

# HOUSE BILL REPORT

## SHB 1905

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### As Passed Legislature

**Title:** An act relating to the volume limitation for certain vessels exempt from the pilotage act.

**Brief Description:** Modifying limitations for certain vessels exempt from the pilotage act.

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Orcutt and Clibborn).

#### **Brief History:**

##### **Committee Activity:**

Transportation: 2/16/17, 2/21/17 [DPS].

##### **Floor Activity:**

Passed House: 3/2/17, 98-0.

Passed Senate: 4/4/17, 47-1.

Passed Legislature.

#### **Brief Summary of Substitute Bill**

- Increases the maximum vessel volume permitted for possible exemption from the mandatory use of a marine pilot for small passenger vessels from 500 gross tons to 1,300 gross tons, and for yachts from 750 gross tons to 1,300 gross tons.
- Requires that small passenger vessels be staffed by United States (U.S.) licensed deck and engine officers with specified U.S.-issued credentials or by Canadian deck and engine officers with specified Canadian-issued credentials to be eligible for possible exemption from the mandatory use of a marine pilot.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 24 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman, Gregerson, Hayes, Irwin, Kloba, Lovick, McBride, Morris, Ortiz-Self, Pellicciotti, Pike, Riccelli, Shea, Stambaugh, Tarleton, Van Werven and Young.

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Jennifer Harris (786-7143).

**Background:**

Vessels operating in the Puget Sound or Grays Harbor pilotage districts are subject to compulsory pilotage unless they qualify for an exemption. Compulsory pilotage requires a vessel to employ a licensed pilot while navigating the Puget Sound and Grays Harbor pilotage districts. The Board of Pilotage (Board) trains and licenses marine pilots, maintains a register of pilots and records of pilot accidents, determines the necessary number of pilots to be licensed in each pilotage district, sets pilotage rates, enforces pilotage laws, and provides for the maintenance of pilotage services to ensure proper and safe pilotage.

United States (U.S.) flagged vessels operating exclusively on a coastwise endorsement, a fishery endorsement, or a recreational endorsement, and all U.S. and Canadian vessels engaged exclusively in the coasting trade on the West Coast of the U.S., including Alaska and British Columbia, are exempt from pilotage requirements in the Puget Sound and Grays Harbor pilotage districts. Any vessel inbound to or outbound from Canadian ports is also exempt from pilotage requirements if the vessel employs a pilot licensed by the Pacific Pilotage Authority (the pilot licensing authority for the Western District of Canada), is communicating using the vessel traffic system, has appropriate navigational charts, and uses only certain specified waters in the northwest of the Puget Sound Pilotage District.

The Board may grant an exemption from pilotage requirements upon written petition and notice and opportunity for a hearing for the following vessels: (1) small passenger vessels that are not more than 500 gross tons in volume, do not exceed 200 feet in overall length, and are operated exclusively in the Puget Sound Pilotage District and lower British Columbia; and (2) yachts that are not more than 750 gross tons and do not exceed 200 feet in overall length. Gross tonnage is a nonlinear measure of a ship's overall internal volume. The exemption must not be detrimental to the public interest with respect to safe operations in preventing the loss of human lives, loss of property, and protecting the marine environment.

The Board is required to review any exemptions granted to the specified classes of small vessels when in the public interest to ensure that each exempted vessel remains in compliance with the original exemption, and to maintain a file with all petitions for exemption, a roster of vessels granted exemptions, and the Board's written decisions setting forth its findings for grants of exemption. The Board may revoke an exemption when a vessel is not in compliance with the exemption's terms. Applicants for an exemption or renewing an exemption must pay a fee to the Board, as established by rule. The fee may not exceed \$1,500.

**Summary of Substitute Bill:**

Maximum vessel volumes permitted to be considered for possible exemption from the mandatory use of a marine pilot while navigating the Puget Sound and Grays Harbor pilotage districts are increased for the following vessels, which may not be longer than 200 feet: (1) small passenger vessels that are not larger than 1,300 gross tons and operate exclusively in the Puget Sound pilotage District and lower British Columbia; and (2) yachts that are not larger than 1,300 gross tons.

For a small passenger vessel to be eligible for possible exemption from the mandatory use of a marine pilot it must also be staffed either by: (1) U.S.-licensed deck and engine officers with merchant mariner credentials issued by the U.S. Coast Guard appropriate to the size of the vessel; or (2) Canadian deck and engine officers with Canadian-issued certificates of competency appropriate to the size of the vessel.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Many vessels that are coming into the state's ports are being built larger. The bill allows the Board of Pilotage to exempt a slightly larger vessel, but it does not automatically exempt any vessels—it simply makes them eligible to be considered for exemption. It also does not change the maximum permitted vessel length for exemption eligibility; it only changes the maximum volume.

One of the reasons Clipper Ferries would like this exemption eligibility expanded is that the company is looking for replacement vessels that are more modern and slightly bigger. The larger size will help reduce the number of people who get seasick on board a vessel. The exemption eligibility criteria is still no more permissive with respect to vessel types and sizes than what is permitted by Canada to be navigated in waters in British Columbia without a pilot.

Clipper Ferries has been around since 1986 and has an outstanding safety record. The German company that owns it, Forde Reederei Seetouristik, also has an excellent safety record. Captains of the Clipper are seasoned veterans. Some pilots have expressed concern about the possibility of these vessels using foreign captains, but the amendment will restrict exemption eligibility to vessels staffed with American and Canadian deck and engine officers.

(Opposed) None.

(Other) Puget Sound's port is very safe and pilots have a great safety record there. Exemptions to pilotage requirements are taken very seriously. Clipper Ferries has been a good steward of the Puget Sound. The amendment to this bill will require the captain and crew of small vessels to hold U.S. or Canadian licensing. These licensing standards are very high and are required because of the number of passengers on board these vessels and the vessels' high rate of speed.

This bill would only impact a small number of yachts. However, yachts may travel in the wrong lane at times and be steered in an unpredictable manner. This can be addressed through Board of Pilotage rulemaking that mandates that a pilot be on board a yacht with its

captain the first time the yacht is brought to the port. These yachts can transform the waterfront.

**Persons Testifying:** (In support) Representative Orcutt, prime sponsor; Darrell Bryan, Interferry; Jason Mihok and Lisa Thatcher, Clipper Navigations; Daniel Quinn, UnCruise Adventures; and Peter Schrappen, Northwest Marine Trade Association.

(Other) Eric VonBrandenfels, Puget Sound Pilots.

**Persons Signed In To Testify But Not Testifying:** None.