



STATE OF WASHINGTON
BOARD OF PILOTAGE COMMISSIONERS

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OPEN LETTER TO SHIPPING COMPANIES AND VESSEL MASTERS

Recent communications with some shipping company representatives indicate that there may be some misconceptions regarding the compulsory nature of pilotage in the State of Washington. Pilotage rules vary throughout the world and developing a company document such as a Bridge Resource Management Manual (BRMM) to cover all of them can be a challenging job. However, in Washington, our laws and rules override whatever is written in a BRMM or any other company policy document. This open letter outlines what Washington State laws and rules require regarding pilotage in our waters. The summary is: **WASHINGTON LAWS AND RULES REGARDING PILOTAGE ARE COMPULSORY!**

The Revised Code of Washington (RCW) requires that all vessels not exempted take a Washington State Pilot (Pilot) when in Puget Sound or Grays Harbor Pilotage Districts. Puget Sound Pilotage District comprises all waters of Washington east of Longitude 123-24 W. Grays Harbor Pilotage District includes all inland waters within Grays Harbor and Willapa Harbor. Exemptions include certain U.S. or Canadian flag vessels; foreign flag vessels bound to/from Canadian ports (with a British Columbia Coast Pilot on board); and foreign flag small passenger vessels or yachts that have a written exemption by the Board. If an exempt vessel voluntarily takes a Pilot, then certain requirements of the RCW apply. Employing a Pilot is compulsory - not optional - for any vessel not exempted.

In order to be considered "employed," the Pilot shall be in navigational control of the vessel any time that it is underway in a Washington Pilotage District. There are two circumstances where a Pilot might not be in direct navigational control of the vessel:

1. The first is set in the Washington Administrative Code (WAC): WAC 363-116-365 Docking and undocking of certain vessels by the vessels' masters. That section applies only to passenger ships not requiring a tug for docking or undocking. On all other vessels the Pilot must do the docking/undocking. Allowing the Master of passenger vessels to dock/undock the vessel is NOT automatic. The Master may not commence maneuvering the vessel without express consent of the Pilot and the Pilot should not give consent if there are indications that the procedure cannot be done safely. The Pilot must still remain available to advise and assist the Master. The Master should keep the Pilot informed as to what is going on with regard to the maneuvering of the vessel. The WAC provides a small amount of leeway as to where the Master may take over the maneuvering of the vessel, but it should always be as close to the berth as practical within the bounds of safety (but no more than two ship lengths away). The Pilot should retain control of the navigation of the vessel while it is approaching and transiting narrow waterways or channels.
2. The second possible situation is set in WAC 363-116-405 Relieving Pilots for cause. Note: Only the Master of the vessel can relieve a Pilot for cause. This authority cannot be assumed by or delegated to any other member of the crew- including a staff captain. There are very specific circumstances which must exist: "... only if the pilot is manifestly incompetent or incapacitated or if the vessel is endangered...due to the pilot's error." If a Pilot is relieved while the vessel is underway, the vessel shall be immediately taken to the nearest safe anchorage "...to the extent it

can be done safely” and await a new Pilot. If that is not possible or prudent, then the vessel must be slowed to slowest prudent speed until a new Pilot has boarded. The Pilot, even when relieved, shall remain available to advise and assist the Master to the extent possible and practical.

In the event a Pilot is relieved for cause in Puget Sound, the Vessel Traffic System (VTS) shall be notified immediately. In Puget Sound or Grays Harbor the vessel shall also promptly notify the Board. That requirement can be satisfied by calling the Marine Exchange of Puget Sound (206-443-3830 or 800-627-3924). The vessel Master should then send a letter report to the Board as soon as practical. The Pilot should submit a Pilot's Report of Marine Safety Occurrence or Pilot's Report of Incident (depending upon the circumstances). The WAC does not require a report to the Coast Guard (other than the report to the VTS if the vessel is in Puget Sound), however, relief of a Pilot for cause may require a report to the Coast Guard under federal rules.

The RCW provides that a Pilot becomes a part of the vessel's bridge resources when he/she boards a vessel and assumes piloting duties. Navigational control of the vessel must be given to the Pilot, but that does not relieve the Master from ultimate responsibility for safe navigation of the vessel. However, a Master (or any other member of the crew) should not alter, supersede or cancel the orders and actions of a Pilot without relieving that Pilot (as described above). If there is concern that the Pilot's actions may not be proper, the Master should work with the Pilot to resolve the issue. No crew member (including the Master) should make changes in the control of the vessel without the knowledge and consent of the Pilot. This includes changing heading, speed, rudder, bow thruster, passing arrangements with other vessels, etc.

The required language for vessels in U.S. waters is English. Command to crew members that have any potential to impact the navigational safety of the vessel (including, but not limited to, commands related to anchoring and the passing and letting go of mooring lines) must be given in English so the Pilot will know what is happening. If a crew member has difficulty with English, the command should first be given in English and then may be repeated in the language that the crew member best understands.

In order for the Pilot to properly carry out the responsibilities associated with safe navigation of a vessel, he/she must be provided with all the resources relating to navigation that the ship has available such as radars, depth sounders, radios, electronic chart display and information systems (ECDIS), geographic positioning systems (GPS), automatic information systems (AIS), etc. that are operational on the bridge. The Pilot must have clear access to all the areas of the bridge that might be used in the process of navigating the vessel (centerline windows, bridge wings, etc.). The Pilot must not be distracted by issues not associated with the navigation of the vessel.

The Pilot shall be given all the tools necessary to carry out the safe navigation of the vessel; kept fully apprised of all actions and orders that affect the navigation of the vessel; and allowed to carry out (without interference) the navigational responsibilities that the law has established. WAC 363-116-200(9) provides that, if in the professional judgment of the Pilot, a vessel is incapable of safe navigation and maneuvering due to performance limitations, the Pilot shall refuse to assume the obligation of pilotage until such limitations are corrected. A Pilot may consider that not having all the tools needed to safely pilot the vessel (including access to appropriate areas of the bridge from which to pilot) constitutes such a performance limitation and, therefore, refuse to assume piloting duties. The Board would review the circumstances of any such refusal to pilot a vessel. If it were shown that the Pilot was denied access to appropriate tools and space from which to pilot, the Board may assess that to be a performance limitation which justified a refusal to assume pilotage duties.

If you have any questions concerning this letter, please contact me at the above address.

cc: Puget Sound Pilots
Port of Grays Harbor



Sheri Jeanne Tonn, Chair