



# PROPOSED RULE MAKING

## CR-102 (July 2022) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: November 21, 2022

TIME: 9:31 AM

WSR 22-23-129

Agency: Board of Pilotage Commissioners

☐ Original Notice

☐ Supplemental Notice to WSR \_\_\_\_\_

☐ Continuance of WSR \_\_\_\_\_

☒ Preproposal Statement of Inquiry was filed as WSR 22-20-043 ; 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); or

☐ Proposal is exempt under RCW \_\_\_\_\_.

Title of rule and other identifying information: (describe subject) WAC 363-116-0751 Qualifications for pilot applicants

Hearing location(s):

| Date:            | Time:   | Location: (be specific)   | Comment:  |
|------------------|---------|---|---|
| January 19, 2023 | 10:00am | MS Teams and/or via Phone<br>Conference: (206) 531-0324,<br>Meeting Code 928096063# | To request a video link, please call (206) 515-3887 or<br>visit <a href="http://www.pilotage.wa.gov">www.pilotage.wa.gov</a> for call-in instructions |

Date of intended adoption: January 19, 2023 (Note: This is NOT the effective date)

Submit written comments to:

Name: Jaimie Bever, Executive Director

Address: 2901 3<sup>rd</sup> Avenue, Suite 500, Seattle, WA 98121

Email: BeverJ@wsdot.wa.gov

Fax:

Other:

By (date) January 10, 2023

Assistance for persons with disabilities:

Contact Jolene Hamel

Phone: (206) 515-3904

Fax:

TTY:

Email: HamelJ@wsdot.wa.gov

Other:

By (date) January 16, 2023

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this rulemaking is to update the exam process to better reflect agency practices, goals, and values, as well as to conduct other housekeeping of language to increase clarity to pilot aspirants and applicants, in preparation for the 2024 Marine Pilot Exam.

**Reasons supporting proposal:** The proposed revisions will provide pilot applicants with a better understanding of requirements and qualifications for the exam process. In addition, the proposed rule language better aligns with Washington state diversity, equity, and inclusion initiatives.

**Statutory authority for adoption:** Chapter 88.16 RCW, Pilotage Act

**Statute being implemented:** Chapter 88.16 RCW, Pilotage Act

**Is rule necessary because of a:**

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** The Board received a recommendation from the Trainee Evaluation Committee (TEC) favoring implementation of the proposed language based on the benefits listed above.

**Type of proponent:** ☐ Private ☐ Public ☒ Governmental

**Name of proponent:** (person or organization) Washington State Board of Pilotage Commissioners

**Name of agency personnel responsible for:**

|                                  | Name              | Office Location   | Phone          |
|----------------------------------|-------------------|---|----------------|
| Drafting:                        | Jaimie C. Bever   | 2901 3 <sup>rd</sup> Avenue, Suite 500, Seattle, WA 98121 | (206) 515-3887 |
| Implementation:<br>Commissioners | Board of Pilotage | 2901 3 <sup>rd</sup> Avenue, Suite 500, Seattle, WA 98121 | (206) 515-3904 |
| Enforcement:<br>Commissioners    | Board of Pilotage | 2901 3 <sup>rd</sup> Avenue, Suite 500, Seattle, WA 98121 | (206) 515-3904 |

**Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?**☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

**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:

TTY:

Email:

Other:

☒ 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)**Regulatory Fairness Act and Small Business Economic Impact Statement**Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.**(1) Identification of exemptions:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:

☐ [RCW 34.05.310](#) (4)(b)

(Internal government operations)

☒ [RCW 34.05.310](#) (4)(e)

(Dictated by statute)

☐ [RCW 34.05.310](#) (4)(c)

(Incorporation by reference)

☐ [RCW 34.05.310](#) (4)(f)

(Set or adjust fees)

☐ [RCW 34.05.310](#) (4)(d)

(Correct or clarify language)

☐ [RCW 34.05.310](#) (4)(g)

((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4) (does not affect small businesses).

☐ This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_.

Explanation of how the above exemption(s) applies to the proposed rule:

**(2) Scope of exemptions:** *Check one.*

- ☒ The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- ☐ The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- ☐ The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- ☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_
- ☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Date:** November 21, 2022

**Name:** Jaimie C. Bever

**Title:** Executive Director

**Signature:**



**WAC 363-116-0751 Qualifications for pilot applicants.** (1) Sea service.

(a) In addition to meeting the preexamination requirements of RCW 88.16.090, pilot applicants must, before taking the examination provided in WAC 363-116-076, meet one of the following indicated service requirements while holding a minimum license as mate/master of steam or motor vessels of not more than 1600 GRT or 3000 GT (ITC) ~~((+))~~; any such license to be held by the applicant for at least two years before application.

| Vessel Type                                      | Minimum Size  | Waters                        | Minimum Time   |
|--|---|-------------------------------|--|
| Cargo or tank                                    | 5000 GRT or 10,000 GT (ITC)   | Ocean or near coastal         | 1 year as master   |
| Cargo or tank                                    | 700 GRT or 1400 GT (ITC)  | Ocean or near coastal         | 2 years as master  |
| Cargo or tank                                    | 1600 GRT or 3000 GT (ITC)   | Inland                        | 2 years as master  |
| Passenger or ferry                               | 1600 GRT or 3000 GT (ITC)   | Ocean, near coastal or inland | 2 years as master  |
| Towing   | 100 GRT or 300 GT (ITC) towing/barge combination greater than 1600 GRT or 3000 GT (ITC) | Ocean, near coastal or inland | 2 years as master  |
| Ship assist                                      | 100 GRT or 300 GT (ITC)   | Inland                        | 2 years as master or 4 years sailing as a mate/master with a minimum of 1 year as master |
| Articulated tug barge (ATB)                      | Combined 10,000 GT (ITC)  | Ocean or near coastal         | 4 years sailing as a mate/master with a minimum of 1 year as master                      |
| U.S. Flag government                             | 3000 displacement tons  | Ocean, near coastal or inland | 2 years as commanding officer or master  |
| Special purpose                                  | 1600 GRT or 3000 GT (ITC)   | Ocean, near coastal or inland | 2 years as master  |
| <b>Other</b>                                     |   |                               |  |
| State-licensed pilot or Navy civil service pilot | 1600 GRT or 3000 GT (ITC)   | Ocean, near coastal or inland | 2 years as pilot and 120 vessel moves  |

(b) Sea service is calculated based on days spent onboard a vessel while it is actively engaged in normal operations. "Sea service" does not include time onboard a vessel that is "laid up" or on "stand-by." One day of duty time equates to one day of sea service with no multiples or reductions based upon the type of industry or the watch and schedule a certain officer has to stand. In calculating sea service under this subsection, a year of service shall equal ~~((three hun-~~

~~dred-sixty~~)) 360 days of service on the vessel in the required capacity. Pilot applicants combining the above types of sea service shall have a total of at least two years of the various service times, except that one day of service as master on cargo, tank, or passenger/ferry vessels of at least 5000 GRT or 10,000 GT (ITC) shall be credited as two days of service time for the purpose of calculating such combined service times.

(c) Ship assist vessel sea service as mate must be on vessels where the mate is the sole vessel operator and acts independently of the master for (~~twelve~~) 12 hours per day.

(2) In lieu of the requirements of subsection (1) of this section, a pilot applicant may substitute either:

(a) Two years of service as a state licensed pilot and active member of a professional pilot association or as a naval federal pilot during which periods the pilot applicant was actively engaged in maneuvering, docking and undocking vessels while holding a minimum license as a master of steam or motor vessels of not more than 1600 GRT or 3000 GT (ITC) upon oceans, near coastal waters or inland waters; a naval federal pilot or state licensed pilot must also have 120 vessel moves; or

(b) Two years of service as a commanding officer or master of U.S. flag government vessels of not less than 3000 displacement tons. The pilot applicant must hold at the time of application a minimum license as master of steam or motor vessels of not more than 1600 GRT or 3000 GT (ITC) upon oceans, near coastal waters or inland waters; or

(c) Two years of service as master of special purpose vessels of not less than 1600 GRT or 3000 GT (ITC) while holding a minimum license as master of steam or motor vessels of not more than 1600 GRT or 3000 GT (ITC), provided that the sea time making up the sea service was spent in charge of a vessel that can be documented to have been underway and to have required the type of ship-handling, navigation and leadership skills that the board finds necessary to provide the experience needed to become a pilot. Special purpose vessels may include fishing vessels, fishing processors, research vessels, offshore supply vessels, dredge vessels, and cable vessels. Special purpose vessels do not include drill ships. Evaluation of service time on special purpose vessels shall be made by the board on a case-by-case basis and shall not be approved unless the board finds the service to be the substantial equivalent of the sea service required in subsection (1)(a) and (b) of this section or (a) and (b) of this subsection. The determination of the board as to the suitability of service as master of a special purpose vessel will be final.

(3) As used in this section these terms shall have the following meanings:

(a) Cargo or tank vessels shall refer to vessels primarily engaged in the transportation of cargo between points.

(b) Passenger vessels shall refer to vessels primarily engaged in the transportation of passengers between points. This shall include yachts only to the extent and for such times that such vessels are actively engaged in moving passengers between points.

(c) Ferry vessels shall refer to vessels primarily engaged in the transportation of vehicles and passengers between points.

(d) Towing vessels shall refer to vessels primarily engaged in commercial towing.

(e) Ship assist vessels shall refer to vessels primarily engaged in assisting ships dock, undock, and maneuver.

(f) GRT shall refer to gross register tonnage (domestic).

(g) GT (ITC) shall refer to gross tonnage measured in accordance with the requirements of the 1969 *International Convention on Tonnage Measurement of Ships*.

(h) Master shall refer to the person of master's rank on the vessel's station bill or muster list or other such document who, in the event of an emergency or the sounding of a general alarm, is required to be on the bridge and in charge. If there is no such designation, the term master shall refer to the person of master's rank and pay who is ultimately in charge of the navigation of the vessel as reflected in the vessel's official log book, or there being no official log book, the bridge log of the vessel.

(i) Mate shall refer to the person of mate's rank (third mate, second mate, chief mate or simply mate) whose duties include regular bridge watchkeeping. Except where mate is defined above under ship assist sea time.

(4) It will be the responsibility of the pilot applicant to provide adequate documentation to enable the board to set forth and verify sea service in the manner specified in the board's application form.

The board will not provide applicants with a final determination verifying service until it receives an application form. An applicant will not get official notification of whether ~~((he/she qualifies))~~ they qualify to sit for the examination until the board reviews a formal application. In the event an applicant is working on a vessel other than one of the five specified in subsection (1)(a) of this section, e.g., a special purpose vessel, ~~((he/she))~~ the applicant will be required to provide the board with sufficient documentation to demonstrate to the board the amount of time involved in the navigation of a vessel underway.