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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

07/25/2024 11:44 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Clarification of requirements after being absent for more than 180 days.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/23/2024 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)

Amending rule to provide clarification regarding a pilot's requirements when returning to the grounds after being absent for more than 180 days.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Rules committee recommendation 6/5/2024 and board meeting 7/18/2024. Both written 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 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?

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

AMEND: 856-025-0015

RULE SUMMARY: Updated rule to clarify requirement for pilots returning to grounds after being absent for more than 180 days.

CHANGES TO RULE:

856-025-0015

Pilot Medical Oversight

(1) A licensee may not pilot a vessel if any of the following conditions apply:¶

(a) The physical health of a pilot is such that the pilot is not physically capable of competently exercising the license privilege and performing the work involved without creating an unreasonable risk of harm to the pilot or to the person or property of others;¶

(b) The mental or emotional health of a pilot is such that the pilot is not competent to exercise the license privilege and is unable to perform the work involved without creating an unreasonable risk of harm to the pilot or to the person or property of others;¶

(c) Within 12 hours after the consumption of any alcoholic beverage;¶

(d) While under the influence of alcohol;¶

(e) While using any drug that affects the pilot's faculties in any way contrary to safety; or¶

(f) The pilot has used alcohol, drugs, medications or controlled substances in a manner that, as the Board determines, casts substantial doubt on the ability of the pilot to exercise the level of sound judgment expected of a pilot, or has used prescription drugs in a manner inconsistent with warnings or instructions provided by the manufacturer or prescribing physician.¶

(2) If any condition causes a pilot to be absent from the pilotage ground for more than 60 days, the pilot must request in writing to the Board on the form provided by the Board permission to be absent from the pilotage ground for a period of more than 60 days.¶

(a) The pilot must notify the Board in writing, at least 3 days prior to returning to the pilotage ground on the form provided by the Board, of the pilot's intention to return to duty. The form shall contain a pilot's affirmation of their fitness for duty prior to return.¶

(b) A pilot who has been granted permission to be absent from piloting duties for a period of more than 60 days shall, at the end of 180 days, reapply in writing for an extension or notify of return to duty.¶

(3) A pilot who has been absent with permission from piloting duties for more than 180 days shall notify the Board in writing on the form provided by the Board of the pilot's intention to return to the pilotage ground. The notice shall include:¶

(a) Pilot's affirmation of fitness to return to duty; and ¶

(b) A statement of the number of trips under the supervision of an unlimited state-licensed pilot that will be taken to re-familiarize the pilot with the pilotage ground.¶

~~(4c) In no event shall the returning pilot shall take no fewer than two trips for every 90 days' absence from the pilotage grounds, and the Board may, following receipt of a pilot's notice of intent to return to the pilotage ground, require more familiarization trips than the returning pilot indicates in the notice provided to the Board.¶~~

~~(54)~~ The Board may discipline any pilot who is absent from the pilotage ground for a period of more than 60 days without permission of the Board.

Statutory/Other Authority: ORS 776.115

Statutes/Other Implemented: ORS 776.115(4)(d)