Chapter 363-116 WAC
PILOTAGE RULES

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

363-116-075 Qualifications for pilot applicants taking examinations before July 1, 2008. [Statutory Authority: Chapter 88.16 RCW and 2005 c 26. WSR 05-18-021, § 363-116-075, filed 8/29/05, effective 10/1/05. WSR 97-08-042, recodified as § 363-116-075, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.090(2). WSR 92-15-064, § 296-116-075, filed 7/14/92, effective 8/14/92. Statutory Authority: RCW 88.16.035(2). WSR 90-17-094, § 296-116-075, filed 8/20/90, effective 9/20/90. Statutory Authority: RCW 88.16.090. WSR 82-15-026 (Order 82-6, Resolution No. 82-6), § 296-116-075, filed 7/14/82.] Repealed by WSR 08-15-119, filed 7/21/08, effective 8/21/08. Statutory Authority: Chapter 88.16 RCW and 2008 c 128.

363-116-150 Registration of operators. [WSR 97-08-042, recodified as § 363-116-150, filed 3/28/97, effective 3/28/97; Order 2-68, § 296-116-150, filed 11/1/68; § 15, effective 11/25/58.] Repealed by WSR 08-15-119, filed 7/21/08, effective 8/21/08. Statutory Authority: Chapter 88.16 RCW and 2008 c 128.

WAC 363-116-010 Time and place of meeting. The regular monthly meeting of the board of pilotage commissioners shall be on the second Thursday of each month at 9:30 a.m. in the offices of the Washington state ferries, Seattle, Washington, unless another time and place has been designated by the chairperson at the last previous meeting. If the aforementioned day falls on a holiday, the meeting shall take place on the following Thursday at the same hour.

[Statutory Authority: Chapter 88.16 RCW and 2008 c 128. WSR 08-15-119, § 363-116-010, filed 7/21/08, effective 8/21/08. WSR 97-08-042, reco-

dified as § 363-116-010, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035 and 88.16.155. WSR 78-09-057 (Order 78-2, Resolution No. 78-2), § 296-116-010, filed 8/23/78; Order 2-68, § 296-116-010, filed 11/1/68; § 1, effective 11/25/58.]

WAC 363-116-020 Special meeting. A special meeting of the board of pilotage commissioners may be called by the presiding officer, or by a majority of the members of the board, by delivering personally or by mail written notice to all other members of the board at least twenty-four hours before the time of such meeting as specified in the notice. The notice calling a special meeting shall state the purpose for which the meeting is called and the date, hour, and place of such meeting and all provisions of chapter 42.30 RCW shall apply.

[WSR 97-08-042, recodified as § 363-116-020, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035. WSR 88-09-025 (Order 88-3, Resolution No. 88-3), § 296-116-020, filed 4/14/88. Statutory Authority: RCW 88.16.035 and 88.16.155. WSR 78-09-057 (Order 78-2, Resolution No. 78-2), § 296-116-020, filed 8/23/78; Order 2-68, § 296-116-020, filed 11/1/68; § 2, effective 11/25/58.]

WAC 363-116-030 Emergency meeting. If, by reason of an emergency, there is a need for expedited action by the board to meet the emergency, the presiding officer may provide for a meeting site, and the notice requirements of chapter 42.30 RCW shall be suspended during such emergency. To the extent possible, notice of such emergency meeting will be delivered personally, by telephone, telegram, or mail to the members of the board and interested persons, and shall specify the time and place of the emergency meeting and the business to be transacted. Any action taken by the board at such emergency meeting may be reconsidered by the board at its next regular monthly meeting.

[WSR 97-08-042, recodified as § 363-116-030, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035. WSR 88-09-026 (Order 88-4, Resolution No. 88-4), § 296-116-030, filed 4/14/88. Statutory Authority: RCW 88.16.035 and 88.16.155. WSR 78-09-057 (Order 78-2, Resolution No. 78-2), § 296-116-030, filed 8/23/78; Order 2-68, § 296-116-030, filed 11/1/68; § 3, effective 11/25/58.]

WAC 363-116-050 Records. The board of pilotage commissioners shall keep accurate records of the minutes of the meetings, records of pilots' earnings, mileage piloted, accident reports, licenses, applications for licenses, examinations for licenses, and any and all other records deemed necessary by the board.

[WSR 97-08-042, recodified as § 363-116-050, filed 3/28/97, effective 3/28/97. Order 2-68, § 296-116-050, filed 11/1/68; § 5, effective 11/25/58.]

WAC 363-116-060 Personnel. The board shall employ the necessary personnel for the conduct of its business following the personnel practices and salary schedules of the Washington state ferries.

[WSR 97-08-042, recodified as § 363-116-060, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035 and 88.16.155. WSR 78-09-057 (Order 78-2, Resolution No. 78-2), § 296-116-060, filed 8/23/78; Order 2-68, § 296-116-060, filed 11/1/68; § 6, effective 11/25/58.]

WAC 363-116-065 Number of pilots. (1) The board will, from time to time, set the number of pilots to be licensed in each pilotage district of the state that is best calculated to optimize the operation of a safe, fully regulated, efficient, and competent pilotage service. This determination will be made by the board at meetings for which the agenda lists this issue as a topic for resolution. In addition, the board shall plan ahead to ensure, to the extent possible, that pilot trainees enter the training program set forth in WAC 363-116-078 so that they complete the training program in a timely manner.

(2) In setting the number of pilots and making decisions as to when to hold an examination and admit applicants to the training program, the board may consider factors which include, but are not limited to, the following:

(a) Policy of the state to ensure safety of persons, vessels, property and the environment by providing competent, efficient and regulated pilotage for vessels;

(b) The importance of the maritime industry to the state balanced by the potential hazards presented by the navigation of vessels requiring pilots;

(c) The lead time necessary to select and train new pilots;

(d) Regional maritime economic outlook, including without limitation: Current economic trends in the industry, fluctuations in the number of calls, the types of assignments, the size of vessels, the cyclical nature of the traffic and whether traffic is increasing or decreasing and the need to minimize shipping delays;

(e) Workload, assignment preparation and rest needs of pilots;

(f) Trends in size of piloted vessels;

(g) Time lost to injury and illness;

(h) Anticipated retirements;

(i) Administrative responsibilities, continuing education and training requirements consistent with the policy of chapter 88.16 RCW; and

(j) Surface transportation and travel time consumed in pilots getting to and from assignments.

[Statutory Authority: Chapter 88.16 RCW and 2005 c 26. WSR 05-18-021, § 363-116-065, filed 8/29/05, effective 10/1/05.]

WAC 363-116-070 Collection of fees. All pilots shall pay an annual license fee of six thousand five hundred dollars or such amount as may be set by statute for every year in which they perform any pilotage services. If a licensed pilot does not perform pilotage services during a license year, his/her fee for that year shall be reduced to one thousand dollars upon application to the board. The board of pilotage commissioners shall receive all fees for licenses or for other purposes and make proper accounting of same and transmit all such funds to the pilotage account.

[Statutory Authority: Chapter 88.16 RCW. WSR 10-24-085, § 363-116-070, filed 11/30/10, effective 12/31/10. Statutory Authority: Chapter 88.16 RCW and 2008 c 128. WSR 08-15-119, § 363-116-070, filed 7/21/08, effective 8/21/08. Statutory Authority: RCW 88.16.090 and 88.16.035. WSR 07-17-128, § 363-116-070, filed 8/20/07, effective 9/20/07. Statutory Authority: RCW 88.16.090. WSR 04-14-017, § 363-116-070, filed 6/28/04, effective 7/29/04. WSR 97-08-042, recodified as § 363-116-070, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.090 and 1995 c 175. WSR 97-06-105, § 296-116-070, filed 3/5/97, effective 4/5/97. Statutory Authority: RCW 88.16.035. WSR 88-14-063 (Order 88-13, Resolution No. 88-13), § 296-116-070, filed 7/1/88. Statutory Authority: RCW 88.16.090. WSR 85-15-032 (Order 85-1, Resolution No. 85-1), § 296-116-070, filed 7/12/85; WSR 84-11-056 (Order 84-4, Resolution No. 84-4), § 296-116-070, filed 5/18/84. Statutory Authority: RCW 88.16.035. WSR 82-24-010 (Order 82-8, Resolution No. 82-8), § 296-116-070, filed 11/18/82; WSR 79-11-063 (Order 79-5, Resolution No. 79-5), § 296-116-070, filed 10/18/79. Statutory Authority: RCW 88.16.035 and 88.16.155. WSR 78-09-057 (Order 78-2, Resolution No. 78-2), § 296-116-070, filed 8/23/78; Order 2-68, § 296-116-070, filed 11/1/68; § 7, effective 11/25/58.]

WAC 363-116-0751 Qualifications for pilot applicants. (1) Sea service.

(a) In addition to meeting the preexamination requirements of RCW 88.16.090, pilot applicants must, before taking the examination provided in WAC 363-116-076, meet one of the following indicated service requirements while holding a minimum license as mate/master of steam or motor vessels of not more than 1600 GRT or 3000 GT (ITC); any such license to be held by the applicant for at least two years before application.

Vessel Type	Minimum Size	Waters	Minimum Time
Cargo or tank	5000 GRT or 10,000 GT (ITC)	Ocean or near coastal	1 year as master
Cargo or tank	700 GRT or 1400 GT (ITC)	Ocean or near coastal	2 years as master
Cargo or tank	1600 GRT or 3000 GT (ITC)	Inland	2 years as master
Passenger or ferry	1600 GRT or 3000 GT (ITC)	Ocean, near coastal or inland	2 years as master
Towing	100 GRT or 300 GT (ITC) towing/barge combination greater than 1600 GRT or 3000 GT (ITC)	Ocean, near coastal or inland	2 years as master
Ship assist	100 GRT or 300 GT (ITC)	Inland	2 years as master or 4 years sailing as a mate/ master with a minimum of 1 year as master

Vessel Type	Minimum Size	Waters	Minimum Time
Articulated tug barge (ATB)	Combined 10,000 GT (ITC)	Ocean or near coastal	4 years sailing as a mate/ master with a minimum of 1 year as master
U.S. Flag government	3000 displacement tons	Ocean, near coastal or inland	2 years as commanding officer or master
Special purpose	1600 GRT or 3000 GT (ITC)	Ocean, near coastal or inland	2 years as master
Other			
State-licensed pilot or Navy civil service pilot	1600 GRT or 3000 GT (ITC)	Ocean, near coastal or inland	2 years as pilot and 120 vessel moves

(b) Sea service is calculated based on days spent onboard a vessel while it is actively engaged in normal operations. "Sea service" does not include time onboard a vessel that is "laid up" or on "standby." One day of duty time equates to one day of sea service with no multiples or reductions based upon the type of industry or the watch and schedule a certain officer has to stand. In calculating sea service under this subsection, a year of service shall equal 360 days of service on the vessel in the required capacity. Pilot applicants combining the above types of sea service shall have a total of at least two years of the various service times, except that one day of service as master on cargo, tank, or passenger/ferry vessels of at least 5000 GRT or 10,000 GT (ITC) shall be credited as two days of service time for the purpose of calculating such combined service times.

(c) Ship assist vessel sea service as mate must be on vessels where the mate is the sole vessel operator and acts independently of the master for 12 hours per day.

(2) In lieu of the requirements of subsection (1) of this section, a pilot applicant may substitute either:

(a) Two years of service as a state licensed pilot and active member of a professional pilot association or as a naval federal pilot during which periods the pilot applicant was actively engaged in maneuvering, docking and undocking vessels while holding a minimum license as a master of steam or motor vessels of not more than 1600 GRT or 3000 GT (ITC) upon oceans, near coastal waters or inland waters; a naval federal pilot or state licensed pilot must also have 120 vessel moves; or

(b) Two years of service as a commanding officer or master of U.S. flag government vessels of not less than 3000 displacement tons. The pilot applicant must hold at the time of application a minimum license as master of steam or motor vessels of not more than 1600 GRT or 3000 GT (ITC) upon oceans, near coastal waters or inland waters; or

(c) Two years of service as master of special purpose vessels of not less than 1600 GRT or 3000 GT (ITC) while holding a minimum license as master of steam or motor vessels of not more than 1600 GRT or 3000 GT (ITC), provided that the sea time making up the sea service was spent in charge of a vessel that can be documented to have been underway and to have required the type of ship-handling, navigation and leadership skills that the board finds necessary to provide the experience needed to become a pilot. Special purpose vessels may include fishing vessels, fishing processors, research vessels, offshore supply vessels, dredge vessels, and cable vessels. Special purpose

vessels do not include drill ships. Evaluation of service time on special purpose vessels shall be made by the board on a case-by-case basis and shall not be approved unless the board finds the service to be the substantial equivalent of the sea service required in subsection (1)(a) and (b) of this section or (a) and (b) of this subsection. The determination of the board as to the suitability of service as master of a special purpose vessel will be final.

(3) As used in this section these terms shall have the following meanings:

(a) Cargo or tank vessels shall refer to vessels primarily engaged in the transportation of cargo between points.

(b) Passenger vessels shall refer to vessels primarily engaged in the transportation of passengers between points. This shall include yachts only to the extent and for such times that such vessels are actively engaged in moving passengers between points.

(c) Ferry vessels shall refer to vessels primarily engaged in the transportation of vehicles and passengers between points.

(d) Towing vessels shall refer to vessels primarily engaged in commercial towing.

(e) Ship assist vessels shall refer to vessels primarily engaged in assisting ships dock, undock, and maneuver.

(f) GRT shall refer to gross register tonnage (domestic).

(g) GT (ITC) shall refer to gross tonnage measured in accordance with the requirements of the *1969 International Convention on Tonnage Measurement of Ships*.

(h) Master shall refer to the person of master's rank on the vessel's station bill or muster list or other such document who, in the event of an emergency or the sounding of a general alarm, is required to be on the bridge and in charge. If there is no such designation, the term master shall refer to the person of master's rank and pay who is ultimately in charge of the navigation of the vessel as reflected in the vessel's official log book, or there being no official log book, the bridge log of the vessel.

(i) Mate shall refer to the person of mate's rank (third mate, second mate, chief mate or simply mate) whose duties include regular bridge watchkeeping. Except where mate is defined above under ship assist sea time.

(4) It will be the responsibility of the pilot applicant to provide adequate documentation to enable the board to set forth and verify sea service in the manner specified in the board's application form.

The board will not provide applicants with a final determination verifying service until it receives an application form. An applicant will not get official notification of whether they qualify to sit for the examination until the board reviews a formal application. In the event an applicant is working on a vessel other than one of the five specified in subsection (1)(a) of this section, e.g., a special purpose vessel, the applicant will be required to provide the board with sufficient documentation to demonstrate to the board the amount of time involved in the navigation of a vessel underway.

[Statutory Authority: Chapter 88.16 RCW. WSR 23-04-013, § 363-116-0751, filed 1/20/23, effective 2/20/23; WSR 20-19-110, § 363-116-0751, filed 9/21/20, effective 10/22/20; WSR 18-14-024, § 363-116-0751, filed 6/26/18, effective 7/27/18; WSR 12-05-064, § 363-116-0751, filed 2/15/12, effective 3/17/12. Statutory Authority: Chapter 88.16 RCW and 2008 c 128. WSR 08-15-119, § 363-116-0751, filed

7/21/08, effective 8/21/08. Statutory Authority: Chapter 88.16 RCW and 2005 c 26. WSR 05-18-021, § 363-116-0751, filed 8/29/05, effective 10/1/05.]

WAC 363-116-076 Examination for pilot applicants. (1) Pilot applicants must pass a written examination administered and scored by the board or the board's designated contracting entity. The board, in consultation with its contracted psychometrician, will develop the written examination and set the minimum passing or "cut" score in conformance with psychometric standards as put forth by *The Standards for Educational and Psychological Testing* (American Educational Research Association (AERA), American Psychological Association (APA), and National Council on Measurement in Education (NCME), 2014). Notice of the examination shall be published at least four months in advance by one paid advertisement in a major marine industry publication and written notice to any party who has requested notice of such examinations. The board may publish additional notices in such publications or in other media. Applications will be accepted by the board immediately following the publication of the notice of the examination, and the application must be received by the board before the close of business on the first business day of the month preceding the exam month. The board may, in an emergency, call for an examination on less than four months' notice.

The notice shall indicate which pilotage district or districts the examination is for and, if for both districts, the notice shall make it clear that applicants can elect to apply for a license in one or both of the districts. If an exam is given for both the Grays Harbor and Puget Sound pilotage districts, the applicants shall be scored and ranked as one applicant pool.

(2) The examination may be taken by all pilot applicants who the board has determined have met the qualifications of WAC 363-116-0751 and who:

(a) Have complied with the application deadline provided in subsection (1) of this section. This requirement may be waived by the chairperson of the board upon the showing of good cause. The application shall specify whether the applicant is applying for the Puget Sound pilotage district, the Grays Harbor pilotage district or both.

(b) Have tendered with the application a nonrefundable examination administration fee in such amount as may be set by the board prior to each administration period. The board may, at its discretion, refund all or part of the examination administration fee for a pilot applicant who is unable to sit for the written examination.

(3) A comprehensive Job Task Analysis (JTA), consisting of a workshop with a Subject Matter Expert (SME) panel, on-the-job observation, and validation survey, must take place at least every other exam administration period, and at a minimum must occur every five years. The SME panel will be chosen by the board and shall consist of at least five members, of whom at least three members shall be active Washington state-licensed pilots.

For exam administration periods conducted between comprehensive JTAs, a SME panel will conduct a formal review to validate the exam blueprint and content outline prior to examination development. The JTA must be conducted in consultation with the contracted psychometrician and within guidelines set forth by AERA, APA, and NCME (2014).

The validation survey will yield the weightings for the exam blueprint, as established by the contracted psychometrician.

(4) The written examination shall be in compliance with RCW 88.16.090 and must consist of multiple-choice items. Each question on the exam will be aligned with the tasks and knowledge statements on the blueprint resulting from the JTA process. The number of questions that are mapped to each content domain will be determined by the exam blueprint.

The written exam shall be designed to test a pilot applicant's capabilities in the following areas:

(a) Prevoyage planning;
(b) Master pilot-exchange;
(c) Operational safety;
(d) Docking and undocking;
(e) Use of anchors;
(f) Safe navigation;
(g) Shiphandling;
(h) Restricted water transit; and
(i) Use of tugs.

(5) The written exam must be administered in a proctored setting. This must be a live proctor, either in-person or via a proctoring platform chosen in consultation with the contracted psychometrician. It shall not be AI-based nor record-and-review.

(6) A preliminary cut score will be derived via psychometric practices (e.g., a modified-Angoff methodology) prior to the administration of the exam. Following an item analysis (conducted by the contracted psychometrician) and subsequent item revisions or removal recommendations, a secondary cut score will be recommended to the board by the psychometrician. The board will then approve a final cut score, taking into account the preliminary cut score, the item analysis results, and the recommendations of the psychometrician.

(7) The board may require that the cost of the written examination will be at the expense of the pilot applicant.

[Statutory Authority: Chapter 88.16 RCW. WSR 24-03-113, § 363-116-076, filed 1/19/24, effective 2/19/24; WSR 12-05-064, § 363-116-076, filed 2/15/12, effective 3/17/12. Statutory Authority: Chapter 88.16 RCW and 2008 c 128. WSR 08-15-119, § 363-116-076, filed 7/21/08, effective 8/21/08. Statutory Authority: Chapter 88.16 RCW and 2005 c 26. WSR 05-18-021, § 363-116-076, filed 8/29/05, effective 10/1/05.]

WAC 363-116-077 Simulator evaluation for pilot applicants. (1) Pilot applicants who pass a written examination and whose scores are among the top 20 (or such other number as may be set by the board) of those taking the written examination (plus any pilot applicants who tie a qualifying score) shall be eligible to take the simulator evaluation set forth in this section.

(2) The simulator evaluation shall take place at a marine simulator facility designated by the board and shall be recorded. In this evaluation pilot applicants shall be observed by available board members but shall be evaluated only by those available board members who hold, or have held a minimum U.S. Coast Guard license as master of steam or motor vessels of not more than 1600 gross tons. The board, with guidance from its contracted psychometrician, shall appoint a minimum of two additional evaluators who hold, or have held within 10 years of the examination date, a state pilot license issued by Washington or another state. Applicants for either Puget Sound or Grays Harbor shall be evaluated as one applicant pool.

(3) The simulator evaluation shall be designed to assess an applicant's competency in:

(a) Docking and undocking;

(b) Safe navigation;

(c) Shiphandling;

(d) Restricted waterway transit; and

(e) Other tasks deemed by the board, in consultation with its contracted psychometrician and a subject matter expert (SME) panel, to be necessary to the performance of safe, efficient, and competent pilotage service.

(4) The design of the exercise shall be conducted by a SME panel, consisting of at least two pilots. The board may appoint additional SMEs to the panel. The panel will work closely with the psychometrician to minimize bias as well as to maximize measurement efficiency. Subsequently, the simulator facility development team shall work with the panel and the psychometrician to develop, beta test, and finalize the exercise with the accompanying scoring rubric. All SMEs will sign confidentiality agreements and will not disclose any content of the simulator evaluation.

(5) All pilot applicants will be graded on the simulator exercise based on a validated rubric created by a SME simulation development panel, with assistance from the psychometrician. The simulator rubric will provide objective measurement points that map to the shiphandling tasks described in subsection (3)(e) of this section.

(6) A preliminary cut score will be derived via psychometric practices (e.g., a modified-Angoff methodology) prior to the administration of the simulator evaluation. Following an item analysis (conducted by the contracted psychometrician) and subsequent item revisions or removal recommendations, a secondary cut score will be recommended to the board by the psychometrician. The board will then approve a final cut score, taking into account the preliminary cut score, the item analysis results, and the recommendations of the psychometrician.

(7) The board may require that the cost of the simulator evaluation be at the expense of the pilot applicant.

[Statutory Authority: Chapter 88.16 RCW. WSR 24-03-113, § 363-116-077, filed 1/19/24, effective 2/19/24; WSR 12-05-064, § 363-116-077, filed 2/15/12, effective 3/17/12. Statutory Authority: Chapter 88.16 RCW and 2008 c 128. WSR 08-15-119, § 363-116-077, filed 7/21/08, effective 8/21/08. Statutory Authority: Chapter 88.16 RCW and 2005 c 26. WSR 05-18-021, § 363-116-077, filed 8/29/05, effective 10/1/05.]

WAC 363-116-078 Pilot training program. After successful completion of the pilot examination as required by RCW 88.16.090, pilot candidates pursuing a pilot license are positioned on a ranked list for the applicable pilotage district(s) and must enter and successfully complete a training program specified by the board before consideration for licensure. Pilot candidates shall be ranked for entry into the training program in accordance with RCW 88.16.090(4) and as provided below.

(1) Trainee evaluation committee. There is hereby created a trainee evaluation committee (TEC) to which members shall be appointed by the board of pilotage commissioners (board). The TEC shall include at a minimum:

(a) Three active licensed Washington state pilots who, to the extent possible, shall be from the pilotage district in which the pilot trainee seeks a license, and at least one of whom shall be a member of the board;

(b) One representative of the marine industry (who may be a board member) who holds, or has held, the minimum U.S. Coast Guard license required by RCW 88.16.090; and

(c) One other member of the board who is not a pilot.

The TEC may include such other persons as may be appointed by the board. The TEC shall be chaired by a pilot member of the board and shall meet as necessary to complete assigned tasks. In the event that the TEC cannot reach consensus with regard to any issue, it shall report both majority and minority opinions to the board. The TEC is an advisory body and shall have no policy or rule-making authority, nor shall the TEC be authorized to act on behalf of the board, conduct hearings, or take testimony or public comment.

(2) Notification. Pilot candidates on a list as described in this section and waiting to enter a training program shall provide the board with the best address for notification to enter into a training program. In addition, a pilot candidate shall provide the board with other means of contact such as postal mailing or electronic mail (email) address, phone number, and/or fax number. The email address with a read receipt request, however, will be considered the primary means of notification by the board. It will be the responsibility of the pilot candidate to ensure the board has current contact information at all times. If a pilot candidate cannot personally receive postal or email at the address(es) provided to the board for any period of time, another person may be designated in writing as having power of attorney specifically to act on the pilot candidate's behalf regarding such notice. If notice for entry into a training program sent to the email address provided by the pilot candidate is not acknowledged after three attempts and within 30 calendar days or if notice sent via certified mail is returned after three attempts to deliver, that pilot candidate will be skipped and the next pilot candidate on the list will be contacted for entry into a training program. A person so skipped will retain their position on the list, except that a pilot candidate who is skipped more than once under this subsection shall be moved to the bottom of the list. If a pilot candidate or their designated attorney-in-fact does not respond within 15 calendar days of receipt of notification to accept, refuse, or request a delayed entry into a training program, the pilot candidate shall be skipped and will retain their position on the list, except that a pilot candidate who is skipped more than once under this subsection shall be moved to the bottom of the list.

(3) Entry. At such time that the board chooses to start a pilot candidate in a training program for either pilotage district, notification shall be given as provided in subsection (2) of this section. A pilot candidate who refuses entry into a program will be removed from the waiting list. However, if the pilot candidate refuses entry into a program in one district, but indicated interest in the other pilotage district on the application for the written examination, the candidate shall remain available for that other district's training program in accordance with their position on that list.

(a) Delayed entry with board consent. A pilot candidate who is not able to start a training program within two months of the board's specified entry date may, with written consent of the board, delay entry into that training program. When a pilot candidate delays entry

into a training program by more than two months, the board gives notice to the next pilot candidate on the list for that pilotage district to enter a training program. The pilot candidate who delays entry shall remain eligible for the next position in that district provided that the next position becomes available within the earlier of:

(i) Four years from the pilot candidate's taking the written examination; or

(ii) The date of the next written examination for the district.

Provided, that a pilot candidate who delays entry into a pilotage district in which the candidate has previously been granted a delay under this subsection, may be moved to the bottom of the list for that district.

(b) Delayed entry without board consent. A pilot candidate not able to start in a training program within two months of the board's specified entry date and who does not obtain the board's written consent to delay entry into a training program shall no longer be eligible for that district's training program. Nothing in this subsection prohibits a no-longer eligible pilot candidate from applying for the pilot examination at a later time, in which case the pilot candidate shall be evaluated as if they were a new applicant.

(c) Effect of accepting training program. A pilot candidate who accepts entry into a training program in a pilotage district shall not be eligible to enter into a training program in the other pilotage district and shall be removed from the list for that district.

(4) Training license. All training licenses shall be signed by the chairperson or their designee and shall have an expiration date. Training licenses shall be surrendered to the board upon completion or termination of the training program. Prior to receiving a training license pilot candidates must:

(a) Pass a physical examination by a board-designated physician and in accordance with the requirements of WAC 363-116-120 for initial pilot candidates. A form provided by the board must be completed by the physician and submitted to the board along with a cover letter indicating the physician's findings and recommendations as to the pilot candidate's fitness to pilot. The physical examination must be taken not more than 90 days before issuance of the training license. Holders of a training license will be required to pass a general physical examination annually within 90 days prior to the anniversary date of that training license. Training license physical examinations will be at the expense of the pilot candidate; and

(b) Receive a verified negative drug test from a laboratory specified by the board. Drug tests will be at the expense of the pilot candidate and will be carried out according to a process specified by the board.

(5) Development. As soon as practical after receiving notification of eligibility for entry into a training program as set forth in this section, the pilot candidate shall provide a completed experience questionnaire to the trainee evaluation committee (TEC) created per subsection (1) of this section. The TEC shall recommend a training program for adoption by the board. After adoption by the board, the training program will be presented to the pilot candidate. If the pilot candidate agrees in writing to the training program, the board shall issue a training license to the pilot candidate, which shall authorize the pilot candidate to take such actions as are contained in the training program. If the pilot candidate does not agree to the terms of a training program, in writing, within 15 business days of it being received by certified mail return receipt, or by email read re-

ceipt requested, that pilot candidate shall no longer be eligible for entry into that pilotage district's training program and the board may give notice to the next available pilot candidate that they are eligible for entry into a training program pursuant to the terms in subsections (2) and (3) of this section.

(6) Length of training program. For the Puget Sound district, the length of the program shall not exceed 36 months.

For the Grays Harbor district, the length of the program shall not exceed 30 months.

(7) Familiarization program in the Puget Sound pilotage district.

(a) The TEC shall assign familiarization observations to each trainee at the beginning of their training program between commonly navigated ports or terminals and the seaward boundary of the pilotage district.

(b) Unless an extension of time is granted by the board, within eight months of the beginning of the training program if the trainee is continuously on stipend, plus an additional month for every month a trainee is off stipend (up to a maximum of 15 months), the trainee must:

(i) Possess a first class pilotage endorsement without tonnage or other restrictions on their United States Coast Guard license to pilot on six federal pilotage chartlets.

(ii) Take all conning and familiarization quizzes provided by the board as outlined in subsection (9) of this section and pass with a minimum score of 80 percent; and

(iii) Take all local knowledge examination(s) provided by the board and pass with a minimum score of 85 percent.

(8) Specification of requirements. To the extent possible, a training program shall provide a wide variety of assigned requirements consisting of observation, training, and evaluation. A training program may contain deadlines for achieving full or partial completion of certain necessary actions. Where relevant, it may specify such factors as route, weather conditions, day or night, stern or bow first, draft, size of ship, and any other relevant factors. The board may designate specific shipboard requirements that shall be accomplished with supervising pilots or with the pilot members of the TEC or with pilots designated by the TEC. The total number of requirements in a training program shall be established by the board based on the recommendation of the TEC. The TEC shall design a training program and assign requirements based on factors including, but not limited to, the availability of vessels and timelines for pilot trainees to complete the program. The board will ensure that during a training program, the pilot trainee will get significant review by supervising pilots and the pilot members of the TEC or with pilots designated by the TEC. The TEC, at the discretion of the board, may assign or specify training program requirements among multiple pilot trainees. Generally, the pilot trainee who entered their training program earlier has the right of first refusal of training program requirements provided that the TEC may, with approval by the board, allocate or assign training requirements differently as follows:

(a) When it is necessary to equalize training opportunities; or

(b) When it is necessary to spread hard-to-get requirements among pilot trainees so that as many trainees as possible complete requirements on time.

(9) Local knowledge conning and familiarization quizzes and local knowledge exams.

(a) A training program shall provide opportunities for the education of pilot trainees and shall provide for testing of pilot trainees on the local knowledge necessary to become a pilot. It shall be the responsibility of the pilot trainee to obtain the local knowledge necessary to be licensed as a pilot in the pilotage district for which they are applying.

(b) After a trainee has successfully passed a conning or familiarization quiz on a main channel route or a port and approach, they will be eligible to take the conn on that route or approach unless it is a U.S. flag vessel and the required federal pilotage endorsement has not been obtained. These quizzes may be repeated as necessary provided that they may not be taken more than once in any seven-day period, and further provided that they must be successfully passed within the time period specified in subsection (7)(b) of this section; and

(c) Each conning and familiarization quiz will be organized by main channel routes, ports, and approaches. A conning or familiarization quiz is not intended to replace a local knowledge exam as specified in subsection (7)(b)(iii) of this section, but there will be some overlap of subject matter. In order for a pilot trainee to progress into the training section of the training program, the pilot trainee shall pass all familiarization quizzes and/or all associated conning quizzes for all routes, ports, and/or approaches for which the pilot trainee will have the conn during any section of the training program.

(d) The conning and familiarization quizzes and local knowledge exams will be administered at the location and by the method prescribed by the board of pilotage commissioners. If a trainee fails a conning or familiarization quiz or local knowledge exam, it may be retaken after seven days, but must be passed within the timing deadlines discussed above.

(e) The local knowledge required of a pilot trainee and the local knowledge familiarization quiz, conning quizzes, and examination(s) may include the following subjects as they pertain to the pilotage district for which the pilot trainee seeks a license:

(i) Area geography;

(ii) Waterway configurations including channel depths, widths and other characteristics;

(iii) Hydrology and hydraulics of large ships in shallow water and narrow channels;

(iv) Tides and currents;

(v) Winds and weather;

(vi) Local aids to navigation;

(vii) Bottom composition;

(viii) Local docks, berths and other marine facilities including length, least depths and other characteristics;

(ix) Mooring line procedures;

(x) Local traffic operations e.g., fishing, recreational, dredging, military and regattas;

(xi) Vessel traffic system;

(xii) Marine VHF usage and phraseology, including bridge-to-bridge communications regulations;

(xiii) Air draft and keel clearances;

(xiv) Submerged cable and pipeline areas;

(xv) Overhead cable areas and clearances;

(xvi) Bridge transit knowledge - Signals, channel width, regulations, and closed periods;

(xvii) Lock characteristics, rules and regulations;

(xviii) Commonly used anchorage areas;

(xix) Danger zone and restricted area regulations;
(xx) Regulated navigation areas;
(xxi) Naval operation area regulations;
(xxii) Local ship assist and escort tug characteristics;
(xxiii) Tanker escort rules - State and federal;
(xxiv) Use of anchors and knowledge of ground tackle;
(xxv) Applicable federal and state marine and environmental safety law requirements;
(xxvi) Marine security and safety zone concerns;
(xxvii) Harbor safety plan and harbor regulations;
(xxviii) Chapters 88.16 RCW and 363-116 WAC, and other relevant state and federal regulations in effect on the date the examination notice is published pursuant to WAC 363-116-076;
(xxix) Courses in degrees true and distances in nautical miles and tenths of miles between points of land, navigational buoys and fixed geographical reference points, and the distance off points of land for such courses as determined by parallel indexing along pilotage routes;
(xxx) Pilot transfer arrangements;
(xxxi) Rest rules; and
(xxxii) Other pertinent information the board deems necessary.

(f) The TEC will define areas that are considered to be hard-to-get, which may differ for trainees depending on vessel traffic while in the training program. It is the pilot trainee's responsibility to make all available hard-to-get shipboard requirements, as defined and assigned by the TEC.

(10) Rest. It is the responsibility of the pilot trainee to obtain adequate rest. Pilot trainees shall observe the rest rules for pilots in place by federal or state law or regulation and rules established in the applicable pilotage district in which they will train, in addition to any other rest requirements contained in a training program.

(11) Stipend.

(a) At the initial meeting with the TEC the pilot trainee shall indicate whether they wish to receive a stipend during their training program. As a condition of receiving such stipend, pilot trainees will agree to forego other full- or part-time employment during their training program.

(b) Pilot trainees may elect to change from a stipend to nonstipend status, and vice versa, during their training program. Any such change request must be provided to the board in writing by the trainee. If a pilot trainee requests to change to a nonstipend status as provided, such change shall be effective for a minimum nonstipend status of at least for an entire calendar month commencing at the beginning of a month. The requirement for designated hard-to-get requirements is waived during the time the pilot trainee is authorized to be in nonstipend status.

If the trainee does not complete any shipboard training program requirement as defined in subsection (17)(f) of this section within three consecutive months, their particular training program may be constructed to provide recency and/or a change in seniority placement prior to resuming the training program.

(c) In the Puget Sound pilotage district, the stipend paid to pilot trainees shall be a maximum of $8,000 per month (or such other amount as may be set by the board from time to time), shall be contingent upon the utilities and transportation commission's setting of a tariff surcharge in the tariffs levied pursuant to chapter 81.116 RCW

sufficient to cover the expense of the stipend, and shall be paid from a pilot training account as directed by the board. In the Grays Harbor pilotage district, the stipend paid to pilot trainees, if a pilot trainee chooses to take stipend, shall be determined by the board and shall be contingent upon the board's receipt of funds, from any party collecting the tariff or providing funds, sufficient to cover the expense of the stipend and shall be paid from a pilot training account as directed by the board.

(d) Determinations as to stipend entitlement will be made on a full calendar month basis and documentation will be submitted to the board by the first day of the following month. The stipend payable under this subsection shall be prorated on a daily basis for the first and last months of a training program (unless the training program starts on the first or ends on the last day of a month.)

(e) Any approved pilot association or other organization collecting the pilotage tariff levied by the utilities and transportation commission shall transfer the pilot training surcharge receipts to the board at least once a month or otherwise dispose of such funds as directed by the board. In the Grays Harbor pilotage district, if there is no separate training surcharge in the tariff or other arrangement, any organization collecting the pilotage tariff levied by the utilities and transportation commission shall transfer sufficient funds to pay the stipend to the board at least once a month or otherwise dispose of such funds as directed by the board. The board may set different training stipends for different pilotage districts. Receipts from the training surcharge shall not belong to the pilot providing the service to the ship that generated the surcharge or to the pilot association or other organization collecting the surcharge receipts, but shall be disposed of as directed by the board. Pilot associations or other organizations collecting surcharge receipts shall provide an accounting of such funds to the board on a monthly basis or at such other intervals as may be requested by the board. Any audited financial statements filed by pilot associations or other organizations collecting pilotage tariffs shall include an accounting of the collection and disposition of these surcharges. The board shall direct the disposition of all funds in the account.

With the exception of observation, all trainees shall be under the supervision of a supervising pilot whenever performing a shipboard training requirement as part of a training program under this section. All supervising pilots shall hold a valid Washington state pilotage license and shall follow all applicable state and federal laws and regulations, as well as the directives of the board.

(12) Supervising pilots. The board shall designate as supervising pilots those pilots who are willing to undergo such specialized training as the board may require and provide. Supervising pilots shall receive such training from the board to better enable them to give guidance and training to pilot trainees and to properly evaluate the performance of pilot trainees. The board shall keep a list of supervising pilots available for public inspection at all times. All pilot members of the TEC shall also be supervising pilots.

(a) Volunteer status. Supervising pilots shall be considered as nonemployee volunteers and shall not be entitled to wages or remuneration for their activities in support of the training program, except that supervising pilots may, at the board's discretion, receive reimbursement for actual expenses incurred. Supervising pilots may choose whether to accept any pilot trainees on a given assignment. In no

event shall supervising pilots be deemed as, or hold themselves out as employees or representatives of the board or the state.

(b) Role of supervising pilots and pilot trainees. The responsibilities of supervising pilots and pilot trainees shall vary by section of the training program as follows:

(i) During observation, the pilot shall have control of the vessel at all times during any shipboard training requirement. The pilot trainee may observe and interact with the pilot.

(ii) During training, the supervising pilot shall allow the pilot trainee to perform some or all of the tasks required of a pilot under this chapter and chapter 88.16 RCW. The supervising pilot may interact with and coach the pilot trainee by providing guidance and advice. The supervising pilot may, at their discretion, demonstrate certain tasks for the pilot trainee.

(iii) During evaluation, the trainee shall perform all tasks without any guidance or interaction from the supervising pilot, except that a supervising pilot may intervene as provided in subsection (17)(c) of this section. The supervising pilot shall be responsible for evaluating the performance of the pilot trainee in order to determine if they can pilot a vessel safely and independently and perform other tasks required of a pilot.

(c) Responsibilities and expectations. Supervising pilots, as well as licensed pilots performing shipboard observation training requirements with pilot trainees, shall abide by this chapter, chapter 88.16 RCW, and all other applicable state or federal laws or regulations, as well as the directives of the board. Supervising or licensed pilots shall use those procedures and/or forms prescribed by the board for evaluating pilot trainees.

(13) Shipboard reports. After each shipboard training program requirement, the licensed or supervising pilot shall complete a shipboard report form provided by the board. Shipboard report forms prepared by licensed pilots who are supervising pilots may be used by the TEC and the board for assessing a pilot trainee's progress, providing guidance to the pilot trainee, and for making alterations to a training program. All training and evaluation shipboard reports shall be delivered or mailed by the licensed or supervising pilot to a location as determined by the board. They shall not be given to the pilot trainee. The licensed or supervising pilot may show the contents of the form to the pilot trainee, but the pilot trainee has no right to see the form until it is filed with the board. Observation shipboard reports may be sent directly to the board by the pilot trainee. The TEC shall review these shipboard reports forms from time to time, and the chairperson of the TEC shall report the progress of all pilot trainees at each meeting of the board. If it deems it necessary, the TEC may recommend, and the board may make, changes from time to time in the training program requirements applicable to a pilot trainee, including the number of assignments in a training program.

(14) Termination of and removal from a training program. A pilot trainee's program may be immediately terminated and the trainee removed from a training program by the board if it finds any of the following:

(a) Failure to maintain the minimum federal license required by RCW 88.16.090 for the duration of the training program;

(b) Conviction of an offense involving drugs, involving the personal consumption of alcohol, or involving sexual abuse or sexual harassment;

(c) Failure to devote full time to training while receiving a stipend;

(d) The pilot trainee is not physically fit to pilot, as determined by a board-designated physician;

(e) Failure to meet the required progress timelines as determined by the board toward completion of the program;

(f) Inadequate performance on examinations or other actions required by a training program;

(g) Failure to complete the familiarization program as specified in subsection (7) of this section within the time periods specified;

(h) Inadequate, unsafe, or inconsistent performance in a training program and/or on training program requirement(s) as determined by the supervising pilots, the TEC, and/or the board;

(i) Upon the fourth intervention during evaluation; or

(j) Violation of a training program requirement, state or federal law or regulation, or directive of the board.

(15) Completion of a training program shall include the requirements that the pilot trainee:

(a) Successfully complete all requirements set forth in the training program including any addendum(s) to the program;

(b) Possess a valid first class pilotage endorsement without tonnage or other restrictions on their United States government license to pilot in all of the waters of the pilotage district in which the pilot candidate seeks a license; and

(c) Complete portable piloting unit (PPU) training as defined by the TEC.

(16) Unanticipated events.

(a) Whenever a local or state government or agency, or the federal government, declares a state of emergency, or if the board determines that there is immediate need to act for the preservation of public health, safety, or general welfare and that there is a threat to trainees, pilots, vessel crews, or members of the public, then notwithstanding the other provisions of this chapter, the board, at its discretion, may suspend or adjust the pilot training program.

(b) The TEC may further consider additional nonshipboard pilot training including, but not limited to, distance learning.

(c) The TEC, with approval by the board, may alter stipend requirements, maximum duration of the training program, or other parts of the training program where, in the board's sole discretion, such alterations are required in order to accommodate such circumstances that render a trainee unable to timely complete any requirement of the training program, and that could not have been reasonably foreseen at the beginning of the training program.

(17) Definitions. The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Chartlet" means a geographic examination subarea as defined by the U.S. Coast Guard for federal first class pilotage within a Washington state pilotage district. Successful completion of a chartlet shall be defined as the endorsement of an individual's master mariner credential for a route within an individual chartlet area. The completion of this requirement may include, but is not limited to, chart sketches, route descriptions, light lists, or any other examination requirements of the U.S. Coast Guard. A qualifying chartlet for this section shall be one within the pilotage district for which a pilot trainee is currently training.

(b) "Examination process" or "pilot examination" means the written examination, simulator evaluation, and any other requirements as

determined by the board to evaluate and rank potential applicants for entry into a training program, under RCW 88.16.090.

(c) "Intervention" means when a supervising pilot chooses to interject (including, but not limited to, providing verbal advice or suggestions, or taking control of the vessel from the pilot trainee) during a shipboard requirement in the evaluation section of the training program:

(i) In order to avoid, in the sole opinion of the pilot, an incident as defined in WAC 363-116-200 including, but not limited to, an actual or apparent collision, allision, or grounding; and/or

(ii) In order to avoid, in the sole opinion of the pilot, a navigational or marine safety occurrence which may result in actual or apparent personal injury or property damage or environmental damage as defined in WAC 363-116-200.

(iii) Exception. An intervention shall not be deemed to have occurred, notwithstanding a supervising pilot assuming control of the vessel for the reasons described in (c)(i) and (ii) of this subsection, where, in the discretion of the supervising pilot and the TEC, the pilot trainee was not at fault for the circumstances requiring the supervising pilot to assume control. A pilot trainee is not at fault where a newly licensed pilot of reasonable skill could not have foreseen or prevented the circumstances requiring the supervising pilot to assume control, such as in the event of an unforeseeable environmental hazard or a mechanical failure. The supervising pilot's action shall be verbalized to the pilot trainee and the bridge team, and noted in the comments section of the shipboard reports.

(d) "Newly licensed" means first year of licensure.

(e) "Requirement" means all items listed in the pilot trainee's training program requirements document and agreement.

(f) "Shipboard" means training program requirements that shall be completed on a vessel.

[Statutory Authority: Chapter 88.16 RCW. WSR 23-20-032, § 363-116-078, filed 9/26/23, effective 10/27/23; WSR 19-03-141, § 363-116-078, filed 1/22/19, effective 2/22/19; WSR 13-08-025, § 363-116-078, filed 3/27/13, effective 4/27/13; WSR 12-05-064, § 363-116-078, filed 2/15/12, effective 3/17/12; WSR 10-04-100, § 363-116-078, filed 2/3/10, effective 3/6/10. Statutory Authority: Chapter 88.16 RCW and 2008 c 128. WSR 08-15-119, § 363-116-078, filed 7/21/08, effective 8/21/08. Statutory Authority: RCW 88.16.105. WSR 06-20-107, § 363-116-078, filed 10/4/06, effective 11/4/06. Statutory Authority: Chapter 88.16 RCW and 2005 c 26. WSR 05-18-021, § 363-116-078, filed 8/29/05, effective 10/1/05.]

WAC 363-116-080 Licensing of pilots. (1) No person shall be issued a pilot license until he/she has applied for a pilot license and successfully completed:

(a) The written examination(s);

(b) The simulator evaluation;

(c) The pilot training program, as determined by the board;

(d) A physical examination; and

(e) Tendered the license fee stipulated in WAC 363-116-070.

(2) A majority of board members in attendance at a meeting where licensing of an applicant is scheduled for consideration, shall vote on the issuance of a pilot license. Pilot licenses shall be signed by the chairperson or his/her designee.

(3) At the time of completion of a training program as provided in WAC 363-116-078 and at the time of consideration for licensing, all applicants must provide a copy of his/her U.S. master license required by RCW 88.16.090 with a first class U.S. pilotage endorsement without tonnage or other restrictions on that U.S. master license to pilot in all of the waters of the pilotage district defined in RCW 88.16.050 in which the applicant desires to be licensed and an endorsement on that U.S. master license as a radar observer (unlimited); and both a certificate representing competency in automatic radar plotting aids (ARPA) and a certificate representing competency in electronic chart display and information system (ECDIS) that complies with International Maritime Organization (IMO) standards and International Hydrographic Organization (IHO) regulations.

(4) No person shall be licensed by the board who has been convicted of an offense involving drugs or the personal consumption of alcohol in the 12 months prior to the date of application. This restriction shall not apply to license renewals.

(5) After completion of a training program the trainee evaluation committee (TEC) shall review the evaluations and the pilot trainee's performance on other required aspects of the training program and report to the board that the pilot trainee has or has not: Successfully completed all requirements set forth in the training program including any addendum(s) to the program. The board shall consider training program documentation and TEC reports and may: Issue the license if there is a need for a pilot in the relevant pilotage district; deny a license if it finds that the pilot trainee should not be licensed; or, delay the issuance of a license, if there is no need for a pilot at that time in the relevant district. If the board delays the issuance of a license, it may at its discretion offer an optional program that would maintain piloting skills and knowledge and may enable stipend credit to be earned and paid. The criteria to be followed by the board in issuing or denying licenses shall include, but not be limited to: Performance in the training program; piloting and ship handling and general seamanship skills; local knowledge; and, bridge presence and communication skills.

(6) If two or more pilot trainees are deemed qualified by the board for issuance of a license at the same meeting of the board, the pilot trainee with the highest combined score on the initial written examination and simulator evaluation shall be licensed first.

[Statutory Authority: Chapter 88.16 RCW. WSR 25-20-037, s 363-116-080, filed 9/24/25, effective 10/25/25; WSR 19-03-141, § 363-116-080, filed 1/22/19, effective 2/22/19; WSR 12-05-064, § 363-116-080, filed 2/15/12, effective 3/17/12. Statutory Authority: Chapter 88.16 RCW and 2005 c 26. WSR 05-18-021, § 363-116-080, filed 8/29/05, effective 10/1/05. WSR 97-08-042, recodified as § 363-116-080, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035(2). WSR 92-14-070, § 296-116-080, filed 6/26/92, effective 7/27/92. Statutory Authority: RCW 88.16.090(2). WSR 90-23-080, § 296-116-080, filed 11/20/90, effective 12/21/90. Statutory Authority: RCW 88.16.090. WSR 89-18-045 (Order 89-7, Resolution No. 89-7), § 296-116-080, filed 8/31/89, effective 10/1/89; WSR 88-10-037 (Order 88-9, Resolution No. 88-9), § 296-116-080, filed 5/3/88. Statutory Authority: RCW 88.16.035. WSR 86-07-010 (Order 86-2, Resolution No. 86-2), § 296-116-080, filed 3/10/86. Statutory Authority: RCW 88.16.090. WSR 82-15-028 (Order 82-7, Resolution No. 82-7), § 296-116-080, filed 7/14/82; WSR 81-21-019 (Order 81-4, Resolution No. 81-4), §

296-116-080, filed 10/13/81. Statutory Authority: RCW 88.16.035. WSR 80-03-081 (Order 79-6, Resolution No. 79-6), § 296-116-080, filed 3/4/80; WSR 79-11-063 (Order 79-5, Resolution No. 79-5), § 296-116-080, filed 10/18/79; WSR 79-05-023 (Order 79-2, Resolution No. 79-2), § 296-116-080, filed 4/17/79; Order 75-8, § 296-116-080, filed 3/10/75; Order 73-6, § 296-116-080, filed 5/11/73; Order 2-68, § 296-116-080, filed 11/1/68; § 8, effective 11/25/58.]

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 10 hours with an opportunity for eight hours of uninterrupted sleep after completion of an assignment or multiple assignments.

(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, 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 12 hours, including at least one period between 2000 and 0800 hours.

[Statutory Authority: Chapter 88.16 RCW. WSR 22-14-011, § 363-116-081, filed 6/23/22, effective 7/24/22; 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.]

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 is-

sued 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
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 li-

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

[Statutory Authority: Chapter 88.16 RCW. WSR 25-09-132, s 363-116-082, filed 4/22/25, effective 5/23/25; WSR 22-22-016, § 363-116-082, filed 10/21/22, effective 11/21/22; WSR 20-12-065, § 363-116-082, filed 6/1/20, effective 7/2/20; WSR 19-06-007, § 363-116-082, filed 2/22/19, effective 3/25/19; WSR 15-04-136, § 363-116-082, filed 2/4/15, effective 3/7/15. Statutory Authority: Chapter 88.16 RCW and 2008 c 128. WSR 08-15-119, § 363-116-082, filed 7/21/08, effective 8/21/08. Statutory Authority: RCW 88.16.105 and 88.16.035. WSR 07-17-148, § 363-116-082, filed 8/21/07, effective 9/21/07. Statutory Authority: Chapter 88.16 RCW and 2005 c 26. WSR 05-18-021, § 363-116-082, filed 8/29/05, effective 10/1/05. Statutory Authority: RCW 88.16.105 and 88.16.035. WSR 05-04-028, § 363-116-082, filed 1/26/05, effective 2/26/05. Statutory Authority: RCW 88.16.105. WSR 99-08-003, § 363-116-082, filed 3/25/99, effective 4/25/99; WSR 97-14-032, § 363-116-082, filed 6/25/97, effective 7/26/97. WSR 97-08-042, recodified as § 363-116-082, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035 and 88.16.105. WSR 93-09-016, § 296-116-082, filed 4/14/93, effective 5/15/93. Statutory Authority: RCW 88.16.105. WSR 92-24-056, § 296-116-082, filed 11/30/92, effective 12/31/92; WSR 92-08-051, § 296-116-082, filed 3/26/92, effective 4/26/92; WSR 89-18-063 (Order 89-6, Resolution No. 89-6), § 296-116-082, filed 9/1/89, effective 10/2/89; WSR 89-11-060 (Order 89-5, Resolution No. 89-5), § 296-116-082, filed 5/18/89. Statutory Authority: RCW 88.16.035. WSR 80-03-081 (Order 79-6, Resolution No. 79-6), § 296-116-082, filed 3/4/80.]

WAC 363-116-083 Written examination protest and appeal procedures. (1) Pilot applicants who take a written examination as provided in this chapter shall provide the board with an email address to be used for notification of their written examination results. It will be the responsibility of the pilot applicant to ensure that the board has a current, working email address for them at all times, as outlined in the applicant agreement section of the exam application submitted to the board. Notice delivered to the email address provided by the pilot applicant will be considered received by the pilot applicant for the purpose of "receipt of notification of the written examination results" as provided in subsection (2) of this section.

(2) A pilot applicant who fails either a written examination as provided in WAC 363-116-076 or a written local knowledge examination as provided in WAC 363-116-078 that cannot be retaken may submit an appeal for review by the board and/or a committee designated by the board and/or by a firm under contract with the board for development and grading of the written examination. The standard for reviewing the written examination appeals submitted by a pilot applicant is that the written examination score will not be set aside unless the pilot applicant proves that the failing score was the result of fraud, coercion, arbitrariness, or manifest unfairness. If it finds that reasonable cause exists to question a written examination score, the board may allow a pilot applicant appealing their individual written examination results to participate in the simulator evaluation. If the pilot applicant chooses to enter the simulator evaluation before the pi-

lot applicant receives notification of the result of the review of their *Appeal Form*, the pilot applicant shall be at all times responsible for the charge to enter the simulator evaluation. No pilot applicant approved by the board for entry into the simulator evaluation shall be disqualified by the successful results appeal of another pilot applicant. Pilot applicants are not entitled to a review of the results of a written local knowledge examination given pursuant to WAC 363-116-078 if the pilot applicant is eligible to retake the written examination.

(3) The procedure for submitting an appeal regarding the written examination or a written local knowledge examination that cannot be retaken is as follows:

(a) The pilot applicant must submit an appeal form via email to the exam administrator. This form must be submitted within 24 hours of the posting of applicant ID numbers and related pass/fail decisions on the board website (http://pilotage.wa.gov) and subsequent email notifications to applicants of their results. The appeal form will be distributed to applicants as a link within the results email;

(b) The appeals process will be detailed in the written exam guidelines that will be sent to applicants once they are approved to sit for the written exam;

(c) If the reason is specific to the content of a question or questions, the pilot applicant must provide their perceived issue, their perceived correct answer, and any mathematical calculations needed to provide that the question was flawed;

(d) If the appeal is regarding improprieties including, but not limited to, the administration and proctoring of the examination, these assertions must be documented in writing on the appeal form with sufficient detail naming times, people, places, protested activities, and witnesses to permit the board to conduct an investigation;

(e) The pilot applicant will be identified only by number or letter for the purpose of review of the *Appeal Form*.

(4) The procedure for review of the *Appeal Form* submitted by the pilot applicant is as follows:

(a) The board, and/or a committee designated by it, and/or a firm under contract with the board for development and grading of the written examination will review the written examination and *Appeal Form* completed by the pilot applicant, and evidence submitted, and any related examination content; and

(b) After completion of such review the pilot applicant will be provided with written notification of the decision regarding review of the *Appeal Form* via email. The emailed notification will show any score adjustments for the pilot applicant that was made following such review.

(5) A pilot applicant who is not satisfied with the result of such review of their individual *Appeal Form* may request an adjudicative hearing pursuant to RCW 88.16.090 and governed by the provisions of chapter 34.05 RCW. Such hearing must be requested within 30 calendar days of receipt of the result of the review of the *Appeal Form* by emailing a request for an adjudicative hearing to the board of pilotage commissioners' office (PilotageInfo@wsdot.wa.gov). The grounds for the adjudicative hearing and any further challenge shall be limited to the following:

(a) Was the appeal procedure set forth in subsections (2) through (4) of this section followed?;

(b) Was the examination conducted in accordance with accepted psychometric and industrial/organizational psychology principles as determined by an expert in these fields of study?;

(c) Was the examination "job related" as determined by an expert in these fields of study?; and

(d) Was the examination, scoring, and appeal process validated by an expert in these fields of study?

[Statutory Authority: Chapter 88.16 RCW. WSR 26-06-034, s 363-116-083, filed 2/24/26, effective 3/27/26; WSR 12-05-064, § 363-116-083, filed 2/15/12, effective 3/17/12. Statutory Authority: Chapter 88.16 RCW and 2008 c 128. WSR 08-15-119, § 363-116-083, filed 7/21/08, effective 8/21/08. Statutory Authority: Chapter 88.16 RCW and 2005 c 26. WSR 05-18-021, § 363-116-083, filed 8/29/05, effective 10/1/05. WSR 97-08-042, recodified as § 363-116-083, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035. WSR 88-10-038 (Order 88-10, Resolution No. 88-10), § 296-116-083, filed 5/3/88.]

WAC 363-116-084 Simulator evaluation review and appeal procedures. (1) Pilot applicants who take a simulator evaluation as provided in this chapter shall provide the board with an email address to be used for notification of their individual simulator evaluation results. It will be the responsibility of the pilot applicant to ensure that the board has a current working email address at all times, as outlined in the applicant agreement section of the application submitted to the board. Notice delivered to the address provided by the pilot applicant will be considered received by the pilot applicant for the purpose of "receipt of notification of the simulator evaluation results" as provided in subsection (2) of this section.

(2) A pilot applicant who fails a simulator evaluation as provided in this chapter may submit an appeal for review by the board and/or a committee designated by the board and/or by a firm under the contract with the board for development and grading of the simulator evaluation. This appeal must be submitted via the *Appeal Form* within 24 hours of receipt of email notification of the simulator evaluation results. The standard for reviewing the simulator evaluation results challenged by a pilot applicant is that the failing decision will not be set aside unless the pilot applicant proves the challenged score was the result of fraud, coercion, arbitrariness or manifest unfairness.

(3) The procedure for filing an appeal of the simulator evaluation is as follows:

(a) The pilot applicant must submit an *Appeal Form* via email to the exam administrator. This form must be submitted within 24 hours of the posting of applicant ID numbers and related pass/fail decision on the board website (http://pilotage.wa.gov) and subsequent email notification to applicants of their results. The *Appeal Form* will be distributed to applicants as a link within the results email;

(b) The pilot applicant must identify which aspect (scenario-based content, logistics of administration, improprieties in development or scoring) of the simulator evaluation process they are appealing;

(c) If there are assertions regarding improprieties in the administration, proctoring, grading, or scoring of the simulation-based exams, these assertions must be documented with sufficient detail naming

times, people, places, protested activities, and witnesses to permit the board to conduct an investigation;

(d) If applicable, the pilot applicant must cite the specific situation(s) presented in the simulator evaluation (i.e., docking, undocking, meeting situations, ship particulars, navigational decisions) and detail how the situation was not job-related and therefore not a valid measure of piloting skills;

(e) Only the recorded performance and the accompanying completed scoring rubric of the pilot applicant will be considered in any review of the appeal;

(f) The pilot applicant will be identified only by number or letter for the purpose of the review of the *Appeal Form*.

(4) The procedure for the board's review of the appeal of the simulator evaluation filed by the pilot applicant is as follows:

(a) The board, and/or a committee designated by it, and/or a firm under contract with the board for development and grading of the simulator evaluation will review the recording of the simulator evaluation and the *Appeal Form* completed by the pilot applicant; and

(b) After completion of such review the pilot applicant will be provided with the decision regarding review of the *Appeal Form* via email. The email will show any score adjustment for the applicant that was made following such review.

(5) A pilot applicant who is not satisfied with the result of such review of their individual *Appeal Form* may request an adjudicative hearing pursuant to RCW 88.16.090 and governed by the provisions of chapter 34.05 RCW to appeal the simulator evaluation results. Such hearing must be requested within 30 calendar days of receipt of the result of the review of the *Appeal Form* by emailing a request for an adjudicative hearing to the board of pilotage commissioners' office (PilotageInfo@wsdot.wa.gov). The grounds and issues for the adjudicative hearing and any further appeal shall be limited to the following:

(a) Was the appeal procedure set forth in WAC 363-116-083 (2) through (4) followed?;

(b) Was the examination conducted in accordance with accepted psychometric and industrial/organizational psychology principles as determined by an expert in these fields of study?;

(c) Was the examination "job related" as determined by an expert in these fields of study?; and

(d) Was the examination, scoring, and appeal process validated by an expert in these fields of study?

[Statutory Authority: Chapter 88.16 RCW. WSR 26-06-034, s 363-116-084, filed 2/24/26, effective 3/27/26; WSR 12-05-064, § 363-116-084, filed 2/15/12, effective 3/17/12. Statutory Authority: Chapter 88.16 RCW and 2008 c 128. WSR 08-15-119, § 363-116-084, filed 7/21/08, effective 8/21/08.]

WAC 363-116-085 Association bylaws. The association of pilots for the Puget Sound pilotage district, together with the association of pilots for the Grays Harbor pilotage district, shall maintain on file with the commission a current copy of their respective association bylaws and amendments. Hereafter they shall file with the commission each new amendment adopted by their respective groups in order that the board may be kept informed of association acts and activities.

[WSR 97-08-042, recodified as § 363-116-085, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035. WSR 82-13-087 (Order 82-10-049, Resolution No. 82-10-049), § 296-116-085, filed 6/23/82; Order 76-12, § 296-116-085, filed 4/22/76.]

WAC 363-116-086 Challenges to board actions concerning licensing determinations and appeal procedures. This section shall apply to all proceedings involving a board determination made pursuant to WAC 363-116-080:

(1) Pilot trainees who enter a training program as provided in this chapter shall provide the board with an address to be used for notification purposes. Such address shall be a place at which mail is delivered. In addition, a pilot trainee may provide the board with other means of contact such as telephone numbers and/or email addresses. It will be the responsibility of the pilot trainee to ensure that the board has a current mailing address at all times. The mailing address will be considered the primary means of notice by the board. Notice delivered to the address provided by the pilot trainee will be considered received by the pilot trainee for the purpose of receipt of notification of the board's decision to deny a pilot license or extend a training program as provided in subsection (2) of this section.

(2) A pilot trainee who is denied a license or continued in his or her training program, pursuant to a decision rendered under WAC 363-116-080(5), shall be notified of the board's determination, in writing, by the chair of the board as soon as practicable. The pilot trainee shall have twenty days from which notice of the decision is served to file a notice of appeal of the board's decision with the board, pursuant to WAC 10-08-110 and 10-08-211. The board's decision will become a final order upon expiration of twenty days from the date notice is served, unless notice of appeal has been filed prior to that time. Upon the filing of the notice of appeal, the chair of the board shall appoint a presiding officer, who shall conduct the hearing and issue an initial order pursuant to chapter 34.05 RCW.

(3) Any hearing conducted pursuant to a request for review as indicated in subsection (2) of this section shall be conducted pursuant to the rules set forth in chapters 10-08 and 363-11 WAC and this section. In the event of a conflict, this section shall control.

(a) The board and the trainee evaluation committee shall be required to produce no more than a total of two fact witnesses and no more than one expert witness in connection with any hearing pursuant to this section, unless the board's chair, in his or her sole discretion, believes additional witnesses are necessary to present its case. This limitation shall apply to the hearing and any prehearing discovery.

(b) The board has determined, in its discretion, that because each pilot trainee brings different skill sets to his or her training program as a result of their prior experience, and the trainee evaluation committee develops an individually tailored training program based upon that pilot trainee's skill set and prior experience; comparisons between pilot trainees' performances in their respective training program are not relevant when assessing the pilot trainee's performance which is the subject of a notice of appeal and/or petition for review hereunder. Any documentation or testimony concerning the performance of other pilot trainees in their training program shall not be considered during any proceeding involved in the review process

and shall not be submitted or solicited as evidence in any hearing under this section, nor shall it be submitted or solicited as evidence in any discovery deposition, nor shall it be included in the board's record of proceedings or any petition for review.

(c) The scope of the hearing shall be limited to the validity of the training and evaluation process. The grounds for appeal shall be limited to the following issues:

(i) Does the training and evaluation process comport with accepted psychometric and industrial/organizational psychology principles and evaluation?

(ii) Is the board's training and evaluation process a valid and reliable measurement system meeting all criteria of formative and summative assessment?

(iii) Is the training program job related?

(iv) Was the board's decision made pursuant to WAC 363-116-080(5) arbitrary and capricious?

(d) The presiding officer shall issue an initial order at the conclusion of the hearing in conformance with the requirements of chapter 34.05 RCW and WAC 10-08-210.

(4) Any petition for review of the initial order shall be filed in conformance with WAC 10-08-211. The chair of the board shall then appoint a "reviewing officer" who shall issue a final order. The standard of review by the reviewing officer shall be the same as that set forth in subsection (3)(c) of this section.

[Statutory Authority: Chapter 88.16 RCW. WSR 11-20-004, § 363-116-086, filed 9/21/11, effective 10/22/11.]

WAC 363-116-110 Details and requirements of annual license fee payment, physical examination report and reinstatement application for licensed pilots. (1) Annual license fees and reports on annual physical examinations pursuant to RCW 88.16.090 shall be submitted to the board on or before the anniversary date of the license. Each pilot shall ensure that the board, at all time, possesses a copy of his/her currently valid United States government license with radar endorsement issued by the United States Coast Guard.

(2) A pilot, who retires under his/her medical disability retirement plan, may apply for reinstatement of his/her pilot's license within five years from the date of his/her last pilotage assignment, provided the pilot is capable of passing a physical examination without any restrictions as to full pilotage duties. The board may, at its discretion, waive all or part of the pilotage examination. The board shall require the pilot to complete a familiarization/training program prescribed by the board after a full review of all relevant factors. The board may also prescribe license limitations such as those contained in WAC 363-116-082.

[Statutory Authority: Chapter 88.16 RCW and 2008 c 128. WSR 08-15-119, § 363-116-110, filed 7/21/08, effective 8/21/08. WSR 97-08-042, recodified as § 363-116-110, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.090. WSR 93-07-076, § 296-116-110, filed 3/18/93, effective 4/18/93. Statutory Authority: RCW 88.16.035. WSR 92-08-050, § 296-116-110, filed 3/26/92, effective 4/26/92; WSR 80-03-081 (Order 79-6, Resolution No. 79-6), § 296-116-110, filed 3/4/80; Order 2-68, § 296-116-110, filed 11/1/68; § 11, effective 11/25/58.]

WAC 363-116-115 Sanctions for drug and alcohol offenders. (1) The board shall review the pilot's license of any pilot who, within the preceding twelve months, has been convicted of any offense involving drugs or the personal consumption of alcohol while on duty, including an offense of operating a vessel or vehicle while under the influence of alcohol or drugs.

(2) Where a pilot is found to have been convicted of an offense involving drugs or the personal consumption of alcohol while on duty within the prior twelve months, but who has not been convicted of an offense involving drugs or the personal consumption of alcohol in the previous five years, and after a hearing held pursuant to RCW 88.16.100(5), the board shall: Order the pilot to actively participate in and satisfactorily complete a specific program of treatment. The board may impose such other sanctions as it deems appropriate. If the pilot does not satisfactorily complete the program of treatment, the board shall suspend, revoke, or withhold the pilot's license until the treatment is completed.

(3) Where a pilot is found to have been convicted of a second or subsequent offense involving drugs or the personal consumption of alcohol while on duty within the prior twelve months, the board, after a hearing is held pursuant to RCW 88.16.100(5), shall suspend the license of the pilot for up to one year.

(4) The board shall immediately notify the United States Coast Guard that it has revoked or suspended a license pursuant to this section and the board shall also notify the United States Coast Guard when a suspended or revoked license has been reinstated.

[WSR 97-08-042, recodified as § 363-116-115, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.100(4). WSR 90-23-081, § 296-116-115, filed 11/20/90, effective 12/21/90.]

WAC 363-116-120 Job description—Physical examination—Health requirements. (1) A Washington state licensed marine pilot, under the authority of the master, directs ships into and out of harbors, estuaries, straits, sounds, rivers, lakes, and bays using a specialized knowledge of local conditions including winds, weather, tides, and current: Orders officers and helmsman by giving course and speed changes and navigates ship to avoid conflicting marine traffic, congested fishing fleets, reefs, outlying shoals and other hazards to shipping; utilizes aids to navigation, such as lighthouses and buoys. Utilizes ship's bridge equipment, including radar, fathometer, speed log, gyro, magnetic compass, whistle or horn and other navigational equipment as needed. Required to use ship's radio equipment in contacting United States Coast Guard vessel traffic system and other ships while ship is in transit. Directs ship's officers, crewmen, and tug boat captains as necessary, when ships are transiting bridges, narrow waterways, anchoring, docking, and undocking. Must perform duties day or night in all weather conditions, including high winds, fog, mist, rainfall, falling snow and other adverse conditions, as encountered. In order to safely perform the foregoing duties, a Washington state licensed marine pilot shall:

(a) Be physically qualified to possess a U.S. Coast Guard master's license, as required by the state of Washington.

(b) Be capable of boarding a vessel from and leaving a vessel into a pilot boat via a Jacob's ladder and a gangway. A Jacob's ladder

involves a vertical climb or descent of up to nine meters and requires both physical energy and mental judgment.

(c) Be capable of moving to a more desirable vantage point in a timely manner, so as to avoid a close quarters situation when the physical characteristics of the ship or cargo obstruct the pilot's field of vision.

(d) Be able to meet the necessary eyesight and hearing requirements to carry out marine pilotage duties.

(e) Have mental reflexes capable of allowing decisions to be made without delay. This is imperative in all aspects of ship handling.

(f) Be capable of withstanding mental stresses which may occur with a vessel in lowered visibility, in a close quarters situation or when docking or undocking.

(g) Be capable of working efficiently and effectively at any time of the day or night, including irregular and unscheduled hours, after sufficient rest.

(h) Possess mental maturity and show mental responsibility.

(2) In order to determine the physical fitness of persons to serve as licensed pilots under the provisions of the pilotage act, all licensed pilots and pilot applicants shall be required to pass a general physical examination annually within ninety days prior to the date their annual state pilot license fee is due. As used in this section pilot refers to licensed pilots, including pilots seeking to renew their state licenses, and pilot applicant refers to both pilot license applicants who have completed the board training program but do not yet have a pilot license and to training license applicants. The physical examination required of all pilots and initial pilot applicants shall demonstrate that he/she is fully able to carry out the duties of a pilot. The examination shall assure that one's abilities as a pilot will not be impaired by eyesight, hearing or other bodily function. As part of this examination pilots and pilot applicants shall have completed on a form provided by the board a detailed report of physical examination. Each pilot is required to report on the form any convictions of offenses involving drugs or the personal consumption of alcohol which occurred while on duty within the prior twelve months. Pilot applicants for a license must report on the form any and all convictions of offenses involving drugs or the personal consumption of alcohol which occurred within the twelve months prior to the date of their application. This form shall be prepared by the examining physician and shall be submitted to the board along with a letter stating his/her findings/recommendations as to the ability of the pilot or pilot applicant to safely perform the pilotage duties based on the job description for a Washington state licensed marine pilot and the standards set forth below. The examining physician should review these standards and review the job description in subsection (1) of this section before making findings/recommendations as to the medical fitness of the pilot applicant. A medical/occupational history form will be completed and signed by the initial pilot applicant for review by the physician prior to the initial examination. The board may in its discretion check with the appropriate authorities for any convictions of offenses involving drugs or the personal consumption of alcohol in the prior twelve months. The detailed report of physical examination is a confidential record and will not be available for public inspection. Such examination shall be obtained at the expense of the licensed pilot or pilot applicant from a physician or physicians designated in advance by the board. The secretary of the board shall give each pilot or pilot applicant reasonable written notice of the date

when any such physical examination becomes due and shall specify the name of the physicians then approved by the board to conduct such physical examination.

(3) Based upon the findings/recommendations of the examining physician and review by the board, the board will make the determination as to the pilot applicant's or pilot's fitness to perform the duties of a pilot. This determination will be made within ninety days after each annual physical examination.

(4) The purpose of the history and physical examination is to detect the presence of physical, mental, or organic defects of such character and extent as to affect an individual's ability to pilot a vessel safely. The examination will be made carefully and at least as complete as indicated by the form provided by the board. History of certain defects may be cause for rejection of the initial pilot applicant or indicate the need for making certain laboratory tests or a further and more stringent examination. Defects may be recorded which do not, because of their character or degree, indicate that certification of physical fitness should be denied. However, these defects should be discussed with the pilot applicant or pilot who should be advised to take the necessary steps to ensure correction, particularly of those which, if neglected, might lead to a condition likely to affect the ability to perform the duties of a pilot.

(5) The board has determined which physical conditions may be permanently disqualifying for initial pilot applicants as well as which conditions may be permanently disqualifying for renewal of a pilot license. Certain conditions are not necessarily disqualifying, for renewal of a pilot license only, when, based on the knowledge and experience of the examining physician these conditions can be managed medically and without threat to the pilot's ability to perform the duties of a pilot. An individual may be disqualified when, in the opinion of the examining physician, there is reasonable probability that a condition can occur suddenly and without warning which would render the pilot applicant incapable of promptly responding, both mentally and physically to emergency situations. When certain conditions exist the medical examiner may recommend either:

(a) A permanent disqualification; or

(b) A temporary disqualification until which time the condition is either corrected or medically managed.

(6) Initial pilot applicants will be required to take a test indicating they are free of illegal substance abuse. Testing will be for the presence of cocaine, opiates, marijuana (THC), amphetamines and PCP (phencyclidine). Testing will be in accordance with the Department of Transportation (Coast Guard) guidelines outlined in the Federal Register 46 C.F.R. 4, 5, and 16. Urine specimens are to be analyzed by a laboratory that meets DHHS regulations set forth by the National Institute of Drug Abuse (NIDA).

Chain of custody forms and instructions for collection and transport to a NIDA approved laboratory can be obtained from:

Laboratory of Pathology
Nordstrom Medical Tower
P.O. Box 14950
Seattle, WA 98114-0950
206-386-2872

(7) The conditions in these standards are listed according to the International Classification of Diseases (ICD). Some categories may not apply to the standards set forth and therefore may be absent in

some listings. However, all categories should be taken into consideration by the examining physician.

(a) Infectious and parasitic diseases.

(b) Neoplasms.

(c) Endocrine, nutritional, metabolic, and immunity disorders.

(d) Diseases of the blood and blood forming organs.

(e) Mental disorders.

(f) Diseases of the nervous system and sense organs.

(g) Diseases of the respiratory system.

(h) Diseases of the digestive system.

(i) Diseases of the genitourinary system.

(j) Complications of pregnancy, childbirth, and the puerperium.

(k) Diseases of the skin and subcutaneous tissues.

(l) Diseases of the musculoskeletal system and connective tissues.

(m) Congenital anomalies.

(n) Certain conditions originating in the perinatal period.

(o) Symptoms, signs, and other ill defined conditions.

(p) Injury and poisonings.

(8) The guidelines for recommended visual standards are based on the necessity of a pilot to be able to safely perform the duties of a pilot, including functioning under all emergency conditions aboard the vessel. Consideration must be given to the pilot's previously demonstrated ability to perform his/her pilotage duties.

(a) The visual acuity of a pilot applicant shall be at least 20/200 in each eye uncorrected and correctable to at least 20/40 in each eye as determined by Snellen test or its equivalent unless the pilot applicant qualifies for a waiver from the Officer in Charge, Marine Inspection, or the Commandant, U.S. Coast Guard.

(b) The initial pilot applicant should have normal color vision per pseudo isochromatic plates, Ishihara or Keystone test. If the initial pilot applicant fails this test, the Farnsworth or Williams Lantern tests or their equivalent may be used to determine the initial pilot applicant's ability to distinguish primary colors.

(c) Loss of vision in one eye may not be disqualifying if one eye passes the test required for the better eye of the pilot applicant with binocular vision and the pilot applicant has had sufficient time to develop and demonstrate adequate judgment of distances.

(d) Pilot applicants who wear corrective lenses and meet the qualifications in (a) of this subsection are medically fit to carry out pilotage duties only while wearing their corrective lenses and if they have with them, while on duty, a spare pair of correcting lenses that provide at least the same visual acuity.

(9) Baseline audiograms shall be performed on all entry level pilot applicants. All licensed pilots will be tested annually, with the first audiogram considered baseline. Each ear will be tested separately using properly calibrated equipment which meets ANSI (American National Standards Institute) standards criteria for background noise in audiometric rooms. Testing should not be performed unless the pilot applicant has been free of work noise or intense noise for a period of at least fourteen hours prior to testing. Should the pilot applicant have a current condition which can cause a temporary hearing loss, such as a cold, the pilot applicant should be rescheduled for testing in two weeks, or until such condition is resolved. Testing will be performed by a licensed audiologist, otolaryngologist, physician with sufficient training in conducting and interpreting audiograms, or a

technician who is currently certified by the Council for Accreditation in Occupational Hearing Conservation (CAOHC).

(a) A baseline audiogram is required on all initial pilot applicants. The first audiogram performed on a currently licensed pilot shall be considered the baseline audiogram.

(b) Pilot applicants having hearing threshold levels that do not exceed 40 dB at frequencies of 500, 1000, 2000, 3000 Hz in either ear are considered to have normal hearing for communication purposes.

(c) Annual audiograms will be performed thereafter for the purposes of comparison to baseline. A significant threshold shift is defined as a change averaging more than 10 dB from baseline in the frequencies of 500, 1000, 2000, and 3000 Hz and requires further evaluation by a physician, otolaryngologist, or audiologist and preventive action taken on the part of the pilot.

(d) Mechanical acoustical devices (hearing aids) are not disqualifying but should not be worn in areas of high background noise levels in order to prevent further deterioration of his/her hearing.

(e) A pilot applicant must minimally be able to hear an average conversational voice in a quiet room while standing with his/her back turned at a distance of eight feet.

(10) Below is a list of conditions which can be absolutely disqualifying for initial licensure as a maritime pilot. The list of causes for disqualification is not all inclusive or intended to be complete, but represents the types of conditions that would interfere with the safe performance of pilotage duties. This guide is not intended to replace the physician's professional judgment. Rather, it calls for the physician and the board to closely examine whether the pilot applicant can safely perform the tasks outlined in the job description of a Washington state licensed marine pilot. The examining physician should also be aware that a second opinion concerning the diagnosis may be sought in cases of unfavorable determinations. A condition should only be considered disqualifying while such condition persists. Following corrective medical action the pilot applicant should be encouraged to apply for reentry.

Conditions Which Can Be Absolutely
Disqualifying For Initial Licensure

1. Infectious and parasitic diseases - Any communicable disease in its communicable or carrier stage.

2. Neoplasms - Malignant diseases of all kinds in any location.

3. Endocrine, nutritional, metabolic, and immunity disorders - Diabetes requiring insulin or hypoglycemic drugs; cirrhosis of the liver; alcohol abuse (unless abstinence for two years).

4. Diseases of the blood and blood forming organs - Hemophilia; acute or chronic significant anemias.

5. Mental disorders - Severe personality disorders; use of illegal drugs; dementia of Alzheimer's type, senility, psychosis.

6. Diseases of the nervous system and sense organs - Epilepsy or any convulsive disorder resulting in an altered state of consciousness, regardless of control; disturbance of balance; multiple sclerosis; Meniere's syndrome.

7. Diseases of the circulatory system - Multiple myocardial infarctions or cardiac class II or IV (NYHA); hypotension with syncopal episodes; varicose veins if associated with edema, skin ulceration or residual scars. Recurrent thromboembolic conditions.

8. Diseases of the respiratory system - Active pulmonary tuberculosis Class IV respiratory impairment; permanent tracheostomy.

9. Diseases of the genitourinary system - Chronic renal failure; permanent ureterostomy.

10. Complications of pregnancy, childbirth, and the puerperium - Pregnancy is not in itself disqualifying, if, in the opinion of the examining physician and the pilot applicant's obstetrician determine that the pilotage duties can be safely carried out without risk to the mother or fetus and without risk to the safety of the vessel, crew, and property.

11. Diseases of the skin and subcutaneous tissues - There are no absolute exclusions listed for diseases of the skin unless, in the opinion of the examining physician, a condition exists that would interfere with the performance of pilotage duties.

12. Diseases of the musculoskeletal system and connective tissues - Lupus erythematosus, disseminated; amputation of any portion of a limb, resection of a joint, artificial joint or absence of the toes which would preclude the ability to run, walk, balance oneself, grasp and climb ladder rungs; chronic low back pain that is disabling to the degree of interfering with job requirements.

13. Congenital anomalies - Any existing condition that, in the opinion of the examining physician, would interfere with the safe performance of pilotage duties.

14. Symptoms, signs, and other ill defined conditions - Serious degree of stuttering or speech impediment sufficient to interfere with communication; alcoholism; drug addiction, other than tobacco or caffeine.

15. Injury or poisonings - May be temporarily disqualifying until condition resolved without disabling sequelae.

(11) Below is a list of conditions which can be absolutely disqualifying for relicensure as a maritime pilot. The list of causes for disqualification is not all inclusive or intended to be complete, but represent the types of conditions that would interfere with the safe performance of pilotage duties. This guide is not intended to replace the physician's professional judgment. Rather, it calls for the physician and the board to closely examine whether the pilot applicant can continue to safely perform the tasks outlined in the job description of a Washington state licensed marine pilot. The examining physician should also be aware that a second opinion concerning diagnosis may be sought in cases of unfavorable determinations.

Conditions Which Can Be Absolutely
Disqualifying For Relicensure

1. Neoplasms - Malignancies with metastases.

2. Endocrine, nutritional, metabolic, and immunity disorders - Cirrhosis of the liver with hepatic failure.

3. Diseases of the blood and blood forming organs - Hemophilia; acute leukemia.

4. Mental disorders - Severe personality disorders; senility; dementia of Alzheimer's type psychosis.

5. Diseases of the nervous system and sense organs - Disturbance of balance, permanent and untreatable Meniere's syndrome.

6. Diseases of the circulatory system - Multiple myocardial infarctions or cardiac Class III or IV (NYHA); hypotension with syncopal episodes; varicose veins if associated with edema, skin ulceration or residual scars. Recurrent thromboembolic conditions.

7. Diseases of the respiratory system - Active pulmonary tuberculosis; Class IV respiratory impairment.

8. Diseases of the genitourinary system - Chronic renal failure; permanent ureterostomy.

9. Complications of pregnancy, childbirth, and puerperium - Pregnancy is not in itself disqualifying, if, in the opinion of the examining physician and the pilot applicant's obstetrician determine that the pilotage duties can be safely carried out without risk to the mother or fetus and without risk to the safety of the vessel, crew and property.

10. Diseases of the skin and subcutaneous tissues - There are no absolute exclusions for diseases of the skin unless, in the opinion of the examining physician, a condition exists that would interfere with the performance of pilotage duties.

11. Diseases of the musculoskeletal and connective system - Lupus erythematosus, disseminated; amputation of any portion of a limb, resection of a joint, artificial joint or absence of the toes which would preclude the ability to run, walk, balance oneself, grasp, and climb ladder rungs. Chronic low back pain that is disabling to the degree of interfering with job requirements.

12. Symptoms, signs, and other ill defined conditions - Serious degree of stuttering or speech impediment sufficient to interfere with communication; alcoholism; drug addiction, other than tobacco or caffeine. Current need to use methadone, antabuse, antidepressants, anti-anxiety drugs.

13. Injury or poisonings - May be temporarily disqualifying until condition resolved without disabling sequelae.

(12) Some conditions may develop during the course of employment that would be absolutely disqualifying for initial licensure. In evaluating the impact of such a condition on an existing pilot, the examining physician and the board should take into consideration the pilot's past experience, effectiveness of performance and predictability of his/her performance. The board may waive certain duties of a pilot as outlined in the job description contained in subsection (1) of this section. The list of conditions requiring in-depth evaluation is not all inclusive or intended to be complete, but represent the types of conditions that might interfere with the safe performance of pilotage duties. The examining physician should also be aware that a second opinion concerning the diagnosis may be sought in cases of unfavorable determinations.

Conditions Requiring In-depth Evaluation

1. Neoplasms - Malignancies of any kind.

2. Endocrine, nutritional, metabolic, and immunity disorders - Diabetes requiring hypoglycemic drugs; cirrhosis of the liver.

3. Diseases of the blood and blood forming organs - Chronic leukemia.

4. Mental disorders - Anxiety reactions; depression.

5. Diseases of the nervous system and sense organs - Disturbance of balance; multiple sclerosis; epilepsy or any convulsive disorder resulting in an altered state of consciousness.

6. Diseases of the circulatory system - Uncontrolled hypertension; varicose veins; pacemaker, demand.

7. Diseases of the respiratory system - Respiratory impairment; permanent tracheostomy.

8. Diseases of the digestive system - Permanent colostomy; permanent ileostomy.

9. Complications of pregnancy, childbirth, and the puerperium - Pregnancy.

10. Diseases of the skin and subcutaneous tissues - Any skin disorders that, in the opinion of the examining physician, may interfere with the performance of pilotage duties.

11. Diseases of the musculoskeletal system and connective tissues - Lupus erythematosus, disseminated; artificial joints; chronic low back pain.

12. Injury or poisonings - May be temporarily disqualifying until condition resolved without disabling sequelae.

(13) A pilot may be temporarily relieved of pilotage duties until such time as a disqualifying condition is resolved or medically managed and with frequent evaluation by the examining physician or specialist. In this case, the board, after consulting with the physician, will determine the frequency of medical examinations. A condition should only be considered disqualifying while such a condition persists. Following corrective medical action, the individual may be removed from temporary disqualification. Provided that, if a temporary disqualifying condition continues for longer than two years from the time the pilot is initially relieved of pilotage duties, the board, in its discretion and after a full review of all relevant factors, may make a determination that the condition is permanently disqualifying.

[Statutory Authority: Chapter 88.16 RCW and 2008 c 128. WSR 08-15-119, § 363-116-120, filed 7/21/08, effective 8/21/08. WSR 97-08-042, recodified as § 363-116-120, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.090(6) and 88.16.100(4). WSR 90-24-019, § 296-116-120, filed 11/28/90, effective 12/29/90. Statutory Authority: RCW 88.16.090(6). WSR 90-13-065, § 296-116-120, filed 6/18/90, effective 7/19/90. Statutory Authority: RCW 88.16.090. WSR 88-09-027 (Order 88-5, Resolution No. 88-5), § 296-116-120, filed 4/14/88; WSR 85-15-033 (Order 85-2, Resolution No. 85-2), § 296-116-120, filed 7/12/85. Statutory Authority: RCW 88.16.035 and 88.16.090(6). WSR 80-16-005 (Resolution No. 79-5), § 296-116-120, filed 10/23/80. Statutory Authority: RCW 88.16.035. WSR 79-11-063 (Order 79-5, Resolution No. 79-5), § 296-116-120, filed 10/18/79; Order 73-6, § 296-116-120, filed 5/11/73; Order 2-68, § 296-116-120, filed 11/1/68; § 12, effective 11/25/58.]

WAC 363-116-140 Limitations.

[WSR 97-08-042, recodified as § 363-116-140, filed 3/28/97, effective 3/28/97; Order 2-68, § 296-116-140, filed 11/1/68.]

WAC 363-116-170 Pilotage station. Port Angeles is hereby declared the location of the pilotage station for Puget Sound and adjacent inland waters and tariffs shall be assessed accordingly. Boundary pilotage shall apply on ships going to and coming from all British Columbia ports.

[WSR 97-08-042, recodified as § 363-116-170, filed 3/28/97, effective 3/28/97; Order 2-68, § 296-116-170, filed 11/1/68; § 17, effective 11/25/58.]

WAC 363-116-175 Tariff proposals. The board of pilotage commissioners has been charged with certain statutory duties by RCW 88.16.035. To assist the board in its responsibilities to provide for the maintenance of efficient and competent pilotage services and to annually fix the pilotage tariffs for pilotage services to be performed on the waters covered by chapter 88.16 RCW, it shall be the policy that licensed pilots, ship operators, and interested members of the public may jointly or separately present tariff proposals to the board for its consideration. Any such proposals shall endeavor to provide that the tariff at all times funds the training program and the number of pilots licensed by the board.

To that end, individual Washington state licensed pilots, independent ship owners or operators, members of the public and/or agents, committees or organizations representing said persons or corporations are authorized to meet, discuss, and prepare joint or separate tariff proposals for board consideration. They may appear before the board to support or oppose any such proposal, or part thereof, but the final determination, adoption and active supervision of the rates, charges, expense items, and classifications to be contained in said pilotage tariffs and the rules, regulations, or procedures to implement said annual tariffs shall be made by the board.

[Statutory Authority: Chapter 88.16 RCW and 2005 c 26. WSR 05-18-021, § 363-116-175, filed 8/29/05, effective 10/1/05. WSR 97-08-042, recodified as § 363-116-175, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035. WSR 87-19-100 (Order 87-1, Resolution No. 87-1), § 296-116-175, filed 9/17/87.]

WAC 363-116-185 Pilotage rates for the Grays Harbor pilotage district. Effective 0001 hours January 1, 2019, through 2400 hours December 31, 2019.

CLASSIFICATION	RATE
Charges for piloting of vessels in the inland waters and tributaries of Grays Harbor shall consist of the following:	
Draft and Tonnage Charges:	
Each vessel shall be charged according to its draft and tonnage for each vessel movement inbound to the Grays Harbor pilotage district, and for each movement outbound from the district.	
Draft	$114.97 per meter or $35.04 per foot
Tonnage	$0.329 per net registered ton
Minimum Net Registered Tonnage	$1,152.00
Extra Vessel (in case of tow)	$646.00
Provided that, due to unique circumstances in the Grays Harbor pilotage district, vessels that call, and load or discharge cargo, at Port of Grays Harbor Terminal No. 2 shall be charged $6,387.00 per movement for each vessel movement inbound to the district for vessels that go directly to Terminal No. 2, or that go to anchor and then go directly to Terminal No. 2, or because Terminal No. 2 is not available upon arrival that go to layberth at Terminal No. 4 (without loading or discharging cargo) and then go directly to Terminal No. 2, and for each vessel movement outbound from the district from Terminal No. 2, and that this charge shall be in lieu of only the draft and tonnage charges listed above.	
Boarding Charge:	
Per each boarding/deboarding from a boat or helicopter	$1,092.00
Harbor Shifts:	
For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage	$803.00
Delays per hour	$189.00

CLASSIFICATION	RATE
Cancellation charge (pilot only)	$315.00
Cancellation charge (boat or helicopter only)	$944.00

Two Pilots Required:

When two pilots are employed for a single vessel transit, the second pilot charge shall include the harbor shift charge of $803.00 and in addition, when a bridge is transited the bridge transit charge of $346.00 shall apply.

Pension Charge:

Charge per pilotage assignment, including cancellations	$450.00

Travel Allowance:

Transportation charge per assignment	$105.00

Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid $1,064.00 for each day or fraction thereof, and the travel expense incurred.

Bridge Transit:

Charge for each bridge transited	$346.00
Additional surcharge for each bridge transited for vessels in excess of 27.5 meters in beam	$946.00

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.

[Statutory Authority: RCW 88.16.035. WSR 18-23-008, § 363-116-185, filed 11/8/18, effective 1/1/19; WSR 17-22-128, § 363-116-185, filed 11/1/17, effective 1/1/18; WSR 16-22-034, § 363-116-185, filed 10/26/16, effective 1/1/17; WSR 15-24-029, § 363-116-185, filed 11/20/15, effective 1/1/16; WSR 14-23-021, § 363-116-185, filed 11/7/14, effective 1/1/15; WSR 13-23-110, § 363-116-185, filed 11/20/13, effective 1/1/14; WSR 12-23-065, § 363-116-185, filed 11/19/12, effective 1/1/13; WSR 11-21-084, § 363-116-185, filed 10/18/11, effective 1/1/12; WSR 11-10-052, § 363-116-185, filed 4/29/11, effective 5/30/11; WSR 10-13-084, § 363-116-185, filed 6/15/10, effective 8/1/10; WSR 09-13-058, § 363-116-185, filed 6/15/09, effective 8/1/09; WSR 08-14-073, § 363-116-185, filed 6/26/08, effective 8/1/08; WSR 07-14-014, § 363-116-185, filed 6/22/07, effective 8/1/07; WSR 06-13-057, § 363-116-185, filed 6/16/06, effective 8/1/06; WSR 05-14-029, § 363-116-185, filed 6/24/05, effective 8/1/05; WSR 04-14-018, § 363-116-185, filed 6/28/04, effective 8/1/04; WSR 03-21-089, § 363-116-185, filed 10/17/03, effective 11/17/03; WSR 03-14-042, § 363-116-185, filed 6/24/03, effective 8/1/03; WSR 02-13-076, § 363-116-185, filed 6/17/02, effective 6/17/02; WSR 01-18-049, § 363-116-185, filed 8/30/01, effective 9/30/01; WSR 01-13-066, § 363-116-185, filed 6/18/01, effective 6/18/01; WSR 00-13-097, § 363-116-185, filed 6/21/00, effective 8/1/00; WSR 99-16-027, § 363-116-185, filed 7/27/99, effective 8/1/99; WSR 98-19-036, § 363-116-185, filed 9/11/98, effective 9/15/98; WSR 97-15-120, § 363-116-185, filed 7/23/97, effective 8/1/97. WSR 97-08-042, recodified as § 363-116-185, filed 3/28/97, effective 3/28/97; WSR 96-14-062, § 296-116-185, filed 6/28/96, effective 8/1/96; WSR 95-13-054, § 296-116-185, filed 6/16/95, effective 8/1/95; WSR 94-05-006, § 296-116-185, filed 2/3/94, effective 3/6/94; WSR 93-13-055, § 296-116-185, filed 6/16/93, effective 7/17/93; WSR 93-03-080, § 296-116-185, filed 1/19/93, effective 2/19/93; WSR 92-14-069, § 296-116-185, filed 6/26/92, effective 7/27/92; WSR 91-08-008, § 296-116-185, filed 3/26/91, effective 4/26/91; WSR 90-09-013, § 296-116-185, filed 4/6/90, effective 5/7/90;

WSR 89-08-042 (Order 89-3, Resolution No. 89-3), § 296-116-185, filed 3/31/89; WSR 88-05-043 (Order 88-2, Resolution No. 88-2), § 296-116-185, filed 2/17/88, effective 3/21/88. Statutory Authority: RCW 88.16.035(4). WSR 87-01-081 (Orders 86-9 and 86-10, Resolution Nos. 86-9 and 86-10), § 296-116-185, filed 12/19/86; WSR 85-02-048 (Order 84-5, Resolution No. 84-5), § 296-116-185, filed 12/31/84; WSR 83-15-012 (Order 83-3, Resolution No. 83-3), § 296-116-185, filed 7/12/83; WSR 82-08-016 (Order 82-1, Resolution No. 82-1), § 296-116-185, filed 3/29/82; WSR 81-07-009 (Order 81-1, Resolution No. 81-1), § 296-116-185, filed 3/6/81; WSR 80-03-081 (Order 79-6, Resolution No. 79-6), § 296-116-185, filed 3/4/80; Order 2-68, § 296-116-185, filed 11/1/68.]

WAC 363-116-200 Duties of pilots. (1) In any case where a vessel in the charge of a state licensed pilot or a state licensed pilot trainee is involved in an incident or near-miss occurrence, the pilot and the pilot trainee on the vessel shall make a report to the board in the following required manner:

(a) *Report of Incident*. A state licensed pilot and a state licensed pilot trainee involved in an incident shall notify the board by telephoning or radioing the Marine Exchange of Puget Sound as soon as the situation is stabilized or within one hour of reaching shore. In addition, all incidents shall be reported to the board on the *Report of Incident* form as soon as possible after the incident, but in no event more than ten days afterwards. If a pilot trainee is involved, both the pilot trainee and the supervising pilot shall file a *Report of Incident*. In any event where a pilot or pilot trainee is unaware of the occurrence of an incident at the conclusion of his/her piloting assignment, the pilot and pilot trainee shall file a *Report of Incident* within ten days of being informed of the occurrence of the incident. An incident includes an actual or apparent collision, allision or grounding, as well as a navigational occurrence which results in actual or apparent personal injury or property damage or environmental damage. An incident also includes any occurrence where a pilot or pilot trainee falls or is injured while embarking or disembarking a vessel or otherwise is physically endangered while performing his/her duties on a vessel, regardless of whether the incident results in physical injury to the pilot or pilot trainee.

(b) *Report of Marine Safety Occurrence*. A state licensed pilot and state licensed pilot trainee involved in a near-miss occurrence shall complete the board required *Report of Marine Safety Occurrence* form and file it with the board as soon as possible after the near-miss occurrence, but in no event more than ten days afterwards. If a pilot trainee is involved, both the pilot trainee and the supervising pilot shall file a *Report of Marine Safety Occurrence*. A near-miss occurrence is where a pilot and pilot trainee successfully takes action of a nonroutine nature to avoid a collision with another vessel, structure or aid to navigation, to avoid a grounding of the vessel or to avoid causing damages to the environment. Information relating to near-miss occurrences provided by a pilot and pilot trainee on this form shall not be used for imposing any sanctions or penalties against the pilot or pilot trainee involved in the occurrence. A state licensed pilot or pilot trainee may also use this form on a voluntary basis for reporting out of the ordinary occurrences or concerns for navigational safety encountered or observed during the course of pi-

loting a vessel as well as safety issues encountered or observed on the vessel, the dock, or in the area around the vessel.

(c) Completion of these forms does not replace or relieve a pilot or pilot trainee from any other reporting requirements under federal, state or local law. If circumstances permit, a pilot or pilot trainee will notify the vessel master of his/her intent to file a report of incident or marine safety occurrence with the board. The board shall forward a copy of any form received to the respective shipper or its board representative. The board may, with or without a complaint being made against a pilot or pilot trainee, investigate the matter reported upon.

(2) Pilots and pilot trainees will report to the pilot office and to the aides to navigation officer of the United States Coast Guard, all changes in lights, range lights, buoys, and any dangers to navigation that may come to their knowledge.

(3) Any pilot or pilot trainee who shall fail, neglect or refuse to make a report to the board as required by the pilotage laws of the state, or by these rules and regulations, for a period of ten days after the date when the report is required to be made, shall be subject to having his/her license suspended at the discretion of the board, and if he/she fails to report for a period of thirty days the board may, at its discretion, revoke his/her license.

(4) Pilots or pilot trainees when so notified in writing shall report in person to the board at any meeting specified in such notice.

(5) Any pilot or pilot trainees summoned to testify before the board shall appear in accordance with such summons and shall make answer, under oath, to any question put to him/her which deals with any matter connected with the pilot service, or of the pilotage waters over which he/she is licensed to act. He/she shall be entitled to have his/her attorney or advisor present during any such appearance and testimony.

(6) Any pilot who shall absent himself/herself from his/her pilotage duties or district for a period of sixty days without permission of the board of pilotage commissioners shall be liable to suspension or to the forfeiture of his/her license.

(7) A pilot or pilot trainee on boarding a ship, if required by the master thereof, shall exhibit his/her license, or photo static copy thereof.

(8) When a pilot licensed under this act is employed on an enrolled ship, the same rules and regulations shall apply as pertain to registered ships.

(9) Any state licensed pilot or pilot trainee assigned to pilot a vessel entering, leaving, or shifting berths under its own power in any of the waters subject to the provisions of chapter 88.16 RCW shall before assuming pilotage obligations for such vessel obtain assurance from the master that the vessel meets all requirements for safe navigation and maneuvering. In addition, the pilot or pilot trainee shall obtain assurance that the ship's officers will maintain navigation procedures by all navigational aids available to insure that the vessel's position is known at all times. If the pilot or pilot trainee in his/her professional judgment considers the vessel to be incapable of safe navigation and maneuvering due to performance limitations, he/she shall refuse to assume the obligations of pilotage for such vessel until such limitations have been corrected and shall promptly notify the pilot's control station and the chairman of the board of pilotage commissioners of such action.

(10) In providing pilotage services under chapter 88.16 RCW every pilot and pilot trainee shall perform those duties in a professional manner and without negligence so as to not endanger life, limb or property, not violate or not fail to comply with state laws or regulations intended to promote marine safety or to protect navigable waters.

(11) A pilot involved in a serious marine incident as that term is defined in 46 C.F.R. 4.03-2 shall, in addition to meeting all requirements imposed by federal law:

(a) To the extent practicable and safe, stabilize the vessel and request relief by the dispatching of another pilot; and

(b) As soon as the relief pilot arrives, transfer the con of the vessel to the new pilot; such that the pilot and any pilot trainee involved in the incident may meet the requirements of 46 C.F.R. Part 4.06.

[Statutory Authority: Chapter 88.16 RCW. WSR 12-04-061, § 363-116-200, filed 1/30/12, effective 3/1/12; WSR 08-22-003, § 363-116-200, filed 10/23/08, effective 11/23/08. Statutory Authority: Chapter 88.16 RCW and 2008 c 128. WSR 08-15-119, § 363-116-200, filed 7/21/08, effective 8/21/08. WSR 97-08-042, recodified as § 363-116-200, filed 3/28/97, effective 3/28/97. Statutory Authority: Chapter 88.16 RCW. WSR 97-06-106, § 296-116-200, filed 3/5/97, effective 4/5/97; Order 73-6, § 296-116-200, filed 5/11/73; Order 2-68, § 296-116-200, filed 11/1/68; § 20, effective 11/25/58.]

WAC 363-116-205 Vessel certification. (1) Upon boarding a vessel in the Puget Sound pilotage district or Grays Harbor pilotage district, a pilot shall request on the form provided in WAC 296-116-2051 that the master of the vessel certify that: (a) The engine room is properly staffed, able to maneuver, and all related equipment is in good order; (b) there are no defects listed against the ship by the United States Coast Guard which would prevent it from sailing; (c) the vessel is not leaking oil; (d) the vessel is experiencing no propulsion or maneuvering difficulties.

If the master is unable to certify that all of the above conditions are met, he/she shall be asked to certify that the United States Coast Guard captain of the port has been notified of said deficiencies and has authorized the vessel to proceed.

If the master is unable or unwilling to certify that either of the above are the case, the pilot shall not offer pilotage services to said vessel. Instead, the pilot shall disembark from the vessel as soon as practicable, immediately inform the captain of the port of the conditions and circumstances by the best possible means and forward a written report to the board of pilotage commissioners no later than twenty-four hours after disembarking from the vessel. Any Washington licensed pilot who offers pilotage services to a vessel on which the master has failed to make a certification required by this section shall be subject to the penalties provided in RCW 88.16.100 and 88.16.150.

(2) Upon boarding vessels in either the Puget Sound pilotage district or the Grays Harbor pilotage district, the pilot shall also request to see the vessel's SOLAS certificate, and the Federal Maritime Commission certificate of financial responsibility.

The pilot shall also inspect the following of the ship's equipment and conditions and indicate their suitability:

VHF radio, channels 13, 14; radar; gyrocompass; rudder angle indicator; whistle; wheelhouse staffed by an officer and helmsman, one of whom speaks English; local, up-to-date charts; and wheelhouse to engine room communications.

(3) The form appearing in WAC 296-116-2051 shall be used by pilots and masters in complying with the above requirements.

(4) Forms completed by masters and pilots which indicate that the vessel is in compliance and nondeficient shall be forwarded to the offices of the board of pilotage commissioners where they will be retained for a period of at least six months. Forms indicating a vessel not in compliance or deficient and forms upon which either the master or the pilot have failed to make the required certification shall be forwarded to the board of pilotage commissioners and retained for a period of at least twelve months.

[Statutory Authority: Chapter 88.16 RCW and 2008 c 128. WSR 08-15-119, § 363-116-205, filed 7/21/08, effective 8/21/08. WSR 97-08-042, recodified as § 363-116-205, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035. WSR 82-13-087 (Order 82-10-049, Resolution No. 82-10-049), § 296-116-205, filed 6/23/82; WSR 79-11-063 (Order 79-5, Resolution No. 79-5), § 296-116-205, filed 10/18/79. Statutory Authority: RCW 88.16.035 and 88.16.155. WSR 78-09-057 (Order 78-2, Resolution No. 78-2), § 296-116-205, filed 8/23/78.]

WAC 363-116-2051 Vessel certification form.

Washington State Board of Pilotage Commissioners

Date:

Vessel Name:

Flag:

MASTER'S CERTIFICATION

I, ..., Master of this vessel, certify the following information:

	Yes	No
Is the engine room properly staffed, the engine able to maneuver, and all related equipment in good order?	□	□
Does this ship meet United States Coast Guard regulations governing safety and navigation?	□	□
Does this vessel comply with current international agreements governing safety and radio equipment?	□	□
Is this vessel leaking oil?	□	□
Is this vessel experiencing propulsion or maneuvering difficulties?	□	□

I have notified the United States Coast Guard Captain of the Port of any deficiencies noted above and he has authorized the vessel to proceed. Any such deficiencies will be corrected before the time the vessel is scheduled to leave the waters of Washington state.

.....

Master's Signature

PILOT'S REPORT

I, ..., a pilot licensed by the state of Washington, certify that upon boarding the above-named vessel on this date I requested to see the following certificates:

CERTIFICATE	ACCEPTABLE	NOT READILY AVAILABLE	UNACCEPTABLE
SOLAS Certificate	□	□	□
FMC Certificate of Financial Responsibility	□	□	□

.....

Pilot's Signature

DEAD SHIP MOVEMENT

I, ... , owner, master, or agent's representative of this vessel, certify the following information:

	Yes	No
Is the vessel leaking oil?	□	□
Are the lights per COLREGS?	□	□
Are thru hull fittings secured?	□	□
Is the vessel in all respects seaworthy for transit?	□	□

.....

Owner, Master, or
Agent's Representative

[WSR 97-08-042, recodified as § 363-116-2051, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.155(7). WSR 92-08-052, § 296-116-2051, filed 3/26/92, effective 4/26/92. Statutory Authority: RCW 88.16.035 and 88.16.155. WSR 83-16-032 (Order 83-4, Resolution No. 83-4), § 296-116-2051, filed 7/28/83. Statutory Authority: RCW 88.16.155. WSR 79-11-097 (Order 79-6, Resolution No. 79-6), § 296-116-2051, filed 10/29/79. Statutory Authority: RCW 88.16.035 and 88.16.155. WSR 78-09-057 (Order 78-2, Resolution No. 78-2), § 296-116-2051, filed 8/23/78.]

WAC 363-116-300 Pilotage rates for the Puget Sound pilotage district. Effective 0001 hours January 1, 2019, through 2400 hours December 31, 2019.

CLASSIFICATION	RATE
Ship length overall (LOA)	
Charges:	
Per LOA rate schedule in this section.	
Pilot boat fee:	$348.00
Per each boarding/deboarding at the Port Angeles pilot station.	
Harbor shift - Live ship (Seattle Port)	LOA Zone I
Harbor shift - Live ship (other than Seattle Port)	LOA Zone I
Harbor shift - Dead ship	Double LOA Zone I

CLASSIFICATION	RATE
Towing charge - Dead ship:	Double LOA Zone
LOA of tug + LOA of tow + beam of tow	

Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.

Compass Adjustment	$359.00
Radio Direction Finder Calibration	$359.00
Launching Vessels	$540.00
Trial Trips, 6 hours or less (minimum $1,014.00)	$169.00 per hour
Trial Trips, over 6 hours (two pilots)	$338.00 per hour
Shilshole Bay - Salmon Bay	$211.00
Salmon Bay - Lake Union	$164.00
Lake Union - Lake Washington (plus LOA zone from Webster Point)	$211.00
Cancellation Charge	LOA Zone I
Cancellation Charge - Port Angeles:	LOA Zone II
(When a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for a pilot or when a pilot order is canceled less than twelve hours prior to the original ETA.)	

Waterway and Bridge Charges:

Ships up to 90' beam:
A charge of $266.00 shall be in addition to bridge charges for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle, south of Eleventh Street in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of $127.00 per bridge.

Ships 90' beam and/or over:
A charge of $361.00 shall be in addition to bridge charges for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle and south of Eleventh Street in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of $251.00 per bridge.

(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)

Two or three pilots required:
In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.

Docking Delay After Anchoring:
Applicable harbor shift rate to apply, plus $274.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is $274.00 for every hour or fraction thereof.

Sailing Delay:
No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is $274.00 for every hour or fraction thereof. The as-

sessment of the standby charge shall not exceed a period of twelve hours in any twenty-four-hour period.

Slowdown:
When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of $274.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.

Delayed Arrival – Port Angeles:
When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of $274.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.

Tonnage Charges:
0 to 20,000 gross tons:
Additional charge to LOA zone mileage of $0.0084 a gross ton for all gross tonnage up to 20,000 gross tons.

20,000 to 50,000 gross tons:
Additional charge to LOA zone mileage of $0.0814 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

50,000 gross tons and up:
In excess of 50,000 gross tons, the charge shall be $0.0974 per gross ton.

Notwithstanding the above tonnage charges, there shall be a minimum tonnage charge of $500.00 applied to:

(1) All LOA Zone I assignments other than assignments of an additional pilot(s) on ship movements involving more than one pilot jointly piloting the vessel; and

(2) All LOA Zone II and greater assignments.

For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.

Transportation to Vessels on Puget Sound:

March Point or Anacortes	$195.00
Bangor	190.00
Bellingham	225.00
Bremerton	167.50
Cherry Point	260.00
Dupont	120.00
Edmonds	42.50
Everett	72.50
Ferndale	247.50
Manchester	162.50
Mukilteo	65.00

Olympia	155.00
Point Wells	42.50
Port Gamble	230.00
Port Townsend (Indian Island)	277.50
Seattle	18.75
Tacoma	87.50

(a) Intraharbor transportation for the Port Angeles port area: Transportation between Port Angeles pilot station and Port Angeles harbor docks - $15.00.

(b) Interport shifts: Transportation paid to and from both points.

(c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is canceled on or before scheduled reporting time, transportation paid one way only.

(d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.

(e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x $2.00 per mile.

Payment Terms and Delinquent Payment Charge:
1 1/2% per month after 30 days from first billing.

Nonuse of Pilots:
Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage charges on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

British Columbia Direct Transit Charge:
In the event that a pilot consents to board or deboard a vessel at a British Columbia port, which consent shall not unreasonably be withheld, the following additional charges shall apply in addition to the normal LOA, tonnage and other charges provided in this tariff that apply to the portion of the transit in U.S. waters:

Direct Transit Charge	$2,107.00
Sailing Delay Charge. Shall be levied for each hour or fraction thereof that the vessel departure is delayed beyond its scheduled departure from a British Columbia port, provided that no charge will be levied for delays of one hour or less and further provided that the charge shall not exceed a period of 12 hours in any 24 hour period.	$283.00 per hour
Slow Down Charge. Shall be levied for each hour or fraction thereof that a vessel's arrival at a U.S. or BC port is delayed when a vessel chooses not to maintain its normal safe speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater from the arrival time had the vessel maintained its normal safe speed capabilities.	$283.00 per hour
Cancellation Charge. Shall be levied when a pilot arrives at a vessel for departure from a British Columbia port and the job is canceled. The charge is in addition to the applicable direct transit charge, standby, transportation and expenses.	$525.00
Transportation Charge Vancouver Area. Vessels departing or arriving at ports in the Vancouver-Victoria-New Westminster Range of British Columbia.	$514.00
Transportation Charge Outports. Vessels departing or arriving at British Columbia ports other than those in the Vancouver-Victoria-New Westminster Range.	$649.00

Training Surcharge:
On January 1, 2011, a surcharge of $15.00 for each pilot trainee then receiving a stipend pursuant to the training program provided in WAC 363-116-078 shall be added to each pilotage assignment.

LOA Rate Schedule:
The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

LOA (Length Overall)	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
UP to 449	263	381	650	968	1,304	1,692
450 - 459	274	388	653	983	1,325	1,700
460 - 469	276	392	665	999	1,343	1,708
470 - 479	285	404	672	1,020	1,347	1,711
480 - 489	294	410	675	1,038	1,355	1,719
490 - 499	298	416	685	1,057	1,371	1,728
500 - 509	313	423	695	1,068	1,383	1,738
510 - 519	315	431	702	1,085	1,398	1,744
520 - 529	319	447	712	1,090	1,410	1,758
530 - 539	329	452	721	1,102	1,432	1,778
540 - 549	334	458	738	1,114	1,454	1,795
550 - 559	341	474	742	1,130	1,466	1,812
560 - 569	353	493	757	1,141	1,479	1,828
570 - 579	361	496	760	1,146	1,495	1,841
580 - 589	376	505	778	1,154	1,503	1,859
590 - 599	393	516	782	1,160	1,526	1,882
600 - 609	408	532	794	1,164	1,544	1,890
610 - 619	431	537	807	1,169	1,559	1,907
620 - 629	447	543	814	1,183	1,577	1,929
630 - 639	468	552	824	1,186	1,591	1,946
640 - 649	486	566	832	1,188	1,604	1,960
650 - 659	520	575	847	1,197	1,624	1,981
660 - 669	530	582	854	1,205	1,642	1,996
670 - 679	550	597	863	1,226	1,660	2,009
680 - 689	557	607	874	1,237	1,674	2,028
690 - 699	574	616	888	1,258	1,692	2,071
700 - 719	599	637	904	1,275	1,725	2,093
720 - 739	634	653	927	1,292	1,758	2,128
740 - 759	659	685	945	1,304	1,795	2,167
760 - 779	685	707	968	1,325	1,828	2,194
780 - 799	719	738	983	1,343	1,859	2,234
800 - 819	748	760	1,002	1,350	1,890	2,268
820 - 839	771	788	1,025	1,371	1,929	2,293
840 - 859	804	820	1,046	1,387	1,958	2,333
860 - 879	834	847	1,064	1,423	1,996	2,367
880 - 899	863	871	1,085	1,455	2,028	2,402
900 - 919	889	900	1,103	1,494	2,071	2,434

LOA (Length Overall)	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
920 - 939	917	927	1,130	1,526	2,091	2,468
940 - 959	950	952	1,147	1,559	2,128	2,498
960 - 979	971	980	1,167	1,591	2,167	2,535
980 - 999	1,003	1,002	1,187	1,624	2,194	2,568
1000 - 1019	1,065	1,067	1,240	1,710	2,299	2,678
1020 - 1039	1,094	1,098	1,279	1,758	2,368	2,757
1040 - 1059	1,127	1,125	1,316	1,812	2,435	2,838
1060 - 1079	1,161	1,165	1,355	1,866	2,511	2,922
1080 - 1099	1,196	1,197	1,394	1,920	2,585	3,011
1100 - 1119	1,230	1,234	1,437	1,980	2,662	3,102
1120 - 1139	1,268	1,274	1,481	2,037	2,742	3,194
1140 - 1159	1,304	1,310	1,523	2,098	2,825	3,291
1160 - 1179	1,343	1,347	1,571	2,161	2,909	3,388
1180 - 1199	1,384	1,388	1,616	2,226	2,997	3,491
1200 - 1219	1,427	1,430	1,664	2,293	3,087	3,593
1220 - 1239	1,467	1,473	1,713	2,362	3,177	3,701
1240 - 1259	1,511	1,516	1,763	2,432	3,274	3,811
1260 - 1279	1,555	1,561	1,817	2,505	3,373	3,925
1280 - 1299	1,602	1,609	1,872	2,580	3,471	4,044
1300 - 1319	1,651	1,655	1,927	2,657	3,576	4,164
1320 - 1339	1,701	1,705	1,986	2,736	3,682	4,290
1340 - 1359	1,749	1,756	2,045	2,817	3,792	4,419
1360 - 1379	1,803	1,807	2,106	2,903	3,905	4,549
1380 - 1399	1,855	1,861	2,171	2,989	4,022	4,687
1400 - 1419	1,912	1,918	2,233	3,077	4,142	4,826
1420 - 1439	1,968	1,976	2,301	3,171	4,268	4,971
1440 - 1459	2,029	2,035	2,371	3,265	4,395	5,120
1460 - 1479	2,086	2,094	2,440	3,362	4,527	5,270
1480 - 1499	2,150	2,157	2,512	3,462	4,661	5,429
1500 - Over	2,215	2,222	2,587	3,568	4,800	5,591

[Statutory Authority: RCW 88.16.035. WSR 18-23-009, § 363-116-300, filed 11/8/18, effective 1/1/19; WSR 17-23-123, § 363-116-300, filed 11/17/17, effective 1/1/18; WSR 16-23-162, § 363-116-300, filed 11/23/16, effective 1/1/17; WSR 16-11-068, § 363-116-300, filed 5/16/16, effective 7/1/16; WSR 15-12-070, § 363-116-300, filed 5/29/15, effective 7/1/15; WSR 14-24-014, § 363-116-300, filed 11/20/14, effective 1/1/15; WSR 14-02-092, § 363-116-300, filed 12/31/13, effective 1/1/14; WSR 12-24-055, § 363-116-300, filed 11/30/12, effective 1/1/13; WSR 11-23-176, § 363-116-300, filed 11/23/11, effective 1/1/12; WSR 11-10-051, § 363-116-300, filed 4/29/11, effective 5/30/11. Statutory Authority: Chapter 88.16 RCW. WSR 10-24-085, § 363-116-300, filed 11/30/10, effective 12/31/10. Statutory Authority: RCW 88.16.035. WSR 10-12-059, § 363-116-300, filed 5/27/10, effective 7/1/10; WSR 09-12-072, § 363-116-300, filed 5/29/09, effective 7/1/09; WSR 08-12-018, § 363-116-300, filed 5/28/08, effective 7/1/08; WSR 07-12-028, § 363-116-300, filed

5/30/07, effective 7/1/07; WSR 07-01-084, § 363-116-300, filed 12/19/06, effective 1/20/07; WSR 06-12-009, § 363-116-300, filed 5/26/06, effective 7/1/06. Statutory Authority: Chapter 88.16 RCW and 2005 c 26. WSR 05-18-021, § 363-116-300, filed 8/29/05, effective 10/1/05. Statutory Authority: RCW 88.16.035. WSR 05-12-055, § 363-116-300, filed 5/26/05, effective 7/1/05; WSR 04-12-014, § 363-116-300, filed 5/24/04, effective 7/1/04; WSR 03-12-019, § 363-116-300, filed 5/28/03, effective 7/1/03; WSR 02-12-008, § 363-116-300, filed 5/23/02, effective 7/1/02; WSR 01-18-050, § 363-116-300, filed 8/30/01, effective 9/30/01; WSR 01-12-032, § 363-116-300, filed 5/29/01, effective 7/1/01; WSR 00-11-119, § 363-116-300, filed 5/22/00, effective 7/1/00; WSR 99-12-027, § 363-116-300, filed 5/25/99, effective 7/1/99; WSR 98-12-008, § 363-116-300, filed 5/22/98, effective 7/1/98; WSR 97-12-017, § 363-116-300, filed 5/28/97, effective 7/1/97. WSR 97-08-042, recodified as § 363-116-300, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035. WSR 96-12-017, § 296-116-300, filed 5/29/96, effective 7/1/96; WSR 95-12-018, § 296-116-300, filed 5/30/95, effective 7/1/95; WSR 94-12-044, § 296-116-300, filed 5/27/94, effective 7/1/94; WSR 93-12-133, § 296-116-300, filed 6/2/93, effective 7/3/93; WSR 92-14-007, § 296-116-300, filed 6/19/92, effective 7/20/92; WSR 91-11-074, § 296-116-300, filed 5/20/91, effective 6/20/91; WSR 90-20-116, § 296-116-300, filed 10/2/90, effective 11/2/90; WSR 90-08-095, § 296-116-300, filed 4/4/90, effective 5/5/90; WSR 89-08-041 (Order 89-2, Resolution No. 89-2), § 296-116-300, filed 3/31/89. Statutory Authority: RCW 88.16.050. WSR 88-05-039 (Order 88-1, Resolution No. 88-1), § 296-116-300, filed 2/16/88, effective 3/18/88. Statutory Authority: RCW 88.16.035(4). WSR 87-01-081 (Orders 86-9 and 86-10, Resolution Nos. 86-9 and 86-10), § 296-116-300, filed 12/19/86; WSR 86-19-066 (Order 86-6, Resolution No. 86-6), § 296-116-300, filed 9/16/86; WSR 86-02-035 (Order 86-1, Resolution No. 86-1), § 296-116-300, filed 12/30/85; WSR 85-02-048 (Order 84-5, Resolution No. 84-5), § 296-116-300, filed 12/31/84; WSR 84-04-006 (Order 84-1, Resolution No. 84-1), § 296-116-300, filed 1/20/84; WSR 83-17-055 (Order 83-6, Resolution No. 83-6), § 296-116-300, filed 8/17/83; WSR 82-13-065 (Order 82-4, Resolution No. 82-4), § 296-116-300, filed 6/16/82. Statutory Authority: RCW 88.16.035. WSR 81-12-017 (Order 81-2, Resolution No. 81-2), § 296-116-300, filed 5/29/81; WSR 80-06-084 (Order 80-1, Resolution No. 80-1), § 296-116-300, filed 5/28/80. Statutory Authority: RCW 88.16.035(4). WSR 79-07-033 (Order 79-4, Resolution No. 79-4), § 296-116-300, filed 6/19/79. Statutory Authority: Chapter 88.16 RCW and 1977 ex. sess. c 337, §§ 1 and 4. WSR 78-02-008 (Order 78-1), § 296-116-300, filed 1/6/78, effective 2/10/78; Order 77-18, § 296-116-300, filed 9/20/77, effective 11/1/77; Order 76-24, § 296-116-300, filed 7/22/76; Order 75-3, § 296-116-300, filed 2/10/75; Order 74-2, § 296-116-300, filed 1/8/74; Order 73-8, § 296-116-300, filed 6/20/73 and Emergency Order 73-10, filed 7/19/73, effective 8/14/73; Order 70-7, § 296-116-300, filed 7/16/70; 7/25/67; 2/18/64; 10/29/62; 12/28/60; 3/23/60.]

WAC 363-116-301 New revenue collection. With respect to the passage of section 107, chapter 333, Laws of 2021 (Substitute Senate Bill No. 5165), the board of pilotage commissioners is appropriated $2,926,000 from the pilotage account state appropriation solely for self-insurance liability premium expenditures. This appropriation is contingent upon two stipulated conditions:

(1) The Puget Sound pilots shall pay to the board, from its tariffs, $150,000 annually on July 1, 2021, and July 1, 2022. These amounts shall be deposited by the board into the pilotage account and used solely for the expenditure of self-insurance premiums; and

(2) A self-insurance premium surcharge of $16 shall be added to each Puget Sound pilotage assignment on all vessels requiring pilotage in the Puget Sound pilotage district. The Puget Sound pilots shall remit the total amount of such surcharges generated to the board by the tenth of each month. The surcharge shall be in effect from July 1, 2021, through June 30, 2023. These amounts shall be in addition to those fees to be paid to the board pursuant to subsection (1) of this section and shall be deposited by the board into the pilotage account solely for the expenditure of self-insurance premiums.

These two directives are in effect beginning May 18, 2021, through June 30, 2023.

[Statutory Authority: Chapter 88.16 RCW. WSR 22-04-012, § 363-116-301, filed 1/21/22, effective 2/21/22; WSR 19-20-013, § 363-116-301, filed 9/20/19, effective 10/21/19; WSR 17-20-009, § 363-116-301, filed 9/22/17, effective 10/23/17.]

WAC 363-116-315 Retirement disbursements. Pilot associations having retirement plans, the expense of which is reimbursed through board established tariffs, shall make such payments to retired pilots as are required by the benefits and enforcement provisions of those plans.

[Statutory Authority: Chapter 88.16 RCW and 2008 c 128. WSR 08-15-119, § 363-116-315, filed 7/21/08, effective 8/21/08. WSR 97-08-042, recodified as § 363-116-315, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035. WSR 91-06-033, § 296-116-315, filed 2/26/91, effective 3/29/91.]

WAC 363-116-35001 Exemption from provisions of WAC 197-10-800. The board of pilotage commissioners of the state of Washington has reviewed its authorized activities and found substantially all of them to be exempt from the provisions of chapter 197-10 WAC, with the exception of authority supplied by the 1975 legislature to the board respecting additional tug shaft horsepower equivalencies which is a part of the "tug escort" 1975 amendments by chapter 125, Laws of 1975 1st ex. sess.

There is presently no intent to exercise this authority. Additionally, said act is currently under constitutional challenge. Thus, the board indicates its intent that if, and when, any authority should be exercised pursuant to this provision, it would do so consistent with the guidelines contained within chapter 197-10 WAC insofar as practicable. (The referenced chapter being the regulations developed by the council on environmental policy.)

[Statutory Authority: Chapter 88.16 RCW and 2008 c 128. WSR 08-15-119, § 363-116-35001, filed 7/21/08, effective 8/21/08. WSR 97-08-042, recodified as § 363-116-35001, filed 3/28/97, effective 3/28/97; Order 76-14, § 296-116-350 (codified as WAC 296-116-35001), filed 5/6/76.]

WAC 363-116-360 Exempt vessels. (1) Under the authority of RCW 88.16.070, application via petition may be made to the board of pilotage commissioners to seek exemption from the pilotage requirements for the operation of a limited class of small passenger vessels, which are not more than 1,300 gross tons (international), do not exceed 200 feet in length, is manned by United States-licensed deck and engine officers appropriate to the size of the vessel with merchant mariner credentials issued by the United States coast guard or Canadian deck and engine officers with Canadian-issued certificates of competency appropriate to the size of the vessel, and are operated exclusively in the waters of the Puget Sound pilotage district and lower British Columbia, or yachts, which are not more than 1,300 gross tons (international), and do not exceed 200 feet in length. For purposes of this section, any vessel carrying passengers for a fee, including yachts under charter where both the vessel and crew are provided for a fee, shall be considered a passenger vessel.

The owners or operators of the vessel for which exemption is sought must:

(a) Complete and file with the board a petition requesting an exemption at least 48 hours prior to planned vessel operations where possible. Petitions filed with less than 48 hours notice may be considered by the chair at the chair's discretion on a board-approved form. The form shall include a description of the vessel, the contemplated use of vessel, the proposed area of operation, the names and addresses of the vessel's owner and operator, the areas and dates of planned operations, and such other information as the board shall require.

(b) Pay the appropriate application fee with the submittal of the petition or upon receipt of invoice from the BPC, which is listed in subsection (5) of this section.

(2) All petitions for exemption filed with the board shall be considered at its next regularly scheduled meeting. Consistent with the public interest, the chair may grant an interim exemption to a petitioner subject to final approval at the next board meeting, where special time or other conditions exist.

(3) Any grant of an exemption, including interim exemptions, may contain such conditions as the board, or in the case of an interim exemption, the chair, deems necessary to protect the public interest in order to prevent the loss of human life and property and to protect the marine environment of the state of Washington.

Such conditions may include: A requirement that the vessel employ the services of a pilot on its initial voyage into state pilotage waters; the vessel master attends an orientation meeting with a pilot as determined by the board; the vessel master review all written orientation materials; and/or that the master of the vessel at all times hold as a minimum, a United States government license as a master of ocean or near coastal steam or motor vessels of not more than 1,600 gross tons or as a master of inland steam or motor vessels of not more than 500 gross tons, such license to include a current radar endorsement; and/or that the vessel possess specific navigational charts, publications and navigational equipment necessary to ensure safe operation.

(4) The board shall annually, or at any other time when in the public interest, review any exemptions granted to the specified class of small vessels to ensure that each exempted vessel remains in compliance with the original exemption and any conditions to the exemption. The board shall have the authority to revoke such exemption when there is not continued compliance with the requirements for exemption.

(5) Fee Schedule for Petitioners for Exemption

	1 Year or Less	Annual Renewal
A. Yachts		
LOA 65 feet and under	$100	$100
LOA 66-125 feet	1100	900
LOA 126-200 feet	1500	1400
B. Passenger Vessels		
Up to and including 200 feet LOA	1500	1500

(6) Petitions for annual renewals must be submitted to the board within one year of the expiration of the previous exemption.

[Statutory Authority: Chapter 88.16 RCW. WSR 24-03-112, § 363-116-360, filed 1/19/24, effective 2/19/24; WSR 17-14-005, § 363-116-360, filed 6/22/17, effective 7/23/17; WSR 12-21-077, § 363-116-360, filed 10/19/12, effective 11/19/12; WSR 10-24-085, § 363-116-360, filed 11/30/10, effective 12/31/10. Statutory Authority: RCW 88.16.070 and 1995 c 174. WSR 97-12-018, § 363-116-360, filed 5/28/97, effective 6/28/97. WSR 97-08-042, recodified as § 363-116-360, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.070. WSR 93-07-077, § 296-116-360, filed 3/18/93, effective 4/18/93; WSR 90-20-039, § 296-116-360, filed 9/25/90, effective 10/26/90; WSR 88-09-015 (Order 88-6, Resolution No. 88-6), § 296-116-360, filed 4/13/88.]

WAC 363-116-365 Docking and undocking of certain vessels by the vessels' masters. On a passenger vessel not requiring a tug for docking or undocking, the master of the vessel may maneuver the vessel into or out of its berth under the following procedures and conditions:

(1) The master may not commence maneuvering the vessel until the express consent of the pilot has been given;

(2) Any such consent shall be on a case-by-case basis and be valid only for that specific berthing or departure;

(3) The master may not delegate maneuvering responsibility for the vessel to an officer other than the vessel's staff captain;

(4) The exact location for the exchange of maneuvering responsibilities between the pilot and the master must be part of the consent and the exchange must always occur in close proximity (approximately the vessel's length, but not to exceed twice the vessel's length) to the vessel's berth; and

(5) While the master is maneuvering the vessel pursuant to this section, the pilot shall remain available to advise and assist the master and the master shall be responsible for keeping the pilot informed as to all material aspects of the master's maneuvering of the vessel.

[Statutory Authority: RCW 88.16.035. WSR 03-09-097, § 363-116-365, filed 4/21/03, effective 5/22/03.]

WAC 363-116-370 System of specified disciplinary or corrective actions. When a pilot has received multiple disciplinary actions pursuant to RCW 88.16.100 (1) and/or (2) within any two-year period, the board shall evaluate the pilot and prepare and personally serve upon him/her a notice advising of the board's intended action, the specific ground therefore, and the right to request a hearing pursuant to RCW 88.16.100(4) to challenge the board's action. Such intended action may include the temporary suspension of the pilot from duties until such pilot has satisfactorily completed subsection (1) or (2) of this section:

(1) An approved course-of-study which may include navigation training and testing; or

(2) Any remedial activity or treatment designated by the board to assure fitness and competence for full pilotage duties.

In ordering such disciplinary action, the board shall take into account both the causes of the previous disciplinary actions and the pilot's previous record.

Failure to enter into such corrective action within thirty days of the board's action may be cause for revocation of the pilot's license.

In the event of a temporary license suspension, license reinstatement and resumption of pilotage duties shall not be authorized until the board has reviewed completed activity and formally extended approval. Such approval shall not be unreasonably withheld by the board and shall be reviewed and acted upon within five days of the completion of the activity.

[Statutory Authority: Chapter 88.16 RCW and 2008 c 128. WSR 08-15-119, § 363-116-370, filed 7/21/08, effective 8/21/08. WSR 97-08-042, recodified as § 363-116-370, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.100. WSR 88-14-062 (Order 88-14, Resolution No. 88-14), § 296-116-370, filed 7/1/88.]

WAC 363-116-400 Procedure for request by steamship company or agent that certain pilots not be assigned to certain vessels for specific safety reasons. When a steamship company or agent believes a particular pilot should not be assigned to pilot that company's vessels for specific safety reasons, a detailed written request, limited to specific safety concerns, may be submitted to the board. In order to be considered, the request must be submitted within ten days of the alleged act or omission causing their specific safety concern.

The board shall investigate the request and shall conduct a hearing at a regularly scheduled board meeting not more than sixty days following receipt of the request and notification of interested persons. The pilot shall be notified in writing and provided with documentation in accordance with WAC 296-11-450. The board shall notify the steamship company or agent and pilot in writing of its subsequent decision and reasons therefore.

In the event that the request is approved, the board shall give the affected pilot a specific list of vessels for which that pilot shall not provide pilotage services as well as the length of time covering such restriction.

[WSR 97-08-042, recodified as § 363-116-400, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035. WSR 88-09-016 (Order 88-7, Resolution No. 88-7), § 296-116-400, filed 4/13/88.]

WAC 363-116-405 Relieving pilots for cause. A pilot serving on a vessel required by chapter 88.16 RCW to employ a state licensed pilot may be relieved from his/her piloting duties by the ship's master only for cause as provided in this section. The master may relieve a pilot only if the pilot is manifestly incompetent or incapacitated or if the vessel is endangered or *in extremis* due to the pilot's error. If a pilot is relieved for cause under this section another pilot shall be requested and dispatched. In such event, the master shall immediately put the ship to anchor, to the extent it can be done safely, and await the substitute pilot. If anchoring is not possible or prudent, the master shall slow the vessel to the slowest prudent speed until another pilot can be put on board. To the extent possible and practical, after being relieved of his/her duties, the pilot shall remain available to advise and assist the master. In the event a pilot is relieved as provided in this section in the Puget Sound pilotage district, the United States Coast Guard vessel traffic system shall be notified immediately. In the event a pilot is relieved as provided in this section in any pilotage district, the vessel and the pilot promptly shall provide notice to the board of the event and relevant circumstances.

[Statutory Authority: Chapter 88.16 RCW and 2008 c 128. WSR 08-15-119, § 363-116-405, filed 7/21/08, effective 8/21/08. Statutory Authority: RCW 88.16.035. WSR 03-09-096, § 363-116-405, filed 4/21/03, effective 5/22/03.]

WAC 363-116-410 Definition of Grays Harbor pilotage district. The Grays Harbor pilotage district shall have an outer boundary line between Grays Harbor and Willapa Harbor and the high seas which shall be seaward of a line from Point Brown rear range light to Grays Harbor entrance lighted whistle buoy number three, (latitude N 46-55.00, longitude 124-14.42 W), thence to Grays Harbor entrance lighted whistle buoy number two (latitude N 46-52.43, longitude 124-12.35 W), thence to Grays Harbor light and from the Willapa Bay light to the Willapa Bay approach lighted whistle buoy "W" (latitude N 46-41.50, longitude 124-10.46 W), thence to the charted northernmost position of Leadbetter Point.

[WSR 97-08-042, recodified as § 363-116-410, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.050. WSR 88-09-017 (Order 88-8, Resolution No. 88-8), § 296-116-410, filed 4/13/88.]

WAC 363-116-420 Summary/temporary license suspension. Summary/temporary suspension of a pilot's license may be made by the chairperson or vice chairperson of the board of pilotage commissioners when:

(1) A pilot has been involved in any vessel accident where there has been major property damage, loss of life, or loss of a vessel; or

(2) Where there is a reasonable cause to believe that a pilot has diminished capacity or is under the influence of drugs, alcohol, or other substances; and

(3) Such an accident or physical or mental impairment would significantly diminish that pilot's ability to carry out pilotage duties and that the public health, safety, and welfare requires such emergency action. Notification of this suspension shall be made directly to the pilot and the appropriate pilot's association.

Within seventy-two hours an emergency board meeting will be held to determine whether to continue such suspension. In the event the suspension is continued pending proceedings for revocation or other action, an order shall be immediately prepared and notice shall be personally served upon the pilot advising of the board's action.

These further proceedings shall be promptly instituted in the office of administrative hearings.

All final decisions of the administrative law judge shall be subject to review by the superior court of the state of Washington for Thurston County or by the superior court of the county in which the pilot maintains his/her residence or principal place of business, to which court any case with all the papers and proceedings therein shall be immediately certified by the administrative law judge if requested to do so by any party to the proceedings at any time within thirty days after the date of such final decision. No appeal may be taken after the expiration of thirty days after the date of final decision.

[Statutory Authority: Chapter 88.16 RCW and 2008 c 128. WSR 08-15-119, § 363-116-420, filed 7/21/08, effective 8/21/08. WSR 97-08-042, recodified as § 363-116-420, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.100. WSR 88-10-040 (Order 88-12, Resolution No. 88-12), § 296-116-420, filed 5/3/88.]

WAC 363-116-500 Tug escort requirements for oil tankers 40,000 DWT or greater. (1) RCW 88.16.190(2) requires the escort of a tug or tugs for all oil tankers 40,000 DWT or greater when not in ballast. For purposes of that provision only, deadweight tonnage shall be the maximum summer deadweight tonnage that was assigned to the vessel at the time of construction as reported in **Lloyd's Register of Ships**. Unless the vessel was structurally altered and remeasured to less than 40,000 DWT, this original deadweight tonnage shall be used for purposes of determining if the vessel requires the appropriate tug escort.

(2) It shall be a violation of this regulation to provide pilotage services to an oil tanker not in compliance with this rule when the pilot has actual knowledge of the noncompliance.

(3) Oil tankers found to be in violation of the provisions of this regulation shall be subject to the provisions of RCW 88.16.150.

(4) The deadweight tonnage provision of this rule is to be used solely for determining the required use of a tug escort.

[Statutory Authority: RCW 88.16.260. WSR 25-24-006 (Order 22-13), s 363-116-500, filed 11/20/25, effective 12/21/25. WSR 97-08-042, recodified as § 363-116-500, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.190(2). WSR 94-07-079, § 296-116-500, filed 3/16/94, effective 4/16/94.]

WAC 363-116-600 Tug escort requirements for oil tankers between 5,000 and 40,000 DWT and barges and articulated tug barges greater than 5,000 DWT. (1) The requirements in this section apply to the following tank vessels:

(a) Oil tankers between 5,000 and 40,000 deadweight tons (DWT);

(b) Articulated tug barges that are designed to transport oil in bulk internal to the hull and greater than 5,000 DWT; and

(c) Towed waterborne vessels or barges that are designed to transport oil in bulk internal to the hull and greater than 5,000 DWT.

(2) The requirements in this section do not apply to:

(a) Tank vessels that are conducting bunkering, which includes the transit of the tank vessel to the bunker location, the oil transfer operation, and the return transit of the tank vessel;

(b) Towed general cargo deck barges;

(c) Tank vessels that are equal to or greater than 40,000 DWT that are in ballast or unladen, which includes those whose clingage, residue, or other applicable cargo onboard is less than point five percent of the vessel's maximum cargo carrying capacity or 3,000 barrels, whichever figure is greater; or

(d) Tank vessels under 40,000 DWT that are in ballast or unladen, which includes those whose clingage, residue, or other applicable cargo onboard is less than two percent of the vessel's maximum cargo carrying capacity or 3,000 barrels, whichever figure is greater.

(3) Escorts are required in Rosario Strait and connected waters, as bounded by the following lines:

(a) A line at the northern boundary of the escort area from Point Migley (48° 44.907' N, 122° 42.912' W) to northern entrance to Rosario Strait (48° 46.400' N, 122° 47.500' W) to Alden Bank Buoy B (48° 47.063' N, 122° 48.970' W) to Alden Bank Buoy A (48° 50.390' N, 122° 52.229' W) to Patos Island Light (48° 47.340' N, 122° 58.282' W);

(b) A line from Patos Island to Sucia Island from Toe Point (48° 47.111' N, 122° 56.452' W) to Lawson Bluff (48° 46.148' N, 122° 54.950' W);

(c) A line from Sucia Island to Matia Island from NE tip of Sucia Island (48° 45.989' N, 122° 53.261' W) to north shore of Matia Island (48° 44.973' N, 122° 50.523' W);

(d) A line from Matia Island to Orcas Island from E tip of Matia Island (48° 44.741' N, 122° 49.586' W) to Puffin Island Shoal Light (48° 44.604' N, 122° 49.007' W) to Point Thompson (48° 42.773' N, 122° 52.745' W);

(e) A line crossing Obstruction Pass from Orcas Island (48° 36.399' N, 122° 48.803' W) to Obstruction Island (48° 36.051' N, 122° 48.803' W);

(f) A line crossing Peavine Pass from Obstruction Island (48° 35.487' N, 122° 48.687' W) to Blakely Island near (48° 35.308' N, 122° 48.674' W);

(g) A line crossing Thatcher Pass from Blakely Island (48° 31.880' N, 48° 31.880' N) to Decatur Island (48° 31.431' N, 122° 48.552' W);

(h) A line crossing Lopez Pass from Lopez Pass Light 2 (48° 28.867' N, 122° 49.092' W) to Lopez Island (48° 28.705' N, 122° 49.178' W);

(i) A line at the southern boundary of the escort area from Point Colville (48° 25.306' N, 122° 48.795' W) to Davidson Rock Light (48° 24.797' N, 122° 48.720' W) to southern entrance to Rosario Strait (48° 24.000' N, 122° 47.151' W) to Whidbey Island near West Point (48° 24.000' N, 122° 39.900' W) to Sares Head (48° 25.540' N, 122° 40.478' W);

(j) A line across the Swinomish Channel at the Duane Berentson Highway Bridge (48° 27.267' N, 122° 30.851' W); and

(k) A line across Hale Passage from Portage Point (48° 42.923' N, 122° 39.112' W) to Echo Point (48° 41.807' N, 122° 39.578' W).

(4) Tank vessels shall not operate in the area described in subsection (3) of this section unless they are under the escort of a tug with a minimum of twin-screw propulsion.

(5) Tank vessels greater than 5,000 and less than 18,000 DWT shall not operate in the area described in subsection (3) of this section unless they are under the escort of a tug with a minimum of 2,000 horsepower.

(6) Tank vessels equal to or greater than 18,000 DWT shall not operate in the area described in subsection (3) of this section unless they are under the escort of a tug with a minimum of 3,000 horsepower.

(7) Before each escort, the tank vessel officer in charge shall hold a preescort conference with the escort tug officer in charge. If the tank vessel has a pilot onboard, the pilot shall also be included in the conference. The purpose of the preescort conference is to discuss and agree upon the operational details of the transit. The preescort conference must be recorded in the logbooks of the participating vessels and shall include discussion of the following topics:

(a) Safety.

(i) Safety of tug and tank vessel personnel; and

(ii) Safe working load of the deck fittings on the tank vessel.

(b) Navigation.

(i) Anticipated route and destination;

(ii) Anticipated speeds during the transit;

(iii) Active tribal, commercial, and recreational fisheries;

(iv) Relevant local notice to mariners;

(v) Location and approximate time of the escort beginning and end;

(vi) Anticipated weather, tides, currents, sea-state, and traffic; and

(vii) Recent whale sightings.

(c) Operations.

(i) Operational status of each vessel and their equipment including any limitations such as speed;

(ii) Propulsion type and maximum direct bollard pull of the tug;

(iii) Primary and secondary means of communication (e.g., VHF radio);

(iv) Availability of appropriate crew members and their roles when responding to an emergency;

(v) Tethering location (if applicable), relative position, and direction of travel of the tug(s) during the transit;

(vi) Method of connection of the tug to the tank vessel in an emergency or if tethering (e.g., tug's line, pennant, messenger line, etc.);

(vii) Whether any training or escort exercise will be performed during the transit; and

(viii) Any other items to ensure that in the event of a failure or emergency the tank vessel can be kept under control and within the limits of the available channel.

[Statutory Authority: RCW 88.16.260. WSR 25-24-006 (Order 22-13), s 363-116-600, filed 11/20/25, effective 12/21/25.]