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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

11/26/2024 10:10 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amending reference options.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/06/2025 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)

References are no longer a requirement. Amended rule to reflect optional submission.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Rules Committee recommendation 10/3/2024; Board Meeting recommendation 11/21/2024. Both 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

This amendment will have no affect on racial equity.

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 it's licensees.

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

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

AMEND: 856-015-0020

RULE SUMMARY: Revision to reference options.

CHANGES TO RULE:

856-015-0020

Pilot Trainee Selection - Columbia River Bar Pilotage Ground ¶¶

(1) Initial Application.-Individuals applying for licensure as a trainee on the Columbia River Bar pilotage ground must submit the following to the Board offices:-(Note:-Individuals can contact the Board to receive forms and information describing the application, evaluation and selection processes.)¶¶

(a) A completed application form prescribed by the Board;¶¶

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

(c) A copy of the applicant's Certificates of Discharge or of a Continuous Discharge Book, demonstrating the applicant has served at least one (1) year as Master of an offshore merchant ship of 5,000 International Gross Tons or more.-At least six (6) months of this experience must have been obtained no more than three (3) years prior to application;-(Note:-An applicant is expected to maintain this recency requirement throughout the process, and will be required to demonstrate it again if offered issuance of trainee licensure.)¶¶

~~(d) Verification of the applicant's character and fitness to serve as a Columbia River Bar Pilot Trainee, provided by three (3) references who have professional maritime experience with the applicant. These character and fitness verifications shall be provided in the format and on forms prescribed by the Board, and must be submitted directly to the Board by the reference, not by the applicant;¶¶~~

(e) A copy of applicant's valid license issued by the U.S.: Coast Guard as "Unlimited Master of any oceans - any tonnage", endorsed for Radar Observer.¶¶

(2) Applications may be submitted at any time, but no application will be considered for the upcoming examination cycle unless it is submitted by the deadline provided by the Board Administrator when announcing the upcoming cycle.¶¶

(3) An initial application that lacks:-a completed application form;or all documentation required by OAR 856-015-0005;~~or all three required verifications of character and fitness~~; is incomplete.-An incomplete initial application is considered void if the applicant does not complete it within ten (10) business days of being notified by the Board of the missing information or documentation.¶¶

(4) An applicant who does not hold a valid license issued by the U.S. Coast Guard as "Unlimited Master any oceans - any tonnage", endorsed for Radar Observer ~~or~~ and has not served at least one (1) year as Master of an offshore merchant ship of 5,000 International Gross Tons or more, with ~~at~~ at least six (6) months of that experience obtained no more than three (3) years prior to application as verified by the applicant's Certificates of Discharge or Continuous Discharge Book, is not qualified to sit for the first trainee licensure examination and will receive formal notice of denial of the application.¶¶

(5) ~~An~~ Each applicant ~~with one or more references that call into question the applicant's character or fitness~~ may submit three maritime industry references that have knowledge of the applicant's professional skills and abilities to serve as a Columbia River Bar Pilot ~~be a state licensed pilot. Trainee, may be determined unquahe references must have personal knowledge of such skills and abilitied to sit for the first trainee licensure examination and, if so determined, will s within the past six years: 3 point maximum if one of the reference~~ includes the most recent supervisor; 2 point maximum otherwise. ~~formal notice of denial of the application.~~¶¶

(6) Astoria Site Visit. An applicant wishing to be considered for licensure as a Columbia River Bar Pilot Trainee must complete a 3-day site familiarization visit to Astoria with the Board licensed training organization for the Columbia River Bar. Contact the Board offices for information about how to schedule the visit.¶¶

(a) The site visit must be completed no sooner than one (1) year prior to the expiration date of the current Roll of Candidates, and no later than six (6) months after the applicant has been ranked by the Board.¶¶

(b) Upon timely completion of the 3-day site visit, the Board's licensed training organization for the Columbia River Bar shall provide the applicant's certificate of completion to the Board.¶¶

(c) An applicant shall not be placed on the Roll of Candidates until the Board receives a certificate of completion for the visit.¶¶

(7) First Examination - Physical Agility.-An applicant who has submitted a complete initial application under section (1)(a) and (b) of this rule, and has established the experience, and recency, ~~and character and fitness~~ required under subsections (1)(c) ~~and (d)~~ of this rule, must then pass a physical agility test at an independent,

certified facility designated by the Board. Applicant participation in all further evaluation processes is predicated on passing the physical agility test. The test is pass/fail.¶

(8) Second Examination - Bridge Simulation. After passing the physical agility test, an applicant must pass a bridge simulator test, administered by a nationally recognized, independent, marine education and training facility designated by the Board. Applicant participation in all further evaluation processes is predicated on passing the bridge simulator test.¶

(a) This examination is administered in two parts.¶

(A) Part one consists of a physical bridge simulation exercise.¶

(B) Part two consists of an evaluation of the physical bridge simulation exercise, and an oral examination on pilotage.¶

(b) This examination is scored by the marine education and training facility. Before administering the exam, the marine education and training facility must provide the Board with the scoring system it will use, and the Board must determine how it will convert that system into points to be awarded to an applicant.¶

(9) Third Examination - Fundamentals of State Pilotage. After passing the bridge simulator test, an applicant must pass a Fundamentals of State Pilotage (Columbia River Bar) examination administered by the Board.¶

(a) This is an oral examination.¶

(b) In every case, the pilot Board member from the Board's licensed training organization for the Columbia River Bar pilotage ground shall be included as an examiner. However, if the pilot Board member from the Board's licensed training organization for the Columbia River Bar pilotage ground is unable or unwilling to serve as an examiner, then another pilot who is a member of the Board's licensed training organization for the Columbia River Bar pilotage organization may be included as an examiner.¶

(c) In every case, one examiner from the bridge simulator test other than the pilot Board member from the Board's licensed training organization for the Columbia River Bar pilotage organization may also be included as an examiner for Fundamental of State Pilotage (Columbia River Bar) examination.¶

(d) In every case, if the examiner from subsection (9)(c) of this rule (examiner who also served on the bridge simulator test) is not an Oregon licensed maritime pilot, then a licensed pilot who is a member of the Board's licensed training organization for the Columbia River Bar pilotage organization may be included as an examiner, in addition to the Board member identified in subsection (9)(b) of this rule.¶

(e) In every case, one public member from the Board and one Board member serving pursuant to ORS 776.105(4) or (5) shall be included as examiners.¶

(f) Each applicant examined shall be assigned a score from 0 to 100 points based upon the following guidelines: ability to use experience for the benefit of the system; understanding of the state pilotage system; identification of elements of state pilotage efficiency; familiarity with Columbia River Bar pilotage grounds, operations, equipment, facilities, and locale; and other factors deemed relevant by the Board.¶

(10) The Board shall rank applicants from highest to lowest according to each applicant's combined points from sections (5), (8), and (9) of this rule.¶

(11) A minimum of two (2) total years of experience as Master of an offshore merchant ship of 5,000 International Gross Tons or more is required to qualify as a trainee for the Columbia River Bar pilotage grounds.¶

(a) A ranked applicant shall not be placed on the Board's Roll of Candidates for the Columbia River Bar until:¶

(A) The Board receives a certificate of completion from the applicant's Astoria Site Visit; and¶

(B) The applicant obtains and demonstrates having obtained at least two (2) total years of experience as Master of an offshore merchant ship of 5,000 International Gross Tons or more.¶

(b) The applicant must provide the Board with a copy of the applicant's Certificates of Discharge or of a Continuous Discharge Book to demonstrate having obtained this second year of required experience.¶

(c) After the Applicant is ranked, once the Board receives a certificate of completion from the applicant's Astoria Site Visit and the applicant has provided the Board with a copy of the applicant's Certificates of Discharge or of a Continuous Discharge Book to demonstrate having obtained two total years of experience as a Master of an offshore merchant ship of 5,000 International Gross Tons or more, then the applicant shall immediately be placed on the Board's Roll of Candidates for the Columbia River Bar. At least six (6) months of this experience must have been obtained no more than three (3) years prior to application.¶

(12) In accordance with ORS 776.115(2), at such times as it is determined there is need for a trainee, the Board shall offer the highest ranked individual or individuals on the Roll of Candidates the opportunity to be issued a trainee license for the Columbia River Bar pilotage grounds. ¶

(a) To be eligible to accept the offer, a candidate must maintain the recency of their experience.¶

(A) Upon being offered an opportunity to be issued a trainee license, a candidate must provide the board with a copy of the candidate's Certificates of Discharge or of a Continuous Discharge Book demonstrating at least six (6) months service as a Master or First Class pilot of offshore merchant ships of 5,000 International Gross Tons or more, obtained no more than three (3) years prior to the offer. ¶

(B) A candidate who has not maintained the recency of experience as described in section (11), subsection (a),

paragraph (A) of this rule, above, is not qualified for trainee licensure and will receive formal notice of denial of licensure.¶

(b) The eligible candidate or candidates offered issuance of trainee licensure must accept or decline within thirty (30) days of notification.¶

(c) Declining the offer, failing to respond, or failing to respond on time constitutes a candidate's request to withdraw the candidate's application and be withdrawn from the Roll of Candidates for the Columbia River Bar, and the candidate's name shall be removed accordingly.¶

(d) Accepting the offer, if eligible, shall result in issuance of the trainee license and assignment to the Columbia River Bar Training Organization.¶

(13) The Board shall determine the expiration date of a Roll of Candidates for the Columbia River Bar after administration of the Fundamentals of Pilotage Examination - Columbia River Bar. The Board shall notify all ranked applicants of the expiration date of their Roll of Candidates within ten (10) days of determining it.¶

(14) Notwithstanding any expiration date determined under section (13) of this rule, the Board may revise the expiration date of a Roll of Candidates for the Columbia River Bar if warranted by a change in economic circumstances, or if the number of retirements of Columbia River Bar pilots is higher or lower than anticipated during the valid period of that Roll Candidates. The Board shall notify all ranked applicants of any revision of the expiration date of their Roll of Candidates within ten (10) days of revising it.¶

(15) Candidates may not transfer to subsequent Rolls after the Roll on which they are placed expires, but must reapply for trainee licensure. ¶

(16) Reapplication for trainee licensure requires submittal of a new application, including completion of all requirements in section (1), the Astoria site visit of section (6), and the examinations of sections (7) through (9) of this rule anew. No requirements already obtained under sections (1) or (6) through (9) of this rule may be forwarded for reapplication, except for the total amount of experience as the master of an offshore merchant ship of 5,000 International Gross Tons or more. However, upon reapplication, at least six months of that experience must have been obtained within three years prior to reapplication.

Statutory/Other Authority: ORS 776

Statutes/Other Implemented: ORS 776.115