



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017)
(Implements RCW 34.05.360)

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DATE: January 22, 2019

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WSR 19-03-141

Agency: Board of Pilotage Commissioners

Effective date of rule:

Permanent Rules

☒ 31 days after filing.

☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: The purpose of the rule changes are to codify several Statements of Policy enacted by the Board including policies concerning the training program stipend, conning quizzes and local knowledge exams, and the length of the training program in the Puget Sound Pilotage District, modernize the training program rules to better align with current Board practices and recent enhancements, improve the alignment between WAC 363-116-078 and WAC 363-116-080, and clarify existing language

Citation of rules affected by this order:

New:

Repealed:

Amended: WAC 363-116-078 and WAC 363-116-080

Suspended:

Statutory authority for adoption: Chapter 88.16 RCW

Other authority: N/A

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 18-23-076 on November 19, 2018 (date).

Describe any changes other than editing from proposed to adopted version: None. The proposed language was adopted by the Board with no changes.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted on the agency's own initiative:

New	_____	Amended	<u>2</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>2</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>2</u>	Repealed	_____

Date Adopted: January 17, 2019

Name: Jaimie C. Bever

Title: Executive Director

Signature:



WAC 363-116-078 Pilot training program. After passing the written examination and simulator evaluation, pilot ~~((applicants))~~ candidates pursuing a pilot license ~~((will be put))~~ are positioned on a list for the applicable pilotage district(s) and must enter and successfully complete a training program specified by the board before consideration for licensure.

(1) Notification. Pilot ~~((applicants))~~ candidates on a list as described in subsection (2) of this section, waiting to enter a training program shall provide the board with ~~((a current))~~ the best address ~~((to be used))~~ for notification ~~((for entry))~~ to enter into a training program. ~~((Such address shall be a place at which mail is delivered.))~~ In addition, a pilot ~~((applicant may))~~ candidate shall provide the board with other means of contact such as ~~((a))~~ postal mailing or email address, phone number, and/or fax number, ~~((, and/or an email address))~~. The ~~((mailing))~~ email address ~~((will))~~ with a read receipt request, however, will be considered the primary means of notification by the board. It will be the responsibility of the pilot ~~((applicant))~~ candidate to ensure ~~((that))~~ the board has ~~((a))~~ current ~~((mailing address))~~ contact information at all times. If a pilot ~~((applicant))~~ candidate cannot personally receive ~~((mail))~~ postal or electronic mail at the ~~((address))~~ address(es) provided to the board for any period of time, another person may be designated in writing ~~((with a notarized copy to the board))~~ as having power of attorney specifically to act in the pilot ~~((applicant's))~~ candidate's behalf regarding such notice. If notice sent to the email address provided by the pilot ~~((applicant))~~ candidate is not acknowledged after three attempts or if notice sent via certified mail is returned after three attempts to deliver, that pilot ~~((applicant))~~ candidate will be skipped and the next pilot ~~((applicant))~~ candidate on the list will be contacted for entry into a training program. A person so skipped will remain next on the list. A pilot ~~((applicant))~~ candidate or his/her designated attorney-in-fact shall respond within fifteen calendar days of receipt of notification to accept, refuse, or request a delayed entry into a training program.

(2) Entry. At such time that the board chooses to start a pilot ~~((applicant or applicants))~~ candidate or candidates in a training program for ~~((a))~~ either pilotage district, notification shall be given as provided in ~~((this section))~~ subsection (1) of this section. Pilot ~~((applicants))~~ candidates shall be ranked in accordance with a point system established by the board ~~((to assess))~~ based on overall performance on the written examination and simulator evaluation. ~~((Applicants))~~ Candidates shall be eligible to enter a training program for a pilotage district in the order of such rankings or as otherwise may be determined by the board. A pilot ~~((applicant))~~ candidate who refuses entry into a program will be removed from the waiting list with no further obligation by the board to offer a position in that district's training program to such pilot ~~((applicant))~~ candidate. If the pilot ~~((applicant applied for a license))~~ candidate indicated interest in the other pilotage district ~~((when applying))~~ on the application for the written examination, the ~~((applicant))~~ candidate shall remain available for that other district's training program in accordance with his/her position on that list.

(a) A pilot (~~((applicant))~~) candidate who is not able to start a training program within two months of the board's specified entry date may, with written consent of the board, delay entry into that training program. When (~~((an applicant))~~) a pilot candidate delays entry into a training program by more than two months, the board (~~((will))~~) gives notice to the next pilot (~~((applicant))~~) candidate on the list for that pilotage district to enter a training program. The pilot (~~((applicant))~~) candidate who delays entry(~~((r))~~) shall remain eligible for the next position in that district(~~((r))~~) provided that the next position becomes available within the earlier of:

(i) Four years from the pilot (~~((applicant's))~~) candidate's taking the written examination; or

(ii) The date scheduled for the next pilotage examination for the district.

(b) A pilot (~~((applicant))~~) candidate not able to start in a training program within two months of the board's specified entry date and who does not obtain the board's written consent to delay entry into a training program shall no longer be eligible for that district's training program without retaking the examination provided in WAC 363-116-076 and the simulator evaluation provided in WAC 363-116-077.

(3) Training license. Prior to receiving a training license pilot (~~((applicants))~~) candidates must pass a physical examination by a board-designated physician and in accordance with the requirements of WAC 363-116-120 for initial pilot (~~((applicants))~~) candidates. A form provided by the board must be completed by the physician and submitted to the board along with a cover letter indicating the physician's findings and recommendations as to the pilot (~~((applicant's))~~) candidate's fitness to pilot. The physical examination must be taken not more than ninety days before issuance of the training license. Holders of a training license will be required to pass a general physical examination annually within ninety days prior to the anniversary date of that training license. Training license physical examinations will be at the expense of the pilot (~~((applicant))~~) candidate. All training licenses shall be signed by the chairperson or his/her designee and shall have an expiration date. Training licenses shall be surrendered to the board upon completion or termination of the training program.

(4) Development. As soon as practical after receiving notification of eligibility for entry into a training program as set forth in this section, the pilot (~~((applicant shall meet with))~~) candidate shall provide a completed experience questionnaire to the trainee evaluation committee (TEC) ((for the purpose of devising a training program for that pilot applicant)), a committee created per subsection (11) of this section. The training program (~~((shall be tailored to the ability and experience of the individual pilot applicant and shall))~~) consists of three phases: Observation trips, training trips, and evaluation trips, and such other forms of learning and instruction that may be designated. The TEC shall recommend a training program for adoption by the board. After adoption by the board, it will be presented to the pilot (~~((applicant))~~) candidate. If the pilot (~~((applicant))~~) candidate agrees in writing to the training program, the board shall issue a training license to the pilot (~~((applicant))~~) candidate, which license shall authorize the pilot (~~((applicant))~~) candidate to take such actions as are contained in the training program. If the pilot (~~((applicant))~~) candidate does not agree to the terms of a training program, in writing, within fifteen business days of it being (~~((mailed to the applicant))~~) received by certified mail((r)) return receipt, or by email read receipt requested, that pilot (~~((applicant))~~) candidate shall no

longer be eligible for entry into that pilotage district's training program and the board may give notice to the next available pilot (~~(applicant)~~) candidate that he/she is eligible for entry into a training program pursuant to the terms in subsections (1) and (2) of this section.

(5) Initial assigned route.

(a) The (~~(trainee evaluation committee (TEC))~~) TEC shall assign an initial route to each trainee at the beginning of his/her training program between a commonly navigated port or terminal and the seaward boundary of the pilotage district (~~(to each trainee at the beginning of his/her training program))~~).

(b) Unless an extension of time is granted by the board, within eight months of the beginning of the training program if the trainee is continuously on stipend (~~(or within fifteen months of the beginning of the training program if the trainee is not on stipend))~~, plus an additional month for every month a trainee is off stipend (up to a maximum of fifteen months), the trainee must:

(i) Take and pass with a minimum score of eighty percent all conning quizzes provided by the board applicable to the initial assigned route as described in subsection (8) of this section. These quizzes (~~(can)~~) may be repeated as necessary(~~(7)~~) provided that they may not be taken more than once in any seven-day period, and further provided that they must be successfully passed (~~(before the expiration date)~~) within the time period specified in (b) of this subsection; and

(ii) Take and pass with a minimum score of eighty-five percent the local knowledge (~~(examinations)~~) examination(s) provided by the board applicable to the initial assigned route as described in subsection (8) of this section. These examinations can be repeated as necessary(~~(7)~~) provided that they may not be taken more than once in any seven-day period, and further provided that they must be successfully passed before the expiration date time period specified in (b) of this subsection; and

(iii) Possess a first class pilotage endorsement without tonnage or other restrictions on his/her United States Coast Guard license to pilot on the initial assigned (~~(initial)~~) route.

(6) Specification of trips. To the extent possible, a training program shall provide a wide variety of (~~(assignments,)~~) assigned requirements in three phases: Observation, training, and evaluation trips. A training program may contain deadlines for achieving full or partial completion of certain necessary actions. Where relevant, it may specify such factors as route, sequence of trips, weather conditions, day or night, stern or bow first, draft, size of ship and any other relevant factors. The board may designate specific trips or specific numbers of trips that shall be made with training pilots or with the pilot members of the (~~(trainee evaluation committee (TEC))~~) TEC or with pilots (~~(of specified experience)~~) designated by the TEC. In the Puget Sound pilotage district, pilot trainees shall complete a minimum of one hundred fifty trips. The board shall set from time to time the minimum number of trips for pilot trainees in the Grays Harbor pilotage district. The total number of trips in a training program shall be established by the board based on the recommendation of the TEC. The board will ensure that during a training program the pilot trainee will get significant review by (~~(training)~~) supervising pilots and the pilot members of the TEC or with pilots designated by the TEC.

(7) Length of training program. (~~(The board shall set the minimum length of a training program provided that it will not be less than eight months in the Puget Sound pilotage district.)~~) For the Puget

Sound district the length of the program shall not exceed thirty-six months. For the Grays Harbor district the length of the program will be determined at the time the training program is written.

(8) Local knowledge conning quizzes and local knowledge exams. A training program shall provide opportunities for the education of pilot trainees and shall provide for testing of pilot trainees on the local knowledge necessary to become a pilot. ((This education program shall be developed by the trainee evaluation committee (TEC) and recommended to the board for adoption, in the form of a policy statement, and shall be tailored to the needs of the individual pilot trainee.)) It shall be the responsibility of the pilot trainee to obtain the local knowledge necessary to be licensed as a pilot in the pilotage district for which he/she is applying. ((Prior to the completion of a training program, the board, or its designee, may give such local knowledge examination(s) as it deems appropriate to the pilot trainees who shall be required to pass such examination(s) before completing a training program. The TEC may require a pilot trainee to sit for a local knowledge examination provided the TEC informs the pilot trainee in writing sixty days in advance of the scheduled date of the examination. Failure to sit for the examination on the date scheduled may constitute cause for removal from the training program. The TEC may also establish in writing such interim performance requirements as it deems necessary. These local examinations can be repeated as necessary, except that an examination for the same local area may not be taken more than once in any seven-day period and all required local knowledge examinations must be successfully passed before the expiration date of the training program.)) Each conning quiz will be organized by main channel routes, ports, and approaches. A conning quiz is not intended to replace a local knowledge exam as specified in subsection (5)(b)(ii) of this section, but there will be some overlap of subject matter. A pilot trainee shall pass a conning quiz or quizzes related to the route or harbor area to move from the observation phase to the training phase of his/her training program for that route or harbor area. After a trainee has successfully passed a conning quiz on a main channel route or a port and approach, he/she will be eligible to take the conn on that route or approach unless it is a U.S. flag vessel and the required federal pilotage endorsement has not been obtained. The local knowledge exam for the initial route must be completed within eight months of the training start date if the trainee is taking the stipend. For each month the trainee is off stipend, an additional month is added up to a maximum of fifteen months to successfully pass the appropriate local knowledge exam. The final local knowledge exam must be completed before consideration for licensing and must be successfully passed before the expiration date of the training program. The conning quizzes and local knowledge exams will be administered at the offices of the board of pilotage commissioners. Eighty percent is the passing grade for conning quizzes, and eighty-five percent is required for the local knowledge exams. If a trainee fails a conning quiz or local knowledge exam, it may be retaken after seven days, but must be passed within the timing deadlines discussed above. The local knowledge required of a pilot trainee and the local knowledge examination(s) may include the following subjects as they pertain to the pilotage district for which the pilot trainee seeks a license:

(a) Area geography;

(b) Waterway configurations including channel depths, widths and other characteristics;

(c) Hydrology and hydraulics of large ships in shallow water and narrow channels;

(d) Tides and currents;

(e) Winds and weather;

(f) Local aids to navigation;

(g) Bottom composition;

(h) Local docks, berths and other marine facilities including length, least depths and other characteristics;

(i) Mooring line procedures;

(j) Local traffic operations e.g., fishing, recreational, dredging, military and regattas;

(k) Vessel traffic system;

(l) Marine VHF usage and phraseology, including bridge-to-bridge communications regulations;

(m) Air draft and keel clearances;

(n) Submerged cable and pipeline areas;

(o) Overhead cable areas and clearances;

(p) Bridge transit knowledge - Signals, channel width, regulations, and closed periods;

(q) Lock characteristics, rules and regulations;

(r) Commonly used anchorage areas;

(s) Danger zone and restricted area regulations;

(t) Regulated navigation areas;

(u) Naval operation area regulations;

(v) Local ship assist and escort tug characteristics;

(w) Tanker escort rules - State and federal;

(x) Use of anchors and knowledge of ground tackle;

(y) Applicable federal and state marine and environmental safety law requirements;

(z) Marine security and safety zone concerns;

(aa) Harbor safety plan and harbor regulations;

(bb) Chapters 88.16 RCW and 363-116 WAC, and other relevant state and federal regulations in effect on the date the examination notice is published pursuant to WAC 363-116-076; and

(cc) Courses in degrees true and distances in nautical miles and tenths of miles between points of land, navigational buoys and fixed geographical reference points, and the distance off points of land for such courses as determined by parallel indexing along pilotage routes.

(9) Rest. It is the ~~((pilot trainee's))~~ responsibility ~~((to provide adequate rest time so that he/she is fully able to pilot on training trips. Pilot trainees shall not take pilot training trips in which they will be piloting the vessel without observing))~~ of the pilot trainee to obtain adequate rest. Pilot trainees shall observe the rest rules for pilots in place by federal or state law or regulation and rules established in the applicable pilotage district in which they will train, or any other rest requirements contained in a training program. ~~((For purposes of calculating rest required before a training trip in which the pilot trainee will be piloting after an observation trip in which the pilot trainee did not pilot the vessel, such observation trip shall be treated as though it had been a normal pilot training assignment.))~~

(10) Stipend.

(a) At the initial meeting with the ~~((trainee evaluation committee (TEC)))~~ TEC the pilot trainee shall indicate whether he/she wishes to receive a stipend during their training program. In the Puget Sound pilotage district, as a condition of receiving such stipend, pilot trainees will agree to forego during their training program other

full- or part-time employment which prevents them from devoting themselves on a full-time basis to the completion of their training program. With the consent of the ~~((board and, if necessary, the restructuring of their training program))~~ TEC, pilot trainees may elect to change from a stipend to nonstipend status, and vice versa, during their training program provided that such change request is provided in writing from the trainee. If the trainee intends to be in nonstipend status more than four consecutive months, his/her particular training program may be constructed to provide recency and/or a change in seniority placement prior to resuming the training program. In the Puget Sound pilotage district the stipend paid to pilot trainees shall be a maximum of six thousand dollars per month (or such other amount as may be set by the board from time to time), shall be contingent upon the board's setting of a training surcharge in the tariffs levied pursuant to WAC 363-116-300 sufficient to cover the expense of the stipend, and shall be paid from a pilot training account as directed by the board ~~((and pursuant thereto shall be paid to pilot trainees as set forth below:~~

~~(b))~~. In the Grays Harbor pilotage district the stipend paid to pilot trainees shall be determined by the board and shall be contingent upon the board's receipt of funds, from any party collecting the tariff or providing funds, sufficient to cover the expense of the stipend and shall be paid from a pilot training account as directed by the board ~~((and pursuant thereto shall be paid to pilot trainees as set forth below:))~~.

Determinations as to stipend entitlement will be made on a full calendar month basis and documentation of trips will be submitted to the board by the ~~((fifth))~~ third day of the following month. Proration of the stipend ~~((will be paid on an all or nothing basis for each month except that prorations))~~ shall be allowed at the rate of two hundred dollars per day (or such other amount as may be set by the board from time to time), under the following circumstances:

(i) For the first and last months of a training program (unless the training program starts on the first or ends on the last day of a month); or

(ii) For a pilot trainee who is deemed unfit for duty by a board-designated physician during a training month ~~((or~~

~~((iii)) For a pilot trainee who requests a change from a nonstipend status to a stipend status, or from a stipend status to a nonstipend status as set forth in (g) of this subsection))~~.

~~((e))~~ (b) In the Puget Sound pilotage district a minimum of ~~((eighteen))~~ twelve trips are required each month for eligibility to receive the ~~((stipend))~~ minimum stipend amount as set by the board, or eighteen trips to receive the maximum stipend amount as set by the board. A trainee may make more than eighteen trips in a calendar month, but no further stipend will be earned for doing so. In the Grays Harbor pilotage district the minimum number of trips each month for eligibility to receive the stipend is seventy percent or such number or percentage of trips that may be set by the board of the total number of vessel movements occurring in this district during that month. Only trips required by the training program can be used to satisfy these minimums. Trips will be documented at the end of each month.

~~((d))~~ (c) The TEC will define areas that are considered to be hard-to-get, which many differ for trainees depending on their date of entry. It is the pilot trainee's responsibility to make all available hard-to-get trips ~~((before the end of the training program. If a~~

~~training program is extended due to a failure to get all of these trips)), as defined and assigned by the TEC. The board may elect not to pay the stipend if the missing trips were available to the pilot trainee but not taken.~~

~~((+e+))~~ (d) The TEC, with approval by the board may allocate, assign or specify training program trips among multiple pilot trainees. Generally, the pilot trainee who entered his/her training program earlier has the right of first refusal of training program trips provided that the TEC may, with approval by the board, allocate or assign training trips differently as follows:

(i) When it is necessary to accommodate any pilot trainee's initial route;

(ii) When it is necessary to spread hard-to-get trips among pilot trainees so that as many as possible complete required trips on time. If a pilot trainee is deprived of a hard-to-get trip by the TEC, that trip will not be considered "available" under (c) of this subsection. However, the pilot trainee will still be required to complete the minimum number of trips for the month in order to receive a stipend, and the minimum number of trips as required to complete his/her training program;

~~((+f+))~~ (e) If a pilot trainee elects to engage in any full-or part-time employment, the terms and conditions of such employment must be submitted to the TEC for prior determination by the board of whether such employment complies with the intent of this section prohibiting employment that "prevents (pilot trainees) from devoting themselves on a full-time basis to the completion of the training program."

~~((+g+))~~ (f) If a pilot trainee requests to change to a nonstipend status as provided in this section such change shall be effective for a minimum nonstipend period of thirty days beginning at the beginning of a month, provided that before any change takes effect ~~((the board and)), a request is made to the TEC in writing. The requirement for designated hard-to-get trips is waived during the time the pilot trainee ((must agree in writing on the terms of a revised training program))~~ is authorized to be in nonstipend status.

~~((+h+))~~ (g) Any approved pilot association or other organization collecting the pilotage tariff levied by WAC 363-116-185 or 363-116-300 shall transfer the pilot training surcharge receipts to the board at least once a month or otherwise dispose of such funds as directed by the board. In the Grays Harbor pilotage district, if there is no separate training surcharge in the tariff, any organization collecting the pilotage tariff levied by WAC 363-116-185 shall transfer sufficient funds to pay the stipend to the board at least once a month or otherwise dispose of such funds as directed by the board. The board may set different training stipends for different pilotage districts. Receipts from the training surcharge shall not belong to the pilot providing the service to the ship that generated the surcharge or to the pilot association or other organization collecting the surcharge receipts, but shall be disposed of as directed by the board. Pilot associations or other organizations collecting surcharge receipts shall provide an accounting of such funds to the board on a ~~((quarterly))~~ monthly basis or at such other intervals as may be requested by the board. Any audited financial statements filed by pilot associations or other organizations collecting pilotage tariffs shall include an accounting of the collection and disposition of these surcharges. The board shall direct the disposition of all funds in the account.

(11) Trainee evaluation committee. There is hereby created a trainee evaluation committee (TEC) to which members shall be appointed by the board. The TEC shall include at a minimum: Three active licensed Washington state pilots, who, to the extent possible, shall be from the pilotage district in which the pilot trainee seeks a license and at least one of whom shall be a member of the board; one representative of the marine industry (who may be a board member) who holds, or has held, the minimum U.S. Coast Guard license required by RCW 88.16.090; and one other member of the board who is not a pilot. The TEC may include such other persons as may be appointed by the board. The TEC shall be chaired by a pilot member of the board and shall meet as necessary to complete the tasks accorded it. In the event that the TEC cannot reach consensus with regard to any issue it shall report both majority and minority opinions to the board.

(12) (~~(Training)~~) Supervising pilots. The board shall designate as (~~(training)~~) supervising pilots those pilots who are willing to undergo such specialized training as the board may require and provide. (~~(Training)~~) Supervising pilots shall receive such training from the board to better enable them to give guidance and training to pilot trainees and to properly evaluate the performance of pilot trainees. The board shall keep a list of (~~(training)~~) supervising pilots available for public inspection at all times. All pilot members (~~of the trainee evaluation committee (TEC)~~) TEC shall also be (~~(training)~~) supervising pilots.

(13) ~~Training ((and assessment. Before, during and after a pilot trainee pilots a vessel under the supervision of a pilot on a training trip, the supervising pilot shall, to the extent possible, communicate with and give guidance to the pilot trainee in an effort to make the trip a valuable learning experience. On an evaluation trip, this communication will normally occur after completion of the trip))~~ program trip reports. After each training program trip, the licensed or supervising pilot shall complete a training program trip report form (TPTR) provided by the board. (~~(Trip report forms prepared by licensed pilots who are not)~~) Training program trip report forms prepared by licensed pilots who are supervising pilots shall be used by the (~~(trainee evaluation committee (TEC))~~) TEC and the board for assessing a pilot trainee's progress, providing guidance to the pilot trainee and for making alterations to a training program. (~~(The use of trip report forms prepared by)~~) Licensed pilots who are not ((training pilots shall be appropriately weighed by the board and the TEC when making licensing decisions and recommendations)) supervising pilots may only have trainees on board for observation trips. All trip report forms shall be delivered or mailed by the licensed or supervising pilot to the board. They shall not be given to the pilot trainee. The licensed or supervising pilot may show the contents of the form to the pilot trainee, but the pilot trainee has no right to see the form until it is filed with the board. The TEC shall review these training program trip report forms from time to time and the chairperson of the TEC shall report the progress of all pilot trainees at each meeting of the board. If it deems it necessary, the TEC may recommend, and the board may make, changes from time to time in the training program requirements applicable to a pilot trainee, including the number of trips in a training program.

(14) Termination of and removal from a training program. A pilot trainee's program may be immediately terminated and the trainee removed from a training program by the board if it finds any of the following:

(a) Failure to maintain the minimum federal license required by RCW 88.16.090;

(b) Conviction of an offense involving drugs or involving the personal consumption of alcohol;

(c) Failure to devote full time to training in the Puget Sound pilotage district ~~((if))~~ while receiving a stipend;

(d) The pilot trainee is not physically fit to pilot;

(e) Failure to make satisfactory progress toward timely completion of the program or timely meeting of interim performance requirements in a training program;

(f) Inadequate performance on examinations or other actions required by a training program;

(g) Failure to complete the initial route requirements specified in subsection (5) of this section within the time periods specified;

(h) Inadequate, unsafe, or inconsistent performance in a training program and/or on training program trips as determined by the supervising pilots, the ~~((trainee evaluation committee (TEC)))~~ TEC and/or the board; or

(i) Violation of a training program requirement, law, regulation or directive of the board.

(15) Completion of a training program shall include the requirements that the pilot trainee:

(a) Successfully ~~((and timely complete the))~~ complete all requirements set forth in the training program including any addendum(s) to the program;

(b) Possess a valid first class pilotage endorsement without tonnage or other restrictions on his/her United States government license to pilot in all of the waters of the pilotage district in which the pilot ~~((applicant))~~ candidate seeks a license; and

(c) ~~((Successfully complete any local knowledge examination(s) required by the board and specified in the training program.))~~ Complete portable piloting unit (PPU) training as defined by the TEC.

WAC 363-116-080 Licensing of pilots. (1) No person shall be issued a pilot license until he/she has applied for a pilot license and successfully completed:

- (a) The written examination(s);
- (b) The simulator evaluation;
- (c) The pilot training program, as determined by the board;
- (d) A physical examination; and
- (e) Tendered the license fee stipulated in WAC 363-116-070.

(2) A majority of board members in attendance at a meeting where licensing of an applicant is scheduled for consideration, shall ~~((pass))~~ vote on the issuance of a pilot license. Pilot licenses shall be signed by the chairperson or his/her designee.

(3) At the time of completion of a training program as provided in WAC 363-116-078 and at the time of consideration for licensing, all applicants must provide a copy of his/her U.S. master license required by RCW 88.16.090 with a first class U.S. pilotage endorsement without tonnage or other restrictions on that U.S. master license to pilot in all of the waters of the pilotage district defined in RCW 88.16.050 in which the applicant desires to be licensed and an endorsement on that U.S. master license as a radar observer (unlimited); and a certificate representing competency in automatic radar plotting aids (ARPA).

(4) No person shall be licensed by the board who has been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction shall not apply to license renewals.

(5) After completion of a training program the trainee evaluation committee (TEC) shall review the evaluations and the pilot trainee's performance on other required aspects of the training program and ~~((make a recommendation))~~ report to the board that the pilot trainee ~~((is: Suitable for licensing; not suitable for licensing; or, in need of more training and further evaluation))~~ has or has not: Successfully completed all requirements set forth in the training program including any addendum(s) to the program. The board shall consider ((such recommendation)) training program documentation and TEC reports and may: Issue the license if there is a need for a pilot in the relevant pilotage district; ((require more training for the pilot trainee if necessary;)) deny a license if it finds that the pilot trainee should not be licensed; or, delay the issuance of a license, if there is no need for a pilot at that time in the relevant district. If the board delays the issuance of a license, it ((may prescribe additional training trips for the pilot trainee and continue the pilot trainee in the training program)) may at its discretion offer an optional program that would maintain piloting skills and knowledge and may enable stipend credit to be earned and paid. The criteria to be followed by the board in issuing or denying licenses shall include, but not be limited to: Performance in the training program; piloting and ship handling and general seamanship skills; local knowledge; and, bridge presence and communication skills.

(6) If two or more pilot trainees are deemed qualified by the board for issuance of a license at the same meeting of the board, the pilot trainee with the highest combined score on the initial written examination and simulator evaluation shall be licensed first.