

WSR 25-06-018
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS
[Filed February 21, 2025, 8:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-21-165.

Title of Rule and Other Identifying Information: WAC 363-116-082
Limitations on new pilots.

Hearing Location(s): On April 17, 2025, at 10:00 a.m., at 2901 3rd Avenue, Seattle, WA; and via Microsoft Teams. For a link to the meeting, please visit www.pilotage.wa.gov.

Date of Intended Adoption: April 17, 2025.

Submit Written Comments to: Jaimie C. Bever, 2901 3rd Avenue, Suite 500, Seattle, WA 98121, email jaimie.bever@wsdot.wa.gov, beginning February 21, 2025, by April 9, 2025.

Assistance for Persons with Disabilities: Contact Jolene Hamel, phone 206-515-3904, email jolene.hamel@wsdot.wa.gov, by April 9, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed revisions to pilot licensing limitations aims to ensure that newly licensed pilots gain the necessary experience and that pilotage services can meet the growing demands of the Port of Grays Harbor (port). By adopting a more flexible and multifaceted approach, the district will be better equipped to support its expanding infrastructure and increasing vessel traffic, while maintaining high safety standards.

Reasons Supporting Proposal: The changes will revise the pilot licensing limitations within the Grays Harbor (GH) pilotage district to better align with the port's evolving traffic patterns. The existing licensing restrictions no longer match the types of vessels calling at the GH pilotage district, leading to the following challenges: Newly licensed pilots facing restrictions, inconsistent assignment of technically challenging jobs, enhanced port infrastructure, return of car carrier vessels, and upcoming retirements. Rather than relying solely on gross tonnage, the new proposed limitations would incorporate additional criteria, including vessel length, draft, and tonnage, to determine which vessels newly licensed pilots can safely handle.

This more dynamic approach would better align with the operational realities of the port, improving both safety and efficiency in pilot assignments.

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

Statute Being Implemented: Chapter 88.16 RCW, Pilotage Act.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The board of pilotage commissioners (board) received a recommendation from the trainee evaluation committee (TEC) favoring implementation of the proposed language based on the benefits listed above. TEC develops and monitors the pilot license upgrade program.

Name of Proponent: Board of pilotage commissioners, governmental.

Name of Agency Personnel Responsible for Drafting: Jaimie Bever, Seattle, Washington, 206-515-3887; Implementation and Enforcement: Board of Pilotage Commissioners, Seattle, Washington, 206-515-3904.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to the adoption of these rules. The board is not a listed agency in RCW 34.05.328 (5) (a) (i).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

Scope of exemption for rule proposal:

Is fully exempt.

February 21, 2025
 Jaimie C. Bever
 Executive Director

RDS-6149.2

AMENDATORY SECTION (Amending WSR 22-22-016, filed 10/21/22, effective 11/21/22)

WAC 363-116-082 Limitations on new pilots. (1) The following limitations and pilot license upgrade requirements shall apply to a newly licensed pilot during their first five years of active service. For purposes of this section, the term "tank vessel" shall, in addition to tank ships, include any articulated or integrated tug and tank barge combinations, and any tonnage restrictions thereon shall be calculated by including the gross tonnage of the tug and tank barge combined. For purposes of this section, the term "petroleum products" shall include crude oil, refined products, liquefied natural gas, and liquefied petroleum gas. GT (ITC) as used in this section refers to gross tonnages measured in accordance with the requirements of the 1969 International Convention on Tonnage Measurement of Ships. Length overall (LOA) refers to maximum length of a vessel hull measured perpendicular to the waterline, measured vertically to the lowest point of the hull, keel, propellers, or other reference point.

(2) Puget Sound pilotage district - License limitation periods. Except for trips being made for pilot license upgrades, licenses issued in the Puget Sound pilotage district shall have the following limitations:

License Year	Maximum Size of Tank Vessels Carrying Petroleum Products as Bulk Cargo	Maximum Size of Other Vessels	Waterways
1	Piloting on vessels of any size prohibited	38,000 GT (ITC) except for passenger vessels which may only have a maximum size of 5000 GT (ITC)	Prohibited in the Duwamish Waterway on vessels greater than 3,000 GT
2	32,000 GT (ITC)	48,000 GT (ITC)	No restrictions
3	40,000 GT (ITC)	60,000 GT (ITC)	No restrictions
4	50,000 GT (ITC)	70,000 GT (ITC)	No restrictions
5	65,000 GT (ITC)	95,000 GT (ITC)	No restrictions

(3) Puget Sound pilotage district - Pilot license upgrade requirements. Progressive lifting of tonnage limitations requires a newly licensed pilot to satisfactorily pilot vessels on the trips specified in this section. The trainee evaluation committee shall recommend to the board a series of trips to be made by each pilot in the last 180 days of each year of the license limitation periods specified in subsection (2) of this section. As to these trips, the trainee evaluation committee shall specify the size and type of the vessel; origin and destination, whether the transit is to include a docking, waterway transit or other particular maneuvering requirement, whether any tank vessel trips are to be made while in ballast or loaded and whether the trip shall be taken with training pilots, trainee evaluation committee member pilots or pilots with a specified experience level. To the extent practical, the trips shall be on vessels of at least a size that falls between the upper limit in the expiring license limitation and the upper limit in the upcoming license limitation period. All of these trips shall be complete trips between one port and another port, between the pilot station and a port, or harbor shifts. The supervising pilots shall complete and submit to the board a familiarization form provided by the board for each trip a new pilot performs.

(4) Grays Harbor pilotage district - License limitation periods. Pilots licensed in the Grays Harbor pilotage district shall not pilot vessels in violation of the restrictions set forth in the table below during the indicated license year.

License Year	Maximum Size of Tank Vessels Carrying Petroleum Products as Bulk Cargo	Maximum Size of Other Vessels
(+)	Piloting on vessels of any size prohibited	32,000 GT (ITC) except that piloting on vessels of any size is prohibited through the Chehalis River Bridge unless vessel is in ballast and does not exceed 25,000 GT (ITC)
2	15,000 GT (ITC)	42,000 GT (ITC)
3	32,000 GT (ITC)	52,000 GT (ITC)
4	42,000 GT (ITC)	62,000 GT (ITC)
5	52,000 GT (ITC)	72,000 GT (ITC))
0-6 months	Prohibited	38,000 GT(ITC)/LOA 200m (656 feet)/Draft 11.5m (37.7 feet). Passenger vessels prohibited.
1	Prohibited	38,000 GT(ITC)/LOA 200m (656 feet)/Draft 11.7m (38.4 feet). Passenger vessels prohibited.
2	LOA 170m (557.6 feet)/11.2 (36.7 feet) draft	48,000 GT(ITC)/LOA 230m (754.4 feet)
3	LOA 185m (607 feet)/11.6m (38.0 feet) draft	60,000 GT(ITC)/LOA 230m (754.4 feet)

Notwithstanding subsection (7) of this section, upon determination that a bona fide safety concern may result from no pilot without license restrictions being available within a reasonable time to pilot a vessel requiring pilotage services, the chairperson or acting chairperson of the board, on a single trip basis, may authorize a newly licensed pilot holding a restricted license to provide pilotage services to the vessel, irrespective of the tonnage, service or location of the assigned berth of the vessel.

(5) Grays Harbor pilotage district - Pilot license upgrade requirements - Progressive lifting of tonnage limitations requires a newly licensed pilot to satisfactorily pilot vessels on the trips specified in this section. The trainee evaluation committee shall recommend to the board a series of trips to be made by each pilot in the last 180 days of each year of the license limitation periods specified in subsection (4) of this section. The trainee evaluation committee may assign trips to a newly licensed pilot prior to reaching 180 days of licensure if deemed necessary by the committee. As to these trips, the trainee evaluation committee shall specify the size and type of the vessel; origin and destination, whether the transit is to include a docking, waterway transit or other particular maneuvering requirement, whether any tank vessel trips are to be made while in ballast or loaded and whether the trip shall be taken with training pilots, trainee evaluation committee member pilots or pilots with a specified experience level. To the extent practical, the trips shall be on vessels of at least a size that falls between the upper limit in the expiring license limitation and the upper limit in the upcoming license limitation period. All of these trips shall be complete trips between one port and another port, between the pilot station and a port, or harbor shifts. The supervising pilots shall complete and submit to the board a familiarization form provided by the board for each trip a new pilot performs.

If vessels are not available in the Grays Harbor pilotage district to allow a pilot to comply with this subsection in a timely manner, the board may designate substitute trips in the Puget Sound pilotage district as allowed by law and in so doing may specify the size of the vessel and any other characteristics of the trips that the board deems appropriate. Such designation shall be considered a modification of the pilot's state license to authorize the specified trips in the Puget Sound pilotage district.

The trainee evaluation committee may recommend to the board simulation trainings, in addition to upgrade trips, to be completed by pilots within the Grays Harbor pilotage district prior to completion of all upgrade trips and the lifting of all limitations.

(6) The initial license shall contain the limitations contained above and list the date of commencement and expiration of such periods. If a newly licensed pilot is unable to pilot for 45 days or more in any one of the five years the trainee evaluation committee may put a hold on the upgrade program. Upon the newly licensed pilot's return to the program, the trainee evaluation committee may prescribe an extension.

(7) Except as provided in subsection (4) of this section, no pilot shall be dispatched to, or accept an assignment on, any vessel which exceeds the limitations of their license. On vessels in which there is more than one pilot assigned, the license limitations shall apply only to the pilot in charge.

(8) All limitations on a pilot's license shall be lifted (~~at the beginning of the sixth year of piloting~~) after time periods prescribed in the tables in subsections (2) and (4) of this section, provided they have submitted to the board a statement attesting to the fact that the pilot has completed all the required license upgrade trips and the vessel simulator courses.

(9) Whenever the governor issues a proclamation declaring a state of emergency, the board may determine whether there is a threat to trainees, pilots, vessel crews, or members of the public. Notwithstanding the other provisions of this chapter, the board, at its dis-

cretion, may suspend or adjust the pilot training program during the pendency of a state of emergency lawfully declared by the governor.