

# SENATE BILL REPORT

## SB 6667

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As of February 11, 2020

**Title:** An act relating to permitting a private auto ferry to operate between the Anacortes area and British Columbia.

**Brief Description:** Permitting a private auto ferry to operate between the Anacortes area and British Columbia.

**Sponsors:** Senator King.

**Brief History:**

**Committee Activity:** Transportation: 2/10/20.

**Brief Summary of Bill**

- Establishes conditions under which the Board of Pilotage may provide a pilotage waiver for operating a private auto ferry that does not exceed 3000 gross international tons and 200 feet in overall length

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### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Daniel Masterson (786-7454)

**Background:** Board of Pilotage. Vessels operating in the Puget Sound or Grays Harbor pilotage districts are subject to compulsory pilotage, which means they must hire a licensed pilot to assist with vessel navigation. The Board of Pilotage (Board) is a state board created in 1935 that trains and licenses marine pilots, sets pilotage rates, and enforces pilotage laws. The Board may also consider providing exemptions to pilotage requirements for certain vessels.

Statutory Exemptions to Pilotage. Generally, U.S. flagged vessels and certain Canadian vessels are exempt from pilotage requirements in Puget Sound or Grays Harbor pilotage districts.

Board Approved Exemptions to Pilotage. A U.S. flagged vessel heading to a foreign destination is not automatically exempt but may apply for a waiver. The Board may provide an exemption for small passenger vessels that are not more than 1300 gross international

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tons, not more than 200 feet long, manned by U.S. or Canadian licensed deck and engine officers, and operate exclusively in Puget Sound and lower British Columbia. They may also provide an exemption for yachts with a volume not more than 1300 gross international tons and not more than 200 feet long. Any exemption application must include information about the vessel including its intended use and area of operation. An exemption applicant shall pay a fee of no more than \$1,500.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Proposed Substitute):** The Board may grant an exemption from pilotage requirements for operating a private auto ferry vessel that does not exceed 3000 gross international tons and that does not exceed 200 feet in overall length. This exemption may only be considered for an operator that:

- demonstrates a minimum of 25 years of operating international, scheduled passenger ferry service in the waters of the Puget Sound pilotage district and lower British Columbia;
- operates vessels manned by U.S. or Canadian licensed deck and engine officers; and
- operates vessels regulated by an internationally recognized classification society and employing a safety management system that includes detailed risk and failure mode and effects analysis.

An exemption must not be detrimental to the public interest in regard to safe operation preventing loss of human lives, loss of property, and protecting the marine environment of the state of Washington. A petition for an exemption must set out the general description of the vessel, the contemplated use of the vessel, the proposed area of operation, and the name and address of the vessel's owner.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Proposed Substitute:** PRO: This bill allows an entity to seek an exemption from pilotage requirements. These boats will be making trips every day, why do you need a pilot? There is no justified reason if you look at the other criteria for an operator to qualify. The Governor proposed retiring the Elwha, which was on a run about tourism. This allows a company to look at the opportunity to see if it makes sense. All of the other routes are focused on moving the citizens of Washington to work and back again. Clipper has operated in the northwest for over 34 years. We have carried over 9 million passengers between Seattle and Victoria. We recently increased the size of the passenger vessel we operate. This change allowed us to reduce 239 sailings per year while moving the same number of people. When we saw the cut of the Elwha, we were concerned with the state's ability to operate the run with one vessel. We saw that we have an opportunity to provide this service. We are not seeking a change in the length, simply the gross tonnage in order to carry vehicles in addition to passengers. Investing to get this up

and running would take 18 months, there is a lot of investment. \$2.5 million to get the vessel here and in good enough shape to operate.

CON: There are 100 cars per day traveling inter island on the ferry that goes to Sidney. We share many cultural elements with Vancouver Island and the Gulf Islands. It is difficult to maintain the route without the Elwha. But, this route is one of the most profitable routes in the system. My community is more than happy to look at higher fares if it keeps all of our boats alive. Think of this as a lane on a bridge. We want to preserve our union jobs. The economic impact of removing the WSF Sidney route will be traumatic to our county. Please do not do this. Let us give more time for public outreach before moving forward with privatization. The Board has serious safety concerns. We just had an increase in tonnage a couple of years ago. Changes like this need time. It is imperative to do our due diligence. We want to maintain all of the safe and effective ferry routes including Anacortes and Sidney. We want to maintain the pipeline of American pilots, including women and minorities. Unlike private pilots, state pilots are accountable to the state. Licensed pilots are essential for safety. Having car carrying vessels operating without pilots in pilotage waters is detrimental to the safety and security of the region. Clipper does a great job, but small passenger vessels are vastly different than car ferries. This is something we have to look at very closely going forward. It is important that pilots are on board because then the state knows that there is someone on board familiar with local waters, conditions, language.

**Persons Testifying:** PRO: Senator Curtis King, Prime Sponsor; David Gudgel, Clipper Navigations.

CON: Jaimie Bever, Board of Pilotage Commissioners; Eric Von Brandenfels, President, Puget Sound Pilots; Rick Hughes, Chair, San Juan County Council; Daniel Twohig, International Organization of Masters, Mates and Pilots.

**Persons Signed In To Testify But Not Testifying:** No one.