
HOUSE BILL 2276

State of Washington

53rd Legislature

1994 Regular Session

By Representatives R. Fisher, Brough and Orr

Read first time 01/12/94. Referred to Committee on Transportation.

1 AN ACT Relating to authorizing the provision of pilotage services
2 in the Grays Harbor pilotage district by port districts; amending RCW
3 88.16.005, 88.16.010, and 88.16.035; and adding a new section to
4 chapter 53.08 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 88.16.005 and 1977 ex.s. c 337 s 1 are each amended to
7 read as follows:

8 The legislature finds and declares that it is the policy of the
9 state of Washington to prevent the loss of human lives, loss of
10 property and vessels, and to protect the marine environment of the
11 state of Washington through the sound application of compulsory
12 pilotage provisions in certain of the state waters.

13 The legislature further finds and declares that it is a policy of
14 the state of Washington to have pilots experienced in the handling of
15 vessels aboard vessels in certain of the state waters with prescribed
16 qualifications and licenses issued by the state.

17 It is the intent of the legislature to ensure against the loss of
18 lives, loss or damage to property and vessels, and to protect the
19 marine environment through the establishment of a board of pilotage

1 commissioners representing the interests of the people of the state of
2 Washington.

3 It is the further intent of the legislature not to place in
4 jeopardy Washington's position as an able competitor for waterborne
5 commerce from other ports and nations of the world, but rather to
6 continue to develop and encourage such commerce.

7 Declining vessel calls in the Grays Harbor pilotage district have
8 impaired competitive pilotage service to waterborne commerce in that
9 district. Therefore, it is the intent of the legislature to provide
10 additional means of providing pilotage service in that district.

11 **Sec. 2.** RCW 88.16.010 and 1991 c 200 s 1001 are each amended to
12 read as follows:

13 (1) The board of pilotage commissioners of the state of Washington
14 is hereby created and shall consist of the assistant secretary of
15 marine transportation of the department of transportation of the state
16 of Washington, or the assistant secretary's designee who shall be an
17 employee of the marine division, who shall be chairperson, the
18 administrator of the office of marine safety, or the administrator's
19 designee, and ((seven)) eight members appointed by the governor and
20 confirmed by the senate. Each of the appointed commissioners shall be
21 appointed for a term of four years from the date of the member's
22 commission. No person shall be eligible for appointment to the board
23 unless that person is at the time of appointment eighteen years of age
24 or over and a citizen of the United States and of the state of
25 Washington. Two of the appointed commissioners shall be pilots
26 licensed under this chapter and actively engaged in piloting upon the
27 waters covered by this chapter for at least three years immediately
28 preceding the time of appointment and while serving on the board. One
29 pilot shall be from the Puget Sound pilotage district and one shall be
30 from the Grays Harbor pilotage district. Two of the appointed
31 commissioners shall be actively engaged in the ownership, operation, or
32 management of deep sea cargo and/or passenger carrying vessels for at
33 least three years immediately preceding the time of appointment and
34 while serving on the board. One of said shipping commissioners shall
35 be a representative of American and one of foreign shipping. One of
36 the commissioners shall be a representative from a recognized
37 environmental organization concerned with marine waters and one
38 commissioner shall be a representative of a port district providing

1 pilotage service. The remaining commissioners shall be persons
2 interested in and concerned with pilotage, maritime safety, and marine
3 affairs, with broad experience related to the maritime industry
4 exclusive of experience as either a state licensed pilot or as a
5 shipping representative.

6 (2) Any vacancy in an appointed position on the board shall be
7 filled by the governor for the remainder of the unfilled term, subject
8 to confirmation by the senate.

9 (3) Five members of the board shall constitute a quorum. At least
10 one pilot, one shipping representative, and one public member must be
11 present at every meeting. All commissioners and the chairperson shall
12 have a vote.

13 **Sec. 3.** RCW 88.16.035 and 1987 c 264 s 1 are each amended to read
14 as follows:

15 (1) The board of pilotage commissioners shall:

16 ~~((1))~~ (a) Adopt rules, pursuant to chapter 34.05 RCW as now
17 existing or hereafter amended, necessary for the enforcement and
18 administration of this chapter;

19 ~~((2))~~ (b) License pilot applicants meeting the qualifications and
20 passing the examination as provided for in RCW 88.16.090 as now or
21 hereafter amended and to establish additional training requirements,
22 including a program of continuing education developed after
23 consultation with pilot organizations, including those located within
24 the state of Washington, as required to maintain a competent pilotage
25 service;

26 ~~((3))~~ (c) Maintain a register of pilots, records of pilot
27 accidents and other history pertinent to pilotage, along with a roster
28 of vessels, agents, owners, operators, and masters necessary for the
29 maintenance of a roster of persons interested in and concerned with
30 pilotage and maritime safety;

31 ~~((4))~~ (d) Annually fix the pilotage tariffs for pilotage services
32 performed aboard vessels as required by this chapter(~~—PROVIDED,~~
33 ~~That~~). The board may fix extra compensation for extra services to
34 vessels in distress, for awaiting vessels, or for being carried to sea
35 on vessels against the will of the pilot, and for such other services
36 as may be determined by the board. If a port district is providing
37 pilotage service under chapter 53.08 RCW, it has the exclusive
38 authority to publish and amend rules of service, rates, and tariffs for

1 pilotage services provided by the port district, including adopting by
2 reference any rules, rates, and tariffs of the board of pilotage
3 commissioners, and to enforce mandatory pilotage service in lieu of the
4 board of pilotage commissioners under RCW 88.16.130, within the Grays
5 Harbor pilotage district. A port district shall file its rules of
6 service with the board of pilotage commissioners at least twenty
7 calendar days before they become effective. The board may, upon
8 approval of five commissioners at a regular or special meeting, before
9 the effective date suspend the port district's rules for a period of up
10 to thirty days to determine if the rule impacts safety on Washington
11 waters, or violates a law relating to safety, licensing of pilots,
12 maintenance of pilot records, or other similar matters, to assure the
13 protection of the environment and protect public health and safety.
14 Upon hearing and based on substantial evidence, the board may return
15 the rule of service to the port district specifying changes required to
16 assure safety and compliance with the safety, licensing, and reporting
17 provisions of this chapter;

18 ((+5)) (e) File annually with the governor and the chairs of the
19 transportation committees of the senate and house of representatives a
20 report which includes, but is not limited to, the following: The
21 number, names, addresses, ages, pilot license number, and years of
22 service as a Washington licensed pilot of any person licensed by the
23 board as a Washington state pilot; the names, employment, and other
24 information of the members of the board; the total number of pilotage
25 assignments by pilotage district, including information concerning the
26 various types and sizes of vessels and the total annual tonnage; the
27 annual earnings of individual pilots before and after deduction for
28 expenses of pilot organizations, including extra compensation as a
29 separate category; the annual expenses of private pilot associations,
30 including personnel employed and capital expenditures; the status of
31 pilotage tariffs, extra compensation, and travel; the retirement
32 contributions paid to pilots and the disposition thereof; the number of
33 groundings, mishaps, or other incidents which are reported to or
34 investigated by the board, and which are determined to be accidents, as
35 defined by the board, including the vessel name, location of incident,
36 pilot's name, and disposition of the case together with information
37 received before the board acted from all persons concerned, including
38 the United States coast guard; the names, qualifications, time
39 scheduled for examinations, and the district of persons desiring to

1 apply for Washington state pilotage licenses; summaries of dispatch
2 records, quarterly reports from pilots, and the bylaws and operating
3 rules of pilotage organizations; the names, sizes in deadweight tons,
4 surcharges, if any, port of call, name of the pilot, and names and
5 horsepower of tug boats for any and all oil tankers subject to the
6 provisions of RCW 88.16.190 together with the names of any and all
7 vessels for which the United States coast guard requires special
8 handling pursuant to their authority under the Ports and Waterways
9 Safety Act of 1972; the expenses of the board; and any and all other
10 information which the board deems appropriate to include;

11 ~~((+6))~~ (f) Publish a manual which includes the pilotage act and
12 other statutes of Washington state and the federal government which
13 affect pilotage, including the rules of the board, together with such
14 additional information as may be informative for pilots, agents,
15 owners, operators, and masters. Such manual shall be distributed
16 without cost to all pilots and governmental agencies upon request. All
17 other copies shall be sold for a five dollar fee with proceeds to be
18 credited to the pilotage account;

19 ~~((+7))~~ (g) Appoint advisory committees and employ marine experts
20 as necessary to carry out its duties under this chapter;

21 ~~((+8))~~ (h) Provide for the maintenance of efficient and competent
22 pilotage service on all waters covered by this chapter; and do such
23 other things as are reasonable, necessary, and expedient to insure
24 proper and safe pilotage upon the waters covered by this chapter and
25 facilitate the efficient administration of this chapter.

26 (2) The board of pilotage commissioners may not license an
27 additional pilot for the Grays Harbor pilotage district after February
28 1, 1994, or before June 30, 1996, unless a port district providing
29 pilotage service petitions the board to license an individual who has
30 passed the pilots examination for the Grays Harbor district and is on
31 the waiting list for the training program for the district. If there
32 is no person on the waiting list, the board shall solicit applicants
33 and offer the examination for the Grays Harbor pilotage district.

34 NEW SECTION. Sec. 4. A new section is added to chapter 53.08 RCW
35 to read as follows:

36 A county-wide port district located in part or in whole within the
37 Grays Harbor pilotage district, as defined by RCW 88.16.050(2), may by

1 June 30, 1996, commence pilotage service with the following powers and
2 subject to the conditions contained in this section.

3 (1) A person employed to perform the pilotage service of a port
4 district shall be licensed under chapter 88.16 RCW to provide pilotage
5 exclusively within the Grays Harbor pilotage district.

6 (2) Before establishing pilotage service, a port district shall
7 give at least sixty days' written notice to the chairman of the board
8 of pilotage commissioners and to each person with an active license on
9 December 31, 1993, to provide pilotage in the Grays Harbor pilotage
10 district.

11 (3) Before establishing pilotage service, a port district shall
12 offer annuities, benefits, or other incentives to selected active
13 pilots who are licensed by December 31, 1993, for the Grays Harbor
14 pilot district for the purpose of bringing the number of active pilots
15 in line with the available workload in the pilotage district. Those
16 remaining pilots must be offered a contract or direct employment to
17 pilot for the port district in the Grays Harbor pilotage district.
18 However, if the port and pilot cannot agree on terms of a contract or
19 employment, and the port has offered a salary generally equivalent to
20 that paid to the average Washington state ferry captain and benefits
21 equivalent to those offered to all other port employees, the port may
22 engage necessary pilots as provided in subsection (4) of this section.

23 (4) A port district providing pilotage service under this section
24 requiring additional pilots may petition the board of pilotage
25 commissioners to qualify and license as a pilot a person who has passed
26 the examination for the Grays Harbor pilotage district and is on the
27 waiting list for the training program for the district. If there is no
28 person on the waiting list, the board shall solicit applicants and
29 offer the examination for the Grays Harbor pilotage district.

30 (5) In addition to the power to employ or contract with pilots, a
31 port district providing pilotage services under this section has such
32 other powers as are reasonably necessary to accomplish the purpose of
33 this section including, but not limited to, providing through ownership
34 or contract pilots launches, dispatcher services, or ancillary tug
35 services required for operations or safety.

36 (6) A port district providing pilotage services under this section
37 may adopt and amend rules of service, rates, and tariffs governing its
38 pilotage service subject to the limitations of RCW 88.16.035. The
39 rules, rates, and tariffs must be approved in open meetings of the port

1 district ten or more days after published notice in a newspaper of
2 general circulation and after mailing a copy of the notice to the
3 chairman of the board of pilotage commissioners.

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