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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 856
PUBLIC UTILITY COMMISSION
OREGON BOARD OF MARITIME PILOTS

FILED

01/22/2025 2:07 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amending applicant rules for Coos Bay and Yaquina Bay.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 02/28/2025 3:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

The rule needed to be amended to mirror the layout and process of the other pilotage grounds.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Rules Committee recommendation from 12/13/2024 and Board recommendation from 1/16/2025. Notes are available from the Board Administrator and recordings are available on the Board's website.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

There is no anticipated affect on racial equity in the state.

FISCAL AND ECONOMIC IMPACT:

There is no anticipated fiscal or economic impact.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There is no cost to comply with this rule.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The Board has no authority over any entity other than its licensees.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The rule amendment was recommended by its Rules Review Committee and reviewed by Board counsel.

AMEND: 856-015-0030

RULE SUMMARY: Amending rule for applicant examination and ranking for the Coos Bay and Yaquina Bay Bars.

CHANGES TO RULE:

856-015-0030

~~Pilot Trainee Selection~~Applicant Examination and Ranking - Coos Bay Bar and Yaquina Bay Bar Pilotage Grounds

~~(1) Applicants for trainee positions must submit their applications to the Board of Maritime Pilots Initial Application. Individuals applying for licensure as a trainee on the Coos Bay Bar and Yaquina Bay Bar pilotage grounds may submit an initial application in the first quarter of any year. Unless action is taken by the Board to reject or advance the application as described below, the application expires after two years. Applications submitted outside the first quarter of any year are untimely and will be automatically rejected.~~

~~(2) Required Documents. Applicants must submit the following:~~

~~(a) A completed application forms provided by the Board. When the Board determines that a need for a trainee exists, it shall select from among the eligible applicants the best qualified for training. Selection must be based upon numerical ranking according to the point system set forth below. The person selected shall be appointed for;~~

~~(b) All documentation required by OAR 856-015-0005;~~

~~(c) Evidence satisfactory to the Board that the applicant holds the following:~~

~~(A) A high school diploma or its equivalent;~~

~~(B) A valid U.S. Coast Guard license as Master endorsed for Radar Observer Unlimited; and~~

~~(C) A valid U.S. Coast Guard credential or endorsement entitling the individual to serve as Master of one or more of the following:~~

~~(i) Self-propelled vessels "of Less Than 1600 Gross Register Tons (GRT)" or greater, on any waters;~~

~~(ii) Towing vessels "Upon Near Coastal Waters;" or~~

~~(iii) Towing vessels "Upon Oceans".~~

~~(3) Only applicants who provide all the required documentation and meet all qualifications under section (2) of this rule are eligible to continue in the trainee license application process. Applications submitted without the documentation required by section (2) of this rule are incomplete and will be automatically rejected.~~

~~(4) Examination. An applicant who has submitted a complete and qualifying initial application under subsections (1) and (2) of this rule must take the Fundamentals of State Pilotage Examination - Coos Bay Bar and Yaquina Bay Bar, administered by the Board.~~

~~(a) The Fundamentals examination is an oral examination administered by the Board. In every case, at least one pilot from the Board's licensed training organization for the Coos Bay Bar and/or Yaquina Bay Bar pilotage ground shall be included as an examiner.~~

~~(2b) Each applicants for trainee positions shall be ranked based upon a point system, with points awarded for each of the following categories:~~

~~(a) Academic:~~

~~(A) Graduation from high school or equivalent certification examined shall be assigned from 0 to 35 points based on the applicant's knowledge of the fundamentals of state piloting, knowledge of maritime trade and commerce, poise, confidence, and such other factors as may be deemed relevant by the Board.~~

~~(5) Optional Points. Documentation for additional points must be submitted to the Board within a week of completing the Fundamentals examination. An applicant may be awarded additional points, up to and including a maximum of 101 points, to be applied towards final ranking as set forth below by submitting evidence satisfactory to the Board of the following:~~

~~(a) Academic. Maximum total points under this section is 20:~~

~~(A) Four-year degree from an accredited maritime academy: 105 points.~~

~~(B) Two or more years at years (90 semester credit hours) of course work, a two-year degree, or a four-year degree, from an accredited college or university program: 5 points.~~

~~(C) Post-graduate or professional degree: 5 points.~~

~~(D) Completion of a four-year course of study at an accredited maritime academy: 15 points.~~

~~(E) Maximum total points under this section is 25 An applicant who receives points for a four-year maritime academy degree is not eligible for points under this paragraph.~~

- (C) Master's degree or PhD in a business or maritime program: 5 points.¶
- (b) Previous Maritime Experience and Licensure. Maximum total points under this section is 78:¶
- (A) Federal First Class Pilot License for the Coos Bay Bar: 15 points.¶
- (B) Federal First Class Pilot License for the Yaquina Bay Bar: 150 points.¶
- (BC) Federal First Class Pilot License for a pilotage ground other than Coos Bay Bar or Yaquina Bay Bar: 10; 5 points.¶
- (CD) Federal Unlimited 3rd, 2nd or Chief One of the following:¶
- (i) Three years as Master License, any ocean of towing vessels, with at least 730 working days: 5 points:¶
- (D) Federal unlimited radar observer endorsement: 5 points.¶
- (E) 1,460 or more active working day ii) Six years as Master of towing vessels, with at least 1460 working days: 10 points; or¶
- (iii) Nine years as mMaster of towing vessels, with at least 2190 working days: 15 points.¶
- (FE) 1,460 or more working day One of the following:¶
- (i) Three years as mMaster of vessels greater than 1600 gross ton Self-Propelled Vessels "of Less Than 1600 Gross Register Tons (GRT)" or greater with at least 730 working days: 15 points:¶
- (G) 50 or more crossings of the Coos Bay or Yaquina Bay B ii) Six years as Master of Self-Propelled Vessels "of Less Than 1600 Gross Register Tons (GRT)" or greater with at least 1460 working days: 10 points; or¶
- (iii) Nine years as mMaster of towing vessels or master of vessels Self-Propelled Vessels "of Less Than 1600 Gross Register Tons (GRT)" or greater than 1600 gross ton with at least 2190 working days: 15 points.¶
- (HF) Fifty (50) or more years' service as an unlimited state licensed pilot for a pilotage ground other than Coos Bay Bar or Yaquina Bay Bar crossings of the Coos Bay or Yaquina Bay Bar as Master of Towing Vessels or Master of Self-Propelled Vessels "of Less Than 1600 Gross Register Tons (GRT)" or greater: 215 points.¶
- (IG) Additional certified training in each any of the following categories: - Bridge Resources Management; Emergency Medical Training, Hazardous Materials, Marine Firefighting, Oil Spill Control: 1 point each, up to a maximum of 5 points.¶
- (J) Maximum total points un for Pilots; Emergency Ship Handling; and Electronic Chart Display and Information System (ECDIS): 1 point each.¶
- (c) References. Each applicant may submit three maritime industry references that have knowledge of the applicant's professional skills and abilities to be a state licensed pilot. The references must have personal knowledge of such skills and abilities within the last six years; 3 point maximum if one of the references includes this section is 55-e most recent supervisor; 2 point maximum otherwise. ¶
- (e6) Interview Examination: Every applicant with a combined point to All applicants who complete the Fundamentals examination shall be placed on the Roll of Candidates - Coos Bay Bar and Yaquina Bay Bar, ranked numerically based on the results of the Fundamentals of 35 or more from State Pilotage Examination - Coos Bay Bar and Yaquina Bay Bar, plus any additional points awarded under subsections (a) and (b) shall be interviewed by the Board, but in every case at least one pilot from the Board's licens (5) of this rule.¶
- (7) In accordance with ORS 776.115(2), at such times as vacancies may be forecast or occur within the register of pilots, the Board shall offer the highest ranked individual from the Roll of Candidates the opportunity to be issued a training organizationee license for the Coos Bay Bbar and/or Yaquina Bay Bbar pilotage ground shall be included as an interviewer. Each person interviewed shall be assigned from 0 to 35 points based on the interviewee's poise and confidence, potential as an asset to the pilotage system, recommendations from within the maritime community, knowledge of trade and commerce, and such other factors as may be deemed relevant by the Bos. The individual offered issuance of trainee licensure must accept or decline issuance of a trainee license within 30 days. By declining or failing to timely respond to an offer of issuance of trainee licensure, a candidate withdraws their application for trainee licensure, and thereby withdraws their name from the Roll of Candidates. ¶
- (8) Once an applicant is issued a trainee license, the Board shall assign the trainee to the appropriate training organization.¶
- (9) The Roll of Candidates for trainees on the Coos Bay bar and Yaquina Bay bar pilotage grounds shall expire after five years.

Statutory/Other Authority: ORS 776

Statutes/Other Implemented: ORS 776.115, ORS 776.300