

WSR 22-07-082
EMERGENCY RULES
BOARD OF
PILOTAGE COMMISSIONERS

[Filed March 21, 2022, 11:24 a.m., effective March 21, 2022, 11:24 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: To amend WAC 363-116-081 Rest period, to revise types of pilotage assignments subject to the requirement for 10 hours rest with the opportunity for eight hours of sleep after completion of an assignment. Puget Sound pilots (PSP) recently approved several measures to increase dispatching efficiency and pilot availability while observing state mandated rest rules. One of those measures is to allow a pilot to be dispatched to multiple assignments as long as the combined duration of the assignments does not exceed 13 hours. This rule-making initiative is to consider and codify that change.

Citation of Rules Affected by this Order: Amending WAC 363-116-081.

Statutory Authority for Adoption: Chapter 88.16 RCW, Pilotage Act.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Currently, there is a pilot shortage in both the Puget Sound and Grays Harbor pilotage districts. PSP recently approved efficiency measures, which they believe will result in enhanced pilot availability, improved on-watch productivity, reduced need for "call-back" pilots, and adherence to expert recommended work/rest best practices. Adopting this rule on an emergency basis is necessary to support the recovery of the supply chain and insure [ensure] essential goods are being delivered to the public and, more specifically, to communities in need as quickly as possible.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 17, 2022.

Jaimie C. Bever
Executive Director

OTS-3692.1

AMENDATORY SECTION (Amending WSR 21-07-088, filed 3/19/21, effective 4/19/21)

WAC 363-116-081 Rest period. (1) Pilots shall observe rest period requirements as set out in RCW 88.16.103 as now or hereafter amended. Pilots shall have a mandatory rest period of at least ~~((ten))~~ 10 hours with an opportunity for eight hours of uninterrupted sleep after completion of an assignment ~~((; excluding))~~ or multiple assignments ~~((within a harbor area, provided the combined total duration of assignment time does not exceed thirteen hours))~~.

(2) An assignment is a billable pilotage service, including cancellations and ship movements, regardless of duration.

(3) An assignment begins at call time and ends at check-in time and includes preparation time and travel time to and from the ship in addition to bridge time. Call time allows one to two hours of preparation before the start of travel time to the ship. Check-in time occurs when travel time from the ship is completed. In the Puget Sound Pilotage district travel times are documented in the Puget Sound pilots operating rules and may be reviewed by the board from time to time.

(4) When there are multiple assignments ~~((within a harbor area (multiple harbor shifts), call time is before the first harbor shift and check-in time occurs when the travel time has been completed after the final harbor shift. Harbor area geographic definitions outlined by the utilities and transportation commission are used to distinguish harbor shifts from other ship moves.~~

~~(5) Pilots shall not complete more than three consecutive night assignments, a night assignment being one in which), the combined total duration of the assignments shall not exceed 13 hours. The total duration of multiple assignments shall be measured from the call time before the first assignment to check-in time after the final assignment.~~

(5) An assignment is a night assignment if any part occurs between 0100 and 0459 hours. After three consecutive nights with night assignments, pilots shall have a mandatory rest period of at least ~~((twelve))~~ 12 hours, including at least one period between 2000 and 0800 hours.

[Statutory Authority: Chapter 88.16 RCW. WSR 21-07-088, § 363-116-081, filed 3/19/21, effective 4/19/21. WSR 97-08-042, recodified as § 363-116-081, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035. WSR 79-05-023 (Order 79-2, Resolution No. 79-2), § 296-116-081, filed 4/17/79; Order 73-6, § 296-116-081, filed 5/11/73.]