AN ACT to amend the navigation law, in relation to the creation of a
Hudson River pilots surcharge board

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (a) of subdivision 4 of section 89-a of the navi-
gation law, as added by chapter 197 of the laws of 1990, is amended to
read as follows:
(a) Every foreign vessel and every American vessel under register
navigating the waters of that portion of the Hudson river specified in
this section shall be subject to BASE pilotage [fees, at the] rates
hereinafter specified in this subdivision:

S 2. Subparagraph 1 of paragraph (b) of subdivision 4 of section 89-a
of the navigation law, as amended by chapter 392 of the laws of 2006, is
amended to read as follows:
(I) All vessels of 100 pilotage units and over shall pay $12.17
per pilotage unit for Section 1, Lower River; Yonkers, to all ports
through Hyde Park.
The following charges shall be applicable to Section 1, Lower River:
Up to 50 pilotage units ........................................ $852.97
More than 50 and up to 100 pilotage units ........................ $1217.00
All vessels of 100 pilotage units and over shall pay ............ $17.19
per pilotage unit for Section 2, Upper River; Yonkers, to all ports
beyond Hyde Park through Albany or Troy.
The following charges shall be applicable to Section 2, Upper River:
Up to 50 pilotage units ........................................ $1406.05
More than 50 and up to 100 pilotage units ........................ $1719.00
A maximum charge of up to 500 pilotage units shall be applicable.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[ ] is old law to be omitted.
(II) TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS ACT THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE:
ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY $12.41 PER PILOTAGE UNIT FOR SECTION 1, LOWER RIVER; YONKERS, TO ALL PORTS THROUGH HYDE PARK.
The following base pilotage rates shall be applicable to Section 1, lower river:

UP TO 50 PILOTAGE UNITS ........................................ $870.03
MORE THAN 50 AND UP TO 100 PILOTAGE UNITS ...................... $1241.00
A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.

(III) TWENTY-FOUR MONTHS AFTER THE EFFECTIVE DATE OF THIS ACT THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE:
ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY $12.66 PER PILOTAGE UNIT FOR SECTION 1, LOWER RIVER; YONKERS, TO ALL PORTS THROUGH HYDE PARK.

UP TO 50 PILOTAGE UNITS ........................................ $887.43
MORE THAN 50 AND UP TO 100 PILOTAGE UNITS ...................... $1285.00
A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.

(IV) THIRTY-SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ACT THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE:
ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY $12.85 PER PILOTAGE UNIT FOR SECTION 1, LOWER RIVER; YONKERS, TO ALL PORTS THROUGH HYDE PARK.

UP TO 50 PILOTAGE UNITS ........................................ $900.74
MORE THAN 50 AND UP TO 100 PILOTAGE UNITS ...................... $1285.00
A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.
THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE TO SECTION 2, UPPER RIVER:

<table>
<thead>
<tr>
<th>PILOTAGE UNITS</th>
<th>RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>UP TO 50</td>
<td>$1484.48</td>
</tr>
<tr>
<td>MORE THAN 50 AND UP TO 100</td>
<td>$1815.00</td>
</tr>
</tbody>
</table>

A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.

(V) FORTY-EIGHT MONTHS AFTER THE EFFECTIVE DATE OF THIS ACT THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE:

<table>
<thead>
<tr>
<th>PILOTAGE UNITS</th>
<th>RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALL VESSELS OF 100 PILOTAGE UNITS AND OVER</td>
<td>$13.07 PER PILOTAGE UNIT</td>
</tr>
</tbody>
</table>

THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE TO SECTION 1, LOWER RIVER:

<table>
<thead>
<tr>
<th>PILOTAGE UNITS</th>
<th>RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>UP TO 50</td>
<td>$914.25</td>
</tr>
<tr>
<td>MORE THAN 50 AND UP TO 100</td>
<td>$1307.00</td>
</tr>
</tbody>
</table>

A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.

ALL VESSELS OF 100 PILOTAGE UNITS AND OVER SHALL PAY A BASE PILOTAGE RATE OF $18.42 PER PILOTAGE UNIT FOR SECTION 2, UPPER RIVER; YONKERS, TO ALL PORTS BEYOND HYDE PARK THROUGH ALBANY OR TROY.

THE FOLLOWING BASE PILOTAGE RATES SHALL BE APPLICABLE TO SECTION 2, UPPER RIVER:

<table>
<thead>
<tr>
<th>PILOTAGE UNITS</th>
<th>RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>UP TO 50</td>
<td>$1507.07</td>
</tr>
<tr>
<td>MORE THAN 50 AND UP TO 100</td>
<td>$1842.00</td>
</tr>
</tbody>
</table>

A MAXIMUM CHARGE OF UP TO 500 PILOTAGE UNITS SHALL BE APPLICABLE.

S 3. Paragraph (b) of subdivision 4 of section 89-a of the navigation law is amended by adding two new subparagraphs 1-b and 1-c to read as follows:

(1-B) THERE IS HEREBY CREATED A HUDSON RIVER PILOTS SURCHARGE BOARD WHICH SHALL DETERMINE THE RATE OF THE SURCHARGE PROVIDED IN SUBPARAGRAPH ONE-C OF THIS PARAGRAPH. THE SURCHARGE BOARD SHALL DETERMINE ELIGIBILITY FOR BENEFITS PURSUANT TO SUBDIVISIONS FIVE AND EIGHT OF THIS SECTION.


(1-C) (I) IN ADDITION TO THE BASE PILOTAGE CHARGE SET FORTH IN SUBPARAGRAPH ONE OF THIS PARAGRAPH, THERE IS HEREBY ESTABLISHED A SURCHARGE ON
EVERY FOREIGN VESSEL AND EVERY AMERICAN VESSEL UNDER REGISTER NAVIGATING THAT PORTION OF THE HUDSON RIVER SPECIFIED IN THIS SECTION. SUCH SURCHARGE, AS DETERMINED QUARTERLY BY THE HUDSON RIVER PILOTS SURCHARGE BOARD, SHALL BE IMPOSED FOR THE EXCLUSIVE PURPOSE OF THE FUNDING, ON A SOUND ACTUARIAL BASIS, THE RETIREMENT BENEFITS FOR HUDSON RIVER PILOTS, DESCRIBED IN CLAUSE (II) OF THIS SUBPARAGRAPH. THE AMOUNT OF THE SURCHARGE DESCRIBED IN CLAUSE (I) OF THIS SUBPARAGRAPH SHALL BE COMPUTED AS FOLLOWS:

<table>
<thead>
<tr>
<th>PILOTAGE UNITS</th>
<th>SURCHARGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 TO 50</td>
<td>$113.00</td>
</tr>
<tr>
<td>51 TO 100</td>
<td>$138.00</td>
</tr>
<tr>
<td>OVER 100</td>
<td>$1.38 PER PILOT UNIT</td>
</tr>
</tbody>
</table>

DURING THE FIRST TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH.

THE AMOUNT OF THE SURCHARGE DESCRIBED IN CLAUSE (I) OF THIS SUBPARAGRAPH SHALL BE COMPUTED AS FOLLOWS:

<table>
<thead>
<tr>
<th>PILOTAGE UNITS</th>
<th>SURCHARGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 TO 50</td>
<td>$170.00</td>
</tr>
<tr>
<td>51 TO 100</td>
<td>$207.00</td>
</tr>
<tr>
<td>OVER 100</td>
<td>$2.07 PER PILOT UNIT</td>
</tr>
</tbody>
</table>

DURING THE PERIOD BEGINNING WITH THE THIRTEENTH MONTH AND ENDING WITH THE TWENTY-FOURTH MONTH AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH.

THE AMOUNT OF THE SURCHARGE DESCRIBED IN CLAUSE (I) OF THIS SUBPARAGRAPH SHALL BE COMPUTED AS FOLLOWS:

<table>
<thead>
<tr>
<th>PILOTAGE UNITS</th>
<th>SURCHARGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-50</td>
<td>$213.00</td>
</tr>
<tr>
<td>51-100</td>
<td>$260.00</td>
</tr>
<tr>
<td>OVER 100</td>
<td>$3.05 PER PILOT UNIT</td>
</tr>
</tbody>
</table>

DURING THE PERIOD BEGINNING WITH THE TWENTY-FIFTH MONTH AND ENDING WITH THE THIRTY-SIXTH MONTH AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH.

THE AMOUNT OF THE SURCHARGE DESCRIBED IN CLAUSE (I) OF THIS SUBPARAGRAPH SHALL BE COMPUTED AS FOLLOWS:

<table>
<thead>
<tr>
<th>PILOTAGE UNITS</th>
<th>SURCHARGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-50</td>
<td>$280.00</td>
</tr>
<tr>
<td>51-100</td>
<td>$341.00</td>
</tr>
<tr>
<td>OVER 100</td>
<td>$3.41 PER PILOT UNIT</td>
</tr>
</tbody>
</table>

DURING THE PERIOD BEGINNING WITH THE FORTY-NINTH MONTH AND ENDING WITH THE SIXTIETH MONTH AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH. 

(III) FOLLOWING THE SIXTIETH MONTH AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH, THE AMOUNT OF THE SURCHARGE AS DETERMINED BY THE SURCHARGE BOARD SHALL NOT EXCEED THE GREATER OF THIRTY-FIVE PERCENT OF THE SUM OF
A. 7912

1. The base pilotage charges set forth in subparagraph one of this paragraph for section 2, upper river; Yonkers, to all ports beyond Hyde Park through Albany or Troy, as amended; or five hundred thousand dollars in any calendar year. The surcharge may be adjusted by the surcharge board from the effective date of this subparagraph as needed based on sound actuarial principles.

4. Section 89-a of the navigation law is amended by adding five new subdivisions 5, 6, 7, 8 and 9 to read as follows:

5. Each Hudson River pilot who entered service after two thousand five as a Hudson River pilot shall participate in such qualified retirement program as adopted by each such pilot and funded by such portion of the surcharge allocated thereto by the surcharge board to provide a contribution of an amount equivalent to twelve percent of the earnings from service as an active Hudson River pilot based upon the base pilotage tariffs set forth in this paragraph. Such amount shall be transferred directly by the agent to such pilot's retirement account, it being understood that such pilot's entire retirement benefit will be provided solely by the account balance of such retirement account on the date of retirement. In addition, such surcharge shall be used to purchase life
AND DISABILITY INSURANCE COVERAGE FROM AN INSURANCE COMPANY SELECTED BY THE BOARD. SUCH DISABILITY INSURANCE SHALL PROVIDE A DISABILITY BENEFIT COMPUTED AS A SINGLE LIFE ANNUITY, EQUAL TO FIFTY PERCENT OF THE AMOUNT WHICH IS EQUAL TO SUCH PILOT'S EARNINGS FROM SERVICE AS AN ACTIVE HUDSON RIVER PILOT BASED UPON THE BASE PILOTAGE TARIFFS SET FORTH IN THIS PARAGRAPH DURING THE LAST FULL CALENDAR YEAR OF SERVICE AS AN ACTIVE HUDSON RIVER PILOT PRIOR TO DISABILITY, UNTIL THE AGE OF SIXTY. IN THE EVENT SUCH DISABILITY INSURANCE IS UNAVAILABLE, EACH SUCH PILOT ELIGIBLE FOR SICK RETIREMENT BENEFITS SHALL RECEIVE, A YEARLY BENEFIT COMPUTED AS A SINGLE LIFE ANNUITY EQUAL TO THE SUM OF TEN PERCENT OF THE AMOUNT WHICH IS EQUAL TO THE EARNINGS FROM SERVICE AS AN ACTIVE HUDSON RIVER PILOT BASED UPON THE PILOTAGE TARIFFS SET FORTH IN THIS PARAGRAPH DURING THE LAST FULL CALENDAR YEAR OF SERVICE AS AN ACTIVE HUDSON RIVER PILOT PRIOR TO DISABILITY AND ONE AND SIX-TENTHS PERCENT FOR EACH YEAR OF SERVICE AFTER THE FIRST YEAR TO A MAXIMUM OF FIFTY PERCENT OF THE AMOUNT WHICH IS EQUAL TO THE EARNINGS FROM SERVICE AS AN ACTIVE HUDSON RIVER PILOT BASED UPON THE BASE PILOTAGE TARIFFS SET FORTH IN THIS PARAGRAPH DURING THE LAST FULL CALENDAR YEAR OF SERVICE AS AN ACTIVE HUDSON RIVER PILOT PRIOR TO DISABILITY, UNTIL THE AGE OF SIXTY.

6. HUDSON RIVER PILOTS WHO RETIRED BEFORE NINETEEN EIGHTY SHALL RECEIVE AN ANNUAL RETIREMENT BENEFIT IN THE AMOUNT OF THIRTY-FOUR THOUSAND NINETY-NINE DOLLARS; THOSE WHO RETIRED FROM NINETEEN EIGHTY-ONE THROUGH NINETEEN NINETY SHALL RECEIVE AN ANNUAL RETIREMENT BENEFIT IN THE AMOUNT OF THIRTY-NINE THOUSAND NINE HUNDRED NINETY-FIVE DOLLARS; THOSE WHO RETIRED FROM NINETEEN HUNDRED NINETY-ONE THROUGH TWO THOUSAND SHALL RECEIVE AN ANNUAL RETIREMENT BENEFIT IN THE AMOUNT OF FORTY-FOUR THOUSAND NINE HUNDRED NINETY-FOUR DOLLARS; THOSE WHO RETIRED IN TWO THOUSAND ONE SHALL RECEIVE AN ANNUAL RETIREMENT BENEFIT IN THE AMOUNT OF FORTY-FIVE THOUSAND NINE HUNDRED NINETY-THREE DOLLARS; AN ACTIVE HUDSON RIVER PILOT WHO RETIRES BEFORE TWO THOUSAND SIXTEEN AND HAS BEEN A HUDSON RIVER PILOT FOR THIRTY OR MORE YEARS AND HAS REACHED THE AGE OF SIXTY-FIVE SHALL RECEIVE AN ANNUAL RETIREMENT BENEFIT EQUAL TO SIXTY PERCENT OF THE HIGHEST ANNUAL EARNINGS IN THE LAST THREE YEARS OF SERVICE AS A FULL BRANCH PILOT.

7. (A) A HUDSON RIVER PILOT ELIGIBLE FOR BENEFITS SET FORTH IN SUBVISION FIVE OF THIS SECTION, WHO RETIRES, SHALL NOT BE ENTITLED TO COMMENCE RECEIVING BENEFITS UNTIL THE COMMENCEMENT OF THE BENEFIT PAYMENT PERIOD NEXT FOLLOWING THE DATE ON WHICH SUCH PILOT RETIRED OR BECAME ELIGIBLE FOR DISABILITY RETIREMENT BENEFITS. FOR ACCOUNTING PURPOSES, THE BENEFIT PAYMENT PERIODS SHALL CONSIST OF A FULL CALENDAR QUARTER COMMENCING ON JANUARY FIRST, APRIL FIRST, JULY FIRST, AND OCTOBER FIRST OF EACH YEAR, BUT THE FIRST PAYMENTS OF BENEFITS SHALL BE MADE DURING THE MONTHS OF MARCH, JUNE, SEPTEMBER, AND DECEMBER.

(B) NO ACTIVE HUDSON RIVER PILOT SHALL COMMENCE RECEIVING BENEFITS UNTIL A PROPERLY COMPLETED RESIGNATION AS AN ACTIVE PILOT SPECIFYING A PROPOSED DATE OF RETIREMENT HAS BEEN SUBMITTED IN WRITING TO THE HUDSON RIVER PILOTS EXECUTIVE COMMITTEE, OR SUCCESSOR THERETO, PRIOR TO NOVEMBER FIRST, IF RETIREMENT IS TO BECOME EFFECTIVE ON THE FIRST DAY OF THE FOLLOWING JANUARY; PRIOR TO FEBRUARY FIRST, IF RETIREMENT IS TO BECOME EFFECTIVE ON THE FIRST DAY OF THE FOLLOWING APRIL; PRIOR TO MAY FIRST, IF RETIREMENT IS TO BECOME EFFECTIVE ON THE FIRST DAY OF THE FOLLOWING
1. JULY; AND, PRIOR TO AUGUST FIRST, IF RETIREMENT IS TO BECOME EFFECTIVE
2. ON THE FIRST DAY OF THE FOLLOWING OCTOBER.
3. (C) FOR THE PURPOSE OF THE COMPUTATIONS DESCRIBED IN SUBDIVISION FIVE
4. OF THIS SECTION, SERVICE BY A PILOT OF MORE THAN SIX MONTHS OF SUCH
5. PILOT'S LAST CALENDAR YEAR AS AN ACTIVE PILOT SHALL BE CONSIDERED A FULL
6. CALENDAR YEAR.
7. (D) IF A RETIRED HUDSON RIVER PILOT DIES WITHOUT A SURVIVING SPOUSE,
8. THE BALANCE OF THE YEARLY PENSION BENEFIT FOR THE REMAINDER OF THE BENE-
9. FIT PAYMENT PERIOD SHALL BE PAID TO THE DECEASED PILOT'S ESTATE OR
10. DESIGNATED BENEFICIARY AFTER WHICH ALL RIGHTS TO BENEFITS SHALL BE
11. TERMINATED.
12. 8. (A) THE ELIGIBLE SURVIVING SPOUSE OF A HUDSON RIVER PILOT DESCRIBED
13. IN SUBDIVISION FIVE OF THIS SECTION WHO DIES WHILE IN ACTIVE SERVICE
14. SHALL RECEIVE A YEARLY PENSION BENEFIT EQUAL TO FIFTY PERCENT OF THE
15. AMOUNT WHICH SUCH DECEASED PILOT WOULD HAVE RECEIVED UNDER SUBDIVISION
16. FIVE OF THIS SECTION HAD RETIREMENT IMMEDIATELY PRECEDED THE DATE OF
17. DEATH.
18. (B) WITH RESPECT TO HUDSON RIVER PILOTS DESCRIBED IN SUBDIVISION  FIVE
19. OF THIS SECTION, THE ELIGIBLE SURVIVING SPOUSE OF A DECEASED RETIRED
20. HUDSON RIVER PILOT RECEIVING RETIREMENT BENEFITS ON THE DATE OF DEATH,
21. SHALL RECEIVE A YEARLY BENEFIT EQUAL TO THE DECEASED PILOT'S BENEFIT FOR
22. THE REMAINDER OF THE BENEFIT PAYMENT PERIOD IN WHICH DEATH OCCURRED, AND
23. THEREAFTER FIFTY PERCENT OF THE AMOUNT RECEIVED BY THE DECEASED PILOT ON
24. THE DATE OF DEATH.
25. (C) UPON THE DEATH OF THE ELIGIBLE SURVIVING SPOUSE OF A DECEASED
26. HUDSON RIVER PILOT WHO WAS RECEIVING BENEFITS, THE BALANCE OF THE YEARLY
27. PENSION BENEFIT FOR THE REMAINDER OF THE BENEFIT PAYMENT PERIOD SHALL BE
28. PAID TO THE DECEASED SURVIVING SPOUSE'S ESTATE OR DESIGNATED BENEFICIARY
29. AFTER WHICH ALL RIGHTS TO BENEFITS SHALL TERMINATE.
30. 9. A "HUDSON RIVER PILOT" FOR THE PURPOSES OF THIS SECTION IS DEFINED
31. AS AN INDIVIDUAL HOLDING A LICENSE TO ACT AS HUDSON RIVER PILOT FOR THE
32. WATERS OF THE HUDSON RIVER NORTH OF A LINE RUNNING FROM THE FOOT OF MAIN
33. STREET IN YONKERS TO ALPINE, NEW JERSEY AND SOUTH OF THE DAM AT TROY,
34. ISSUED BY THE BOARD OF COMMISSIONERS OF PILOTS OF THE STATE OF NEW YORK.
35. A "RETIRED HUDSON RIVER PILOT" FOR THE PURPOSES OF THIS SECTION IS A
36. PILOT WHO RETIRED FROM ACTIVE SERVICE IN THE HUDSON RIVER PILOTS ASSOCI-
37.ATION. AN "ELIGIBLE SURVIVING SPOUSE" FOR THE PURPOSES OF THIS SECTION
38. IS DEFINED AS A SPOUSE OF A DECEASED PILOT MARRIED AT LEAST ONE YEAR
39. PRIOR TO THE DATE OF DEATH OF THE DECEASED PILOT.
40. S 5. This act shall take effect on the ninetieth day after it shall
41. have become a law.