R. 1685(a), 37 N.J.R. 3446(b).

In (a) and (d) through (f), substituted "Commission" for "Board" throughout.

### SUBCHAPTER 8. DOCKING PILOTS

#### 16:64-8.1 Licensing and oaths of docking pilots

(a) Any person meeting the criteria specified in N.J.S.A. 12:8-49 and who submitted a complete application in the time provided for therein shall, unless the Commission for good cause determines otherwise, be issued a docking pilot license.

(b) Anyone wishing to be licensed as a docking pilot who is not qualified by virtue of N.J.S.A. 12:8-49 shall be required to complete the apprenticeship program specified in N.J.A.C. 16:64-9 before being considered by the Commission for such licensing.

(c) A docking pilot shall pay an initial licensing fee of \$500.00, and an annual license fee of \$250.00. This fee shall be used by the Commission to cover the costs of administration. The annual fee shall be due every year on the anniversary date of the docking pilot's initial licensing.

(d) Upon being approved by the Commission, a docking pilot shall be administered the Oath of Office by the President or, in their absence, any other Commissioner.

### 16:64-8.2 General docking pilot license requirements

(a) No person may operate as a docking pilot unless such person:

1. Maintains a current radar certificate;
2. Maintains a valid Federal first class pilot license and endorsement for the routes to be traversed;
3. Has fulfilled all of the requirements of any continuing education program established by the Commission;
4. Has submitted to the Commission evidence of the successful completion of required medical examinations; and
5. Has a current Merchant Mariner's Document (MMD), issued after August 1, 2003. For the purposes of this chapter, the Commission shall accept the background investigation performed by the U.S. Coast Guard pursuant to 46 CFR 12.02 in the issuance of the MMD. Further, the Commission reserves the right to evaluate all applicants and existing docking pilots who have been convicted of any criminal offense in accordance with the criteria contained in 46 CFR 12.02.

(b) Docking pilots shall appear before the Commission every year at the time specified by the Commission. In the event of a conflict, the Commission may allow the docking pilot to appear at a later meeting. At least seven days before the meeting, the docking pilot shall provide:

1. A completed annual report form for the past year which shall include:
  - i. The total number of vessels piloted;
  - ii. The number of days absent from duty due to illness;
  - iii. The routes for which the docking pilot holds endorsements; and
  - iv. Any activities, outside of piloting, related to the maritime industry that the docking pilot is involved in;

2. Copies of the results of the medical examinations set forth in (a)4 above; and

3. Such additional information as may be required by the Commission of a specific docking pilot.

### 16:64-8.3 Master/docking pilot conference and unsafe passage

(a) Prior to assuming the con of a regulated vessel, a docking pilot shall conduct a master/docking pilot conference.

(b) During the conference, the docking pilot will provide the master and any maritime pilot present with information that a prudent mariner should convey under the prevailing circumstances including, but not limited to:

1. Information specific to navigation and conditions along the intended route;
2. Tug assistance;
3. Transfer pilotage duties to others;
4. The docking pilot's lookout and anchor watch requirements; and
5. The docking pilot's bridge manning requirements;

(c) The docking pilot shall request such information from the master and/or maritime pilot that prudent mariner should request under the prevailing circumstances including, but not limited to:

1. The status of the vessel's navigation equipment;
2. The status and characteristics of the vessel's engine and steering equipment.
3. The vessel's handling characteristics;
4. The draft of the vessel; and
5. The location and currency of wheelhouse posters.

(d) If a docking pilot has a reasonable basis to believe that the vessels cannot be docked or undocked safely, the docking pilot shall:

1. Not undertake the piloting of the vessel;
2. Advise the master that the docking pilot will not pilot the vessel and describe the rationale for the decision; and
3. Request the master to enter the refusal, as well as the rationale for the decision, into the ship's logbook.

(e) In the event the master, despite the docking pilot's advice to the contrary in (d) above, commences or states an intention to dock or undock the vessel, the docking pilot shall: