

SB

171

STATE OF ALASKA
THE LEGISLATURE

POUCH & STATE CONTROL
JUNE 1, 1979
907 465 3300

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 1, 1979

SUBJECT: Marine Pilots
Senate Bill 171

TO: Senator Robert Ziegler

FROM: Kenneth E. Vassar, Legislative Counsel *KEV*

You have asked about potential commerce clause problems in Senate Bill 171. This bill raises the penalty for failure to employ a licensed pilot under certain circumstances. I can see no problem with the bill itself, or with penalizing masters or owners of certain vessels for failing to employ a pilot. This is not to say that constitutional questions do not exist in AS 08.62 generally, and in AS 08.62.185 specifically. The amendments presented in SB 171 would not significantly affect the constitutional questions. If there is a specific concern about SB 171, perhaps I could go into greater detail; please let me know if that is the case.

I am enclosing a copy of the memo I sent to you dated May 9, 1977, discussing the constitutional questions now in AS 08.62.185. I would note that the U.S. Supreme Court has heard the Washington case discussed in that memo and issued an opinion on March 6, 1978 (Opinion No. 76-930). The court found that Washington's law requiring a state-licensed pilot on enrolled vessels was precluded by 46 U.S.C. secs. 215, 364 and to that extent the law was invalid. The court further noted that the pilotage requirement on registered vessels was not prohibited by 46 U.S.C. sec. 215 or by the Ports and Waterways Safety Act of 1972 (33 U.S.C. sec. 1221 and 46 U.S.C. sec. 391(a)); the court upheld that part of the Washington law.

KEV:nem

enclosure

MEMORANDUM

May 9, 1977

SUBJECT: HB 510 - Marine Pilotage

TO: Senator Robert H. Ziegler, Sr., Chairman
Senate Rules Committee

FROM: Kenneth E. Vassar
Staff Attorney

You have requested an opinion relating to the validity of HB 510 (relating to marine pilotage), particularly in light of federal legislation. The relevant federal statutes are found at 46 U.S.C. sec. 211, and 46 U.S.C. sec. 364. Section 211 allows state regulation of pilots "in the bays, inlets, rivers, harbors, and ports of the United States," and Section 364 provides for federal regulation of (and Coast Guard licensing of pilots on) all coastwise seagoing steam vessels. The bill under consideration would constitute an attempt by the state to regulate pilots of any oil tankers of 50,00 dead weight tons or greater navigating in state waters beyond Alaska pilot stations. In my opinion, HB 510 goes beyond the authority of the state as provided in 46 U.S.C. sec. 211 and intrudes into a federally preempted area under 46 U.S.C. sec. 364, and is thus unenforceable.

At least two cases to date would appear to support this conclusion. In Davis v. M/V Ester S., 509 F. 2d 1377, a barge which was transporting asphalt from Philadelphia to Jacksonville was declared to be a "steam vessel." The court stated that an expanded definition of "steam vessel" provided in 46 U.S.C. sec. 391, which includes vessels that have on board liquid cargo in bulk which is inflammable or combustible, applies to the federal pilotage regulations as well as to the federal inspection laws. Under this case an oil tanker is subject to the federal pilotage regulation of 46 U.S.C. sec. 364. Upon making the finding that the barge was subject to the federal act, the court proceeded to declare the Florida pilotage act unenforceable and specifically found that Congress, in passing the federal law, intended to exempt such vessels from state pilotage laws. Florida's law would have required the barge to take on a state-licensed pilot when entering or leaving a Florida port.

Senator Robert H. Ziegler, Sr.
May 10, 1977
Page 2

The second case, and perhaps the more important for our purposes, is a recent case tried in the federal circuit court for the western district in Washington. In Atlantic Richfield Co. v. Evans, the court was faced with the Washington Tanker Law, part of which requires a state-licensed pilot aboard oil tankers navigating in Puget Sound. In its opinion, the court states:

ARCO and Seatrain also argue that section 2 of Washington's Tanker Law (requiring a local pilot on all tankers larger than 50,000 dwt) has been preempted. Insofar as the Tanker Law prohibits a tanker "enrolled in the coastwise trade" from navigating Puget Sound unless it has a local pilot, the statute is void; it conflicts with clear federal law on that subject. 46 U.S.C. sec. 215, 364 (1970).

This case is currently being appealed to the United State Supreme Court, and certiorari has been granted. Thus, any opinion is subject to substantial reservation until the Supreme Court's decision. The case is of particular importance because of the similarity between the Washington law and HB 510.

Based upon these cases, and the language of the federal statutes involved, I believe that HB 510 is unenforceable, at least to the extent that it attempts to regulate tankers on the coastwise trade. Enclosed are copies of the statutes and cases cited above. If you have any questions, please do not hesitate to call on me.

REV:hjd

MEMORANDUM

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Senate Rules Committee

FROM: Kenneth E. Vassar
Staff Attorney

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KLV:hjd

February 21, 1979

TO: BILLY BERRIER
FROM: SENATOR ZIEGLER
RE: SB 171

Is the captioned bill constitutional? The point has been raised that it might be violative of the ICC.

I don't require a lengthy opinion, nor is time especially of the essence.

Thanks.

RHZ/pbz

PILOTAGE TARIFF AND CHARGES FOR SOUTHEASTERN ALASKA

EFFECTIVE: DECEMBER 5, 1978 THROUGH JUNE 30, 1979

EXCEPT TARIFF III, E.

I. TARIFF AND CHARGES APPLICABLE TO ALL SHIPS EXCEPT PASSENGER VESSELS:

A. Basic Port Charge for Pilotage in or out of Port, each Entry or Departure Constituting a Separate Chargeable Event:

Port	Port Charge
Ketchikan	\$453.00
Metlakatla	453.00
Klawock	553.00
Ward Cove	453.00
* Wrangell	494.00
* Shoemaker Bay	94.00
Petersburg	494.00
Duncan Canal	612.00
Sitka	453.00
Juneau	453.00
Juneau Oil Docks	530.00
Haines, Chilkoot	530.00
Lutak	530.00
Skagway	530.00
Skagway Ore Dock	612.00
Yakutat	553.00
Icy Bay	553.00

* On movements between these ports following an initial entry, each entry or departure except the initial entry and the final departure, will be at the rate of \$453.00.

B. Charges for Restricted Passage Pilotage, Entry, Transit, and Departure From Each Listed Area Constituting a Combined Single Chargeable Event:

Area	Port Charge
Wrangell Narrows	\$129.00
Sergius Narrows	65.00
Whitestone Narrows	65.00

C. Unlisted Port and Restricted Passage Charges:
These charges to be negotiated according to risk and time.

D. Overtime:
If one pilot exceed six hours continuous running time without a six-hour rest period, overtime shall be charged at the rate of \$31.00 per hour, or portion thereof. On runs anticipated to be over 8 hours duration, two pilots shall be required, and, in addition to the basic port charge, 50% of such charge shall be paid.

NOTE: PILOT BOAT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

E. Anchoring Charges:

1. Anchoring or laying to for loading cargo or discharging cargo shall be considered as a regular port charge, and all fees and tariffs shall be assessed the same as if the vessel has moored.
2. Anchoring, waiting for berth, or for weather shall be at the rate of \$147.00.

F. Other Charges

As applicable under the terms of Section III.

II. TARIFF AND CHARGES APPLICABLE ONLY TO PASSENGER VESSELS:

A. Basic Port Charge for Pilotage in or out of Port, Each Entry or Departure Constituting a Separate Chargeable Event:

Port	Port Charge
Ketchikan	\$453.00
Wrangell	494.00
Petersburg	494.00
Sitka	453.00
Juneau	453.00
Haines, Chilkoot	530.00
Haines, Lutak	530.00
Skagway, White Pass	530.00

B. Charges for Restricted Passage and Cruise Area Pilotage, Entry Transit and Departure for Each Listed Area Constituting a Combined Single Chargeable Event:

Area	Port Charge
<u>Cruise Areas</u>	
Glacier Bay	\$1,295.00
Tracy Arm	647.00
Endicott Arm	647.00
<u>Restricted Passages</u>	
Wrangell Narrows	\$ 129.00
Sergius Narrows	65.00
Whitestone Narrows	65.00

C. Unlisted Port, Restricted Passage and Scenic Cruise Areas:
To be negotiated according to risk and time.

D. Passenger Cruise:

In addition to any charges otherwise applicable under Section II A and II B, passenger charges apply as follows:

NOTE: PILOT BOAT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

The number of saleable passenger berths on board times the number of miles run in the inside waters Alaska (excluding miles run in scenic areas) times the mileage rate of 4.70 mills. The saleable passenger berths shall range from a minimum charge for 200 berths or a maximum charge for 1000 berths.

E. Anchoring Charges:

1. Anchoring or laying to for loading passengers or discharging passengers shall be considered as a regular port charge and all fees and tariffs shall be assessed the same as if vessel moored.
2. Anchoring, waiting for a berth or for weather shall be at the rate of \$147.00.

F. Other Charges:

As applicable under the terms of Section III.

III. OTHER CHARGES APPLICABLE TO ALL VESSELS IN ADDITION TO ALL OTHER TARIFFS AND CHARGES.

A. Tonnage and Draft Charges:

1. Tonnage charges will be made on a tonnage unit system at the rate of \$1.37 per unit for all units in excess of 163 units in or out of a port or cruise area. These are separate event charges and are computed separately for each entry and each departure.
2. "Tonnage Units" shall be determined as expressed by the following formula:

$$\frac{\text{Overall Length} \times \text{Extreme Breadth} \times \text{Depth}}{10,000} = \text{Units}$$

3. Definitions:

"Overall Length" is the distance between the forward and after extremities of the vessel.

"Extreme Breadth" is the maximum breadth to the outside of the shell plating of the vessel.

"Depth" is the vertical distance of amidships from the top of the keel plate to the uppermost continuous deck fore and aft and which extends to the sides of the vessel. The continuity of a deck shall not be considered to be affected by the existence of tonnage opening, engine space or a step in the deck.

All measurements shall be in feet and inches (U.S.).

NOTE: PILOT BOAT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

PILOTAGE TARIFF-PASSENGER

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4. All draft in excess of 32 feet will be charged at the rate of \$12.00 per foot or portion thereof, in or out of a port or cruise area. These are separate event charges and are computed separately for each entry and each departure.

B. Shifting Charges:

1. For a dock to dock commercial movement within an incorporated harbor, the charge will be one-half the regular port charges.
2. Shifting of ship from dock to dock, dock to anchorage, anchorage to anchorage, or anchorage to dock for bunkering or other non-commercial reasons, within an incorporated harbor, will be \$177.00 per movement. A dock-to-dock shift constitutes two separate movements.

C. Dead Ships and Stern-First Dockings:

Docking and undocking dead ships and stern-first dockings will be charged at a fifty percent increase over the regular pilotage fee.

D. Emergency:

In case of a dire emergency for safety of ship, crew, or passengers, there will be no pilotage charges except for transportation and subsistence.

E. Transportation and Subsistence: (Effective May 15, 1978 - April 1, 1979)

1. Vessels, owners, agents and/or charterers shall pay pilotage fees, pilots' travel expenses such as: Plane and ferry fares, meals, lodging, cab fares, telegrams, telephone calls, and all other expenses pertaining to ship's business.

a. Meals shall be charged at the following rates:

	Juneau	Annette Ketchikan Petersburg Sitka Mt. Edgecumbe Skagway Wrangell	Other Locations
Breakfast	\$ 7.00	\$ 5.60	\$ 6.20
Lunch	7.00	5.60	6.20
Dinner	14.00	11.20	12.40

b. Hotels shall be charged at the following rates:

	Juneau	Annette Ketchikan Petersburg Sitka Mt. Edgecumbe Skagway Wrangell	Other Locations
	\$42.00	\$33.60	\$37.20

NOTE: PILOT BOAT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

2. When adequate meals and rooms are not furnished to the pilot when on ship, a charge will be made in accordance with the above rates.

F. Travel Day, Detention Day, Standby Time, Cancellation Charges and Out-of-area Charge.

1. When due to weather and transportation difficulties, a pilot has to leave in advance to insure meeting a vessel upon arrival or departure, or being delayed by weather or transportation difficulties returning from an assignment, a charge of \$129.00 per day will be charged for each day a pilot is in transit or on standby. This does not include an actual work day.
2. Detention time on board ship, when no other charges accrue during the day, will be at the rate of \$31.00 per hour per pilot, not to exceed \$129.00 per pilot in any one day. Pilots carried to sea will be the same rate for each day detained plus first class passage and subsistence back to Ketchikan.
3. Cancellation charges will be \$147.00 plus transportation and subsistence.
4. Travel, standby and work days begin and end at midnight.
5. An out-of-area charge, in lieu of detention and travel time (not applicable within 100 miles of Southeast Alaska), shall equal $1\frac{1}{2}$ times the detention rate.

G. Notice of Ship Arrival and Departure:

1. When vessels, owners, or agents do not correct their ETA within four hours of ETA last given, compensation in the amount of \$31.00 per hour shall be charged until actual arrival of vessel at pilot station not to exceed \$129.00 for any one day.
2. When sailing time is set by agent, owner or master of a vessel, any delay over one hour shall be charged at the rate of \$31.00 per hour or portion thereof, not to exceed \$129.00 for any one day. If the pilot is detained for one hour or less, no detention will be charged. If the pilot is detained for more than one hour, detention for the first hour will be charged.

II. Vessel at Rest Charge:

When an agent, owner or master requests a pilot to stay on board a vessel on a continuous basis while the vessel is docked or anchored at a port or anchorage, the rate will be \$294.00 per day. Days begin and end at midnight.

NOTE: PILOT BOAT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

STATE OF ALASKA

LAY S. HAYMOND

GOVERNOR



BOARD OF MARINE PILOTS

CENTRALIZED LICENSING STATUTE, AS 58.01.

MARINE PILOT STATUTE 08.62.010

MARINE PILOT REGULATIONS 12 AAC 58.010

PLOTAGE TARIFF AND CHARGES FOR

SOUTHEASTERN AND SOUTHWESTERN ALASKA

LICENSED MARINE PILOTS

TITLE 8. BUSINESS AND PROFESSIONS

CHAPTER 01. CENTRALIZED LICENSING

Section	Section
10. Applicability of chapter	90. Department regulations
20. Board organization	87. Powers and duties of department
25. Public members	90. Applicability of the Administrative Procedure Act
30. Quorum	100. License renewal, lapse and reinstatement
40. Transportation and per diem	105. Penalty for improper payment
50. Administrative duties of department	110. Definitions
60. Application for license	
70. Administrative duties of boards	

Sec. 08.01.010. APPLICABILITY OF CHAPTER. This chapter applies to the

- (1) Board of Public Accountancy;
 - (2) Board of Barber Examiners;
 - (3) Repealed by sec. 6 ch 32 SLA 1971.
 - (4) Board of Chiropractic Examiners;
 - (5) Board of Hairdressing and Beauty Culture
- Examiners;
- (6) Board of Dental Examiners;
 - (7) Board of Electrical Examiners;
 - (8) State Board of Registration for Architects, Engineers and Land Surveyors;
 - (9) State Medical Board;
 - (10) Board of Nursing;
 - (11) Board of Examiners in Optometry;
 - (12) Board of Pharmacy;
 - (13) Real Estate Commission;
 - (14) Board of Veterinary Examiners;
 - (15) Board of Psychologist and Psychological Associate Examiners;
 - (16) Collection Agency Board;
 - (17) Board of Welding Examiners;
 - (18) Board of Marine Pilots;
 - (19) Board of Dispensing Opticians;
 - (20) Guide Licensing and Control Board.

Sec. 08.01.020. BOARD ORGANIZATION. Unless otherwise provided, all board members are appointed by the governor and serve at his pleasure. Unless otherwise provided, the governor shall designate the chairman of the board, and all other officers shall be elected by the board members.

Sec. 08.01.025. PUBLIC MEMBERS. No public member of a board may

- (1) be engaged in the occupation which the board regulates;
- (2) be associated by legal contract with a member of the occupation which the board regulates except as a consumer of the services provided by a practitioner of the occupation; or
- (3) have a direct financial interest in the occupation which the board regulates.

Sec. 08.01.030. QUORUM. A majority of the membership of a board constitutes a quorum unless otherwise provided.

Sec. 08.01.040. TRANSPORTATION AND PER DIEM. A board member is entitled to transportation expenses and per diem as set in AS 39.20.180.

Sec. 08.01.050. ADMINISTRATIVE DUTIES OF DEPARTMENT. (a) a department shall provide the following administrative and budgetary services when appropriate

- (1) collect fees and issue receipts;
- (2) maintain records and files;
- (3) issue and receive application forms;
- (4) notify applicants of acceptance or rejection of applicants as determined by the board;
- (5) designate dates examinations are to be held and notify applicants;
- (6) publish notice of examination;
- (7) arrange space for holding examinations;
- (8) notify applicants of results of examinations;
- (9) issue licenses and certificates or temporary licenses or certificates as authorized by the board;
- (10) issue duplicate licenses or certificates upon proof by the licensee of loss of the original and payment by the licensee of a fee of \$2;
- (11) notify licensees of renewal dates at least 30 days before the expiration date of their licenses;
- (12) compile and maintain current a register of licenses;
- (13) answer routine inquiries;
- (14) maintain files relating to individual licenses;
- (15) arrange for printing and advertising;
- (16) purchase supplies;
- (17) employ secretarial help when needed;
- (18) perform other services which may be requested by the board;
- (19) provide investigative services to the boards established under chs. 20, 32, 36, 64, 68, 71, 72, 80, 84 and 86 of this title, for the purpose of assisting those boards in matters of professional discipline.

(b) The form and content of a license, authorized by a board listed in sec. 10 of this chapter, including any document evidencing renewal of a license, shall be determined by the department after consultation with and consideration of the views of the board concerned.

Sec. 08.01.060. APPLICATION FOR LICENSE. All applications for examination or licensing to engage in the business or profession covered by this chapter shall be made in writing to the department.

Sec. 08.01.070. ADMINISTRATIVE DUTIES OF BOARDS. Each board shall perform the following duties in addition to those provided in its respective law

- (1) keep minutes and records of all proceedings;
- (2) hold a minimum of one meeting each year;
- (3) hold at least one examination each year;
- (4) request, through the department, investigation of violations of its laws and regulations;
- (5) prepare and grade examinations;
- (6) pass on qualifications of applicants for examination and license;
- (7) forward minutes of meetings to the department within 20 days;

- (8) forward results of examinations to the department;
- (9) notify the department of meeting dates at least 15 days before meeting.

Sec. 08.01.080. DEPARTMENT REGULATIONS. The department shall adopt regulations to carry out the purposes of this chapter including but not limited to describing

- (1) how an examination is to be conducted;
- (2) what is contained in application forms;
- (3) how a person applies for an examination or license.

Sec. 08.01.087. POWERS AND DUTIES OF DEPARTMENT. (a) The department may, upon its own motion, conduct investigations to determine whether any person has violated a provision of this chapter or a regulation adopted under it or a provision of a chapter in this title dealing with one of the boards listed in sec. 10 of this chapter or a regulation adopted by one of those boards, or to secure information useful in the administration of this chapter.

(b) If it appears to the commissioner that a person has engaged in or is about to engage in an act or practice in violation of a provision of this chapter or a regulation adopted under it, or any of the laws pertaining to or regulations adopted by the boards listed in sec. 10 of this chapter, he may, if he considers it in the public interest, and after notification to all board members by telephone or telegraph of a proposed order or action unless a majority of the members of the board object within 10 days,

(1) issue an order directing the person to stop the act or practice; however, reasonable notice of and an opportunity for a hearing must first be given to the person, except that the commissioner may issue temporary order before a hearing is held; a temporary order remains in effect until a final order affirming, modifying, or reversing the temporary order is issued or until 15 days after the person receives the notice and has not requested a hearing by that time; a temporary order becomes final if the person to whom the notice is addressed does not request a hearing within 15 days after receiving the notice; the commissioner or his designee shall be the hearing officer at the hearing and shall issue a final order within 10 days after the hearing;

(2) bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter, a regulation adopted under it, or an order issued under it, or any of the laws pertaining to or regulations adopted by the boards listed in sec. 10 of this chapter;

(3) examine or have examined the books and records of any person whose business activities require licensure by a board listed in sec. 10 of this chapter and he may require that person to pay the reasonable costs of the examination; and

(4) issue subpoenas for the attendance of witnesses, and the production of books, records and other documents.

Sec. 08.01.090. APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT. The Administrative Procedure Act (AS 44.62) applies to regulations adopted and proceedings held under this chapter, except those under AS 08.01.087(b).

Sec. 08.01.100. LICENSE RENEWAL, LAPSE AND REINSTATEMENT.

(a) All licenses shall be renewed biennially on the dates set by the department with the approval of the respective board.

(b) A registration, license permit or certificates requiring renewal to continue effective must be renewed on or before the date set by the department or it will lapse. A penalty of \$10 shall be charged in addition to all delinquent renewal fees for reinstatement of a registration, license, permit or certificate which remains lapsed for more than 60 days.

Sec. 08.01.105. PENALTY FOR IMPROPER PAYMENT. An applicant shall pay a penalty of \$10 each time a negotiable instrument is presented to the department in payment of an amount due and payment is subsequently refused by the named payor.

Sec. 08.01.110. DEFINITIONS. In this chapter

(1) "board" includes the boards and commissions listed in sec. 10 of this chapter;

(2) "department" means the Department of Commerce and Economic Development;

(3) "commissioner" means the commissioner of commerce and economic development;

(4) "license" means any license, certificate, permit, or registration or similar evidence of authority issued by one of the boards listed in sec. 10 of this chapter;

(5) "licensee" means any person who holds a license;

(6) "occupation" means any of the trades or professions for which licensure is required by one of the boards listed in sec. 10 of this chapter.

CHAPTER 62. MARINE PILOTS**Article**

1. Board of Marine Pilots (secs 08.62.010 - 08.62.040)
2. Licensing (secs 08.62.080 - 08.62.150)
3. General Provisions (secs 08.62.160 - 08.62.200)

Revisor's note (1970) -

In ch. 106, SLA 1970, AS 08.62 was incorrectly designated AS 08.87.

ARTICLE 1. BOARD OF MARINE PILOTS

Section	Section
10. Creation and membership of board	30. Meetings
20. Appointment and term of office	40. Powers and duties

Sec. 08.62.010. CREATION AND MEMBERSHIP OF BOARD. There is created the Board of Marine Pilots. It consists of two pilots licensed under this chapter who have been actively engaged in piloting on vessels subject to this chapter, two agents of managers of vessels subject to this chapter, two public members in accordance with AS 08.01.025, and the commissioner or his designee. Not more than one pilot and one agent or manager

shall be from any one judicial district. All members of the board shall be residents of the state. (sec 2 ch 106 SLA 1970; am sec 8 ch 258 SLA 1976) (Eff. of amendment. The 1976 amendment inserted "two public members in accordance with AS 08.01.025" in the second sentence.)

Sec. 08.62.020. APPOINTMENT AND TERM OF OFFICE. The governor shall appoint the pilot and agent or manager members of the board, subject to confirmation by a majority of the members of the legislature in joint session for terms of four years, or until their successors are appointed. The first members shall be initially appointed for one, two, three and four year terms. (sec 2 ch 106 SLA 1970)

Sec. 08.62.030. MEETINGS. The board shall hold a regular annual meeting. The board may hold special meetings at the call of the chairman with prior approval of the governor. (sec 2 ch 106 SLA 1970)

Sec. 08.62.040. POWERS AND DUTIES. (a) The board shall

(1) provide for the maintenance of efficient and competent pilot service on all waters covered by this chapter to assure protection of shipping and the safety of human life and property;

(2) consistent with the law, adopt regulations, subject to the Administrative Procedure Act (AS 44.62), establishing the qualifications of pilots and providing for the examination of pilots and the issuance of original or renewal pilot licenses to qualified persons;

(3) keep a register of licensed pilots, vessels, operators, agents and manager;

(4) regulate pilotage fees; and

(5) make available, upon request, copies of this chapter and the regulations adopted under it.

(b) The board may, by regulation, make any other provision for proper and safe pilotage upon the waters covered by this chapter and for the efficient administration of this chapter. (sec 2 ch 106 SLA 1970)

ARTICLE 2. LICENSING

Section	Section
80. License requirement	120. Duration, renewal
90. Application	130. Lapsed license
100. Qualifications	140. Fees
110. Previous licensure	150. Denial, revocation or suspension

Sec. 08.62.080. LICENSE REQUIREMENT. No person may pilot a vessel subject to this chapter unless he is licensed under this chapter. (sec 2 ch 106 SLA 1970)

Sec. 08.62.090. APPLICATION. (a) A person who desires to be licensed under this chapter shall apply in writing to the department.

(b) The application shall provide the information and be made on a form prescribed by the board. (sec 2 ch 106 SLA 1970)

Sec. 08.62.100. QUALIFICATIONS. A person is entitled to a license under this chapter if he

- (1) is of good moral character;
- (2) is a citizen of the United States;
- (3) passes the examination given by the board; and
- (4) qualifies under the regulations adopted under section 40(a)(2) and (b) of this chapter. (sec 2 ch 107 SLA 1970)

Sec. 08.62.110. PREVIOUS LICENSURE. A license that was issued under AS 30.10 is considered as having been issued under this chapter. (sec 2 ch 106 SLA 1970)

Sec. 08.62.120. DURATION, RENEWAL. A license issued under this chapter shall be renewed biennially on dates set by the department. A license issued under AS 30.10 lapses at the end of calendar year 1970. A license issued between May 7, 1970 and the end of 1970 shall be issued for a fee of \$100. A license shall be renewed without examination upon the payment of the biennial license fee. (sec 2 ch 106 SLA 1970)

Sec. 08.62.130. LAPSED LICENSE. A lapsed license may be reinstated without examination if it has not remained lapsed for more than two years. However, if the license is lapsed for less than two years and the board has reason to believe that the person applying for reinstatement of his license is incapable or incompetent to carry out the duties of a licensed marine pilot, the board may require the applicant to take and pass the examination given by the board. (sec 2 ch 106 SLA 1970; am sec 1 ch 22 SLA 1973)

Sec. 08.62.140. FEES. The following fees shall be imposed under this chapter when applicable:

- (1) application fee..... \$ 10
 - (2) biennial license fee..... \$200
- (sec 2 ch 106 SLA 1970)

Sec. 08.62.150. DENIAL, REVOCATION OR SUSPENSION. (a) The board, after compliance with the Administrative Procedure Act (AS 44.62), may deny, revoke or suspend the license of a person who

- (1) is incompetent in the performance of his pilotage duties;
- (2) is habitually intoxicated;
- (3) illegally uses or sells narcotic or hallucinogenic drugs;
- (4) makes a false statement to obtain a license;
- (5) violates a provision of this chapter or a regulation adopted under it; or
- (6) is guilty of misconduct during the course of his employment.

(b) A license denied, revoked or suspended under (a) of this section may not be granted or reinstated until

- (1) the reason for the license denial, revocation or suspension has been remedied; and
- (2) the period of suspension has been served and all fines imposed under this chapter have been paid. (sec 2 ch 106 SLA 1970)

ARTICLE 3. GENERAL PROVISIONS

Section	Section
160. Mandatory employment of licensed pilots	18 . Exemptions
170. Pilot's lien for compensation	190. Penalty
	200. Definitions

Sec. 08.62.160. MANDATORY EMPLOYMENT OF LICENSED PILOTS. A vessel subject to this chapter navigating the inside coastal waters of Alaska as determined by regulations shall employ a pilot holding a valid license under this chapter. (sec 2 ch 106 SLA 1970)

Sec. 08.62.170. PILOT'S LIEN FOR COMPENSATION. Each vessel, its tackle, apparel and furniture and the owner of the vessel are jointly and severally liable for the compensation of a pilot employed on the vessel and the pilot has a lien on the vessel, her tackle, apparel and furniture for his compensation. (sec 2 ch 106 SLA 1970)

Sec. 08.62.180. EXEMPTIONS. This chapter does no apply to

- (1) vessels under enrollment;
- (2) fishing vessels registered in the United States or in British Columbia, Canada;
- (3) motorboats as defined in sec. 1 of the Federal Motorboat Act of 1940 (54 Stat. 163; 46 U.S.C., sec. 526 et seq.);
- (4) vessels of United States registry of less than 300 gross tons and tow boats of United States registry and vessels owned by the State of Alaska, engaged exclusively
 - (A) on the rivers of Alaska; or
 - (B) in the coastwise trade on the west coast of the United States including Alaska, Hawaii, and British Columbia, Canada;
- (5) vessels of Canada, including Canadian cruiseships, engaged in frequent trade between British Columbia and Alaska, if reciprocal exemptions are granted by Canada to vessels owned by the State of Alaska and those of United States registry; and
- (6) pleasure craft. (sec 2 ch 106 SLA 1970; am sec 1 ch 43 SLA 1972)

Effect of amendment-The 1972 amendment inserted "of United States registry of less than 300 gross tons" after "vessels in (4) and added "or" in (A).

Sec. 08.62.190. PENALTY. A master or owner of a vessel required by this chapter to employ a licensed pilot who fails to do so when a licensed pilot is available, unless the perils or hazards of the sea prevent the employment of a pilot, is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not less than \$500 nor more than \$1,000. A person who violates any other provision of this chapter or a regulation adopted under it is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not less than \$500 nor more than \$1,000. (sec 2 ch 106 SLA 1970)

Sec. 08.62.200. DEFINITIONS. In this chapter

- (1) "board" means the Board of Marine Pilots;
- (2) "commissioner" means the commissioner of the Department of Commerce and Economic Development;
- (3) "department" means the Department of Commerce and Economic Development;
- (4) "vessel" means all vessels not exempt under 180 of this chapter. (sec 2 ch 106 SLA 1970; am sec 48 ch 218 SLA 1976)

Effect of amendment.-The 1976 amendment substituted "Department of Commerce and Economic Development"

for "Department of Commerce" in paragraphs (2) and (3).

PROFESSIONAL AND VOCATIONAL REGULATIONS

TITLE 12

CHAPTER 56. BOARD OF MARINE PILOTS

Article

- 1. Administration of board (12 AAC 56.010 - 12 AAC 56.020)
- 2. Licensing (12 AAC 56.030 - 12 AAC 56.080)
- 3. Inside Waters (12 AAC 56.090 - 12 AAC 56.120)
- 4. Rates (12 AAC 56.130 - 12 AAC 56.150)
- 5. General Provisions (12 AAC 56.160 - 12 AAC 56.190)

ARTICLE 1. ADMINISTRATION OF BOARD

Section

- 10. Quorum
- 20. Meetings

12 AAC 56.010. QUORUM. (a) For the purpose of approving applications for examination and administering the examination for a temporary license two members of the board are a quorum.

(b) For the purpose of board meetings, hearings, examinations and for conducting all other board business, three members are a quorum. (Eff 6/11/71, Register 38; am 6/1/72, Register 42)

Authority: AS 08.62.040(b)

12 AAC 56.020. MEETINGS. The annual meeting of the board shall be in December on the date, time and place designated by the bylaws. Special meetings will be held at times and places designated by the chairman with approval of the governor and members of the board. (Eff. 6/11/71, Register 38)

Authority: AS 08.62.030
AS 08.62.040(b)

ARTICLE 2. LICENSING

Section

- 30. Qualifications for unlimited pilot's license
- 40. Qualifications for limited pilot's license
- 50. Qualifications for channel pilot's license
- 60. Temporary license
- 70. Examinations
- 80. Biennial license renewal

12 AAC 56.030. QUALIFICATIONS FOR UNLIMITED PILOT'S LICENSE. An applicant for an unlimited pilot's license shall apply on a form provided by the Department of Commerce and Economic Development. An applicant shall

(1) pay the required fee;

(2) submit a full-sized, certified reproduction of a valid United States Coast Guard license as a first class pilot upon the waters for which applying;

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(3) submit a full-sized, certified reproduction of a valid United States Coast Guard license for master of steam or motor vessels of 500 gross tons or better including tow boat or freighting vessels, but excluding fishing vessels;

(4) have practical knowledge of the navigation of vessels and of the conditions of navigation in the waters for which he is applying, which will be determined by oral and written examination before the board from topics listed in section 70 of this chapter;

(5) have met the following requirements:

(A) have a minimum of one year as a master or pilot of a vessel in the waters for which applying, and have executed under the direct supervision of a pilot holding an unlimited pilot license under AS 08.62.100 a minimum of 10 dockings and 10 undockings while holding a United States Coast Guard license as a first class pilot upon the waters of which applying and a United States Coast Guard license for master of steam or motor vessels of 500 gross tons or better including tow boat or freighting vessels, but excluding fishing vessels. No more than five of the required dockings or undockings may have been under the direct supervision of the same supervisory pilot; or

(B) have executed under the direct supervision of a pilot holding an unlimited pilot license under AS 08.62.100 a minimum of 20 dockings and 20 undockings while holding a United States Coast Guard license as a first class pilot upon the waters for which applying and a United States Coast Guard license for master of steam or motor vessels of 500 gross tons or better including tow boat or freighting vessels, but excluding fishing vessels. No more than five of the required dockings or undockings may have been under the direct supervision of the same supervisory pilot; and

(C) all dockings and undockings must be certified as having been made within two years prior to the date of application;

(6) have satisfactorily completed a physical examination within 30 days of the date of application. The physical examination required of all pilots shall demonstrate that he is in all respects physically fit to perform his duties as a pilot and shall include an examination of his eyesight, hearing, blood pressure and anything else necessary in the opinion of the examining physician; and

(7) be at least 25 years of age. (Eff. 6/11/71, Register 38; am 6/1/72, Register 42)

Authority: AS 08.62.040(a)(2)

12 AAC 56.040. QUALIFICATIONS FOR LIMITED PILOT'S LICENSE.

(a) A limited pilot's license is a license to pilot vessels of 2,000 gross tons or less.

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(b) An applicant for a limited pilot's license shall apply on a form provided by the Department of Commerce and Economic Development,

(1) pay the required fee;

(2) submit a full-sized, certified reproduction of a valid United States Coast Guard license for first class pilot upon the waters for which apply;

(3) submit a full-sized, certified reproduction of a valid United States Coast Guard license for master;

(4) have practical knowledge of the navigation of vessels and of the conditions of navigation in the waters for which he is applying, which will be determined by oral and written examination before the board from topics listed in section 70(b) and (c) of this chapter;

(5) have satisfactorily completed a physical examination within 30 days of the date of application; the physical examination is required of all pilots shall demonstrate that he is in all respects physically fit to perform his duties as a pilot and shall include an examination of his eyesight, hearing, blood pressure and anything else necessary in the opinion of the examining physician; and

(6) be at least 25 years of age.

(c) An applicant for a limited pilot's license not meeting the requirements of (b)(2) and (3) of this section may be issued a limited license, if in the opinion of the board he has submitted sufficient proof of experience and knowledge for the area in which is applying. (Eff. 6/11/71, Register 38; am 6/1/72, Register 42)

Authority: AS 08.62.040(a)(2)

12 AAC 56.050. QUALIFICATIONS FOR CHANNEL PILOT'S LICENSE. A channel pilot's license is a license to pilot in main ship channels only. A channel pilot may perform dockings and undockings only under the direct supervision of a pilot holding an unlimited pilot's license. An applicant for a channel pilot's license shall apply on forms provided by the Department of Commerce and Economic Development. An applicant shall

(1) pay the required fee;

(2) submit a full-sized, certified reproduction of a valid United States Coast Guard license for first class pilot upon the waters for which applying;

(3) submit a full-sized, certified reproduction of a valid United States Coast Guard license for master of steam or motor vessel of 500 gross tons or better including tow boat or freighting vessels, but excluding fishing vessels;

(4) have practical knowledge of the navigation of vessels and of the conditions of navigation in the waters for which he is applying, which will be determined by oral and written examination before the board from topics listed in section 70(b) and (c) of this chapter;

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(5) have completed satisfactorily a physical examination within 30 days of the date of application, the physical examination required of all pilots shall demonstrate that he is in all respects physically fit to perform his duties as a pilot and shall include an examination of his eyesight; hearing, blood pressure and anything else necessary in the opinion of the examining physician; and

(6) be at least 25 years of age. (Eff. 6/11/71, Register 38; am 6/1/72, Register 42; am 6/19/74, Register 50)

Authority: AS 08.62.040(a)(2)

12 AAC 56.060. TEMPORARY LICENSE. (a) A temporary license may be issued to a person applying for an unlimited, limited or channel pilot's license upon

(1) submission of the required application;

(2) submission of the temporary license fee of \$50;

(3) submission of proof that he meets all requirements for the license for which he is applying except the examination requirement; and

(4) successful passing of a written examination consisting of 20 questions with a score of at least 75 percent; the questions will be taken from a list of 100 questions prepared previously by the board; this examination will not be considered as part of the oral and written examination given by the board under section 70 of this chapter, but will cover the same topics.

(b) A temporary license will be valid until the results of the next scheduled examination are received. If for a valid reason the applicant was unable to appear for the next scheduled examination, the board may extend the temporary license until the next scheduled examination after the one for which the applicant was unable to appear. The temporary license shall not be extended more than once nor shall a second temporary license be issued. (Eff. 6/11/71, Register 38; am 6/1/72, Register 42; am 6/19/74, Register 50)

Authority: AS 08.62.040(a)(2)

12 AAC 56.070. EXAMINATIONS. (a) The examination required by sections 30, 40 and 50 of this chapter will be given at least once a year at the time and place designated by the chairman of the board with prior approval of the other board members. All applications for examination must be submitted to the board at least 60 days before the date of examination.

(b) Applicants must pass the written portion of the examination with a score of at least 75 percent in each topic with the exception of (1) inland and pilot rules, which must be passed with a score of at least 90 percent. The written examination may consist of, but not limited to, the following topics:

(1) inland and pilot rules;

(2) aids to navigation;

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- (3) courses, distances, and distances passed abeam at change of course points between given points;
- (4) important and essential cable areas;
- (5) dredged channel widths and depths;
- (6) bridge signals, widths, regulations, and closing periods;
- (7) ship handling, docking problems, seamanship by actual observation, use of tow boats and anchors;
- (8) Alaska Pilotage Act and rules of the board;
- (9) location of anchorages;
- (10) duties of pilot;
- (11) relationship between master and pilot;
- (12) practical operation and use of marine radar, including use of maneuvering board;
- (13) currents and tides;
- (14) dock headings, lengths, depths of water alongside, pier locations and berth numbers;
- (15) U.S. Government Public Health Quarantine regulations;
- (16) prohibited areas, restricted areas, explosive anchorages;
- (17) chart knowledge, including chart symbols and abbreviations;
- (18) use of navigational and bridge instruments;
- (19) engine order and rudder commands for:
 - (A) U.S. Merchant vessels;
 - (B) U.S. Naval vessels;
 - (C) foreign flag merchant vessels; and
- (2) ranges for determining error in channel ranges.

(c) An applicant for licensure as an unlimited, limited or channel pilot will be orally interviewed by the board on his safety record and elaboration of his seagoing background as listed on his application. In addition, the applicant must pass the oral examination required by sections 30, 40 and 50 of this chapter with a score of at least 75 percent in the following topics:

- (1) knowledge of the local harbor conditions and local regulations in the area applied for;
- (2) signals; and

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(3) rules of board. (Eff. 6/11/71, Register 38; am 6/1/72, Register 42; am 6/19/74, Register 50)

Authority: AS 08.62.040(a)(2)

12 AAC 56.080. BIENNIAL LICENSE RENEWAL. (a) All licenses expire on December 31 of even-numbered years. In order to renew the biennial license all licensees must submit the renewal application with

(1) proof of having satisfactorily completed a physical examination within 30 days of the renewal date; and

(2) the biennial license fee of \$200.

(b) In addition, a licensee

(1) holding an unlimited pilot's license must submit proof of having worked in a licensed deck officer capacity for two months in the area for which he was licensed during the last biennial period;

(2) holding either a limited pilot's license or a channel pilot's license must have worked in a capacity which in the opinion of the board has kept him currently knowledgeable in the area for which his license was originally issued. (Eff. 6/11/71, Register 38; am 6/19/74, Register 50)

Authority: AS 08.62.040(a)(2)

AS 08.62.040(b)

ARTICLE 3. INSIDE WATERS

Section

90. General rule for determining boundaries of inside waters of Alaska
 100. Established boundaries of inside waters of Alaska
 110. Exclusions for entering inside waters of Alaska
 120. Pilot stations or pickup points

12 AAC 56.090. GENERAL RULE FOR DETERMINING BOUNDARIES OF INSIDE WATERS OF ALASKA. At all buoyed entrances from seaward to bays, sounds, rivers, or other estuaries for which specific lines are not described in this chapter, the waters inshore of the shore, drawn through the outermost buoy or other aid to navigation of any system of aids, are inside waters. (Eff. 6/11/71, Register 38)

Authority: AS 08.62.040(a)(1)&(b)

12 AAC 56.100. ESTABLISHED BOUNDARIES OF INSIDE WATERS OF ALASKA. (a) The boundaries for Southeastern inside waters are as follows: A line drawn from Cape Spencer Light due south to a point of intersection which is due west of the southernmost extremity of Cape Cross; thence to Cape Edgcombe Light; thence through Cape Bartolome Light and extended to a point of intersection which is due west of Cape Muzon Light; thence due east to Cape Muzon Light; thence to a point which is 1 mile, 180° true, from Cape Chacon Light; thence to Barran Island Light; thence to Lord Rock Light; thence to the southernmost extremity

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of Garnet Point, Kanagunut Island; thence to the southeasternmost extremity of Island Point, Sitklan Island. A line drawn from the northeasternmost extremity of Point Mansfield, Sitklan Island, 040° true, to where it intersects the mainland.

(b) The boundaries for Southwestern inside waters are as follows:

(1) Prince William Sound. All waters of Prince William Sound inside a line drawn from Cape Puget to Point Elrington; thence to Cape Clear; thence Zaikof Point to Cape Hinchinbrook Light; thence Point Bentinch Light to Point Whitshed;

(2) Resurrection Bay. The waters of Resurrection Bay north of latitude 59°, 59.0 minutes north;

(3) Cook Inlet. All waters of Cook Inlet inside a line drawn from Cape Douglas (latitude 58°, 51.2 minutes north, longitude 153°, 14.9 minutes west) through Cape Elizabeth Light at latitude 59°, 08.9 minutes north, longitude 151°, 52.5 minutes west to the Kenai Peninsula shoreline. (Eff. 6/11/71, Register 38)

Authority: AS 08.62.040(a)(1)&(b)

12 AAC 56.110. EXCLUSIONS FOR ENTERING INSIDE WATERS OF ALASKA. Vessels are excluded from the use of a licensed marine pilot for inside waters only when proceeding directly from points outside Alaska inside waters to an established pilot station or pickup point. These exclusions are as follows:

(a) Southeastern Alaska:

(1) travel via Clarence Strait to Guard Island at a point located at latitude 55°, 26.7 minutes north, longitude 131°, 52.8 minutes west;

(2) travel via Clarence Strait to a point located approximately 1 mile east of Point McCartney Light at latitude 55°, 06.8 minutes north, longitude 131°, 42.3 minutes west;

(3) travel via Cape Bartolome in Bucarell Bay to Cabras Island located at latitude 55°, 20.3 minutes north, longitude 133°, 23.4 minutes west;

(4) travel via Cape Ommaney in Chatham Strait to a point in the vicinity of Point Retreat located at latitude 58°, 25.0 minutes north, longitude 134°, 59.0 minutes west;

(5) travel via Sitka Sound to a vicinity close aboard Eckholms Light at latitude 57°, 00.6 minutes north, longitude 135°, 21.4 minutes west. This exclusion applies only to those vessels going to the port of Sitka; and

(b) Southwestern Alaska:

(1) travel via Prince William Sound to the Cordova Pilot Station located approximately two miles south of Sheepa

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Point at latitude 60°, 37.0 minutes north, longitude 146°, 00.0 minutes west;

(2) travel via Prince William Sound to the Valdez Pilot Station located approximately 2.3 miles north of Busby Island Light (60°, 53.8 minutes north, 146°, 48.9 minutes west);

(3) travel via Prince William Sound to the Whittier Pilot Station located approximately one mile south of Pigot Point Light (60°, 48.1 minutes north, 148° 21.3 minutes west);

(4) travel via Cook Inlet to the Homer Pilot Station located approximately one mile south of Homer Spit Light on Coal Point (59°, 36.2 minutes north, 151°, 24.5 minutes west); and

(5) travel to the Kodiak City or Womens Bay Pilot Station located approximately one mile eastward of St. Paul Harbor lighted bouy #14 (57°, 44.5 minutes north, 152°, 24.3 minutes west). (Eff. 6/11/71, Register 38; am 6/1/72, Register 42)

Authority: AS 08.62.040(a)(1)&(b)

12 AAC 56.120. PILOT STATIONS OR PICKUP POINTS. (a) The established pilot stations for Southeastern Alaska are as follows:

(1) Guard Island (55°, 26.7 minutes north, 131°, 52.8 minutes west);

(2) Point McCartey - located approximately one mile east of Point McCartey (55°, 06.8 minutes north, 131°, 42.3 minutes west);

(3) Cabras Island, Bucareli Bay (55°, 20.3 minutes north, 133°, 23.4 minutes west);

(4) Sitka Sound - to a point close aboard Eckholm's Light (57°, 00.6 minutes north, 135°, 21.4 minutes west);

(5) Point Retreat - to a point in the vicinity of Point Retreat (58°, 25.0 minutes north, 134°, 59.0 minutes west); and

(6) Lucy Island (British Columbia) - Lucy Point Light Station (54°, 17.5 minutes north, 130°, 34.5 minutes west).

(b). The established pilot stations for Southwestern Alaska are as follows:

(1) Cordova - located approximately two miles south of Sheeps Point (60°, 37.0 minutes north, 146°, 00.0 minutes west);

(2) Valdez - located approximately 2.3 miles north of Busby Island Light (60°, 53.8 minutes north, 146°, 48.9 minutes west);

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(3) Whittier - located approximately one mile south of Pigot Point Light (60°, 48.1 minutes north, 148°, 21.3 minutes west);

(4) Seward - located one mile southeasterly from Caines Head Light (59°, 59.0 minutes north, 149° 23.1 minutes west);

(5) Cook Inlet - located near Homer approximately one mile south of Homer Spit Light on Coal Point (59°, 36.2 minutes north, 151°, 24.5 minutes west);

(6) Kodiak (city) or Womens Bay - located approximately one mile eastward of St. Paul Harbor lighted buoy #14 (57°, 44.5 minutes north, 152°, 24.3 minutes west);

(7) Cold Bay - located approximately three miles southward of Cold Bay entrance buoy #1 (55°, 05.6 minutes north, 162°, 31.8 minutes west);

(8) Dutch Harbor - located one mile east of Ulakta Head Light (53°, 55.5 minutes north, 166°, 30.4 minutes west); and

(9) Adak - located two miles east of Gannet Rocks Light (51°, 52.1 minutes north, 176°, 36.4 minutes west).

(c) For those areas not having an established pilot station or pickup point, pickups will be made only by specific arrangement with the ship's agent and pilots. (Eff. 6/11/71, Register 38; am 6/1/72, Register 42)

Authority: AS 08.62.040(a)(1)&(b)

ARTICLE 4. RATES

Section

- 130. General rule for determining rates
- 140. Consent to rate deviation
- 150. Rate adjustment

12 AAC 56.130. GENERAL RULE FOR DETERMINING RATES. If no rate for an area has been established the rate mutually agreed on by the parties will be used until a rate is established by the board. (Eff. 6/11/71, Register 38)

Authority: AS 08.62.040(a)(4)&(b)

12 AAC 56.140. CONSENT TO RATE DEVIATION. If parties to a piloting contract are dissatisfied with the rates established for an area, the parties may agree to a higher rate. This rate mutually agreed upon must be submitted to the board for approval. No deviations from the published rate may be used until approved by the board. (Eff. 6/11/71, Register 38)

Authority: AS 08.62.040(a)(4)&(b)

12 AAC 56.150. RATE ADJUSTMENT. Any party having a material interest in the rate structure desiring a rate change for an area must file a request for a rate adjustment at least 60

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days before the next meeting of the board. (Eff. 6/11/71, Register 38)

Authority: AS 08.62.040(a)(4)&(b)

ARTICLE 5. GENERAL PROVISIONS

Section

- 160. Duties of pilots
- 170. Physical incapacitation
- 180. Registration of operators
- 190. Definitions

12 AAC 56.160. DUTIES OF PILOTS. (a) A pilot shall be on duty piloting the vessel at all times when the vessel is in transit in pilotage waters.

(b) Passenger vessels in transit of the inside waters of Southeast Alaska except as set forth in sec. 110 of this chapter are required to carry two pilots on board for continuous alternating duty.

(c) In any case where a vessel being piloted by a state licensed pilot goes aground, collides with another vessel or dock, or meets with any casualty, or is injured or damaged in any way, the pilot shall, within ten days thereafter, make written report thereof to the board, and the board may thereupon, either with or without complaint being made against the pilot, investigate the matter reported upon. In any case of apparent damage being sustained or caused by a vessel under his charge, the pilot shall file his report as soon as possible after returning to shore.

(d) Pilots will report to the Aids to Navigation officer of the United States Coast Guard, all changes in lights, range lights, buoys, and any dangers to navigation that may come to their knowledge.

(e) Any pilot who fails, neglects or refuses to make a report to the board as required by the pilotage laws of the state, or by this chapter, for a period of ten days after the date when the report is required to be made, is subject to having his license suspended at the discretion of the board.

(f) Pilots when so notified in writing shall report in person to the board at any meeting specified in the notice.

(g) Any pilot summoned to testify before the board shall appear in accordance with the summons and shall answer, under oath, any questions put to him which deal with any matter connected with the pilot service, or of the pilotage waters over which he is licensed to act. He is entitled to have his attorney or advisor present during any such appearance and testimony.

(h) A pilot on boarding a ship, if required by the master, shall exhibit his state license or photostatic copy of it.

(i) Pilots on board passenger vessels shall be provided access to an operable radio on the bridge at all times to use on frequency 2182 KHZ for security purposes.

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(j) When a pilot licensed under AS 08.62 is employed on an enrolled ship, the same regulations apply.

(k) All pilots shall report on a quarterly basis the names of all vessels served that were subject to the services of a licensed pilot. (Eff. 6/11/71, Register 38; am 5/19/74, Register 50)

Authority: AS 08.62.040(a)(1)&(b)

12 AAC 56.170. PHYSICAL INCAPACITATION. Any pilot who is physically incapacitated as a pilot for a period of ninety (90) days or more shall not return to service as an active pilot until he has passed a physical examination by a physician approved by the board. (Eff. 6/11/71, Register 38; am Eff. 10/73, Register 48)

Authority: AS 08.62.040(a)(1)&(2)
AS 08.62.040(b)

12 AAC 56.180. REGISTRATION OF OPERATORS. All shipowners, operators and agents of owners and operators whose vessels are subject to AS 08.62 must register with the board and keep the board advised of any changes of names and addresses. (Eff. 6/11/71, Register 38)

Authority: AS 08.62.040(a)(3)

12 AAC 56.190. DEFINITIONS. For the purposes of this chapter "pilotage waters" means all inside waters of Alaska except those described in section 110 of this chapter. (Eff. 6/11/71, Register 38)

Authority: AS 08.62.040(b)

PILOTAGE TARIFF AND CHARGES FOR SOUTHEASTERN ALASKA

EFFECTIVE: July 15, 1977

I. TARIFF AND CHARGES APPLICABLE TO ALL SHIPS EXCEPT PASSENGER VESSELS:

A. Basic Port Charge for Pilotage in or out of Port, each Entry or Departure Constituting a Separate Chargeable Event:

Port	Ships 3,000 Gross Tons and Over	Ships Under 3,000 Gross Tons
Ketchikan.....	\$423.50	\$264.00
Metlakatla.....	423.50	264.00
Klawock.....	517.00	264.00
Ward Cove.....	423.50	264.00
*Wrangell.....	462.00	264.00
*Shoemaker Bay.....	462.00	264.00
Petersburg.....	462.00	264.00
Duncan Canal.....	572.00	264.00
Sitka.....	423.50	264.00
Juneau.....	423.50	264.00
Juneau Oil Docks.....	495.00	264.00
Haines, Chilkoot.....	495.00	264.00
Lutak.....	495.00	264.00
Skagway.....	495.00	264.00
Skagway Ore Dock.....	572.00	264.00

*On movements between these ports, following an initial entry each entry or departure except the initial entry and the final departure will be at the rate of 423.50.

B. Charges for Restricted Passage Pilotage, Entry, Transit, and Departure from each Listed Area Constituting a Combined Single Chargeable Event:

Area	Ships 3,000 Gross Tons and Over	Ships Under 3,000 Gross Tons
Wrangell Narrows.....	\$121.00	\$121.00
Sergius Narrows.....	60.50	60.50
Whitestone Narrows.....	60.50	60.50

C. Unlisted Port and Restricted Passage Charges:

These charges to be negotiated according to risk and time.

D. Overtime:

If one pilot exceeds six hours continuous running time without a six-hour rest period, overtime shall be charged at the rate of \$28.60 per hour, or portion thereof. On runs anticipated to be over 8 hours duration, two pilots shall be required, and in addition to the basic port charge, 50% of such charge shall be paid.

E. Anchoring Charges:

1. Anchoring or laying to for loading cargo or discharging cargo shall be considered as a regular port charge, and all fees and tariffs shall be assessed the same as if the vessel has moored.

NOTE: PILOT BOAT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

PILOTAGE TARIFF-PASSENGER
Page 2

2. Anchoring, waiting for berth, or for weather shall be at the rate of \$137.50.

F. Other Charges:
 As apply under the terms of Section III.

II. TARIFF AND CHARGES APPLICABLE ONLY TO PASSENGER VESSELS:

A. Basic Port Charge for Pilotage in or out of Port, Each Entry or Departure Constituting a Separate Chargeable Event:

Port	Ships 3,000 Gross Tons and Over	Ships Under 3,000 Gross Tons
Ketchikan.....	\$423.50	\$264.00
Wrangell.....	462.00	264.00
Petersburg.....	462.00	264.00
Sitka.....	423.50	264.00
Juneau.....	423.50	264.00
Haines, Chilkoot.....	495.00	264.00
Haines, Lutak.....	495.00	264.00
Skagway, White Pass.....	495.00	264.00

B. Charges for Restricted Passage and Cruise Area Pilotage, Entry, Transit, and Departure for Each Listed Area Constituting a Combined Single Chargeable Event:

Area	Ships 3,000 Gross Tons and Over	Ships Under 3,000 Gross Tons
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Cruise Areas

Glacier Bay.....	\$1,210.00	\$445.50
Tracy Arm.....	605.00	418.00
Endicott Arm.....	605.00	418.00

Restricted Passages

Wrangell Narrows.....	121.00	121.00
Sergius Narrows.....	60.50	60.50
Whitestone Narrows.....	60.50	60.50

C. Unlisted Port, Restricted Passage and Scenic Cruise Areas:

To be negotiated according to risk and time.

D. Passenger Charges:

In addition to any charges otherwise applicable under Section II A and II B, passenger charges apply as follows:

The number of saleable passenger berths on board times the number of miles run in the inside waters Alaska (excluding miles run in scenic areas) times the mileage rate of 4.40 mills. The saleable passenger berths shall range from a minimum charge for 200 berths or a maximum charge for 1000 berths.

NOTE: PILOT BOAT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

E. Anchoring Charges:

1. Anchoring or laying to for loading passengers or discharging passengers shall be considered as a regular port charge and all fees and tariffs shall be assessed the same as if vessel moored.
2. Anchoring, waiting for a berth or for weather shall be at the rate of \$137.50.

F. Other Charges:

As apply under the terms of Section III.

VII. OTHER CHARGES APPLICABLE TO ALL VESSELS IN ADDITION TO ALL OTHER TARIFFS AND CHARGES:

A. Tonnage and Draft Charges:

1. Tonnage charges will be made on a tonnage unit system at the rate of \$1.28 per unit for all units in excess of 163 units in or out of a port or cruise area. These are separate event charges and are computed separately for each entry and each departure.
2. "Tonnage Units" shall be determined as expressed by the following formula:

$$\frac{\text{Overall Length} \times \text{Extreme Breadth} \times \text{Depth}}{10,000} = \text{Units}$$

3. Definitions:

"Overall Length" is the distance between the forward and after extremities of the vessel.

"Extreme Breadth" is the maximum breadth to the outside of the she's plating of the vessel.

"Depth" is the vertical distance of amidships from the top of the keel plate to the uppermost continuous deck fore and aft, and which extends to the sides of the vessel. The continuity of a deck shall not be considered to be affected by the existence of tonnage opening, engine space or a step in the deck.

All measurements shall be in feet and inches (U.S.).

4. All draft in excess of 32 feet will be charged at the rate of \$11.00 per foot or portion thereof, in or out of a port or cruise area. These are separate event charges and are computed separately for each entry and each departure.

B. Shifting Charges:

1. For a dock to dock commercial movement within an incorporated harbor, the charge will be one-half the regular port charges.

NOTE: PILOT BOAT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

2. Shifting of ship from dock to dock, dock to anchorage, anchorage to anchorage, or anchorage to dock for bunkering or other non-commercial reasons, within an incorporated harbor, will be \$165.00 per movement. A dock-to-dock shift constitutes two separate movements.
- C. Dead Ships and Stern First Dockings:
 Docking and undocking dead ships and stern-first dockings will be charged at a fifty percent increase over the regular pilotage fee.
- D. Emergency:
 In case of a dire emergency for safety of ship, crew, or passengers, there will be no pilotage charges except for transportation and subsistence.
- E. Transportation and Subsistence:
1. Vessels, owners, agents and/or charterers shall pay pilotage fees, pilots' travel expenses such as: plane and ferry fares, meals, lodging, cab fares, telegrams, telephone calls, and all other expenses pertaining to ship's business.
 - a. Meals shall be charged at the following rates:

Breakfast.....	\$ 5.00
Lunch.....	5.00
Dinner.....	10.00
 - b. Hotel rooms shall be charged at the rate of \$30.00 per day.
 2. When adequate meals and rooms are not furnished to the pilot when on ship, a charge will be made in accordance with the above rates.
- F. Travel Day, Detention Day, Standby Time and Cancellation Charges:
1. When due to weather and transportation difficulties, a pilot has to leave in advance to insure meeting a vessel upon arrival or departure, or being delayed by weather or transportation difficulties returning from an assignment, a charge of \$121.00 per day will be charged for each day a pilot is in transit or on standby. This does not include an actual work day.
 2. Detention time on board ship, when no other charges accrue during the day, will be at the rate of \$28.60 per hour per pilot, not to exceed \$121.00 per pilot in any one day. Pilots carried to sea will be the same rate for each day detained plus first class passage and subsistence back to Ketchikan.
 3. Cancellation charges will be \$137.50 plus transportation and subsistence.
 4. Travel, standby, and work days begin and end in midnight.

NOTE: PILOT BOAT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

G. Notice of Ship Arrival and Depa. ture:

1. When vessels, owners, or agents do not correct their ETA within four hours of ETA last given, compensation in the amount of \$28.60 per hour shall be charged until actual arrival of vessel at pilot station not to exceed \$121.00 for any one day.
2. When sailing time is set by agent, owner or master of a vessel, any delay over one hour shall be charged at the rate of \$28.60 per hour or portion thereof, not to exceed \$121.00 for any one day. If the pilot is detained for one hour or less, no detention will be charged. If the pilot is detained for more than one hour, detention for the first hour will be charged.

II. Vessel at Rest Charge:

When an agent, owner or master requests a pilot to stay on board a vessel on a continuous basis while the vessel is docked or anchored at a port or anchorage, the rate will be \$275.00 per day. Days begin and end at midnight.

NOTE: PILOT BOAT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

PILOTAGE TARIFF AND CHARGES FOR SOUTHWESTERN ALASKA

EFFECTIVE: January 1, 1975

Cook Inlet Pilotage Rates:

Following rates are one way only:

Homer to Port of Anchorage.....	\$ 680.00
Homer to Nikiski.....	510.00
Homer to Drift River.....	510.00
Homer to North Foreland/Point Possession.....	600.00
Anchorage to Drift River (North of Kalgin Island)	510.00
Anchorage to Drift River (South of Kalgin Island)	680.00
Anchorage to Nikiski.....	425.00
Nikiski to Drift River (North of Kalgin Island).	385.00
Nikiski to Drift River (South of Kalgin Island).	510.00
Homer to Kasitsna Bay.....	400.00
Homer Pilot Station to Homer.....	400.00

Other Alaska Ports:

Following rates are one way only:

Valdez.....	500.00
Corova.....	500.00
Whittier.....	500.00
Seward.....	500.00
Kodiak - (City Harbor).....	500.00
(Womens Bay).....	500.00
Cold Bay.....	650.00
Dutch Harbor.....	600.00
Adak.....	650.00

Charges for unlisted ports negotiated according to time and risk.
Minimum charge will be \$400.00

CHARGES ADDITIONAL TO PORT TARIFF

1. A tonnage surcharge of \$.02 (2 cents) per gross ton is made for all tonnage in excess of 14,000 gross tons. In all the preceding cases any gross tonnage in excess of 50,000 gross tons will be charged for at \$.01 (1 cent) per gross ton.
2. All rates remain the same whether piloting is to or from sea, or, to or from a pilot boarding or debarking point.
3. Standby/travel fee: When standing by to pilot, or traveling to or from distant pilot ports and not actually piloting, such time shall be charged for at a rate of \$150.00 per day or portion thereof.
4. Transportation and subsistence expenses incurred enroute to/ from/or while in standby status ashore or afloat shall be charged for as incurred.
5. Travel, standby, and work days begin and end at midnight. Each category occurring at any point within a midnight to midnight time period will be charged for according to the category involved.

NOTE: PILOT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

6. If one pilot exceeds eight hours continuous running time without a six hour rest period or presence of a relief pilot (i.e., a second pilot) while transiting compulsory pilotage waters, overtime shall be charged for at the rate of \$40.00 per hour or portion thereof.
7. Shifting of ship from dock to harbor or harbor anchorage; from harbor or harbor anchorage to dock; from anchorage within a harbor to another anchorage within the same harbor will be charged for at \$200.00 per each movement. A dock to dock shift comprises two movements and will be charged for accordingly.
8. On each occasion of hauling ship alongside a dock or mooring to position tanks, holds, manifolds, loading arms, towers, or hoses comprises a single movement and will be charged for accordingly at \$100.00 per movement.
9. Movement of a ship in the absence of availability of the ship's own propulsion system even though assisted by tugboats will be charged for at twice the prevailing rate for each evolution engaged.
10. Docking/Undocking vessels over 2,000 gross tons without the use of a tugboat, if a tugboat is available, at Anchorage, Seward, Whittier, Valdez, Cordova, Kodiak, will be charged for at the rate of \$250.00 per movement. It will remain pilot's option whether or not to proceed without use of a tug.
11. Carried to sea detention on board will be charged for at \$150.00 per day. If disembarked at a position other than the base station from which dispatched, first class return passage will be charged.
12. Off duty detention on board, intentional or otherwise, or off duty standby on board at the request of the Master will be charged for at the rate of \$250.00 per day.
13. Bridge watch time rendered while ship is anchored or moored will be charged for at the rate of \$40.00 per hour or portion thereof.
14. Bridge watch time rendered underway at the Master's request not otherwise provided for under the tariff will be charged for at \$40.00 per hour or portion thereof.
15. Pilots will furnish VHF transceivers for vessels not so equipped and in working order such that compliance will be made with the provisions of the Vessel Bridge-to-Bridge Radiotelephone Act when it becomes law. The charge for the use of this equipment will be charged for at the rate of \$10.00 per day or portion thereof.
16. The rate for a Second Pilot, when used, will be charged for at the rate of 50% of the rate for the first pilot (all applicable charges to apply).
17. Mooringmaster - Services and rates are negotiable on application.

NOTE: PILOT BOAT CHARGES ARE NOT INCLUDED IN PILOTAGE TARIFF.

February 1, 1977

LICENSED ALASKA MARINE PILOTS

BRASTAD, Earling P.
10505 15th N.W.
Seattle, Washington 98177
License #0036 - Unlimited
Southeastern Alaska
Prince William Sound
excluding West Coast

BUCKLER, Franklin W.
P.O. Box 1395
Tacoma, Washington 98401
License #0013 - Unlimited
Southeastern Alaska
Southwestern Alaska
Western Alaska

BULLARD, William L.
P.O. Box 472
Orleans, Massachusetts 02753
License #0057 - Unlimited
Southeastern Alaska
excluding West Coast

CLARK, John E.
P.O. Box 6100
Ketchikan, Alaska 99901
License #0031 - Unlimited
Southeastern Alaska
Southwestern Alaska

CLOUGH, Harley A.
Box 1171
Juneau, Alaska 99802
License #0035 - Unlimited
Southeastern Alaska

COLLAR, Oliver K.
2013 Churchill Drive
Anchorage, Alaska 99503
License #0010 - Unlimited
Southwestern Alaska

CREASEY, E.W.
P.O. Box 6583
Ketchikan, Alaska 99901
License #0042 - Unlimited
Southeastern Alaska

CUNNINGHAM, John T.
P.O. Box 468
Homer, Alaska 99603
License #0041 - Unlimited
Southwestern Alaska

EISENSOHN, Harold K.
Box 1539
Ketchikan, Alaska 99901
License #0050 - Unlimited
Southeastern Alaska
West Coast Alaska

FALCONER, Charles P.
4650 Blank Road
Sebastopol, California 95472
License #0007 - Unlimited
Southeastern Alaska
Southwestern Alaska

HODGMAN, James A.
Box 6100
Ketchikan, Alaska 99901
License #0049 - Unlimited
Southeastern Alaska
West Coast of Alaska

HOFSTAD, Richard T.
3.6 Mile Mitkof Highway
Petersburg, Alaska 99833
License #0043 - Unlimited
Southeastern Alaska
Southwestern Alaska

HOPKINS, Jack W.
Box 163
Seldovia, Alaska 99663
License #0053 - Unlimited
Prince William Sound
Resurrection Bay
Cook Inlet
Kachemak Bay
Kodiak Island

HURD, James M.
P.O. Box 678
Homer, Alaska 99603
License #0047 - Unlimited
Cook Inlet
Resurrection Bay
Kodiak Harbor
excluding Womens Bay

JACKINSKY, Walter R.
P.O. Box 617
Juneau, Alaska 99801
License #0029 - Unlimited
Southeastern Alaska

JOHNSON, Robert C.
4111 S.W. Frontenac
Seattle, Washington 98136
License #0037 - Unlimited
Southeastern Alaska
Cape Hinchbrooke to
Whittier

JOHNSON, Robert M.
605 Tower Road
Ketchikan, Alaska 99901
License #0027 - Unlimited
Southeastern Alaska

JOHNSON, William L.
P.O. Box 273
Homer, Alaska 99603
License #0002 - Unlimited
Southeastern Alaska
Southwestern Alaska

JORGENSEN, Anker F.
50 Porto Bello Drive
San Rafael, California 94901
License #0032 - Unlimited
Southeastern Alaska
Southwestern Alaska

KING, Stanley B.
3242 S.W. 325 Street
Federal Way, Washington 98003
License #0016 - Unlimited
Southwestern Alaska
Southeastern Alaska

MARONI, Jack E.
P.O. Box 75
Haines, Alaska 99827
License #0006 - Unlimited
Southeastern Alaska
Yakutat Bay

MITCHELL, William W.
1304 Millar Street
Ketchikan, Alaska 99901
License #0055 - Unlimited
Southeastern Alaska
excluding West Coast

MURPHY, William E.
P.O. Box 597
Homer, Alaska 99603
License #0051 - Unlimited
Cook Inlet
Prince William Sound
Resurrection Bay
Kodiak Harbor

McREYNOLDS, George E.
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License #0033 - Unlimited
Southeastern Alaska

OLDOW, Donald J.
Box 977
Homer, Alaska 99603
License #0012 - Unlimited
Southeast Alaska
Southwest Alaska
Western Alaska

PEDERSON, Theodore
Bear Cove Box 113
Homer, Alaska 99603
License #0040 -
2,000 Gross Tons
Southwestern Alaska

PAYNE, Harold
P.O. Box 70
Freeland, Washington 98249
License #0014 - Unlimited
Southeastern Alaska

REESER, Maynard L.
Box 492
Petersburg, Alaska 99833
License #0017 - Unlimited
Southeastern Alaska

RICHARDS, Eugene W.
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Ketchikan, Alaska 99901
License #0039 - Unlimited
Southeastern Alaska

ROBINSON, Gerard B.
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License #0052 - Unlimited
Cook Inlet

ROSENQUEST, Bill R.
19353 2nd Avenue N.W.
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Southwestern Alaska

SHELTON, William M.
175 Lucan Park Drive
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Southwestern Alaska

SMITH, Robert W.
P.O. Box 542
Juneau, Alaska 99801
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Southeastern Alaska

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Southeastern Alaska

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18924 88th West
Edmonds, Washington 98020
License #0044 - Unlimited
Southwestern Alaska
Southeastern Alaska
excluding West Coast

SWETT, Roger W.
453 Klickitat Drive
Lake Conner, Washington 98257
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Southeastern Alaska
Southwestern Alaska

10 Jackson Street
Ketchikan, Alaska 99901
License #0392 - Unlimited
Southeastern Alaska
Southwestern Alaska

THORNTON, Donald A.
801 4th Ave. Apt. 928
Seattle, Washington 98108
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Southeastern Alaska
Southwestern Alaska

TINGLEY, William A.
P.O. Box 1237
Homer, Alaska 99603
License #0003 - Unlimited
Southeastern Alaska
Southwestern Alaska

WEBB, John Martin
1617 15th Place S.W.
Edmonds, Washington 98020
License #0056 - Unlimited
Southeastern Alaska

WANKER, William E.
P.O. Box 6150
Ketchikan, Alaska 99901
License #0046 - Unlimited
Southeastern Alaska
West Coast Alaska

WYATT, Vernon H.
Gear Route Box 168
Hess, Washington 98345
License #0039 - Unlimited
Southeastern Alaska

WYMAN,
Douglas, Alaska 99801
License #0000 - Unlimited
Southeastern Alaska