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SENATE BILL 6454

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State of Washington                      53rd Legislature                      1994 Regular Session

By Senators Snyder, Hargrove, Spanel, Niemi, Owen and M. Rasmussen

Read first time 01/24/94. Referred to Committee on Transportation.

1            AN ACT Relating to pilotage tariffs; amending RCW 88.16.005 and  
2 88.16.035; and adding a new section to chapter 88.16 RCW.

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

4            **Sec. 1.** RCW 88.16.005 and 1977 ex.s. c 337 s 1 are each amended to  
5 read as follows:

6            The legislature finds and declares that it is the policy of the  
7 state of Washington to prevent the loss of human lives, loss of  
8 property and vessels, and to protect the marine environment of the  
9 state of Washington through the sound application of compulsory  
10 pilotage provisions in certain of the state waters.

11            The legislature further finds and declares that it is a policy of  
12 the state of Washington to have pilots experienced in the handling of  
13 vessels aboard vessels in certain of the state waters with prescribed  
14 qualifications and licenses issued by the state.

15            It is the intent of the legislature to ensure against the loss of  
16 lives, loss or damage to property and vessels, and to protect the  
17 marine environment through the establishment of a board of pilotage  
18 commissioners representing the interests of the people of the state of  
19 Washington.

1 It is the further intent of the legislature not to place in  
2 jeopardy Washington's position as an able competitor for waterborne  
3 commerce from other ports and nations of the world, but rather to  
4 continue to develop and encourage such commerce.

5 The legislature further finds and declares:

6 The substantial decline in ship traffic in the port of Grays Harbor  
7 resulting from a decrease in log export cargoes through the port has  
8 created extreme and unpredictable earning cycles for the Grays Harbor  
9 bar pilots, and has affected the ability of the pilots to maintain a  
10 viable pilotage service.

11 A reduction in equipment and crew associated with providing  
12 pilotage service in the Grays Harbor pilotage district to compensate  
13 for lost shipping traffic will seriously impair the capability of the  
14 Grays Harbor pilots to provide safe and dependable service.

15 Tariff increases that compensate for lost ship traffic, and that  
16 may increase the revenue capacity for Grays Harbor bar pilots, have  
17 proven counterproductive by reducing the ratio of vessels entering the  
18 port of Grays Harbor.

19 Therefore, it is the intent of the legislature to ensure the  
20 continuance of a viable, stable pilotage service in both pilotage  
21 districts established under this chapter, through the creation of a  
22 system for combining and apportioning the revenues of the Grays Harbor  
23 pilotage district and the Puget Sound pilotage district.

24 **Sec. 2.** RCW 88.16.035 and 1987 c 264 s 1 are each amended to read  
25 as follows:

26 The board of pilotage commissioners shall:

27 (1) Adopt rules, pursuant to chapter 34.05 RCW as now existing or  
28 hereafter amended, necessary for the enforcement and administration of  
29 this chapter;

30 (2) License pilot applicants meeting the qualifications and passing  
31 the examination as provided for in RCW 88.16.090 as now or hereafter  
32 amended and to establish additional training requirements, including a  
33 program of continuing education developed after consultation with pilot  
34 organizations, including those located within the state of Washington,  
35 as required to maintain a competent pilotage service;

36 (3) Maintain a register of pilots, records of pilot accidents and  
37 other history pertinent to pilotage, along with a roster of vessels,  
38 agents, owners, operators, and masters necessary for the maintenance of

1 a roster of persons interested in and concerned with pilotage and  
2 maritime safety;

3 (4) Annually fix the pilotage tariffs for pilotage services  
4 performed aboard vessels as required by this chapter(~~(:—PROVIDED,~~  
5 ~~That))~~). The board may fix extra compensation for extra services to  
6 vessels in distress, for awaiting vessels, or for being carried to sea  
7 on vessels against the will of the pilot, and for such other services  
8 as may be determined by the board. Pilotage tariffs in the Grays  
9 Harbor pilotage district must remain at the level implemented on July  
10 17, 1993, and may not increase at a rate in excess of the annual  
11 consumer price index established by the United States bureau of labor  
12 statistics for the area. However, a shortfall in the annual targeted  
13 gross income of either pilotage district shall be supplemented by a  
14 uniform and proportional increase in the tariff for each pilotage  
15 district;

16 (5) File annually with the governor and the chairs of the  
17 transportation committees of the senate and house of representatives a  
18 report which includes, but is not limited to, the following: The  
19 number, names, addresses, ages, pilot license number, and years of  
20 service as a Washington licensed pilot of any person licensed by the  
21 board as a Washington state pilot; the names, employment, and other  
22 information of the members of the board; the total number of pilotage  
23 assignments by pilotage district, including information concerning the  
24 various types and sizes of vessels and the total annual tonnage; the  
25 annual earnings of individual pilots before and after deduction for  
26 expenses of pilot organizations, including extra compensation as a  
27 separate category; the annual expenses of private pilot associations,  
28 including personnel employed and capital expenditures; the status of  
29 pilotage tariffs, extra compensation, and travel; the retirement  
30 contributions paid to pilots and the disposition thereof; the number of  
31 groundings, mishaps, or other incidents which are reported to or  
32 investigated by the board, and which are determined to be accidents, as  
33 defined by the board, including the vessel name, location of incident,  
34 pilot's name, and disposition of the case together with information  
35 received before the board acted from all persons concerned, including  
36 the United States coast guard; the names, qualifications, time  
37 scheduled for examinations, and the district of persons desiring to  
38 apply for Washington state pilotage licenses; summaries of dispatch  
39 records, quarterly reports from pilots, and the bylaws and operating

1 rules of pilotage organizations; the names, sizes in deadweight tons,  
2 surcharges, if any, port of call, name of the pilot, and names and  
3 horsepower of tug boats for any and all oil tankers subject to the  
4 provisions of RCW 88.16.190 together with the names of any and all  
5 vessels for which the United States coast guard requires special  
6 handling pursuant to their authority under the Ports and Waterways  
7 Safety Act of 1972; the expenses of the board; and any and all other  
8 information which the board deems appropriate to include;

9 (6) Publish a manual which includes the pilotage act and other  
10 statutes of Washington state and the federal government which affect  
11 pilotage, including the rules of the board, together with such  
12 additional information as may be informative for pilots, agents,  
13 owners, operators, and masters. Such manual shall be distributed  
14 without cost to all pilots and governmental agencies upon request. All  
15 other copies shall be sold for a five dollar fee with proceeds to be  
16 credited to the pilotage account;

17 (7) Appoint advisory committees and employ marine experts as  
18 necessary to carry out its duties under this chapter;

19 (8) Provide for the maintenance of efficient and competent pilotage  
20 service on all waters covered by this chapter; and do such other things  
21 as are reasonable, necessary, and expedient to insure proper and safe  
22 pilotage upon the waters covered by this chapter and facilitate the  
23 efficient administration of this chapter.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 88.16 RCW  
25 to read as follows:

26 The board shall combine and apportion the income and revenues  
27 resulting from pilotage tariffs established by the board for each of  
28 the pilotage districts. The actual income received for pilotage  
29 services shall be pooled to and deposited in a common account in a bank  
30 or financial institution selected by the board, and shall be  
31 distributed by a public or private entity selected by the board to each  
32 of the pilotage districts on a monthly basis. Each pilotage district  
33 shall receive, in accordance with the annual targeted gross budget  
34 approved by the board for each district at the last tariff hearing, a  
35 percentage of the monthly targeted gross income that is in proportion  
36 to its share of the combined monthly targeted gross income for both  
37 districts. Each pilotage district is independently responsible for the  
38 internal distribution of income received and for the subsequent payment

1 of its operational expenses. The board shall adopt rules to implement  
2 this section by September 1, 1994.

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