
HOUSE BILL 2120

State of Washington

61st Legislature

2009 Regular Session

By Representative Ericksen

1 AN ACT Relating to pilotage tariffs; amending RCW 88.16.035; and
2 adding a new section to chapter 81.04 RCW.

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

4 **Sec. 1.** RCW 88.16.035 and 2008 c 128 s 2 are each amended to read
5 as follows:

6 (1) The board of pilotage commissioners shall:

7 (a) Adopt rules, pursuant to chapter 34.05 RCW, necessary for the
8 enforcement and administration of this chapter;

9 (b)(i) Issue training licenses and pilot licenses to pilot
10 applicants meeting the qualifications provided for in RCW 88.16.090 and
11 such additional qualifications as may be determined by the board;

12 (ii) Establish a comprehensive training program to assist in the
13 training and evaluation of pilot applicants before final licensing; and

14 (iii) Establish additional training requirements, including a
15 program of continuing education developed after consultation with pilot
16 organizations, including those located within the state of Washington,
17 as required to maintain a competent pilotage service;

18 (c) Maintain a register of pilots, records of pilot accidents, and
19 other history pertinent to pilotage;

1 (d) Determine from time to time the number of pilots necessary to
2 be licensed in each district of the state to optimize the operation of
3 a safe, fully regulated, efficient, and competent pilotage service in
4 each district;

5 (e) Annually fix the pilotage tariffs for pilotage services
6 performed aboard vessels as required by this chapter(~~(+—PROVIDED,~~
7 ~~That)) in order to provide safe, efficient, and competent pilotage as
8 determined by provisions relating to licensing, oversight, and the
9 setting of the number of pilots. The board may fix extra compensation
10 for extra services to vessels in distress, for awaiting vessels, for
11 all vessels in direct transit to or from a Canadian port where Puget
12 Sound pilotage is required for a portion of the voyage, or for being
13 carried to sea on vessels against the will of the pilot, and for such
14 other services as may be determined by the board. The board shall
15 consider any tariff adjustment recommendations included in the
16 utilities and transportation commission report required under section
17 2 of this act. The board shall provide a report clearly documenting
18 specific rationale to the governor and the chairs of the transportation
19 committees of the senate and the house of representatives if the board
20 deviates from tariff adjustment recommendations included in the
21 utilities and transportation commission report;~~

22 (f) File annually with the governor and the chairs of the
23 transportation committees of the senate and house of representatives a
24 report which includes, but is not limited to, the following: The
25 number, names, ages, pilot license number, training license number, and
26 years of service as a Washington licensed pilot of any person licensed
27 by the board as a Washington state pilot or trainee; the names,
28 employment, and other information of the members of the board; the
29 total number of pilotage assignments by pilotage district, including
30 information concerning the various types and sizes of vessels and the
31 total annual tonnage; the annual earnings or stipends of individual
32 pilots and trainees before and after deduction for expenses of pilot
33 organizations, including extra compensation as a separate category; the
34 annual expenses of private pilot associations, including personnel
35 employed and capital expenditures; the status of pilotage tariffs,
36 extra compensation, and travel; the retirement contributions paid to
37 pilots and the disposition thereof; the number of groundings, marine
38 occurrences, or other incidents which are reported to or investigated

1 by the board, and which are determined to be accidents, as defined by
2 the board, including the vessel name, location of incident, pilot's or
3 trainee's name, and disposition of the case together with information
4 received before the board acted from all persons concerned, including
5 the United States coast guard; the names, qualifications, time
6 scheduled for examinations, and the district of persons desiring to
7 apply for Washington state pilotage licenses; summaries of dispatch
8 records, quarterly reports from pilots, and the bylaws and operating
9 rules of pilotage organizations; the names, sizes in deadweight tons,
10 surcharges, if any, port of call, name of the pilot or trainee, and
11 names and horsepower of tug boats for any and all oil tankers subject
12 to the provisions of RCW 88.16.190 together with the names of any and
13 all vessels for which the United States coast guard requires special
14 handling pursuant to their authority under the Ports and Waterways
15 Safety Act of 1972; the expenses of the board; and any and all other
16 information which the board deems appropriate to include;

17 (g) Make available information that includes the pilotage act and
18 other statutes of Washington state and the federal government that
19 affect pilotage, including the rules of the board, together with such
20 additional information as may be informative for pilots, agents,
21 owners, operators, and masters;

22 (h) Appoint advisory committees and employ marine experts as
23 necessary to carry out its duties under this chapter;

24 (i) Provide for the maintenance of efficient and competent pilotage
25 service on all waters covered by this chapter; and do such other things
26 as are reasonable, necessary, and expedient to insure proper and safe
27 pilotage upon the waters covered by this chapter and facilitate the
28 efficient administration of this chapter.

29 (2) The board may pay stipends to pilot trainees under subsection
30 (1)(b) of this section.

31 NEW SECTION. **Sec. 2.** A new section is added to chapter 81.04 RCW
32 to read as follows:

33 Beginning by December 31, 2009, the commission shall annually
34 submit a pilotage tariff recommendation report to the board of pilotage
35 commissioners, the governor, and the chairs of the transportation
36 committees of the senate and the house of representatives for any
37 pilotage district where pilotage is not administered by a port

1 authority. The timing of the report is determined based on a request
2 from the board of pilotage commissioners. Concurrent with this
3 request, the board shall transmit information including, but not
4 limited to, the most recent annual report and audited financial
5 statements of any pilot association or individual pilots serving the
6 Puget Sound district. Commission recommendations must assist the board
7 of pilotage commissioners with any rate-setting decisions set forth
8 under RCW 88.16.035. Tariff adjustment recommendations, if any, must
9 be based on an economic analysis that is consistent with existing
10 commission rate-setting policies.

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