



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: **BOARD OF PILOTAGE COMMISSIONERS**

- Preproposal Statement of Inquiry was filed as WSR 14-13-114 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____ ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

WAC 363-116-082: Limitations on New Pilots

Hearing location(s):

**2901 Third Avenue
5th Floor, Alki Conference Room
Seattle, WA 98121**

Date: **September 18, 2014** Time: **9:30 a.m.**

Date of intended adoption: **September 18, 2014**

(Note: This is NOT the effective date)

Submit written comments to:

Name: **Captain Harry Dudley, Chairman**

Address: **2901 Third Avenue, Suite 500
Seattle, WA 98121**

e-mail larsonp@wsdot.wa.gov

fax **(206) 515-3906** by (date) **September 11, 2014**

Assistance for persons with disabilities: Contact

Shawna Erickson by **September 15, 2014**

TTY () _____ or **(206) 515-3647**

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed rule modifies license limitations and upgrade requirements for a new pilot in the Grays Harbor Pilotage District. These changes will allow a pilot in his/her first five years to perform pilotage services on vessels more in line with the traffic currently calling in the Grays Harbor District.

A review of all vessels of all tonnages calling in Grays Harbor was made which necessitates adjusting certain tonnage categories within the license limitation table (subsection (4)) and the corresponding license upgrade trip requirements (subsection (5)) in order to move through the process of upgrading one's license more efficiently.

Reasons supporting proposal:

Stakeholder comments are welcome and will continue to be considered.

Statutory authority for adoption: **Chapter 88.16 RCW**

Statute being implemented: **Chapter 88.16 RCW**

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: **August 04, 2014**

TIME: **2:02 PM**

WSR 14-16-087

DATE **August 4, 2014**

NAME **Peggy Larson**

SIGNATURE

TITLE **Executive Director**

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization)

Board of Pilotage Commissioners

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting.....Board of Pilotage Commissioners	2901 Third Avenue, Seattle, WA 98121	(206) 515-3904
Implementation Board of Pilotage Commissioners	2901 Third Avenue, Seattle, WA 98121	(206) 515-3904
Enforcement....Board of Pilotage Commissioners	2901 Third Avenue, Seattle, WA 98121	(206) 515-3904

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

The application of the proposed modifications is clear in the description of the proposal and its anticipated effects as well as the attached proposed language.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain:

RCW 34.05.328 does not apply to the adoption of these rules. The Washington State Board of Pilotage Commissioners is not a listed agency in RCW 34.05.328(5)(a)(i).

WAC 363-116-082 Limitations on new pilots. (1) The following limitations and pilot license upgrade requirements shall apply to a newly licensed pilot during his/her first five years of active service. For purposes of this section, the term "tank vessel" shall, in addition to tank ships, include any articulated or integrated tug and tank barge combinations, and any tonnage restrictions thereon shall be calculated by including the gross tonnage of the tug and tank barge combined. For purposes of this section, the term "petroleum products" shall include crude oil, refined products, liquefied natural gas, and liquefied petroleum gas. GT (ITC) as used in this section refers to gross tonnages measured in accordance with the requirements of the 1969 International Convention on Tonnage Measurement of Ships.

(2) Puget Sound pilotage district - License limitation periods. Except for trips being made for pilot license upgrades, licenses issued in the Puget Sound pilotage district shall have the following limitations:

License Year	Maximum Size of Tank Vessels Carrying Petroleum Products as Bulk Cargo	Maximum Size of Other Vessels
1	Piloting on vessels of any size prohibited	30,000 GT (ITC) or 660 feet except for passenger vessels which may only have a maximum size of 5000 GT (ITC)
2	30,000 GT (ITC)	38,000 GT (ITC)
3	38,000 GT (ITC)	48,000 GT (ITC)
4	45,000 GT (ITC)	60,000 GT (ITC)
5	55,000 GT (ITC)	75,000 GT (ITC)

(3) Puget Sound pilotage district - Pilot license upgrade requirements. Progressive lifting of tonnage limitations requires a newly licensed pilot to satisfactorily pilot vessels on the trips specified in this section. The trainee evaluation committee shall recommend to the board a series of eight trips to be made by each pilot in the last one hundred twenty days of each year of the license limitation periods specified in subsection (2) of this section(~~(, except that pilots whose license anniversary date is less than one hundred twenty days after the effective date of this section shall only be required to make three such trips prior to the first license anniversary subsequent to the effective date of this section)~~). As to these trips, the trainee evaluation committee shall specify the size and type of the vessel; origin and destination, whether the transit is to include a docking, waterway transit or other particular maneuvering requirement, whether any tank vessel trips are to be made while in ballast or loaded and whether the trip shall be taken with training pilots, trainee

evaluation committee member pilots or pilots with a specified experience level. To the extent practical, the trips shall be on vessels of at least a size that falls between the upper limit in the expiring license limitation and the upper limit in the upcoming license limitation period. All of these trips shall be complete trips between one port and another port, or between the pilot station and a port. The supervising pilots shall complete and submit to the board an evaluation form provided by the board for each trip a new pilot performs.

(4) Grays Harbor pilotage district - License limitation periods. Pilots licensed in the Grays Harbor pilotage district shall not pilot vessels in violation of the restrictions set forth in the table below during the indicated license year.

License Year	Maximum Size of Tank Vessels Carrying Petroleum Products as Bulk Cargo	Maximum Size of Other Vessels
1	Piloting on vessels of any size prohibited	((25,000)) <u>32,000</u> GT (ITC) except that piloting on vessels of any size is prohibited through the Chehalis River Bridge unless vessel is in ballast and does not exceed ((25,000)) <u>32,000</u> GT (ITC)
2	((10,000)) <u>15,000</u> GT (ITC)	((30,000)) <u>42,000</u> GT (ITC)
3	((45,000)) <u>30,000</u> GT (ITC)	((45,000)) <u>52,000</u> GT (ITC)
4	((60,000 GT (ITC))) <u>Unlimited</u>	((60,000)) <u>62,000</u> GT (ITC)
5	((75,000 GT (ITC)))	((75,000 GT (ITC))) <u>Unlimited</u>

Notwithstanding subsection (7) of this section, upon determination that a bona fide safety concern may result from no pilot without license restrictions being available within a reasonable time to pilot a vessel requiring pilotage services, the chairperson or acting chairperson of the board, on a single trip basis, may authorize a newly licensed pilot holding a restricted license to provide pilotage services to the vessel, irrespective of the tonnage, service or location of the assigned berth of the vessel.

(5) Grays Harbor pilotage district - Pilot license upgrade requirements.

(a) Prior to the expiration of the first license year, a new pilot must make five license upgrade trips. Three of these trips shall be through the Chehalis River Bridge on loaded or partially loaded vessels. The other trips shall be on vessels in excess of ~~((25,000))~~ 32,000 GT (ITC) and involve docking and passage to or from the sea

buoy; and one of these trips shall involve turning the vessel in the waterway.

(b) Prior to the expiration of the second license year, a new pilot must make two license upgrade trips on tank vessels in excess of ~~((10,000))~~ 15,000 GT (ITC) and ~~((one))~~ two trips on ~~((a))~~ other vessels in excess of ~~((30,000))~~ 42,000 GT (ITC). Two of these trips shall involve docking and passage to or from the sea buoy; and ~~((one))~~ two of these trips shall involve turning the vessel in the waterway. Upon satisfactory completion of the two upgrade trips upon tank vessels and completion of the second license year, the pilot will be authorized to pilot tank vessels in accordance with the limitations specified in subsection (4) of this section. Upon satisfactory completion of the ~~((one))~~ two upgrade trips upon ~~((a))~~ other vessels in excess of ~~((30,000))~~ 42,000 GT (ITC) and completion of the second license year, the pilot will be authorized to pilot vessels in accordance with the limitations specified in subsection (4) of this section.

(c) Prior to the expiration of the third license year, a new pilot must make ~~((three))~~ two license upgrade trips on tank vessels in excess of 30,000 GT (ITC) and two trips on other vessels in excess of ((45,000)) 52,000 GT (ITC). Two of these trips shall involve docking and passage to or from the sea buoy; and ~~((one))~~ two of these trips shall involve turning the vessel in the waterway.

(d) Prior to the expiration of the fourth license year, a new pilot must make two license upgrade trips on vessels in excess of ~~((60,000))~~ 62,000 GT (ITC).

~~((e)) ((Prior to the expiration of the fifth license year, a new pilot must make two license upgrade trips on vessels in excess of 75,000 GT (ITC)).~~

~~((f))~~ If vessels are not available in the Grays Harbor pilotage district to allow a pilot to comply with ~~((through (e)))~~ and (d) of this subsection in a timely manner, the board may designate substitute trips in the Puget Sound pilotage district as allowed by law and in so doing may specify the size of the vessel and any other characteristics of the trips that the board deems appropriate. Such designation shall be considered a modification of the pilot's state license to authorize the specified trips in the Puget Sound pilotage district.

(6) The initial license shall contain the limitations contained above and list the date of commencement and expiration of such periods. If a newly licensed pilot is unable to pilot for forty-five days or more in any one of the five years, he/she shall notify the board and request a revised schedule of limitations.

(7) Except as provided in subsection (4) of this section, no pilot shall be dispatched to, or accept an assignment on, any vessel which exceeds the limitations of his/her license. On vessels in which there is more than one pilot assigned, the license limitations shall apply only to the pilot in charge.

(8) All limitations on a pilot's license shall be lifted at the beginning of the sixth year of piloting provided he/she has submitted to the board a statement attesting to the fact that he/she has completed all the required license upgrade trips and the vessel simulator courses.