

Pilotage Rules
WAC 480-160

NEW SECTION

WAC 480-160-001 **Purpose of Chapter.**

- (1) **Puget Sound Pilotage District** - The legislature has declared that tariffs for pilotage services provided under chapter 88.16 RCW in the Puget Sound pilotage district shall be established by the commission. The purpose of these rules is to administer chapter 81.116 RCW in setting pilotage tariff rates or charges for pilotage services.
- (2) **Grays Harbor Pilotage District** - The legislature has declared that in setting rates or charges for pilotage services provided by the Grays Harbor pilotage district under chapter 88.16 RCW, the commission will consider the recommendation of the port district. The purpose of these rules is to administer chapter 81.116 RCW in setting pilotage tariff rates or charges for pilotage services.

NEW SECTION

WAC 480-160-006 **Application.**

Except for the vessels exempted under RCW 88.16.070, all vessels that operate in the waters of the Puget Sound or Grays Harbor pilotage districts that must employ a marine pilot are liable for pilotage rates or charges and subject to compulsory pilotage.

NEW SECTION

WAC 480-160-011 **Resolving disputes about the meaning of these rules.**

If the interpretation of any rule in this chapter is questioned by a petitioner, a customer, or an applicant, a petition for declaratory ruling under 34.05.240 RCW or a request for clarification may be filed with the commission.

NEW SECTION

WAC 480-160-016 **Definitions.**

- (1) **“Assignment”** means a billable event relating to pilotage services.
 - (a) Assignments include ship movements, regardless of duration, and cancellations
 - (b) For purposes of work allocation, an assignment is considered to commence when a pilot is assigned a vessel and concludes upon the pilot’s arrival at the pilot station on an outbound assignment or upon the completion of travel for an inbound assignment (or upon cancellation).
- (2) **“Average assignment time per ship movement”** means the sum total of time devoted to Assignments during a given period divided by the number of ship movements occurring during the same period.

- (a) Assignment time generally commences when the pilot is assigned to the vessel and concludes upon completion of travel time for inbound assignments or arrival at the pilot station for outbound assignments.
- (b) Assignment time includes preparation and travel time plus bridge time.
- (3) **“Average bridge time per assignment”** means the sum total of time a pilot is aboard piloted vessels during a given period divided by the number of assignments occurring during the same period.
 - (a) Bridge time generally commences concurrent with order time and concludes upon the pilot’s arrival ashore.
 - (b) Although pilots normally arrive on the bridge 30 minutes before the order time on outbound assignments, average bridge time per assignment does not include bridge time for cancelled assignments nor time on the bridge before order time of outbound assignments.
- (4) **“Average bridge time per ship movement”** means the sum total of time aboard piloted vessels during a given period divided by the number of ship movements occurring during the same period.
 - (a) Bridge time generally commences concurrent with order time and concludes upon the pilot’s arrival ashore.
 - (b) Although pilots normally arrive on the bridge 30 minutes before the order time on outbound assignments, average bridge time per ship movement does not include time on the bridge for cancelled assignments nor time on the bridge before order time of outbound assignments.
- (5) **“Average time per assignment”** means the sum total of time devoted to assignments during a given period divided by the number of assignments occurring during the same period.
 - (a) Assignment time generally commences when the pilot is assigned to the vessel and concludes upon completion of travel time for inbound assignments or arrival at the pilot station for outbound assignments.
 - (b) Assignment time includes preparation and travel time plus bridge time.
- (6) **"Board"** means the board of pilotage commissioners.
- (7) Bridge time**
- (8) **“Cancellation”** means a billable event involving the termination by a carrier, or agent of a pilotage service request after a pilot has been assigned and before an outbound ship is moved or, in the case of an inbound vessel, the vessel is delayed by more than six hours where that delay occurs within 12 hours of the scheduled arrival time.
 - (a) (a) A cancellation is deemed to occur if a pilot has been assigned and if the service request is cancelled within 12 hours before the scheduled vessel arrival at Port Angeles or, for outbound transits, four hours from scheduled departure from Seattle, or five hours from any other port.
 - (b) (b) A pilot who has not commenced travel to an outbound assignment at the time of cancellation remains available for immediate dispatch. A pilot who has commenced travel is removed from dispatch until rest requirements are met.
 - (c) (c) An inbound vessel may be charged a cancellation charge for any delay of more than six hours of an arrival time made less than 12 hours before the scheduled arrival if the cancellation charge is lower than the delayed arrival charge that would otherwise apply.
- (9) **"Commission"** means the utilities and transportation commission.
- (10) **"File with the commission"** means filed with the commission’s executive secretary pursuant to WAC 480-07-140 at the time a person with a substantial interest files its general rate case.

- (11) "**Grays Harbor pilotage district**" shall have the same meaning as found in RCW 88.16.050(2) to include all inland waters, channels, waterways, and navigable tributaries within Grays Harbor and Willapa Harbor.
- (12) "**Gross pilotage revenue**" means all revenue under the tariff including transportation and trainee surcharges or stipends.
- (13) "**Gross pilotage revenue per assignment**" means gross pilotage revenue generated from all assignments during a given period of time divided by the number of assignments during the same period.
- (14) "**Net Income of Pilots**" means, for purposes of setting rates for Puget Sound Pilots, the total pilotage fees collected in the port, minus reasonable operating expenses, divided by the number of licensed and active state pilots within the district.
- (15) "**Non-Revenue Activity**" means a non-billable event in which a pilot, other than the president of the Puget Sound Pilots, is assigned to such as a license upgrade trip or pilotage-related activity not involving a ship movement.
- (a) Non-revenue activities include education, training, simulation sessions, license upgrade trips, voyage planning sessions, meetings with government agencies and officials (e.g., board, commission, U.S. Coast Guard, Department of Ecology, legislature, governor, port districts), testimony, industry events and conferences, marine safety meetings and PSP business and professional meetings.
 - (b) Non-revenue activities are not assignments and do not accrue towards the fulfillment of the target assignment Level.
- (16) "**Number of pilots**" means number of pilots necessary to be licensed in each district of the state to optimize the operation of a safe, fully regulated, efficient, and competent pilotage service in each district, as determined by 88.16.035 RCW.
- (a) The Number of Pilots includes:
 - 1. Active pilots;
 - 2. The president of the Puget Sound Pilots and licensed pilots who are inactive due to injury or illness but receiving payments.
 - (b) Number of Pilots does not include former pilots who are no longer licensed, but are receiving payment in the form of Comp. Days.
- (17) "**Order time**" means a vessel's last scheduled departure time for outbound transits or last scheduled arrival time for inbound transits.
- (18) "**Person with a substantial interest**" means:
- (a) A pilot, group or association of pilots licensed under chapter 88.16 RCW;
 - (b) A vessel operator or other person utilizing the services of a licensed pilot and paying pilotage fees and charges for such services or an organization representing vessel operators or persons; or
 - (c) Any other person or business that can show that the requested tariff changes would be likely to have a substantial economic impact on its operations.
- (19) "**Pro forma adjustments**" give effect for the test period to all known and measurable changes that are not offset by other factors.
- (20) "**Puget Sound pilotage district**" shall have the same meaning as found in RCW 88.16.050(1) to include all the waters of the state of Washington inside the international boundary line between the state of Washington and the province of British Columbia and east of one hundred twenty-three degrees twenty-four minutes (123 degrees 24 minutes) west longitude.

- (21) "Puget Sound Pilots" means an organization of independent marine pilots specially trained and licensed to board and guide ships such as oil tankers, cargo vessels and cruise ships through the Puget Sound pilotage district.
- (22) "**Rates**" and "**charges**" means prices for services that, when multiplied by the number of times a service is performed, determines the amount owed.
- (23) "**Rate design**" and "**rate structure**" mean arrangement or system of rates and charges that produce revenues necessary to recover the costs of service and support economic and social goals and policies.
- (24) "**Restating actual adjustments**" adjust the booked operating results for any defects or infirmities in actual recorded results that can distort test period earnings. Restating actual adjustments are also used to adjust from an as-recorded basis to a basis that is acceptable for ratemaking. Examples of restating actual adjustments are adjustments to remove prior period amounts, to eliminate below-the-line items that were recorded as operating expenses in error, to adjust from book estimates to actual amounts, or to eliminate or to normalize extraordinary items recorded during the test period.
- (25) "**Revenue per assignment**" means gross revenue, excluding transportation charges and trainee surcharges or stipends, generated from all assignments during a given period of time divided by the number of assignments during the same period.
- (26) "**Serve**" or "**provide**" means to deliver to the commission staff and parties in the proceeding, documents submitted to the commission for the filing or documents that are not submitted to the commission for the filing but that are formally exchanged between parties.
- (27) "**Ship movement**" means an assignment resulting in a transit or a reposition of a vessel. A ship movement involving multiple pilots, other than training or upgrading pilots, is counted as multiple ship movements, one for each pilot.
- (28) "**Target assignment level**" means a numerical benchmark set by the board calculated by dividing the annual number of assignments by the number of pilots. It is used by the board in making workload decisions, including the setting of the number of pilot licenses to be issued. The president of Puget Sound Pilots is not included in the calculation for the Target Assignment Level.

NEW SECTION

WAC 480-160-021 **Change of address, telephone number, or email.**

A pilotage district must notify the commission in writing of any change in physical business address, business mailing address, business telephone number, or business email. This notice must be filed at least 10 days before the effective date of the change by US mail or email.

NEW SECTION

WAC 480-160-026 **Exemptions from rules in chapter 480-160 WAC.**

The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC [480-07-110](#) (Exceptions from and modifications to the rules in this chapter; special rules).

NEW SECTION

WAC 480-160-031 **Records retention.**

- (1) **General provisions.** A pilotage district must keep all business records and reports for at least three years following the date those documents are created unless otherwise specified in these rules or unless a longer retention period is required by another governmental body.
- (2) **Customer service records.** A pilotage district must maintain complete and accurate customer service records for all customers served.
 - (a) Customer service records must be kept on file in the general office of the petitioner for at least three years.
 - (b) Customer service records must be kept in alphabetical, service address, or service route order.
 - (c) Customer service records must show at least the following information:
 - (i) The name and service address of the customer;
 - (ii) The billing address of the customer, if different than the service address;
 - (iii) Categories and quantity of service provided, including extra services as they are provided;
 - (iv) Information required to provide, on customer request, a detailed description of the amount billed the customer;
 - (v) Amounts billed;
 - (vi) Amounts collected; and
 - (vii) Balance due.

NEW SECTION

WAC 480-160-036 **Reporting requirements.**

- (1) **Annual reports.** An annual report is an end-of-the-year summary of financial activity that each pilotage district is required to file with the commission.
 - (a) Each year the commission will make available on the commission website an annual report form and instructions to each district.
 - (b) A pilotage district must file a complete, accurate annual report showing all requested information by May 1 of the succeeding year. Information provided on the annual report must be consistent with source documents maintained at district offices.
 - (c) The commission may grant an extension of time allowing a pilotage district to file its annual report after the May 1 due date if the commission receives a request for extension before April 15.
 - (d) The commission may issue penalty assessments if a district fails to file its required annual report by May 1.
- (2) **Other reports.** The commission may require a district to file periodic or other special reports.

NEW SECTION

WAC 480-160-041 **Commission compliance policy.**

- (1) The commission encourages voluntary compliance with statutes, rules, and commission orders.

- (2) The commission will enforce statutes, rules, and commission orders through:
 - (a) A program emphasizing education and technical assistance.
 - (b) A compliance program including:
 - (i) Investigation and resolution of complaints;
 - (ii) Economic compliance audits including, but not limited to, rates, charges, and billing practices;
 - (iii) Cooperative agreements with other agencies to enable effective enforcement and appropriate use of resources.
- (3) Where necessary to ensure compliance with statutes, rules, and commission orders, the commission will pursue administrative actions with the intent of ensuring future compliance by the violating pilotage district, including, but not limited to, warnings, sanctions, or penalty assessments under the provisions of chapter [81.04](#) RCW;

NEW SECTION

WAC 480-160-046 Rate setting fees.

A rate setting fee is an assessment of costs incurred by the commission as part of setting the tariff for pilotage services. The rate setting fee may be included as part of the marine pilotage services tariff and shall be appropriated from the pilotage account in RCW 88.16.061.

NEW SECTION

WAC 480-160-060 Tariffs, all pilots must comply with the provisions of approved tariffs.

No pilot shall charge, collect or receive and no person, firm, corporation or association shall pay for pilotage or other services performed that is any greater, less or different amount, directly or indirectly, than the rates or charges approved by the commission.

NEW SECTION

WAC 480-160-062 Tariffs and rates, general.

- (1) A tariff is a publication containing the rates and charges for pilotage services, including rules that govern how rates and charges are assessed.
- (2) The commission publishes the tariffs that marine pilots serving the Puget Sound and Grays Harbors pilotage districts must use.
- (3) All jurisdictional marine pilots are required to follow the terms, conditions, rates and all other requirements imposed by the respective commission-published tariff.
- (4) Any party with substantive interest may petition the commission to update or modify the published allowed rate and charges or the rules and regulation contained within the appropriate pilotage tariff.
- (5) Any proposed changes must be provided using the commission provided electronic template.

NEW SECTION

WAC 480-160-066 Tariffs, changes must be identified.

Each change in rates, charges, or rules must be clearly identified by using one of the following methods:

- (1) By including the appropriate code symbol immediately to the left of the material being changed. Symbols to indicate the type of changes are:

Code Symbol	Used to indicate:
(R)	reductions in rates or charges
(I)	increases in rates or charges
(C)	changes resulting in neither increases nor decreases
(N)	new rate, service or rules
(W)	wording changes

NEW SECTION

WAC 480-160-070 Changing commission-published tariff - Puget Sound pilotage district

- (1) A person with a substantial interest may petition for changes to the commission’s pilotage tariff, in addition, the commission may, on its own motion, propose tariff changes.
- (2) Parties may file electronically their proposed changes using the commission's records portal.
- (3) Proposed changes must:
- (a) Be on the appropriate page(s) from the commission’s tariff template.
 - (b) Identify the tariff item to be changed.
 - (c) Fully describe the proposed change.
 - (d) State clearly the reason(s) for the proposed change.
 - (e) Include any information or documents that justify the proposed change.
 - (f) Provide name, title, address, telephone number, email address.
- (4) Once the commission issues an order revising the Puget Sound pilotage district tariff, it will state the date on which the rates become effective. The commission will provide a copy of the commission’s updated tariff in electronic format to the Puget Sound pilotage district.

NEW SECTION

WAC 480-160-075 Changing commission-published tariffs - Grays Harbor pilotage district.

- (1) A petition to modify the Grays Harbor pilotage district tariff, the person with substantial interest must submit all of the following:
- (i) The name of the petitioner;
 - (ii) A description of why the existing tariffs are not fair, just, reasonable, and sufficient;
 - (iii) A description of each proposed change and a brief statement of the reason for the change;
 - (iv) The dollar and percentage amounts that revenue will change if the filing is approved by the commission;
 - (v) The percentage amount that rates will change if approved by the commission;
 - (vi) A contact person’s name, mailing address, telephone number, and email address.
- (b) An electronic copy of the proposed tariff.
- (2) Any petition for the Grays Harbor pilotage district must include:
- (a) The port district pilotage budget,
 - (b) The prior year pilotage financial statement, and

- (c) Official notice of the public hearing held on the proposed tariff.
- (3) Once the commission issues an order approving the Grays Harbor pilotage district tariff, it will state the date on which the rates become effective. The commission will provide a copy of the commission's updated tariff in electronic format to the Grays Harbor pilotage district.

NEW SECTION

WAC 480-160-081 Tariffs, approval.

Receipt by the commission of a tariff filing does not mean that the provisions of the filing are approved. Petitioners may not implement provisions contained in tariff filings until the commission approves the filing or until the provisions become effective by operation of law.

NEW SECTION

WAC 480-160-086 Tariffs, suspension by the commission.

- (1) The commission may, on receiving a complaint or protest concerning rates or charges, or on its own motion, suspend tariff rates, tariff charges, or tariff rules as provided in RCW 81.04.130.
- (2) The commission will not take action to suspend a tariff, or any part of a tariff, based on a complaint or protest concerning rates or charges unless the complaint or protest is filed in compliance with the commission's rules of practice and procedure as set out in chapter 480-07 WAC.

NEW SECTION

WAC 480-160-101 Complaints – Rates and Charges.

(1) Pilotage district responsibility.

- (a) **Complaints from customers.** When a pilotage district receives a complaint from a customer or an applicant concerning rates or charges, it must:
 - (i) Acknowledge the complaint;
 - (ii) Investigate the matter promptly;
 - (iii) Report the results of the investigation to the complainant;
 - (iv) Take corrective action, if warranted, as soon as appropriate under the circumstances;
 - (v) Inform the complainant that the decision may be appealed to a higher-level representative of the pilotage district, if any;
 - (vi) Inform the complainant, if still dissatisfied after speaking with the higher-level representative, of the commission's availability for review of the complaint; and
 - (vii) Provide the complainant with the commission's mailing and email addresses and toll-free telephone number.
- (b) **Complaint referred by commission.** When commission consumer protection staff refer an informal complaint regarding rates or charges to the pilotage district, the pilotage district must:
 - (i) Investigate and report the results to the commission consumer protection staff within two business days (the commission consumer protection staff may grant an extension of time for responding to the complaint if requested and warranted);

- (ii) Keep the commission consumer protection staff informed of progress toward the solution; and
 - (iii) Inform the commission consumer protection staff of the final result.
 - (c) **Complaint record.** A pilotage district must keep a record of all complaints concerning rates or charges for at least one year. The record of complaints and rates must be made readily available for commission review. The record must contain:
 - (i) The complainant's name and address;
 - (ii) Date and nature of the complaint;
 - (iii) Action taken; and
 - (iv) Final result.
- (2) **Complaints to commission.** Applicants, customers, or their representatives may file with the commission either:
- (a) An informal complaint against the pilotage district under the provisions of WAC [480-07-910](#);
or
 - (b) A formal complaint against the pilotage district under the provisions of WAC [480-07-370](#).