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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 10:27 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amendment to applicant scores.

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)

Amendment to clarify applicant scores.

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

The amendment to this rule will have no affect on racial equity in this 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: 856-015-0023

RULE SUMMARY: Amendment to points assigned to applicants.

CHANGES TO RULE:

856-015-0023

Applicant Examination & Ranking - Columbia & Willamette River Pilotage Ground

(1) Initial Application.-Applications may be submitted at any time, but no application will be considered for the upcoming examination cycle unless it is submitted by August 1 of that examination year.-Individuals applying for admission to the examination process for licensure as a trainee on the Columbia and Willamette River pilotage ground must submit: ¶

(a) The following documents:¶

(A) A completed application form prescribed by the Board.-Applications submitted without a completed application form are incomplete and will be automatically rejected; and¶

(B) All documentation required by OAR 856-015-0005.-Applications submitted without all documentation required by OAR 856-015-0005 are incomplete and will be automatically rejected.¶

(b) Evidence satisfactory to the Board of the following minimum qualifications: ¶

(A) At least 730 active working days as ~~captain~~master of towing vessels on the Columbia River and its tributaries, acquired over a minimum of three years;¶

(B) A current, valid license as master of inland or near coastal vessels of 500 Registered Gross Tons or more;¶

(C) Graduation from high school or successful passage of high school equivalency examination. A copy of the applicant's high school diploma or high school equivalency certification (such as a General Educational Development certificate) constitutes documentation satisfactory to the Board; and¶

(D) A current, valid First-Class Pilot License from Tansey Point, Oregon to Ryan Point, Washington on the Columbia River, and from Kelley Point, Oregon to the Ross Island Bridge on the Willamette River.¶

(2) Only applicants who provide all the required documentation and meet all qualifications under section (1) of this rule are eligible to continue in the trainee license application process. Applicants who apply without meeting the qualifications required under subsections(1)(b) of this rule shall receive formal notice of disqualification and denial. ¶

(3) First Examination - Navigation Simulation. An applicant who has submitted a complete and qualifying initial application under subsection (1) of this rule must take the Navigation Simulation examination. This examination consists of a physical navigation simulation exercise.¶

(a) An applicant must pass the Navigation Simulation examination, 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 Navigation Simulation examination.¶

(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 each applicant who has passed the examination. Each applicant examined shall be assigned from 0 to 58 points reflecting their navigation simulation examination score. ¶

(4) Second Examination - Fundamentals of State Pilotage. An applicant who has passed the Navigation Simulation examination must take the Fundamental of State Pilotage - Columbia and Willamette Rivers, administered by the Board. ¶

(a) The Fundamentals of State Pilotage Examination - Columbia and Willamette Rivers, is an oral examination, administered by the Board every two years, commencing on a date between October 1 and December 31 as determined by Board staff. The examination may take place over the course of one or more days, depending upon the number of examinees.¶

(b) In every case, at least one pilot from the Board's licensed training organization for the Columbia and Willamette River pilotage ground who has held an unlimited pilot's license for at least 5 years shall be included as an examiner. ¶

(c) Each applicant examined shall be assigned an oral examination score from 0 to ~~35~~58 points based upon the following guidelines: knowledge of the fundamentals of state piloting; knowledge of trade and commerce on the Columbia River; poise and confidence; and other factors as may be deemed relevant by the Board.¶

(5) Optional Points. Documentation for optional, additional points may be submitted at any time up to 18 months after the Board establishes the Roll of Candidates for which the applicant has most recently tested. An applicant

may add up to 558 points to the applicant's oral examination score as follows:¶

- (a) Education. An applicant must submit official documentation of graduation from the graduating institution to the Board in order to be awarded points under this subsection. The maximum number of points available from education is 20:¶
- (A) Four-year degree from an accredited Maritime Academy: 15 points ¶
- (B) Two 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.-An applicant who receives points for a four-year Maritime Academy degree is not eligible for points under this paragraph. ¶
- (C) A Master's degree or PhD in a maritime or business curriculum: 5 points ¶
- (b) Experience and Certification. An applicant must submit to the Board a copy of any licensure, endorsement, or certification claimed, and documentation of any experience claimed, to be awarded points under this paragraph. The maximum number of points from certification and additional experience is 35: ¶
- (A) Federal pilotage endorsement on the Columbia River from Ryan Point, Washington to East Pasco, Washington: 15 points ¶
- (B) Federal pilotage endorsement on the Columbia River from East Pasco, Washington to Hanford, Washington: 1 point ¶
- (C) 1,460 active working days as master of towing vessels on the Columbia River and tributaries, obtained over a minimum of 6 years: 10 points ¶
- (D) 2,190 or more active working days as master of towing vessels on the Columbia River and its tributaries, obtained over a minimum of 9 years: 3 points¶
- (E) Automatic Radar Plotting Aid Certification: 1 point ¶
- (F) Bridge Resource Management Certification: 1 point¶
- (G) Emergency Medical Training Certification: 1 point¶
- (H) Hazardous Materials Certification: 1 point¶
- (I) Marine Firefighting Certification: 1 point¶
- (J) Oil Spill Control Certification: 1 point¶
- (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 the most recent supervisor; 2 point maximum otherwise. ¶
- (6) All applicants who complete the Fundamentals of State Pilotage - Columbia and Willamette River oral examination shall be placed on the Board's Roll of Candidates for the Columbia and Willamette River pilotage ground. ¶
- (a) Candidates shall be ranked in order from the highest scoring candidates to the lowest scoring candidates, based on the results of the examination, plus any additional points earned under section ~~four~~five (45) of this rule. ¶
- (b) Subject to Board approval, the rankings on every Roll of Candidates shall be recalculated three times, at approximately six-month intervals from the date the initial candidate rankings are approved by the Board.-The rankings shall be recalculated to account for any new, optional points candidates may acquire. ¶
- (7) In accordance with ORS 776.115(2) and ORS 243.305, at such times as vacancies may be forecast or occur within the register of pilots when no certified apprentice is available, the Board shall issue trainee licensure to the highest ranked individual or individuals on the Roll of Candidates for the Columbia and Willamette Rivers, and assign the trainee or trainees to the Columbia River Pilots training organization. ¶
- (8) A Roll of Candidates expires after approximately two years, as soon as the Board approves applicant rankings for a subsequent Roll of Candidates.

Statutory/Other Authority: ORS 776.115

Statutes/Other Implemented: ORS 776.300; ORS 776.325