

ALASKA LEGISLATURE COMMITTEE FILES 1900-1900 00/2

4180 SLAB SB 204 - SB 214 1066

## CONCLUSIONS

### General

The Study Committee believes that the basic concept of GSA's A-E selection process is a good one. There is a great deal of interest in and competition for GSA work among the design professionals. Well qualified architects and engineers are selected for GSA projects. Firms without previous Government experience have a fair opportunity to obtain GSA contracts.<sup>25</sup>

The Committee is of the opinion that several modifications in GSA's procedures should be made which would improve the selection process consistent with the public interest. These improvements are particularly necessary in light of the need to maintain public confidence in the A-E procurement process.

# Memo

Newsletter of The American Institute of Architects #682 January 23, 1985

## Convention '85 Will Show How To Integrate Design Trends Into 'Value Architecture'

How can architects apply the newest design techniques to create quality facilities for the elderly, energy-efficient "smart" new buildings, space-efficient interiors and other projects that produce profits for their clients and themselves?

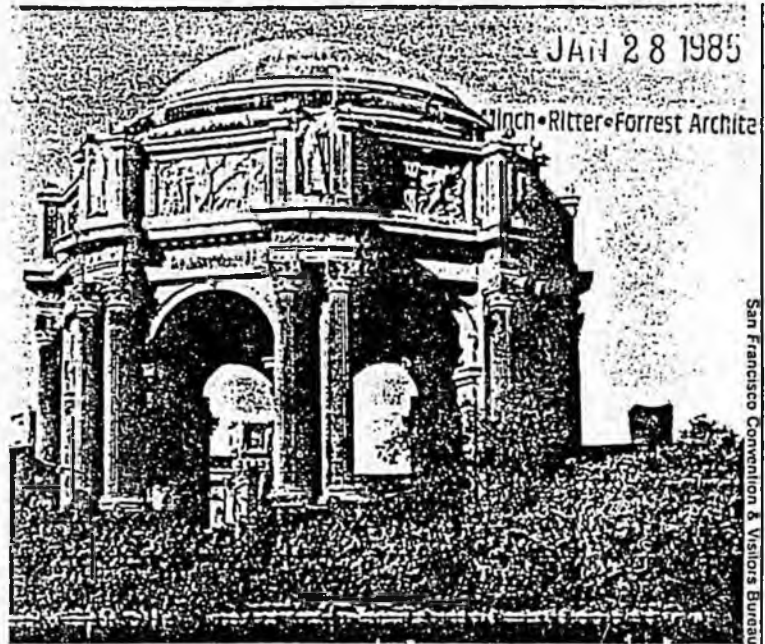
The 1985 AIA National Convention in San Francisco, June 9-12, will feature 10 information-packed hours of special design programs to help architects integrate new techniques into the various facets of "value architecture."

The "Value Architecture" convention's four professional interest programs, covering design for aging, research and design, interior design and the 1985 AIA design awards, will complement a wide range of professional development seminars, small-group consultations and theme programs. (See Memos #680 and #681.)

The workshop on "Design for Aging" will review the special needs, information sources and design guidelines available for all environments—from independent living communities to health, recreational, cultural and extended-nursing-care facilities—for the fastest growing segment of America's population.

This comprehensive program will be led by former AIA Board member Samuel A. (Pete) Anderson III of Richmond and Martin H. Cohen, FAIA, New York City.

Another in-depth program will present highlights of the Institute's "Research and Design '85"



San Francisco's Palace of Fine Arts (1915) by Bernard Maybeck

conference to be held this March in Los Angeles, where architects are expected to explore state-of-the-art findings from architectural research and technology.

This workshop will emphasize the application of new design and management tools—especially computers—to energy-conscious design, life safety and codes, building redesign, design of specialized facilities and environmental needs.

Moderated by Earle W. Kennett of the AIA Foundation's research department, the research and design program will feature selected papers from the March conference.

Interior design's value as a project-enhancing service to clients will be addressed in the "Designing Value Interiors" workshop. Participants will examine how interior design has emerged as one of the fastest-growing dimensions of the design profession and how it can become one of the most profitable services of architecture firms.

The interior design workshop will be led by Michael Brill, president of the Buffalo Organization for Social and Technological Innovation.

The final design program will include a series of panel discussions of AIA Honor Award-winning projects for 1985—from perspectives of both the architect and the client. Panelists will discuss how quality design adds "value"—monetary and otherwise—to an architectural project.

Essex (Conn.) architect Mark Simon will moderate these discussions.

"This year's design programs offer a unique and valuable opportunity for architects to learn more about design excellence and the tools for creating it," explained 1985 convention chairman Joseph Monticciolo, FAIA.

## Qualifications Or Price: How Should States Select A/Es for Public Projects?

Which is more cost-effective for state governments: Selecting architects and engineers primarily on the basis of qualifications or on the basis of their fees?

This question is the focus of a recent AIA study comparing the experience of Maryland, which selects architects and engineers on the basis of price and other qualifications, and Florida, which emphasizes technical qualifications in the selection system.

The AIA-supported "Brooks Act" approach to granting public building contracts, specifying that A/Es be selected on their qualifications subject to negotiation of fair and reasonable compensation, is used by most localities; the federal government and the majority of state governments, including Florida.

Maryland, however, has advocated its selection process as more cost-effective than the traditional "Brooks Act" approach, thus prompting the AIA to include Maryland in the study.

Florida was selected for comparison because, until price enters the process, its A/E selection is similar to Maryland's.

The study concludes that Maryland's A/E selection process "is significantly more time-consuming and expensive than Florida's," according to AIA Board member David E. Lawson, chairman of the AIA A/E Selection Consulting Group.

In Maryland, total costs of the A/E portion of the capital construction process average 13 percent of estimated construction costs; but in Florida they average only 6.8 percent. While A/E fees

San Francisco Convention & Visitors Bureau



are lower in Maryland than in Florida, "the added costs of the Maryland process far outweigh the savings in A/E fees," reports the study.

These added costs are in part the result of a larger administrative staff and budget necessary for preparing detailed programs on which architects and engineers can submit price proposals. These program descriptions also take additional preparation and review time, resulting in costly delays.

While Maryland requires the consideration of both price and technical competence when awarding contracts, the study finds that price is becoming the dominant factor in the system.

Of the last 40 projects awarded by the Maryland Department of General Services prior to June 1983, 33 (83 percent) went to the firms with the lowest price proposals.

Although both state governments are pleased with their A/E selection procedures and the quality of the buildings that result, A/E's in Maryland are resentful of its system.

"Most A/E's who design state projects in Maryland dislike the system, which they feel rewards them inadequately," reports the study.

The Maryland system, which requires competing firms to submit elaborate technical proposals accompanied by fixed prices, results in extraordinary costs to firms that compete but are not awarded contracts. These costs are eventually passed on to consumers of A/E services, according to the study.

Contact: Nancy Somerville, AIA government affairs, (202) 626-7386.

## New AIA/SC Specifications For High-Tech Buildings Can Ease Design Problems

To help architects adapt to rapidly changing construction technology, the AIA Service Corporation is expanding its MASTER-SPEC system by developing specifications for a new generation of highly automated buildings.

Specifications for these so-called "intelligent" buildings are designed to alleviate problems for design professionals who have limited experience working with high-technology construction systems.

Entering the marketplace in the wake of the AT&T divestiture and the explosion of computer technology, "intelligent" systems use a network of sensors to determine a building's environment, and computers and microcomputers to adjust building controls to ever-changing conditions.

MASTERSPEC will now emphasize transmission media, telecommunications systems, lighting, building controls, signaling, energy-management systems and building automation.

Specifically, new building construction technologies for transmitting audio, video and data signals may significantly affect architectural designs.

These signals, generally transmitted through electronic cables, can now be sent with fiber optics—a much smaller medium. Use of fiber optics can dramatically alter the amount and type of space necessary to accommodate transmission equipment in new buildings.

Contact: William Aird, AIA/SC, (202) 626-7371.

## 6 'Energy in Architecture' Workshops Are Scheduled for Early 1985

Architects can continue to sharpen their knowledge and skills in energy-conscious design by taking advantage of the Institute's comprehensive "Energy in Architecture" workshops this year.

The schedule for this winter and spring:

—"Microcomputer-Based Energy Analysis" (level 4a), Feb. 28, Moraine Valley Community College, Argonne, Ill.;

—"Energy in Design: Techniques" (level 2), Feb. 28–March 1, AIA Building, Washington, D.C.;

—"Energy-Conscious Redesign" (level 3c), March 21–22, Kona Kai Club, San Diego;

—"Energy in Design: Process" (level 3a), March 28–29, AIA Building, Washington, D.C.;

—"Microcomputer" (4a), April 15, San Diego;

—"Redesign" (3c), April 25–26, AIA Building, Washington, D.C.

Registration fees will remain the same for AIA members in 1985 but will increase for non-members.

Contact: Brenda Henderson, AIA professional development, (202) 626-7353.

## Design Firm Management To Be Examined at D.C. Conference, March 13–15

Management techniques and specifying strategies to prepare design professionals for 21st-century challenges will be explored at the first Consulting Engineers Exposition and Management Conference, March 13–15, at the Washington (D.C.) Convention Center.

The comprehensive conference, cosponsored by ACEC and Consulting Engineer magazine, will identify new markets for design firms and examine how firms should be structured to tap these markets.

More than 2,500 design professionals from across the nation are expected to attend the conference, which will feature 60 management sessions, over 75 technical seminars and an extensive exposition showcasing companies that offer products and services for design professionals.

Carrying the theme "On Track to the 21st Century . . . Trends, Traps and Targets," the three-day conference will offer a four-track program with seminars on management development, vendor/specifier relations, trends in engineering practice and methodologies for internal practice.

General session speakers will include Marvin Cetron, the futurist who addressed the 1984 AIA National Convention; Lee Iacocca, chairman of Chrysler's board; Paul Goldberger, New York Times architecture critic; Abel Wolman, educator and author of *The Livable City*, and Samuel C. Florman, a construction company executive. Contact: Linda Oswald, Slack Inc., (609) 848-2147.

## What selection process works best?

Public agencies have two primary objectives in selecting design professionals: first, to see that the taxpayers get the best available design services for their money, and second, to insure that the selection process is carried out fairly and that all interested and qualified professional firms receive consideration for agency work.

To make sure these objectives are met, the federal government, many states,<sup>1</sup> and some municipalities have enacted laws governing the procurement of architect/engineer (A/E) services. While these laws differ in their specifics, most provide for the following elements:

Announcement of the proposed project should be made either in an official government publication or in the general press. Announcements typically include an indication of the type of project to be designed; the scope of services required; budget and time constraints; evaluation criteria; the form in which statements of interest and qualifications are to be submitted, and the submittal deadline.

Submittals made by interested firms are the second step in the process. To simplify the task of comparing the relative qualifications and experience of various firms, many agencies have adopted the use of standard forms for A/Es to provide this information. Some have adapted the U.S. General Services Administration's standard forms SF 254 and 255, used by federal government agencies.

SF 254, which is generally updated annually by firms interested in government work and kept on file by the agencies, provides an overall profile of the firm's size, experience, volume of business and area of specialization, if any.

SF 255, which is submitted in response to the announcement of a specific project, deals with the firm's experience with projects of similar type and scope, and with the special expertise of personnel who would be assigned to the project.<sup>2</sup> Firms also may be required by the agency to provide additional detailed information in specific response to the request for proposal.

Evaluation of submittals is the third step in the selection process. Evaluation criteria<sup>3</sup> generally include relevant experience and expertise; performance on previous projects; experience of consultant team and staff; availability of key personnel, and current and projected workloads that would affect the firm's ability to perform the required work on schedule.

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The purpose of this preliminary evaluation is to select a manageable number of firms for personal interviews. The number of firms to be interviewed depends in part on the size, scope and complexity of the project, and also on the time available to complete the selection process.

Great care should be taken to insure the ability of prescreening panels to select the best firms to be interviewed for specific projects. The final selection can be only as good as the original screening.

Inquiries to previous clients can help determine a firm's ability to perform with regard to budget, schedule and adherence to program requirements. It should be kept in mind that outside factors—many of them not within the design professional's control—can affect the outcome of an individual project. By talking to a number of former clients, it is possible to assess overall performance. If a majority report general satisfaction, the firm should not be rejected on the basis of, for example, one slipped schedule.

Since each firm should be given enough time—up to an hour or more—to present its qualifications, and since interviews may represent a considerable investment in travel and/or the loss of billable time for the firm's personnel, only those that appear qualified to take on the project should be interviewed. (Prescreening to limit the number of interviews is clearly to the advantage of the agency as well.)

Firms invited to interview should be given as much information as possible about project scope, the size and makeup of the interviewing panel, division of time between formal presentation and question/answer period, etc.

Interviews are conducted after the evaluation process has identified a number of firms with the appropriate experience and qualifications for the project. The interviews provide an opportunity to compare the design philosophies, approaches to the design process and interpretations of the specific program. They also allow for the comparison of the personal styles of each firm's managers and key personnel—an important consideration, since the firm selected will be closely associated with the agency's staff over a period of months or years.

For that reason, agencies frequently request that key personnel who would actually be assigned to the project appear at the interview.

Firms with complementary experience and qualifications sometimes join together in joint venture to seek a specific project. In such a situation, the interviewers should be prepared to determine the proposed division of responsibilities between the joint-venture firms, to insure that all the needed expertise will be available and that all required services will be performed.

For an unusually large or complex project, two rounds of interviews are sometimes held, with three to five of the first round firms asked to return for a second interview.

Ranking of the top firms to identify the best qualified firm is the fifth step. Ranking criteria might include such items as design ability and philosophy, experience, demonstrated interest in the project, understanding of unique requirements of a public project, relevance of previous projects presented during the interview, availability of key personnel, schedule and budget performance on previous projects, etc.

Selection of the top-ranked firm is then made. Discussions with the firm follow to determine its ability to perform the necessary work, on time, within budget and at the expected level of quality.

Negotiation of the architect's compensation normally completes the procurement process. Some jurisdictions may mandate the method of compensation (as a percentage of construction cost, cost-plus-fixed-fee, lump sum or some other formula). However, it is important to understand that design professionals base their compensation on their direct and indirect costs of providing services, plus a normal profit margin. Thus, if the compensation asked by the top-ranked firm is higher than the amount the agency can or will pay, it might be reasonable to review the scope of services to determine whether all the services requested are in fact necessary, and whether any of the required services can be provided by the agency itself or some other entity apart from the design firm. (For more on the subject, see "Your Architect's Compensation," N902, Publications Fulfillment, The AIA, 1735 New York Ave., N.W., Washington, D.C. 20006-5292. (202) 626-7475.)

If agreement on the scope of services and compensation cannot be reached, negotiations with the first-ranked firm are formally terminated, and the agency enters into negotiations with the firm that was ranked second.

Notification of unsuccessful firms should be made as soon as negotiations with the successful firm are complete. Unsuccessful firms frequently request a "debriefing" meeting with agency representatives, in an effort to learn why they were not selected. This debriefing, if requested, is a courtesy that should be granted, at least to the contenders in the final round of interviews. A candid debriefing can be useful to the agency as well as to the "also-ran" firms, since it provides an opportunity to educate the firm about the agency's goals and standards in selecting design professionals, and thus helps upgrade the quality of submittals for future projects.

The procedure outlined above is typical of the selection methods that have been adopted by many government agencies and local jurisdictions. If your agency is interested in developing a formal procedure, the local chapter or state component of The American Institute of Architects can offer valuable advice and counsel.

One special type of selection process—the *design competition*—is much more commonly used for public than for private projects (although it is sometimes used by clients in the private sector when the project is of unusual scope and high public visibility, such as a corporate headquarters). In an *open competition*, a complete building program, specific as to site, function and other constraints, is made available to all interested design firms, who then develop a proposed design solution, with drawings and other documentation, for submittal to the competition's sponsors. The same rules apply to *limited competitions* which restrict eligibility to compete, usually by geographic means such as those licensed to practice in a particular state.

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A third type of architectural competition is the *invited competition* in which the competing firms are chosen by the sponsor and compensated for their expenses. Most competitions are run in one design phase, but large projects may suggest the holding of a *two-stage competition*, in which firms surviving a first-round evaluation are asked to develop further their design solutions for a second round of judging. For those interested in more information about design competitions, the AIA's "Handbook of Architectural Design Competitions" (J500) is a useful reference.

Design competitions can serve a number of worthy purposes, including the advancement of talented designers who might not otherwise get a chance to compete for major work. However, there are a number of reasons why the method is not suitable for every project.

*Competitions are generally more expensive than other selection methods.* Expenses include the preparation of a more-than-usually complete program statement. A professional adviser should be retained to administer the competition. The adviser is generally a well-known and highly esteemed professional and is compensated accordingly. The expenses of convening a jury must be considered. And finally, in invited competitions and the second stage of two-stage competitions, the unsuccessful competitors are compensated for the time and effort expended in developing a comprehensive design solution.

*Competitions generally take more time than other selection methods, for obvious reasons.*

Finally, there is the chance that *even though a winning design may be selected, it may require modification* before it can be built—which again involves more time and greater cost. This is because design competitions often lead to the selection of a designer rather than a specific design solution. Once selection is made in this manner, the architect can then work closely with the client to develop the design concept into a final design, meeting the detailed needs and budget of the client.

Competitions have traditionally produced some of the world's most monumental architecture—capitol buildings, opera houses and concert halls, memorials, etc. However, they have been held to produce designs for all types of projects such as urban planning, neighborhood renovation, or the adaptive re-use of historic buildings. When they are held, competitions generally attract considerable public interest.

## Why not contract for architectural services on a competitive-bid basis?

Agency representatives who are experienced in the procurement of commodities are used to taking competitive bids from vendors, selecting contractors and awarding contracts on the basis of price. They may wonder why the bidding process is seldom used to procure professional design services.

There are good reasons why the federal government, and many states, have formalized their A/E procurement procedures with laws that specifically exclude A/E procurement from competitive bidding requirements.

Public-sector building projects involve public health and safety considerations. The agency that builds a facility is responsible to the taxpayers for obtaining the best project possible. To insure that the public interest is being properly served, the designers selected should be talented in both design and management.

The successful purchase of goods or services on a competitive-bid basis depends on the ability to provide the would-be supplier with a very complete set of specifications as to what is required.

At the start of an architectural project, the exact nature and scope of services can rarely be defined, since much depends on the type of project, the capabilities within the agency itself, and how much groundwork has already been done.

Also, professional design services involve many intangibles such as technical knowledge, esthetic judgment and decision-making skills that are difficult to compare on an "apples and apples" basis.

The American Bar Association (ABA), in developing a model procurement code for state and local governments,<sup>4</sup> recognized the unique character of professional design services. Article 5 of the code deals specifically with procurement of construction, architect-engineer and land surveying services. In a commentary on Article 5, the ABA stated, "The principal reasons supporting this selection procedure (i.e., selection based on qualifications and negotiation rather than on low bid) . . . are the lack of a definitive scope of work . . . and the importance of selecting the best qualified firm."

One purpose for competitively bidding goods and services is to keep the selection process free from political influences. But bidding isn't the only way to avoid political problems: Alternative procedures such as open records and the public announcement of projects can effectively keep the selection process out of the political arena, while still obtaining the best available design talent.

Procurement of design services on the basis of their costs can also be extremely shortsighted. Most agencies have begun to calculate the cost of their physical facilities on a life-cycle basis; that is, initial construction cost plus operating cost over the building's anticipated useful life.

A recent article in *Dun's Review* calculates the initial cost of a building with a 40-year life as one-seventh of its life-cycle cost, with the remaining six-sevenths representing maintenance and operation costs.

With professional fees that come to only a small percentage of construction cost, it is easy to see that they represent a much smaller proportion of life-cycle cost. Yet a particular type of expertise on the part of the architect—in energy-efficient design, for example—can have a dramatic effect on maintenance and operating costs, year after year.

Clients should also consider that the bidding process is time consuming, and that time spent in preparing bidding documents, holding prebid conferences, etc., can be extremely costly, given the constant escalation in material and labor costs characteristic of an inflationary economy.

Architects do not oppose competition. In fact, the architectural profession is extremely competitive, and competition is a healthy and desirable factor for architects in marketing their services. But they realize that to serve the needs of their clients and the users of the buildings they design, they must compete on the basis of their skills, experience and ability to perform the services required—not on the illusory "economy" that a low-bid may seem to provide.

<sup>1</sup>Appendix A contains the text of Public Law 92-582, the Architect/Engineer Selection Act passed by the U.S. Congress in 1972. Representative state laws, in effect in California and Minnesota, are set out in Appendix B.

<sup>2</sup>Copies of SF 254 and 255 may be obtained by writing to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 or calling (202) 763-3238. Cost for SF 254 25 copies/\$7.50, SF 255 20 copies/\$8. Enclose payment with order. Visa and MasterCard charges accepted.

<sup>3</sup>Appendix C contains a representative project announcement from the state of California to illustrate typical evaluation criteria and other architect-selection procedures.

<sup>4</sup>Appendix D contains the text of section 5-501 Architect-Engineer and Land Surveying Services of the American Bar Association, Model Procurement Code for State and Local Governments.

Introduced: 3/1/85  
Referred: Community & Regional  
Affairs and Finance

1 IN THE SENATE

BY STURGULEWSKI AND RODEY

2

SENATE BILL NO. 204

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to contracts for architectural,  
7 engineering, and land surveying services; and provid-  
8 ing for an effective date."

9

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10

\* Section 1. AS 36.98 is amended by adding a new section to read:

11

Sec. 36.98.043. ARCHITECTURAL, ENGINEERING, AND LAND SURVEYING

12

CONTRACTS. (a) Notwithstanding the provisions of AS 36.98.010(3) and  
13 36.98.040, a state agency shall negotiate a contract with the most  
14 qualified and suitable firm or person of demonstrated competence for  
15 architectural, engineering, or land surveying services. The state  
16 agency shall award a contract for those services at fair and  
17 reasonable compensation as determined by the state agency, after  
18 consideration of the estimated value of the services to be rendered,  
19 and the scope, complexity, and professional nature of the services.

20

(b) If negotiations with the most qualified and suitable firm or  
21 person under (a) of this section are not successful, the state agency  
22 shall negotiate a contract with other qualified persons or firms of  
23 demonstrated competence, in order of public ranking. The state agency  
24 may reject all or part of a proposal.

25

(c) This section does not apply to contracts awarded in a situa-  
26 tion of public necessity if the person responsible for execution of  
27 the contract on behalf of the state agency certifies in writing that a  
28 situation of public necessity exists.

29

(d) In this section "state agency" has the meaning given in



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith  
Signature of Camera Operator

11/24/89  
Date

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STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: SB 214  
 Title: An Act exempting fish processing vessels from the provisions of AS 08.62.  
 Sponsor: Senator Zahroff  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Commerce & Economic Dev.  
 Program Category Affected: Consumer Protection  
 BR1, Program or Subprogram(s) Affected: \_\_\_\_\_  
Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	0-

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Jennifer Strickler, Management Analyst Phone: 465-2144  
 Division: Occupational Licensing Date: 3-8-85  
 Approved by Commissioner: Loren H. Lounsbury Date: 3/13/85  
 Agency: Commerce & Economic Development

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

Introduced: 3/6/85  
Referred: Labor & Commerce  
& Resources

1 IN THE SENATE

BY ZHAROFF

2

SENATE BILL NO. 214

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act exempting fish processing vessels from the  
7 provisions of AS 08.62; and providing for an effec-  
8 tive date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 08.62.180 is amended to read:

11 Sec. 08.62.180. EXEMPTIONS. This chapter does not apply to

12 (1) vessels under enrollment, except as provided in AS 08.-  
13 62.185;

14 (2) fishing vessels registered in the United States or in  
15 British Columbia, Canada;

16 (3) motorboats as defined in sec. 1 of the federal Motor  
17 Boat Act of 1940 (54 Stat. 163; 46 U.S.C., sec. 526 et seq.);

18 (4) vessels of United States registry of less than 300  
19 gross tons and tow boats of United States registry and vessels owned  
20 by the State of Alaska, engaged exclusively

21 (A) on the rivers of Alaska, or

22 (B) in the coastwise trade on the west coast of the  
23 United States including Alaska, Hawaii, and British Columbia,  
24 Canada;

25 (5) vessels of Canada, including Canadian cruise ships,  
26 engaged in frequent trade between British Columbia and Alaska, if  
27 reciprocal exemptions are granted by Canada to vessels owned by the  
28 State of Alaska and those of United States registry; [AND]

29 (6) pleasure craft; and

1                   (7) fish processing vessels, except when navigating in  
2                   ports and harbors as defined in regulations adopted by the board.

3           \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
4 10.070(c).

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 license, two members of the board constitute a quorum.

(b) For the purpose of board meetings, hearings, and conducting all other board business, except examinations, a majority of the board constitutes a quorum. (Eff. 6/11/71, Reg. 38; am 6/1/72, Reg. 42; am 4/15/81, Reg. 78)

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 chairman. 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, Reg. 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

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

(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 12 AAC 56.070;

(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's 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 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; or

(B) have executed under the direct supervision of a pilot holding an unlimited pilot's 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; and

(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, Reg. 38; am 6/1/72, Reg. 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.

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

- (1) pay the required fee; and
- (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; and
- (3) submit a full-sized, certified reproduction of a valid United States Coast Guard license for master; and
- (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 12 AAC 56.070(b) and (c); and

(5) 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

(6) be at least 25 years of age; and

(7) submit evidence satisfactory to the board of

(A) having had a minimum of one year as a master or pilot of a vessel in the waters for which applying, and of having 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; or

(B) having 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 or steam or motor vessels of 500 gross tons or better including tow boat or freighting vessels, but excluding fishing vessels; and

(8) submit certification that all dockings and undockings required under (7) of this subsection have been made within two years before the date of application and that no more than five of the required dockings and five of the required undockings were under the direct supervision of the same supervisory pilot.

(c) Repealed 4/15/81. (Eff. 6/11/71, Reg. 38; am 6/1/72, Reg. 42; am 4/15/81, Reg. 78)

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 docking 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. An applicant shall

(1) pay the required fee; and

(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; and

*147* ~~CHANGED~~ (3) submit a full sized, certified reproduction of a valid United States Coast Guard license for master of steam or motor vessel of 100 gross tons or better including tow boat or freighting vessels, but excluding fishing vessels; and

(4) have practical knowledge of the navigation of vessels and of the conditions of navigation in the water for which he is applying, which will be determined by oral and written examination before the board from topics listed in 12 AAC 56.070(b) and (c); and

(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, Reg. 38; am 6/1/72, Reg. 42; am 6/19/74, Reg. 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; and

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

(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 12 AAC 56.070, 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.

(c) An applicant for an extension of route may receive a temporary permit by appearing before two board members and taking a written and oral examination for the requested area. If the applicant passes the examination, a temporary extension of route permit will be issued which will remain in effect until the next scheduled meeting of the board when the application will be reviewed for permanent licensure. The applicant need not appear at the scheduled meeting. If permanent licensure is approved, the area will be added to the license; if it is disapproved, the temporary permit is void as of the date of disapproval. (Eff. 6/11/71, Reg. 38; am 6/1/72, Reg. 42; am 6/19/74, Reg. 50; am 6/30/78, Reg. 66)

Authority: AS 08.62.040(a)(2)

12 AAC 56.070. EXAMINATIONS. (a) The examination required by 12 AAC 56.030, 12 AAC 56.040 and 12 AAC 56.050 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) An applicant must pass the written portion of the examination with a score of at least 75 percent in each topic with the exception of (1) of this subsection, international rules which must be passed with a score of at least 90 percent. The written examination may consist of, but not be limited to, the following topics:

(1) international rules;

(2) aids to navigation;

(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 a 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.

(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 12 AAC 56.030, 12 AAC 56.040 and 12 AAC 56.050 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

(3) rules of the road. (Eff. 6/11/71, Reg. 38; am 6/1/72, Reg. 42; am 6/19/74, Reg. 50; am 11/14/80, Reg. 76)

Authority: AS 08.62.040(a)(2) and (b)

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 \$300.

(b) In addition, a licensee

*1) Expenses of endorsement on existing license*  
*(2) original license*  
*1/3 yrs comm. term*



Official Business

# Alaska State Legislature

## Senate

### Committee on Labor & Commerce

Pouch V  
State Capitol  
Juneau, Alaska 99811

SB 214: Sectional Analysis

Section 1) Adds "fish processing vessels" to the list of exemptions AS 08.62 (Marine Pilots). Specifically, fish processing vessels would not have to employ a marine pilot when navigating the inside coastal waters of Alaska, "except when navigating in ports and harbors as defined in regulations adopted by the board". "Board" means the Board of Marine Pilots.

Section 2) Immediate effective date;

Summary of the need for this legislation:

Passage of this bill will eliminate an unnecessary, expensive, and time consuming impediment to the efficient movement of floating processors. To undertake a joint venture fishery operation, frequent fleet movements are imperative. These movements are particularly critical in terms of time and money because there are no pilots located in the Kodiak and westward areas where most fish processing vessels operate. During the 82-83 season, fees varying from \$2,000 to \$12,000 were paid to pilots for each processing vessel movement within our inside coastal waters. Due to the high cost, some ships were moved only 4 times during the entire season, and often it required 2 to 3 days to obtain a pilot once the decision to move was made.

This bill will alleviate the high cash outlay and unproductive time lag waiting for pilots, as well as stimulate the struggling bottom fish industry. It will help put more small fisherman to work because joint venture processors near shore can use the harvest of small vessels as well as the high seas vessels. It will enhance joint venture feasibility and also help promote long term contracts now pending. This bill will allow processors to move with the fisherman, thus lowering the probability of over fishing any given area. Additionally, it will make landings in Alaskan ports more attractive, stimulating local economies thru purchases of fuel, food, and supplies.

STATUTES RELATING TO BOARD OF MARINE PILOTS

AS08.62.010

HEADINGS TITLE 8.

Business and Professions.

CHAPTER 62.

Marine Pilots.

ARTICLE 1.

Board of Marine Pilots.

CITATION Sec. 08.62.010.

CATCH LINE

CREATION AND MEMBERSHIP OF BOARD.

TEXT 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 or managers of vessels subject to this chapter, two public members in accordance with AS 08.01.025, and the commissioner or the commissioner's 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.

HISTORY (Sec. 2 ch 106 SLA 1970; am sec. 8 ch 258 SLA 1976)

AS08.62.020

HEADINGS TITLE 8.

Business and Professions.

CHAPTER 62.

Marine Pilots.

ARTICLE 1.

Board of Marine Pilots.

CITATION Sec. 08.62.020.

CATCH LINE

APPOINTMENT AND TERM OF OFFICE.

TEXT 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

AS08.62.020 cont.

years, or until their successors are appointed. The first members shall be initially appointed for one, two, three and four year terms. No person, with the exception of the commissioner or the commissioner's designee, may be appointed to the board for more than two consecutive terms.

HISTORY (Sec. 2 ch 106 SLA 1970; am sec. 1 ch 143 SLA 1980)

AS08.62.030

HEADINGS TITLE 8.

Business and Professions.

CHAPTER 62.

Marine Pilots.

ARTICLE 1.

Board of Marine Pilots.

CITATION Sec. 08.62.030.

CATCH LINE

MEETINGS.

TEXT 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.

HISTORY (Sec. 2 ch 106 SLA 1970)

AS08.62.040

HEADINGS TITLE 8.

Business and Professions.

CHAPTER 62.

Marine Pilots.

ARTICLE 1.

Board of Marine Pilots.

CITATION Sec. 08.62.040.

CATCH LINE

POWERS AND DUTIES.

TEXT (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;

AS08.62.040 cont.

(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, and agents;

(4) adopt regulations under the Administrative Procedure Act (AS 44.62) establishing standards by which pilotage fees may be established, and pay for audits whenever an audit is necessary to collect information needed to apply the standards in the regulations;

(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.

HISTORY (Sec. 2 ch 106 SLA 1970; am secs. 2, 3 ch 143 SLA 1980)

AS08.62.080

HEADINGS TITLE 8.

Business and Professions.

CHAPTER 62.

Marine Pilots.

ARTICLE 2.

Licensing.

CITATION Sec. 08.62.080.

CATCH LINE

LICENSE REQUIREMENT.

TEXT A person may not pilot a vessel subject to this chapter unless the person is licensed under this chapter.

HISTORY (Sec. 2 ch 106 SLA 1970)

AS08.62.090

HEADINGS TITLE 8.

Business and Professions.

CHAPTER 62.

Marine Pilots.

ARTICLE 2.

Licensing.

CITATION Sec. 08.62.090.

CATCH LINE

APPLICATION.

TEXT (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.

HISTORY (Sec. 2 ch 106 SLA 1970)

AS08.62.100

HEADINGS TITLE 8.

Business and Professions.

CHAPTER 62.

Marine Pilots.

ARTICLE 2.

Licensing.

CITATION Sec. 08.62.100.

CATCH LINE

QUALIFICATIONS.

TEXT A person is entitled to a license under this chapter if the person

- (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 AS 08.62.040(a)(2) and (b).

HISTORY (Sec. 2 ch 106 SLA 1970)

AS08.62.110

HEADINGS TITLE 8.  
Business and Professions.  
CHAPTER 62.  
Marine Pilots.  
ARTICLE 2.  
Licensing.

CITATION Sec. 08.62.110.

CATCH LINE

PREVIOUS LICENSURE.

TEXT Repealed, sec. 27 ch 6 SLA 1984.

AS08.62.120

HEADINGS TITLE 8.  
Business and Professions.  
CHAPTER 62.  
Marine Pilots.  
ARTICLE 2.  
Licensing.

CITATION Sec. 08.62.120.

CATCH LINE

DURATION, RENEWAL.

TEXT A license issued under this chapter shall be renewed biennially on dates set by the department. A license shall be renewed without examination upon the payment of the biennial license fee.

HISTORY (Sec. 2 ch 106 SLA 1970; am sec. 28 ch 6 SLA 1984)

AS08.62.130

HEADINGS TITLE 8.  
Business and Professions.  
CHAPTER 62.  
Marine Pilots.  
ARTICLE 2.  
Licensing.

CITATION Sec. 08.62.130.

CATCH LINE

LAPSED LICENSE.

TEXT 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 a 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.

HISTORY (Sec. 2 ch 106 SLA 1970; am sec. 1 ch 22 SLA 1973)

AS08.62.140

HEADINGS TITLE 8.  
Business and Professions.  
CHAPTER 62.  
Marine Pilots.  
ARTICLE 2.  
Licensing.

CITATION Sec. 08.62.140.

CATCH LINE

FEES.

AS08.62.140 cont.

TEXT The following fees shall be imposed under this chapter when applicable:  
    (1) application fee ..... \$ 50  
    (2) biennial license fee ..... \$300  
    (3) biennial registration fee for agents ..... \$100  
HISTORY (Sec. 2 ch 106 SLA 1970; am sec. 4 ch 143 SLA 1980)

AS08.62.150

HEADINGS TITLE 8.  
Business and Professions.  
CHAPTER 62.  
Marine Pilots.  
ARTICLE 2.  
Licensing.  
CITATION Sec. 08.62.150.

CATCH LINE

DENIAL, REVOCATION OR SUSPENSION.  
TEXT (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 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;  
    (6) is guilty of misconduct during the course of employment; or  
    (7) has suffered revocation of federal licensure as a pilot.  
    (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.  
HISTORY (Sec. 2 ch 106 SLA 1970; am sec. 5 ch 143 SLA 1980)

AS08.62.160

HEADINGS TITLE 8.  
Business and Professions.  
CHAPTER 62.  
Marine Pilots.  
ARTICLE 3.  
General Provisions.  
CITATION Sec. 08.62.160.

CATCH LINE

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

AS08.62.170

HEADINGS TITLE 8.  
Business and Professions.  
CHAPTER 62.  
Marine Pilots.  
ARTICLE 3.  
General Provisions.

CITATION Sec. 08.62.170.

CATCH LINE

PILOT'S LIEN FOR COMPENSATION.

TEXT 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, the vessel's tackle, apparel and furniture for the pilot's compensation.

HISTORY (Sec. 2 ch 106 SLA 1970)

AS08.62.180

HEADINGS TITLE 8.  
Business and Professions.  
CHAPTER 62.  
Marine Pilots.  
ARTICLE 3.  
General Provisions.

CITATION Sec. 08.62.180.

CATCH LINE

EXEMPTIONS.

TEXT This chapter does not apply to

- (1) vessels under enrollment, except as provided in AS 08.62.185;
- (2) fishing vessels registered in the United States or in British Columbia, Canada;
- (3) motorboats as defined in sec. 1 of the federal Motor Boat 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 t... United States including Alaska, Hawaii, and British Columbia, Canada;
- (5) vessels of Canada, including Canadian cruise ships, 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.

HISTORY (Sec. 2 ch 106 SLA 1970; am sec. 1 ch 43 SLA 1972; am sec. 2 ch 78 SLA 1977)

AS08.62.185

HEADINGS TITLE 8.  
Business and Professions.  
CHAPTER 62.  
Marine Pilots.  
ARTICLE 3.  
General Provisions.

CITATION Sec. 08.62.185.

CATCH LINE

CERTAIN LICENSED PILOTS REQUIRED FOR OIL TANKERS.

TEXT (a) Any oil tanker, whether enrolled or registered, of 50,000 dead weight tons or greater, shall, when navigating in state waters beyond Alaska pilot stations either

(1) employ a pilot licensed by the state under this chapter, or

(2) utilize a federally licensed pilot whose duty station has been on that tanker throughout that specific voyage.

(b) The pilot required in (a) of this section shall control the vessel during all docking operations.

HISTORY (Sec. 3 ch 78 SLA 1977)

AS08.62.187

HEADINGS TITLE 8.  
Business and Professions.  
CHAPTER 62.  
Marine Pilots.  
ARTICLE 3.  
General Provisions.

CITATION Sec. 08.62.187.

CATCH LINE

REGISTRATION OF AGENTS REQUIRED.

TEXT A person may not act as an agent of a vessel subject to this chapter unless the person's name appears on the register of agents kept under AS 08.62.040(a)(3).

HISTORY (Sec. 6 ch 143 SLA 1980)

AS08.62.190

HEADINGS TITLE 8.  
Business and Professions.  
CHAPTER 62.  
Marine Pilots.  
ARTICLE 3.  
General Provisions.

CITATION Sec. 08.62.190.

CATCH LINE

PENALTY.

TEXT 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 \$1,000 nor more than \$5,000. 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.

HISTORY (Sec. 2 ch 106 SLA 1970; am sec. 1 ch 34 SLA 1979)

AS08.62.200

HEADINGS TITLE 8.  
Business and Professions.  
CHAPTER 62.  
Marine Pilots.  
ARTICLE 3.  
General Provisions.

CITATION Sec. 08.62.200.

CATCH LINE

DEFINITIONS.  
TEXT 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 AS  
08.62.180.

HISTORY (Sec. 2 ch 106 SLA 1970; am sec. 48 ch 218 SLA 1976)

BILL SHEFFIELD, GOVERNOR

REPLY TO:

1031 W 4th AVENUE  
SUITE 200  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 276-3550

1st NATIONAL CENTER  
100 CUSHMAN ST.  
SUITE 400  
FAIRBANKS, ALASKA 99701  
PHONE: (907) 452-1568

POUCH K - STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3600

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

April 9, 1985

Honorable Fred D. Zharoff  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Zharoff:

This is a response to your March 31, 1985 memorandum concerning SB 214, which would exempt fish processing vessels from AS 08.62, except when they are navigating in ports and harbors. As you know, SB 214 would simply add a seventh exemption in AS 08.62.180 to the current list of six exemptions from the marine pilot license requirements of AS 08.62.

You asked whether, after enactment of SB 214, the state will be liable in any respect if a fish processing vessel were to have an accident while navigating in state waters without a licensed marine pilot. The answer is NO, the state would not be liable for any damages incurred in such an accident.

This answer becomes obvious upon brief review of the current list of the six classes of vessels now exempt from the marine pilot license requirements of AS 08.02. For example, the state is certainly not liable in any way if a fishing vessel or a pleasure craft has an accident in state waters without a licensed marine pilot on board. These classes of vessels have been exempted from AS 08.62 by AS 08.62.180(2) and (6) respectively.

In general, a legislative enactment cannot result in tort liability as long as it is not unjustifiably discriminatory.

You also asked who is now liable for marine accidents in state waters with or without licensed marine pilots. The answer to this question depends on the particular circumstances of each accident. In general, the persons or other entities whose actions or omissions caused the accident will be liable. This could be the vessel owner, captain, other officer, crewmember, marine pilot, a manufacturer of defective equipment, anyone else or any combination of these entities. Under federal admiralty law, it could also be a vessel itself. In no case, except for those involving state vessels or possibly state facilities like docks, could the state be liable for an accident

Honorable Fred D. Zharoff  
377-133-85

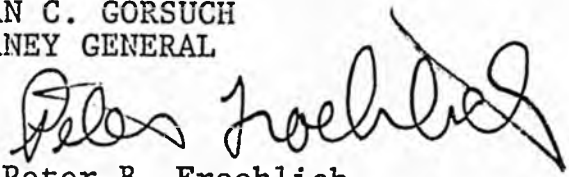
April 9, 1985  
Page 2

suffered by a vessel whether or not a licensed marine pilot is on board.

I hope this letter answers your questions. Please let me know if I can provide any further information.

Sincerely,

NORMAN C. GORSUCH  
ATTORNEY GENERAL

By:   
Peter B. Froehlich  
Assistant Attorney General

PBF:cct

cc: Honorable Commissioner Lounsbury, Chair  
Board of Marine Pilot Examiners

F. Gregory Baker, Director  
Office of Commercial Fisheries Development  
Department of Commerce and  
Economic Development



SOHIO ALASKA PETROLEUM COMPANY

3111 "C" STREET,  
ANCHORAGE, ALASKA

TELEPHONE (907) 561-5111

MAIL: POUCH 6-612  
ANCHORAGE, ALASKA 99502-0612

March 15, 1985

To: Members of Alaska State Senate Committee on Labor and Commerce

Subj: Senate Bill 214

*Alaska*

The Alyeska Marine Services Sub-Committee is a committee of the Trans Alaska Pipeline Owners and serves to advise on all marine related issues having or likely to have an impact on the operation of the Valdez Marine Terminal and/or the safe movement by sea of Alaskan North Slope crude oil through Prince William Sound and the Gulf of Alaska. Collectively, members of the Sub-Committee are also representative of substantially all the owners or charterers of tank vessels engaged in the North Slope crude oil trade.

Members of the Alyeska Marine Services Sub-Committee wish to make known to Members of the Alaskan State Senate Committee on Labor and Commerce their strong opposition to the amendment of the Marine Pilot statutes, AS 08.62 as proposed in Alaska State Senate Bill 214.

Marine movements of North Slope crude oil from Valdez to the lower 48 states via Prince William Sound have been conducted in a safe and efficient manner since the start up of the Trans Alaska Pipeline, due primarily to the orderly traffic management achieved through the close cooperation of the Alaskan State pilots, the U.S. Coast Guard's vessel traffic service and the Valdez Marine Terminal operators. Fundamental to this close cooperation, is the requirement for all vessels transitting the area of Prince William Sound and the waters of Valdez harbor to be under the direction of an Alaskan State pilot or a federal licensee. Adoption of Senate Bill 214 would remove the above mentioned requirement and consequently materially affect the safety of future movements of North Slope crude oil by sea.

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March 15, 1985

Further, adoption of the bill as presently worded would allow foreign skippers of large fish processing vessels, making their first voyage into Prince William Sound, to take their vessels right into Valdez without any prior local knowledge. The passage into Valdez can often be hampered by high winds, torrential rain, heavy snow or fog. Under such circumstances the potential for such vessels to disrupt the current orderly flow of traffic and cause an accident that results in enormous environmental damage within Valdez Arm is extremely high.

The effectiveness of the U.S. Coast Guard's vessel traffic service in Prince William Sound depends to a very large degree on the ability of watch officers aboard vessels transitting the area to be proficient in both speaking and fully understanding the english language. On most, if not all, foreign flag fish processing vessels operating in and around Prince William Sound proficiency in the english language is provided by the State pilot currently required to direct the operation of such vessels. Adoption of Senate Bill 214 would seriously erode the effectiveness of the U.S. Coast Guard's traffic service by removing the pilot and the valuable contribution he makes to the quality of communications and safe navigation. As a result, the U.S. Coast Guard will be forced to conduct their business attempting to cope with the poor level of understanding of the english language attained by the average foreign fisherman.

The Marine Pilot regulations are not sufficiently developed on a port specific basis, to ensure that the language of the amendment will guarantee the continued requirement for all foreign flag fish processing vessels to obtain the services of a state licensed pilot when operating in Prince William Sound.

The Committee members strongly recommend that the proposed amendment to the Marine Pilot statutes not be adopted. Alternatively, we request that the language of the amendment reflect specifically that it is not applicable to the water of Prince William Sound and Valdez Harbor.

Sincerely,

Captain R. A. Gale  
Chairman, Alyeska Marine Services Sub-Committee

3801s

MEMORANDUM:

TO: Sen Zharoff

FROM: Michael

RE: SB 214 (Marine Pilot Exemption bill)

This afternoon I had a conversation with Bill Paulick, DCED, and he indicated to me that SB 214 may still be alive and healthy.

Currently there is federal legislation pending which would exempt vessels carrying international cargo by lifting the tonnage limits to 1,600 tons.

Current state law references 300 tons for the exemption, however by increasing the tonnage to 1,600 we should be in good shape irrespective of whether the fed legislation passes or not.

From what we have been able to gather, the largest floating processor participating in joint venture fishing operations is 1,535 tons and therefore by increasing the tonnage exemption from 300 to 1,600 we should be able to cover your original concerns.

"In Rem"  
Latin phrase  
used in Ad-  
miralty Law  
meaning an  
Attachment on  
the Ship;

which part B of this subtitle applies" and reof "subject to inspection under chapter 33

title 46, United States Code, is amended by machinery or carrying passengers" immedi-

title 46, United States Code, is amended by ting in lieu thereof "subtitle".

title 46, United States Code, is amended to

in subsection (g) of this section, a coastwise under the direction and control of a pilot 7101 of this title if the vessel is— register;

seas; and

(A) propelled by machinery and subject to inspection under Part B of this subtitle; or

"(B) subject to inspection under chapter 37 of this title."

(2) Section 8502 of title 46, United States Code, is amended by adding at the end thereof the following:

"(g) The Secretary shall designate by regulation the areas of the approaches to and waters of Prince William Sound, Alaska, on which a vessel subject to this section is not required to be under the direction and control of a pilot licensed under section 7101 of this title."

(3)(A) Chapter 85 of title 46, United States Code, is amended by adding at the end thereof the following:

"§ 8503. Federal pilots authorized

"(a) The Secretary may require a pilot licensed under section 7101 of this title on a self-propelled vessel when a pilot is not required by State law and the vessel is—

"(1) engaged in foreign commerce; and

"(2) operating on the navigable waters of the United States.

"(b) A requirement prescribed under subsection (a) of this section is terminated when the State having jurisdiction over the area involved—

"(1) establishes a requirement for a State licensed pilot; and

"(2) notifies the Secretary of that fact.

"(c) For the Saint Lawrence Seaway, the Secretary may not delegate the authority under this section to an agency except the Saint Lawrence Seaway Development Corporation.

"(d) A person violating this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of not more than \$25,000. Each day of a continuing violation is a separate violation. The vessel also is liable *in rem* for the penalty.

"(e) A person that knowingly violates this section or a regulation prescribed under this section shall be fined not more than \$50,000, imprisoned for not more than five years, or both."

(B) The analysis of chapter 85 of title 46, United States Code, is amended by inserting immediately after the item relating to section 8502 the following:

"8503. Federal pilots authorized."

(2) by striking "to which part B of this subtitle applies" and inserting in lieu thereof "subject to inspection under chapter 33 of this title".

(d) Section 8301(a)(1) of title 46, United States Code, is amended by inserting "propelled by machinery or carrying passengers" immediately after "vessels".

(e) Section 8501(a) of title 46, United States Code, is amended by striking "part" and inserting in lieu thereof "subtitle".

(f)(1) Section 8502(a) of title 46, United States Code, is amended to read as follows:

"(a) Except as provided in subsection (g) of this section, a coastwise seagoing vessel shall be under the direction and control of a pilot licensed under section 7101 of this title if the vessel is—

"(1) not sailing on register;

"(2) underway;

"(3) not on the high seas; and

"(4)(A) propelled by machinery and subject to inspection under Part B of this subtitle; or

"(B) subject to inspection under chapter 37 of this title."

(2) Section 8502 of title 46, United States Code, is amended by adding at the end thereof the following:

"(g) The Secretary shall designate by regulation the areas of the approaches to and waters of Prince William Sound, Alaska, on which a vessel subject to this section is not required to be under the direction and control of a pilot licensed under section 7101 of this title."

(3)(A) Chapter 85 of title 46, United States Code, is amended by adding at the end thereof the following:

"§ 8503. Federal pilots authorized

"(a) The Secretary may require a pilot licensed under section 7101 of this title on a self-propelled vessel when a pilot is not required by State law and the vessel is—

"(1) engaged in foreign commerce; and

"(2) operating on the navigable waters of the United States.

"(b) A requirement prescribed under subsection (a) of this section is terminated when the State having jurisdiction over the area involved—

"(1) establishes a requirement for a State licensed pilot; and

"(2) notifies the Secretary of that fact.

"(c) For the Saint Lawrence Seaway, the Secretary may not delegate the authority under this section to an agency except the Saint Lawrence Seaway Development Corporation.

"(d) A person violating this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of not more than \$25,000. Each day of a continuing violation is a separate violation. The vessel also is liable in rem for the penalty.

"(e) A person that knowingly violates this section or a regulation prescribed under this section shall be fined not more than \$50,000, imprisoned for not more than five years, or both."

(B) The analysis of chapter 85 of title 46, United States Code, is amended by inserting immediately after the item relating to section 8502 the following:

"8503. Federal pilots authorized."

98 STAT. 2874

"In Rem"  
Latin phrase  
used in Ad-  
miralty Law  
meaning an  
Attachment on  
the Ship;

Chairman's Information:

- 1) SB 214: "An act exempting fish processing vessels from the provisions of AS 08.62; and providing for an effective date."
  - a) Introduced: Zharoff
  - b) Co-Sponsors:
- 2) INTENT: This legislation was introduced to eliminate the costly and time consuming requirement that fish processing vessels employ Marine Pilots for each move within coastal waters of Alaska. It is anticipated that passage of this bill will stimulate the growth of joint venture bottomfishing operations, promote employment among fisherman, and enhance local economies.

FISCAL NOTE: 0

NOTE: Public protection and safety will be assured by the continuing requirement that fish processing vessels will have a marine pilot on board when navigating ports and harbors as defined in regs adopted by the board.

- 3) COMMITTEE COMMENTS:
- 4) PUBLIC HEARINGS:
  - a) Sponsor
  - b) Public witnesses:
- 5) BILL ACTION:
  - a) Hold in committee?
  - b) Assign to sub committee for further review?
  - c) Move from Committee?
  - d) close public hearings?
- 6) COMMITTEE ACTION:
  - a) amendments?
  - b) CS adoption?

## SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

## PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

## Subpart 10.01—General

## Sec.

- 10.01-1 Purpose of regulations.
- 10.01-5 Authority for regulations.
- 10.01-6 OMB control numbers assigned pursuant to the Paperwork Reduction Act.
- 10.01-7 Regional Examination Centers.

## Subpart 10.02—General Requirements for All Deck and Engineers Officers' Licenses

- 10.02-1 Issuance of licenses.
- 10.02-3 Original license defined.
- 10.02-5 Requirements for original licenses.
- 10.02-7 Requirements for raise of grade of license.
- 10.02-9 Requirements for renewal of license.
- 10.02-13 Sea service as a member of the Armed Forces of the United States and on vessels owned by the United States as qualifying experience.
- 10.02-15 Lifting of limitations.
- 10.02-19 Reexaminations and refusal of licenses.
- 10.02-21 Laws, general rules and regulations, and Rules of the Road to be furnished licensed officers.
- 10.02-23 Issuance of duplicate license.
- 10.02-25 Parting with license.
- 10.02-29 Suspension and revocation of licenses.
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## Subpart 10.03—General Requirements for Issuance of Temporary Deck and Engineer Licenses for the Officers of Offshore Supply Vessels

- 10.03-1 Eligibility.
- 10.03-5 Application procedure.
- 10.03-7 Service under an acknowledgment of application.
- 10.03-10 Issuance of temporary licenses.
- 10.03-15 Requirements for temporary licenses.
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- 10.05-1 Ocean licenses qualifying for all waters.
- 10.05-3 Master of ocean steam or motor vessels.
- 10.05-5 Master of coastwise steam or motor vessels.
- 10.05-6 Master of freight and towing vessels not more than 1,000 gross tons.
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- 10.05-15 Master of bays, sounds, and lakes other than the Great Lakes, steam and motor vessels.
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- 10.05-19 Master of ferry steam or motor vessels.
- 10.05-21 Master or pilot of steam yachts.
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- 10.05-46 Radar observer.
- 10.05-47 Examination for license as master of Great Lakes steam and motor vessels.

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- 10.05-49 Examination for license as master of bays, sounds, and lakes other than the Great Lakes steam and motor vessels.
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whale fishing; or of steam vessels engaged in the Atlantic, Pacific, or Gulf Coast fisheries; or of steam or sail vessels navigating exclusively between ports in the Hawaiian Islands; or of steam or sail vessels or seagoing motor vessels of 300 gross tons or over navigating exclusively between ports of the Island of Puerto Rico.

(b) For original license as master, at least 3 years' experience in the deck department of such vessels is required.

(c) For original license as mate, at least 2 years' experience in the deck department of such vessels is required.

(d) Any person who has had at least 5 years' experience on sail vessels licensed in the fisheries of the United States, 2 years of which have been as master or mate of such sailing vessels, shall be eligible for a license as master or mate of steam fishing vessels to be employed exclusively in the Atlantic, Pacific, and Gulf coast fisheries.

(e) Any applicant for original license who has had 3 years' experience in the deck department on steam or motor pilot boats or who has had 2 years' experience in the deck department on steam or motor pilot boats and 1 years' experience on sail pilot boats, shall be eligible for license as mate of steam or motor pilot boats of 300 gross tons or over.

(f) Any master's or mate's license issued under this section may be endorsed as pilot on such inland waters on the coasts stated in his license as the appropriate Officer in Charge, Marine Inspection, may find the holder qualified to act on as pilot.

(g) An applicant for a master's license of seagoing vessels propelled by internal combustion engines, navigating exclusively between ports in the Hawaiian Islands, shall submit with his application statements duly executed and certified by reputable citizens qualified to judge the character, trustworthiness, and ability of the applicant.

(h) The Officer in Charge, Marine Inspection, shall make a diligent inquiry as to the applicant's character and merits, and if satisfied by the oral examination or practical demonstration and the proof of requisite knowledge and skill offered, the Officer in Charge, Marine Inspection, shall issue

the license. No certificate from the United States Public Health Service based upon the subject of ship sanitation and first aid shall be required of such an applicant.

#### § 10.05-13 Master of Great Lakes steam and motor vessels.

(a) The minimum service required to qualify an applicant for a license as master is listed in this paragraph. In order to be eligible for an unlimited license, an applicant must have acquired his service on vessels of 4,000 gross tons or over, except as specified in this section.

(1) One year's service as first class pilot while acting in the capacity of first mate on Great Lakes steam or motor vessels; or,

(2) Two years' service as first class pilot while acting in the capacity of second mate on Great Lakes steam or motor vessels; or,

(3) Four years' service as first class pilot on Great Lakes steam or motor vessels, 1 year of which shall have been while acting in the capacity of second mate; or,

(4) One year's service as master of Great Lakes steam or motor vessels of 150 gross tons or under while acting under the authority of a first class pilot's license, for a license as master of Great Lakes steam and motor vessels of not over 1,000 gross tons; or,

(5) One year's service as master and/or first-class pilot for bays, sounds and steam or motor towing vessels, together with 1 year of service as first class pilot on Great Lakes vessels of over 100 gross tons, for a license as master of Great Lakes towing vessels of not over 750 gross tons.

#### § 10.05-15 Master of bays, sounds, and lakes other than the Great Lakes, steam and motor vessels.

(a) The minimum service required to qualify an applicant for license as master of steam and motor vessels on bays, sounds and lakes other than the Great Lakes is:

(1) One year's service as first-class pilot of steam and motor vessels on bays, sounds and lakes other than the Great Lakes; or,

(2) One year's service as mate of steam and motor vessels on bays, sounds and lakes other than the Great Lakes; or,

(3) One year's service as master of steam or motor vessels of 150 gross tons or under on bays, sounds and lakes other than the Great Lakes, while acting under the authority of a first-class pilot's license, for a license as master of bays, sounds, and lakes other than the Great Lakes, steam or motor vessels of a tonnage commensurate with the experience of the applicant, but of not more than 500 gross tons; or,

(4) Two years' service in the deck department of steam or motor vessels on bays, sounds and lakes other than the Great Lakes, while holding a license as first-class pilot for bays, sounds and lakes other than the Great Lakes, as quartermaster or wheelsman for a license as master of steam and motor freight and towing vessels on bays, sounds and lakes other than the Great Lakes, limited to a gross tonnage commensurate with the experience of the applicant, but not more than 500 gross tons.

#### § 10.05-17 Master of river steam or motor vessels.

The minimum service required to qualify an applicant for a license as master of steam or motor vessels navigating rivers exclusively is at least 3 years' service in the deck department of steam or motor vessels: *Provided*, That, 1 year of such service shall have been as licensed mate or pilot of steam or motor vessels, and, 1 year shall have been on river steam or motor vessels.

#### § 10.05-19 Master of ferry steam or motor vessels.

(a) The minimum service required to qualify an applicant for license as master of ferry steam or motor vessels on either the Great Lakes, other lakes, bays, and sounds, or rivers is:

(1) One year's service as first-class pilot; or

(2) Two years' service as wheelsman or quartermaster while holding a first-class pilot's license; or,

(3) Two years' service in charge of a steam or motor vessel of 150 gross tons

or under while acting under the authority of a pilot's license.

#### § 10.05-21 Master or pilot of steam yachts.

The minimum service required to qualify an applicant for license as master or pilot of steam yachts on either the Great Lakes, other lakes, bays, and sounds, or rivers is 3 years' service in the deck department on board Great Lakes, other lakes, bays, and sounds, or river steam, motor, or sailing yachts.

#### § 10.05-23 Master of passenger barges.

The minimum service required to qualify an applicant for license as master of barges carrying passengers on either the Great Lakes, other lakes, bays, and sounds, or rivers is 3 years' service in the deck department of such vessels.

#### § 10.05-25 Chief mate of ocean steam or motor vessels.

(a) The minimum service required to qualify an applicant for license as chief mate of ocean steam or motor vessel is:

(1) One year's service as second mate of ocean steam or motor vessels of 1,000 gross tons or over; or,

(2) One year's service as second mate of coastwise steam or motor vessels of 2,000 gross tons or over; or,

(3) Two years' service as officer in charge of a deck watch on ocean steam or motor vessels of 1,000 gross tons or over while holding a license as second mate of such vessels; or,

(4) Two years' service as officer in charge of a deck watch on coastwise steam or motor vessels of 2,000 gross tons or over while holding a license as second mate of such vessels; or,

(5) Two years' service as master of Great Lakes or other lakes, bay, or sound steam or motor vessels of 1,000 gross tons or over except ferry vessels, together with 1 year's service as officer in charge of a deck watch on ocean steam or motor vessels of 1,000 gross tons or over, or together with 1 year of such service on coastwise steam or motor vessels of 2,000 gross tons or over; or,

(6) Five years' service in the deck department of ocean or coastwise sail

vessels of 200 gross tons or over, 2 years of such service shall have been as master of such vessels, for license as chief mate of ocean freight or towing vessels of not more than 3,000 gross tons; or,

(7) One year's service as master of any class of ocean steam or motor vessels of more than 250 gross tons for license as chief mate of ocean freight or towing vessels of not more than 1,500 gross tons; or,

(8) One year's service as mate of inspected ocean or coastwise vessels while holding an unlimited license as 3rd mate of ocean steam or motor vessels for a license as chief mate of ocean vessels of less than 1600 gross tons.

§ 10.05-27 Chief mate of coastwise steam or motor vessels.

(a) The minimum service required to qualify an applicant for license as chief mate of coastwise steam or motor vessels is:

(1) One year's service as second mate of ocean or coastwise steam or motor vessels of 1,000 gross tons or over; or,

(2) Two years' service as officer in charge of a deck watch on ocean or coastwise steam or motor vessels of 1,000 gross tons or over while holding license as second mate of ocean or coastwise steam or motor vessels; or,

(3) One year's service as master or first-class pilot of Great Lakes or other lakes, bay, or sound steam or motor vessels of 500 gross tons or over, except ferry vessels, together with 1 year's service as officer in charge of a deck watch on ocean or coastwise steam or motor vessels of 1,000 gross tons or over, while holding license as such master or first-class pilot; or,

(4) Two years' service as master or first-class pilot of Great Lakes or other lakes, bay, or sound towing vessels for license as chief mate of coastwise towing vessels of 750 gross tons or under; or,

(5) One year's service as a licensed master or 2 years' service as a licensed mate on ocean or coastwise steam or motor vessels of 250 gross tons or over engaged in the ocean or coastwise fisheries, for license as chief mate of coastwise freight or towing vessels of 1,000 gross tons or under; or,

(6) Five years' service in the deck department of any ocean or coastwise sail vessels of 100 gross tons or over, 2 years of such service shall have been as master of such vessels, for license as chief mate of freight or towing vessels of 1,000 gross tons or under; or,

(7) Two years' service as first-class pilot, or 2 years' combined service as master and first-class pilot of steam or motor vessels of 1,000 gross tons or over, except ferry vessels, on the Great Lakes and other lakes, bays, and sounds, for license as chief mate of coastwise vessels on routes not exceeding 300 miles; or,

(8) Three years' service in the deck department of ocean or coastwise steam or motor vessels for license as chief mate of coastwise steam or motor vessels of not more than 500 gross tons.

§ 10.05-28 Mate of steam or motor vessels engaged in offshore mineral and oil industries.

(a) The minimum service required to qualify an applicant for a license as mate of steam or motor vessels of not more than 500 gross tons, operated in connection with the offshore mineral and oil industries, limited to a stated distance offshore on the continental shelf of the Atlantic, Gulf, or Pacific Coast of the United States, as determined by the Commander of the District in which the license is issued, is:

(1) Two years' service as a licensed officer in charge of a deck watch on mineral or oil industry vessels; or

(2) One year's service as master or first-class pilot of inland steam or motor vessels plus 6 months in the deck department of coastwise vessels or mineral or oil industry vessels; or

(3) One year's service as a licensed master or 2 years' service as a licensed mate of ocean or coastwise uninspected vessels; or

(4) Three years' service in the deck department of ocean or coastwise steam or motor vessels, including mineral and oil industry vessels.

[CGFR 67-36, 32 FR 7914, June 1, 1967]

§ 10.05-29 Second mate of ocean steam or motor vessels.

(a) The minimum service required to qualify an applicant for license as second mate of ocean steam or motor vessels is listed in this paragraph. In order to be eligible for an unlimited ocean license, an applicant must have obtained his service on ocean or coastwise vessels of 1,000 gross tons or over.

(1) One year's service as officer in charge of a deck watch on ocean or coastwise steam or motor vessels while holding a license as third mate; or,

(2) Five years' service as second mate of coastwise steam or motor vessels; or,

(3) Five years' service in the deck department of ocean or coastwise steam or motor vessels of 1,000 gross tons or over, 2 years of which shall have been as boatswain, able seaman, or quartermaster while holding a certificate as able seaman; or,

(4) One year's service as first-class pilot of steam or motor vessels of 4,000 gross tons or over, except ferry vessels, on the Great Lakes or other lakes, bays, or sounds, together with 6 months' service in the deck department of ocean steam or motor vessels of 1,000 gross tons or over, while holding a license as such first-class pilot; or

(5) Two years' service as assistant (junior officer of the watch) to the officer in charge of the watch on ocean steam or motor vessels, while holding a license as third mate of such vessels; or,

(6) Four years' service in the deck department of ocean or coastwise sail vessels of 200 gross tons or over, 1 year of such service shall have been as second mate of such sail vessels.

[CGFR 65-50, 30 FR 16617, Dec. 30, 1965, as amended by CGFR 67-36, 32 FR 7914, June 1, 1967]

§ 10.05-31 Second mate of coastwise steam or motor vessels.

(a) The minimum service required to qualify an applicant for license as second mate of coastwise steam or motor vessels is:

(1) One year's service as officer in charge of a deck watch on ocean or coastwise steam or motor vessels while holding a license as third mate; or,

(2) Five years' service in the deck department of ocean or coastwise steam or motor vessels, 2 years of which shall have been as boatswain, able seaman or quartermaster while holding a certificate as able seaman; or,

(3) One year's service as first-class pilot of steam or motor vessels of 2,500 gross tons or over, except ferry vessels, on the Great Lakes or other lakes, bays, or sounds, together with 6 months' service in the deck department of ocean or coastwise steam or motor vessels of 1,000 gross tons or over, while holding a license as such first-class pilot; or,

(4) Two years' service as assistant (junior officer of the watch) to the officer in charge of the watch on ocean steam or motor vessels, while holding a license as third mate of such vessels; or,

(5) One year's service as a licensed mate on ocean or coastwise steam or motor vessels of 150 gross tons or over engaged in the fisheries, for license as second mate of towing vessels.

[CGFR 65-50, 30 FR 16617, Dec. 30, 1965, as amended by CGFR 67-36, 32 FR 7914, June 1, 1967]

§ 10.05-33 Third mate of ocean steam or motor vessels.

(a) The minimum service or training required to qualify an applicant for license as third mate of ocean steam or motor vessels is listed in this paragraph. In order to be eligible for an unlimited ocean license, an applicant must have obtained his service on ocean or coastwise vessels of 1,000 gross tons or over.

(1) Three years' service in the deck department of ocean or coastwise steam or motor vessels, 6 months of which shall have been as able seaman, boatswain, or quartermaster while holding a certificate as able seaman; or,

(2) Six months' service as third mate of coastwise steam or motor vessels; or,

(3) Graduation from:

(i) The U.S. Merchant Marine Academy (deck);

(ii) The deck class of a nautical schoolship approved by and conducted under rules prescribed by the Com-

mandant and listed in Part 166 of Subchapter R (Nautical Schools) of this chapter, except the deck class of the Great Lakes Maritime Academy.

(iii) The U.S. Naval Academy; or,

(iv) The U.S. Coast Guard Academy; or.

(4) Satisfactory completion of the prescribed course (deck) at a U.S. Government operated training school, or at a recognized maritime union or non-profit organization training school, approved by the Commandant, may be accepted as the equivalent of sea service up to a maximum of 4 months, provided the applicant has obtained the additional qualifying experience prior to enrollment; or.

(5) One year's service as second-class pilot of steam or motor vessels of 4,000 gross tons or over, except ferry vessels, on the Great Lakes or other lakes, bays, or sounds, together with 6 months' service in the deck department of ocean steam or motor vessels of 1,000 gross tons or over, while holding a license as such second-class pilot; or.

(6) Three years' service in the deck department of steam or motor vessels on the Great Lakes, other lakes, bays, or sounds, or rivers, together with 1 year's service in the deck department of ocean steam or motor vessels, 6 months of which shall have been as able seaman, boatswain, or quartermaster while holding a certificate as able seaman; or.

(7) Three years' service in the deck department of steam or motor vessels of 100 gross tons or over engaged in the ocean or coastwise fisheries, together with 6 months' service as able seaman, boatswain, or quartermaster on ocean steam or motor vessels, while holding a certificate as able seaman; or.

(8) Satisfactory completion of a three-year apprentice mate training program approved by the Commandant.

(CGFR 65-50, 30 FR 16617, Dec. 30, 1965, as amended by CGFR 69-127, 35 FR 9975, June 17, 1970; CGD 72-92R, 38 FR 29320, Oct. 24, 1973; CGD 74-226, 40 FR 33976, Aug. 13, 1975)

§ 10.05-35 Third mate of coastwise steam or motor vessels.

(a) The minimum service or training required to qualify an applicant for license as third mate of coastwise steam or motor vessels is:

(1) Three years' service in the deck department of ocean or coastwise steam or motor vessels, 6 months of which shall have been as able seaman; or.

(2) One year's service as second-class pilot of steam or motor vessels of 2,500 gross tons or over, except ferry vessels, on the Great Lakes or other lakes, bays, or sounds, together with 6 months' service in the deck department of ocean or coastwise steam or motor vessels of 1,000 gross tons or over, while holding a license as such second-class pilot; or.

(3) Two years' service in the deck department of steam or motor vessels on the Great Lakes or other lakes, bays, or sounds, together with 2 years' service in the deck department of ocean or coastwise steam or motor vessels, 6 months of which shall have been as able seaman; or.

(4) Two years' service in the deck department of steam or motor vessels of 100 gross tons or over engaged in the ocean or coastwise fisheries, or any sail vessel of 100 gross tons or over, together with 1 year's service in the deck department of ocean or coastwise steam or motor vessels, 6 months of which shall have been as able seaman; or.

(5) Three years' service in the deck department of ocean or coastwise steam, motor, or sail vessels of less than 100 gross tons, together with 1 year's service in the deck department of ocean or coastwise steam or motor vessels, 6 months of which shall have been as able seaman.

§ 10.05-36 Mate of freight and towing vessels not more than 1,000 gross tons.

(a) *General.* (1) This section shall apply to every applicant for a license as mate of freight and towing vessels of not more than 1,000 gross tons who also desires to serve as pilot, within the limitation of his license, on those vessels to which he is assigned as mate. A license acquired under the

provisions of this section shall authorize the holder to serve as mate, and as pilot, within the class, route, tonnage, and other limitations of his license, if any, upon vessels to which he is assigned as mate, without the necessity of holding an endorsement as pilot.

(2) At least one-third of the experience required must have been acquired on vessels of more than 100 gross tons. Experience on vessels of less than 15 gross tons will not be considered as qualifying.

(3) Six months of the experience required shall have been acquired in the area for which application is made, 3 months of which must have been acquired within 1 year preceding the application.

(4) Any holder of a deck license of equal or superior grade may be considered eligible for license as mate upon presentation of evidence of service required by paragraph (a)(3) of this section and satisfactory completion of examination on subjects in § 10.05-58 (a) (1) and (11) and (b).

(5) Tonnage limitations commensurate with the experience of the applicant will be established by the Officer in Charge, Marine Inspection. To be eligible for the maximum limitation of 1,000 gross tons, the applicant must have acquired at least 50 percent of his qualifying experience on vessels of more than 200 gross tons.

(6) The Officer in Charge, Marine Inspection, will determine the geographical limitations of each license commensurate with the experience and qualifications of the applicant.

(b) *Experience requirements.* The minimum service required to qualify an applicant for license as mate of freight and towing vessels of not more than 1,000 gross tons is 2 years on deck including:

(1) One year's service in a watchstanding capacity while holding a license as operator of small passenger vessels valid within the area for which application is made; or.

(2) One year's service as unlicensed mate; or.

(3) Eighteen months' service as quartermaster or wheelsman.

(c) *Endorsements.* In lieu of the word "pilot" a mate's license may be given a simple endorsement to include,

when properly qualified, waters additional to those for which he was originally licensed as mate.

(CGFR 67-75, 32 FR 15755, Nov. 16, 1967)

§ 10.05-37 Mate of inland or river steam or motor vessels.

The minimum service required to qualify an applicant for license as mate of Great Lakes, other lakes, bays, or sounds, or river steam or motor vessels is at least 2 years' service in the deck department of steam, motor, or sail vessels, or barge consort, 6 months of which service shall have been on steam or motor vessels.

§ 10.05-39 Pilot.

(a) *General.* An applicant for an original license as pilot may be given credit for experience on motor vessels of a class not subject to inspection by the Coast Guard and not required to carry a licensed master or a licensed pilot.

(1) An applicant for an original pilot's license, endorsement as pilot or an extension of pilot's route shall furnish discharges, letters or other satisfactory documentary evidence, certifying to the names of the vessels, the periods of service, the dates and number of round trips made and the capacity in which the applicant served. Photostatic copies of such letters and documents may be accepted for filing with the application.

(b) *Professional requirements.* The minimum service required to qualify an applicant for license as pilot is:

(1) Three years' service in the deck department of ocean, coastwise, Great Lakes or bays, sounds and lakes, other than the Great Lakes, steam or motor vessels, of which 18 months shall have been as able seaman, or service in a capacity at least the equivalent of able seaman. Of the 18 months as able seaman, or equivalent capacity, at least 1 year shall have been on vessels operating on the waters of the class for which pilotage is desired in the capacity of quartermaster, wheelsman, able seaman or equivalent capacity, who stands regular watches at the wheel or in the pilot-house as part of his routine duties; and,

(i) 25 percent of such service shall have been obtained within the three years immediately preceding the date of application; and,

(ii) The required service shall include a minimum number of round trips over the route for which the applicant seeks license as pilot, as may be fixed by the Officer in Charge, Marine Inspection, having jurisdiction experience on motorboats as defined by statutes may be accepted by the Officer in Charge, Marine Inspection, for license or endorsement as pilot, but such licenses or endorsements shall be limited to a gross tonnage commensurate with such experience, irrespective of any other license or endorsement held by the applicant; and

(iii) One of the required number of round trips shall have been made over the route within the 6 months immediately preceding the date of application; or,

(1a) Graduation from the Great Lakes Maritime Academy in the deck class; or,

(2) Three years' service in the deck department of any vessel of which at least 1 year shall have been on vessels operating on the waters of rivers while serving in the capacity of quartermaster, wheelsman or deckhand who stands watches at the wheel as part of his routine duties, for license as pilot of river routes. The provisions in paragraphs (b)(1)(i) through (iii) of this section are applicable to this paragraph.

(3) Two years' service in the deck department of steam or motor vessels navigating canals and small lakes, such as the New York State Barge Canal and Seneca and Cayuga Lakes in the State of New York, 1 year of which shall have been within the 2 years immediately preceding the date of application, for license as pilot of steam and motor vessels of limited tonnage for the waters and/or routes on which the qualifying service was acquired.

(c) *Limitations.* The Officer in Charge, Marine Inspection, issuing a license or endorsement as pilot, shall impose suitable limitations commensurate with the past experience of the applicant, with respect to class of ves-

sels for which valid, tonnage, route and waters.

[CGFR 65-50, 30 FR 16617, Dec. 30, 1965, as amended by CGD 72-92R, 38 FR 29320, Oct. 24, 1973]

§ 10.05-41 Pilot of tank vessels of not more than 150 gross tons.

All propelled tank vessels, regardless of length or tonnage, shall be under the command of a person duly licensed and since propelled vessels of less than 150 gross tons may be in command of a licensed pilot, the license of a candidate who successfully passes an examination for this purpose shall be endorsed as follows: "Pilot for tank vessels not more than ---- gross tons on the waters of ----" (the maximum to be inserted is not to exceed 150 gross tons and the waters covered as may be designated by the Officer in Charge, Marine Inspection).

§ 10.05-42 Endorsement of master's or mate's license as pilot or extension of pilot's route.

(a) A master or mate applying for endorsement of his license to act as pilot or a licensed pilot applying for an extension of route, shall make written application on Coast Guard Form CG-866, with documentary evidence of experience acquired by a minimum number of round trips over the particular route or waters for which endorsement or extension of route is desired, as may be required by the Officer in Charge, Marine Inspection, having jurisdiction. One of the required number of round trips shall have been made within the 6 months immediately preceding the date of application. If the applicant is found qualified by experience and written examination as hereafter provided, the endorsement as pilot or extension of route shall be endorsed on his license: *Provided, however,* That upon waters of the United States newly opened to navigation, and where the only pilots obtainable are illiterate Indians or other natives, the fact that such persons can neither read nor write shall not be considered a bar to such Indians or other natives receiving extensions of route of licenses as pilots if they are otherwise qualified.

(b) The holder of a license as master or mate of ocean or coastwise vessels who has had recent satisfactory service under the authority of his license is eligible for examination for endorsement as pilot on any waters upon completing the number of round trips over the route required for his grade of license by the Officer in Charge, Marine Inspection, having jurisdiction, while serving in the capacity of quartermaster, wheelsman or able seaman who stands regular watches at the wheel as part of his routine duties. Experience as an observer, properly certified by the master and/or pilot of the vessel is also acceptable in such cases. An endorsement as pilot granted under these provisions shall be limited to the tonnage and class of vessels for which the holder's license as master or mate is valid except as provided in § 10.05-39(b)(1)(ii).

(c) When an application is made to any Officer in Charge, Marine Inspection, for an extension of route which is outside his jurisdiction he shall request the Officer in Charge, Marine Inspection, having jurisdiction to forward the necessary examination material for examining the applicant. The complete examination file of the applicant shall be returned to the Officer in Charge, Marine Inspection, having jurisdiction, who, if satisfied that the applicant is qualified and capable, shall grant the authority and advise the other Officer in Charge, Marine Inspection, to endorse the license accordingly.

§ 10.05-43 Examination for license as pilot.

(a) An applicant for an original license as pilot or initial endorsement of master's or mate's license as pilot shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this paragraph:

- (1) Rules of the Road.
  - (2) Inland rules, applicable to route.
  - (3) Local knowledge of winds, weather, tides, current, etc.
  - (4) Chart navigation.
  - (5) Aids to navigation.
  - (6) Ship handling.
  - (7) Chart sketch of the route and waters applied for, showing courses, distances, shoals, aids to navigation, depths of water, and other important features of the route.
  - (7-a) Pollution abatement.
  - (8) General: Such further examination as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.
- (b) An applicant for extension of pilot's route shall be examined on the subjects in paragraphs (a) (1), (2), (7), and (8) of this section only.

(83 Stat. 852 (42 U.S.C. 4321, et seq.))

[CGFR 65-50, 30 FR 16617, Dec. 30, 1965, as amended by CGD 71-161R, 37 FR 28263, Dec. 21, 1972]

§ 10.05-45 Examination for license as deck officer of ocean or coastwise steam, motor or sail vessels.

(a) An applicant for license as deck officer of either ocean or coastwise steam and motor vessels, or sail vessels of 100 gross tons or over, or master of steam and motor yachts, shall pass a satisfactory written examination as to his knowledge of the subjects listed in paragraph (b) of this section. However, if the license to be issued is limited on its face in a manner that would make any of the specific subjects unnecessary or superfluous, the examination should be amended accordingly. Examinations for licenses not incorporated in Table 10.05-45 (b) shall be of suitable scope and character to determine the applicant's proficiency.

(b) List of subjects required:

TABLE 10.05-45 (b)—SUBJECTS FOR DECK OFFICERS OF OCEAN OR COASTWISE STEAM OR MOTOR VESSELS

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Subjects	Master				Chief mate		Second mate		Third mate		Mate— Limited mineral and oil industry
	Ocean	Coastwise	Yachts	Limited mineral and oil industry	Ocean	Coastwise	Ocean	Coastwise	Ocean	Coastwise	
1 Latitude by Polaris	X	X			X		X				
2 Latitude by meridian altitude method							Sun or star	Sun	Sun	Sun	
3 Fix or running fix	Any body	Sun or star	Any body		Any body	Sun or star	do	do	do		
4 Star identification (any method)	X	X	X		X	X	X				
5 Chart navigation	X	X	X	X	X	X	X	X	X	X	X
6 Compass deviation	Any body	Sun or star	Sun		Sun or star	Sun or star	Sun or star	Sun	Sun	Sun	
8 Middle latitude sailing			X					X	X <sup>1</sup>		
9 Mercator sailing	X	X	X			X	X	X	X	X	
10 Great Circle sailing	X						X <sup>2</sup>				
11 Plotting	X	X	X	X	X	X	X	X	X	X	X
12 Aids to navigation	X	X	X	X	X	X	X	X	X	X	X
13 Speed by revolutions	X	X			X						
14 Fuel conservation	X										
15 Instruments and accessories	X	X	X	X	X	X	X	X	X	X	X
16 Magnetism, deviation and compass compensation	X	X	X	X <sup>1</sup>	X	X	X <sup>3</sup>				
17 Chart construction	X	X									
18 Tides and currents	X	X		X	X	X	X	X	X	X	X
19 Ocean winds, weather and currents	X	X	X		X		X		X		
20 Nautical astronomy and navigation definitions	X					X	X		X		X <sup>2</sup>
21 International and inland rules of the road	X	X	X	X	X	X	X	X	X	X	X
22 Signaling by international code flags and flashing light; lifesaving, storm and special signals	X	X		X <sup>1</sup>	X	X	X	X	X	X	X <sup>2</sup>
23 Stability and ship construction	X	X		X	X	X	X <sup>1</sup>		X <sup>4</sup>		X
24 Seamanship	X	X	X	X	X	X	X	X	X	X	X
25 Cargo stowage and handling	X	X	X	X	X	X	X	X	X	X	X
26 Change in draft due to density		X			X						
27 Determination of area and volume						X	X				
28 Lifesaving apparatus and firefighting equipment	X	X	X	X	X	X	X	X	X	X	X
28a Pollution abatement	X	X	X	X	X	X	X	X	X	X	X
29 Ship sanitation	X	X			X						
30 Rules and regulations for inspection of merchant vessels	X	X	X	X	X	X	X	X	X	X	X
31 Laws governing marine inspection	X	X		X	X	X					

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J2 Ship's business	X	X		X							
33 Such further examination of a nonmathematical character as the Officer in charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.	X	X	X	X	X	X	X <sup>1</sup>	X	X <sup>1</sup>	X	X

<sup>1</sup> Practical use of the magnetic compass.  
<sup>2</sup> Lifesaving, storm and special signals.  
<sup>3</sup> Navigation definitions only.  
<sup>4</sup> Effective July 1, 1973, applicants for licenses as third mate of ocean steam or motor vessels are also tested in the following: Parallel sailing, mercator sailing, basic use of trim tables, ships stability, ship's construction, and damage control.  
<sup>5</sup> Effective July 1, 1973, applicants for licenses as second mate of ocean steam or motor vessels are also tested in the following: Great circle sailing, basic magnetism, deviation and compass compensation, basic ship's stability, ship's construction, damage control, and basic use of trim and stability tables.

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(c)(1) Each applicant for an ocean or coastwise deck license, whether original or raise of grade, shall be required to pass practical tests in signalling. The examination in signalling will consist of an examination in the International flag code and Morse flashing. Candidates will be examined in Morse flashing in groups where practicable.

(2) Candidates shall be able to read a signal at sight, so far as to name the flags composing the hoist; know the use of the code pennant, numeral and substitute pennants, the meaning of all the single letter signals and the flags used to indicate the quarantine signals; be required to signal some word or words not included in the vocabulary of the code; and have a good knowledge of the distress signals. Candidates will be required to attain a speed of six words a minute in Morse flashing. The average length of a word is to be five letters. Candidates who wish to prove their higher proficiency may request to be tested at a minimum speed of ten words a minute in Morse flashing. Such candidates, if successful, will have the results of their examination reported on their official files.

(3) A candidate for license who fails in signalling, but passes in every other subject, will be considered to have failed the examination and shall be so reported; but he may at any time within the six months following his first attempt be reexamined in signalling only, and if he then passes he will be granted a license.

(83 Stat. 852; 42 U.S.C. 4321, *et seq.* (46 U.S.C. 229, 391a(3)))

(CGFR 65-50, 30 FR 16617, Dec. 30, 1965, as amended by CGD 71-161R, 37 FR 28263, Dec. 21, 1972; CGD 72-151R, 38 FR 11464, May 8, 1973)

#### § 10.05-46 Radar observer.

(a) This section contains the requirements that must be met to qualify as radar observer. § 157.20-32 of this chapter specifies the persons who must be qualified as a radar observer.

(b) If an applicant meets the requirements in this section, one of the following radar observer endorsements will be added to a deck officer's license:

- (1) Radar Observer (Unlimited).

(2) Radar Observer (Inland Waters).

(c) Endorsement as Radar Observer (Inland Waters) is valid only for those waters covered by the Inland Navigational Rules or the Great Lakes Rules of the Road.

NOTE: Refer to Pub. L. 96-951. Effective December 24, 1981 Western Rivers Rules of the Road were incorporated into the Inland Navigational Rules. The effective date for the Inland Navigational Rules on the Great Lakes has been established as March 1, 1983.

(d) Except as provided in paragraphs (f) and (g) of this section each applicant for a radar observer endorsement or for renewal of an endorsement must complete the appropriate course for the endorsement desired and receive the appropriate certificate of training from an approved radar training school. (See § 10.30-7 of this part.)

(e) Each applicant for a radar observer endorsement or for renewal of an endorsement must present the certificate required by paragraph (d) of this section, dated within 1 year of the date of application, to the Officer in Charge, Marine Inspection. (Approved by the Office of Management and Budget under OMB control number 2215-0514).

(f) Applicants for renewal of a radar observer endorsement who reside in remote areas, including Puerto Rico, the U.S. Virgin Islands, Hawaii, Guam or Alaska, who possess a radar observer endorsement prior to (effective date), and are able to substantiate, to the satisfaction of the Officer in Charge, Marine Inspection, at the office at which renewal is sought their inability to attend an approved radar observer renewal course, may have their endorsement renewed upon successful completion of a written examination, administered by the Coast Guard, of the subjects contained in § 10.30-5(c)(1)(iii) and (iv).

(g) Applicants who possess a radar observer endorsement issued prior to (effective date) and who reside in other remote geographic areas not covered in paragraph (f) and who are able to substantiate to the satisfaction of Officer in Charge of Marine Inspection, that their absence would disrupt normal movement of commerce, may

have their endorsement renewed upon successful completion of a written examination, administered by the Coast Guard, of the subjects contained in § 10.30-5(c)(1)(iii) and (iv).

(h) An endorsement as radar observer issued under this section is valid for 5 years after the month of issuance. The radar observer endorsement is not terminated by the issuance of a new license during this 5 year period.

(i) The month and year of the expiration of the radar observer endorsement is placed on the license.

(j) A radar observer endorsement may be renewed at any time during the period of its validity.

(k) A radar observer endorsement issued prior to November 15, 1982, remains valid until November 15, 1984, or until the license expires, whichever occurs later.

(l) An applicant for renewal of a license that has a radar observer endorsement may renew the license without the radar observer endorsement.

(m) An applicant for renewal of a license that does not have a radar observer endorsement may renew the license without meeting the requirements for a radar observer endorsement.

(n) An applicant who does not have a radar observer endorsement may have a license raised to a higher grade or increased in scope without meeting the requirements for a radar observer endorsement.

(R.S. 4405, as amended (46 U.S.C. 375); R.S. 4462, as amended (46 U.S.C. 416); R.S. 4417a, as amended (46 U.S.C. 391a); sec. 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

(CGD 76-193a, 47 FR 40803, Sept. 16, 1982)

§ 10.05-17 Examination for license as master of Great Lakes steam and motor vessels.

(a) An applicant for license as master of Great Lakes steam or motor vessels shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this paragraph:

- (1) Rules of the Road.
- (2) Deviation by azimuth of the sun.
- (3) Deviation by azimuth of Polaris.

(4) Construction of a deviation table by any method:

(i) Azimuth of sun or Polaris.

(ii) Equidistant bearings of a fixed object.

(iii) Ranges.

(iv) Comparison with a gyro or magnetic compass whose deviation is known.

(5) Distance off by bearings and run.

(6) Distance off by distance-finding stations.

(7) Distance off by visibility of lights.

(8) Speed by revolutions and by observation.

(9) Instruments and accessories used in navigation.

(10) Magnetism, deviation, and compass compensation.

(11) Chart navigation and piloting.

(12) Aids to navigation.

(13) Winds and weather.

(14) Signals; storm, wreck, distress, and special.

(15) Stability and ship construction.

(16) Cargo stowage and handling.

(17) Seamanship.

(18) Temporary repairs to hull and equipment.

(19) Drills and lifesaving apparatus.

(20) Ship sanitation; Rules and Regulations for Vessel Inspection, and Navigation Laws of the United States.

(20-a) Pollution abatement.

(21) Ship's business.

(22) General.

(23) Practical chart work.

(24) Such further examination of a nonmathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

(83 Stat. 852 (42 U.S.C. 4321, *et seq.*))

(CGFR 65-50, 30 FR 16617, Dec. 30, 1965, as amended by CGD 71-161R, 37 FR 28263, Dec. 21, 1972)

§ 10.05-19 Examination for license as master of bays, sounds, and lakes other than the Great Lakes steam and motor vessels.

(a) An applicant for license as master of bays, sounds, and lakes other than the Great Lakes steam or motor vessels shall be required to pass a satisfactory examination as to his

knowledge of the subjects listed in this paragraph:

- (1) Rules of the Road applicable to the waters desired.
- (2) Distance off by bearings and run.
- (3) Speed by revolutions and by observation of landmarks.
- (4) Chart navigation and piloting.
- (5) Aids to navigation.
- (6) Winds, weather, and current.
- (7) Signals; storm, wreck, distress, and special.
- (8) Stability and ship construction.
- (9) Cargo stowage and handling.
- (10) Seamanship.
- (11) Temporary repairs to hull and equipment.
- (12) Drills and lifesaving apparatus.
- (13) Ship sanitation; Rules and Regulations for Vessel Inspection, and Navigation Laws of the United States.
- (13-a) Pollution abatement.
- (14) Ship's business.
- (15) General.
- (16) Practical chart work.
- (17) Such further examination of a nonmathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

(83 Stat. 852 (42 U.S.C. 4321, *et seq.*))  
[CGFR 65-50, 30 FR 16017, Dec. 30, 1965, as amended by CGD 71-161R, 37 FR 28263, Dec. 21, 1972]

§ 10.05-51 Examination for license as master of river steam or motor vessels.

(a) An applicant for license as master of river steam or motor vessels shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this paragraph:

- (1) Rules of the Road.
- (2) Shiphandling and navigation of river vessels.
- (3) Instruments and accessories.
- (4) Aids to navigation.
- (5) Seamanship.
- (6) Ship construction.
- (7) Cargo stowage and handling.
- (8) Temporary repairs to hull and equipment.
- (9) Drills; lifesaving and firefighting equipment and procedures.
- (9-a) Pollution abatement.
- (10) Rules and regulations for vessel inspection and navigation laws of the United States; ship sanitation.
- (11) Mathematics.

(12) General.

(13) Such further examination of a nonmathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

(83 Stat. 852 (42 U.S.C. 4321, *et seq.*))  
[CGFR 65-50, 30 FR 16617, Dec. 30, 1965, as amended by CGD 71-161R, 37 FR 28263, Dec. 21, 1972]

§ 10.05-52 Examination as master of freight and towing vessels not more than 1,000 gross tons.

(a) An applicant for license as master shall pass a satisfactory written examination as to his knowledge of the subjects listed in this paragraph.

- (1) Rules of the Road.
- (2) Practical use of the magnetic compass.
- (3) Instruments and accessories.
- (4) Chart navigation.
- (5) Aids to navigation.
- (6) Special signals.
- (7) Stability and ship construction.
- (8) Cargo handling and stowage.
- (9) Seamanship.
- (10) Lifesaving and firefighting.
- (10-a) Pollution abatement.
- (11) Ship sanitation.
- (12) Rules and regulations.
- (13) Ship's business.

(14) Such further examination as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

(b) The applicant shall demonstrate by written examination a practical knowledge of the area for which he has made application as master, using local charts including:

- (1) General geographical description of the area, indicating location of ports and harbors, general configuration of waterways, and the general tidal effects within the area.
- (2) General traffic patterns in the area and general type of traffic to be encountered.
- (3) More apparent hazards to navigation with their general descriptions and locations.
- (4) General description of major aids to navigation including topographical aids.

(5) General description of winds and currents in the area, especially those of peculiar force or effect.

(6) Special and peculiar hazards to navigation.

(7) Special rules, signals, and customs of the area.

(8) Methods of determining courses, distances and positions using the chart.

(c) The applicant shall demonstrate a satisfactory ability to navigate a vessel within the area for which he has made application using such methods as are commonly used.

(d) An applicant for extension of route shall be examined in subjects in (1) and (14) of paragraphs (a) and (b) of this section.

(e) The District Commander may authorize an oral examination in lieu of a written examination. When an oral examination is authorized, the Officer in Charge, Marine Inspection, shall maintain a written record of the examination for reference.

(83 Stat. 852 (42 U.S.C. 4321, *et seq.*))  
[CGFR 67-75, 32 FR 15756, Nov. 16, 1967, as amended by CGD 71-161R, 37 FR 28263, Dec. 21, 1972]

§ 10.05-53 Examination for license as master of ferry steam or motor vessels.

An applicant for license as master of ferry steam or motor vessels on either the Great Lakes, other lakes, bays, and sounds, or rivers shall be required to pass satisfactorily an examination of such length and scope as will satisfy the Officer in Charge, Marine Inspection, that the applicant is capable of handling and navigating such vessels. The applicant must demonstrate to the satisfaction of the Officer in Charge, Marine Inspection, his knowledge of pollution laws and regulations, procedures for discharge containment and cleanup, and methods for disposal of sludge and waste material from cargo and fueling operations.

(83 Stat. 852 (42 U.S.C. 4321, *et seq.*))  
[CGFR 65-50, 30 FR 16617, Dec. 30, 1965, as amended by CGD 71-161R, 37 FR 28263, Dec. 21, 1972]

§ 10.05-55 Examination for license as master or pilot of yachts on the Great Lakes, other lakes, bays, and sounds, or rivers.

An applicant for license as master or pilot of yachts on either the Great Lakes, other lakes, bays, and sounds, or rivers, shall be required to pass a satisfactory examination, as to his knowledge in handling such vessels, and his familiarity with the lights, lighthouses, channels, buoys, obstructions, courses, and distances between certain points in the waters for which he makes application for license. He shall also be examined regarding his knowledge of the Rules of the Road for such waters, the running and anchor lights, fog signals, the use of the lead, signal bells between engine-room and pilothouse, the General Rules and Regulations for Vessel Inspection, and such further examination of a nonmathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency. The applicant must demonstrate to the satisfaction of the Officer in Charge, Marine Inspection, his knowledge of pollution laws and regulations, procedures for discharge containment and cleanup, and methods for disposal of sludge and waste material from cargo and fueling operations.

(83 Stat. 852 (42 U.S.C. 4321, *et seq.*))  
[CGFR 65-50, 30 FR 16617, Dec. 30, 1965, as amended by CGD 71-161R, 37 FR 28263, Dec. 21, 1972]

§ 10.05-57 Examination for license as master of passenger barges on the Great Lakes, other lakes, bays, and sounds, or rivers.

An applicant for license as master of passenger barges on the Great Lakes, other lakes, bays, and sounds, or rivers shall be required to pass satisfactorily an examination of such length and scope as will satisfy the Officer in Charge, Marine Inspection, that the applicant is capable of handling the class of vessel for which he desires a license. The applicant must demonstrate to the satisfaction of the Officer in Charge, Marine Inspection, his knowledge of pollution laws and regulations, procedures for discharge con-

tainment and cleanup, and methods for disposal of sludge and waste material from cargo and fueling operations.

(83 Stat. 852 (42 U.S.C. 4321, *et seq.*))

(CGFR 65-50, 30 FR 16617, Dec. 30, 1965, as amended by CGD 71-161R, 37 FR 28263, Dec. 21, 1972)

§ 10.05-58 Examination as mate of freight and towing vessels not more than 1,000 gross tons.

(a) An applicant for license as mate shall pass a satisfactory written examination as to his knowledge of the subjects listed in this paragraph:

- (1) Rules of the road.
- (2) Practical use of the magnetic compass.
- (3) Instruments and accessories.
- (4) Chart navigation.
- (5) Aids to navigation.
- (6) Special signals.
- (7) Cargo stowage and handling.
- (8) Seamanship.
- (9) Lifesaving and firefighting.
- (9-a) Pollution abatement.
- (10) Rules and regulations.

(11) Such other examination as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

(b) The applicant shall demonstrate by written examination a practical knowledge of the area for which he has made application as mate, using local charts, including those subjects described in § 10.05-52(b).

(c) The applicant shall demonstrate a satisfactory ability to navigate a vessel within the area for which he has made application using such methods as are commonly used.

(d) An applicant for extension of route shall be examined in subjects in (1) and (11) in paragraphs (a) and (b) of this section.

(e) The District Commander may authorize an oral examination in lieu of a written examination. When an oral examination is authorized, the Officer in Charge, Marine Inspection, shall maintain a written record of the examination for reference.

(83 Stat. 852; 42 U.S.C. 4321, *et seq.*)

(CGFR 67-75, 32 FR 15756, Nov. 16, 1967, as amended by CGD 71-161R, 37 FR 28263, Dec. 21, 1972)

§ 10.05-59 Examination for license as mate of inland or river steam or motor vessels.

An applicant for license as mate of inland or river steam or motor vessels shall be required to pass a satisfactory examination as to his knowledge, experience, and skill in stowage and cargo handling, the operation and handling of fire apparatus, the launching and handling of lifeboats, his knowledge of life preservers and the method of adjusting them, his ability to manage the crew and direct and advise the passengers in case of emergency, his general familiarity with his duties in maintaining discipline and protecting the passengers, and such further examination of a nonmathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency. The applicant must demonstrate to the satisfaction of the Officer in Charge, Marine Inspection, his knowledge of pollution laws and regulations, procedures for discharge containment and cleanup, and methods for disposal of sludge and waste material from cargo and fueling operations.

(83 Stat. 852; 42 U.S.C. 4321, *et seq.*)

(CGFR 60-50, 30 FR 16617, Dec. 30, 1965, as amended by CGD 71-161R, 37 FR 28263, Dec. 21, 1972)

§ 10.05-61 Evaluation of experience not listed.

When an applicant presents evidence of service or experience which does not meet the specific requirements of the regulations in this part, but which in the opinion of the Officer in Charge, Marine Inspection, is a reasonable equivalent thereto, the application for license with supporting data shall be submitted to the Commandant for evaluation, together with the recommendation of the Officer in Charge, Marine Inspection.

#### Subpart 10.10—Professional Requirements for Engineer Officers' Licenses (Inspected Vessels)

AUTHORITY: R.S. 4417a as amended, 4426, as amended, 4427, as amended, 4438, as amended, 4438a, as amended, 4441, as

amended, 4443, as amended, 4445, as amended, 4447, as amended, sec. 2, 29 Stat. 188, as amended, sec. 1, 34 Stat. 1411, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 70 Stat. 152, and sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 405, 224, 224a, 229, 230, 231, 233, 225, 237, 367, 390b, 50 U.S.C. 198.

§ 10.10-1 No restriction as to waters on engineer's licenses.

(a) Except as otherwise specified in this part no engineer's license issued shall be restricted as to the waters upon which the engineer may serve, except that such restrictions on any license, when presented for renewal, shall not be changed without the licensee's consent.

(b) The holder of an engineer's license which is restricted as to waters may serve in the capacity and within the limitations in the license upon other waters without special endorsement as follows:

(1) "Ocean." This includes coastwise waters; Great Lakes; bays, sounds, and lakes other than the Great Lakes; and rivers.

(2) "Coastwise." This includes the Great Lakes; bays, sounds, and lakes other than the Great Lakes; and rivers.

(3) "Great Lakes." This includes bays, sounds, and lakes other than the Great Lakes, and rivers.

(4) "Bays, sounds, and lakes other than the Great Lakes." This includes rivers.

(5) "Inland waters." This includes the Great Lakes; bays, sounds, and lakes other than the Great Lakes; and rivers.

(6) "Rivers." This does not include any other type of waters.

§ 10.10-3 Grade and type of engineer licenses issued and limitations placed thereon.

(a) Licenses in the grades of chief engineer, first assistant engineer,

second assistant engineer, and third assistant engineer authorizing service on steam vessels or on motor vessels or on steam and motor vessels, shall be issued to applicants who qualify therefor.

(b) Engineer's licenses of all grades and types may be subject to such horsepower limitation as the Officer in Charge, Marine Inspection, shall deem appropriate. The horsepower limitations to be placed on a license shall be based on the applicant's qualifying experience; however, in no case shall an applicant's license be limited to a lower horsepower than the highest horsepower on which 25 percent or more of his experience was obtained. The applicant whose qualifying service has all been on Coast Guard inspected vessels of 4,000 horsepower or over shall be considered eligible for an engineer's license of unlimited horsepower.

§ 10.10-4 Examination for license as engineer officer of steam or motor vessels.

(a) An applicant for license as engineer officer of either steam or motor vessels shall pass a satisfactory written examination as to his knowledge of the subjects listed in paragraph (b) of this section. However, if the license to be issued is limited on its face in a manner that would make any of the specific subjects unnecessary or superfluous, the examination shall be amended accordingly. Examinations for any license not incorporated in Table 10.10-4(b) shall be of suitable scope and character to determine the applicant's proficiency.

(b) List of subjects required:

907-486-3910  
Box 991



Kodiak, Alaska  
99615

February 19, 1985

Alaska State Legislature  
Senator Fred Zharoff  
Pouch V  
Juneau, Alaska 99811

Dear Fred:

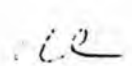
Here are copies of the charts I have put together for the pilot exemption. I had hoped to get more input from other areas to identify bays or inlets to be included here. Maybe after the start up of the fisheries, we can come up with more data.

The exemptions of the pilot requirements for these areas will allow the start up of a joint venture that will employ a number of small to medium Alaskan trawlers. We think this will be a multi-species joint venture that will buy most everything that comes up in the net, except the prohibited species. The exemption will also allow more freedom of movement and less expense to some domestic U.S. processors.

We are not trying to bypass pilot requirements for ports such as Kodiak, Seward, Dutch Harbor, etc. We only wish to be able to move between certain bays without waiting for a pilot to be flown out of Anchorage. This has taken up to 4 days in one instance. Fishing patterns change hour by hour. We need to have the flexibility to move with the fish.

Any help you can give us will be greatly appreciated.

Sincerely,

  
Alvin Burch  
Manager

# ALASKAN JOINT VENTURE FISHERIES, INC.

333 West Fourth Avenue, Suite 311 • Anchorage, Alaska 99501 • (907) 276-5342

Telex: 4997205 AKIVF

MAR 4 1985

Alaska State Legislature  
Senator Fred Zharoff  
Pouch V  
Juneau, Alaska 99811

Anchorage, February 27, 1985

Dear Senator Zharoff:

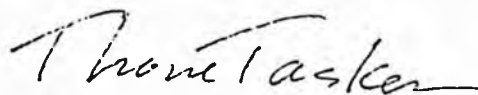
We have received a copy of Mr. Al Burch's letter of February 19, 1985 regarding the exemption of marine pilots requirements for certain inside waters of Alaska. We fully concur with its content and strongly support the idea of the exemption of the marine pilot requirements within certain bays.

As a result of the current marine pilot requirements, our company has lost large sums of money, a lot of time and additional opportunities. It would be much more convenient to be able to avoid such requirements and be allowed to move more freely within the bays where most of the fishing takes place.

As Al noted in his letter, the exemptions would encourage small to medium trawlers to participate in internal water joint ventures. We feel this involvement would greatly enhance the development of the fishing industry in Alaska.

We would be glad to supply you with additional information that you might request or find necessary to support this legislation.

Yours truly,



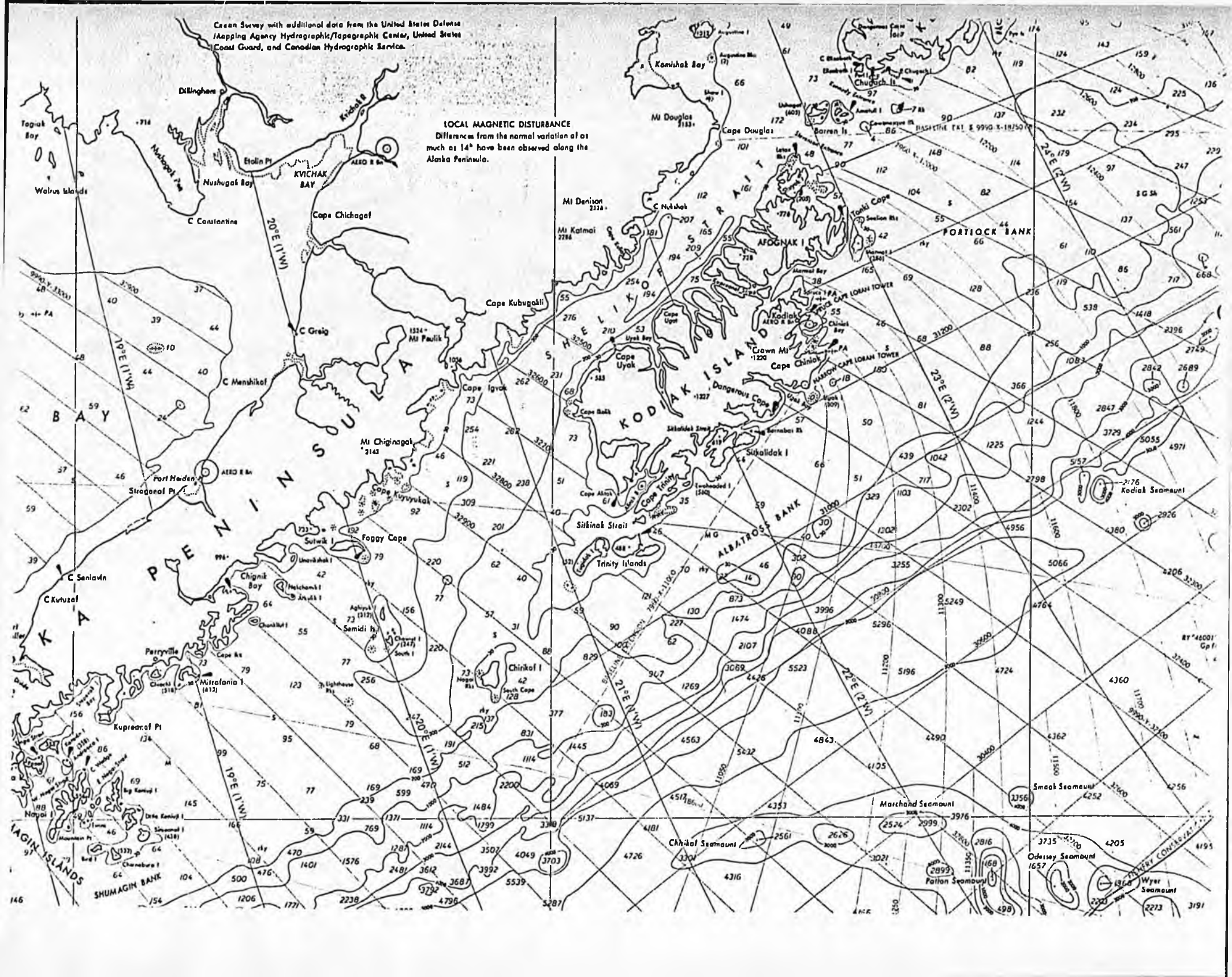
Thorne Tasker  
Alaskan Joint Venture Fisheries, Inc.  
President

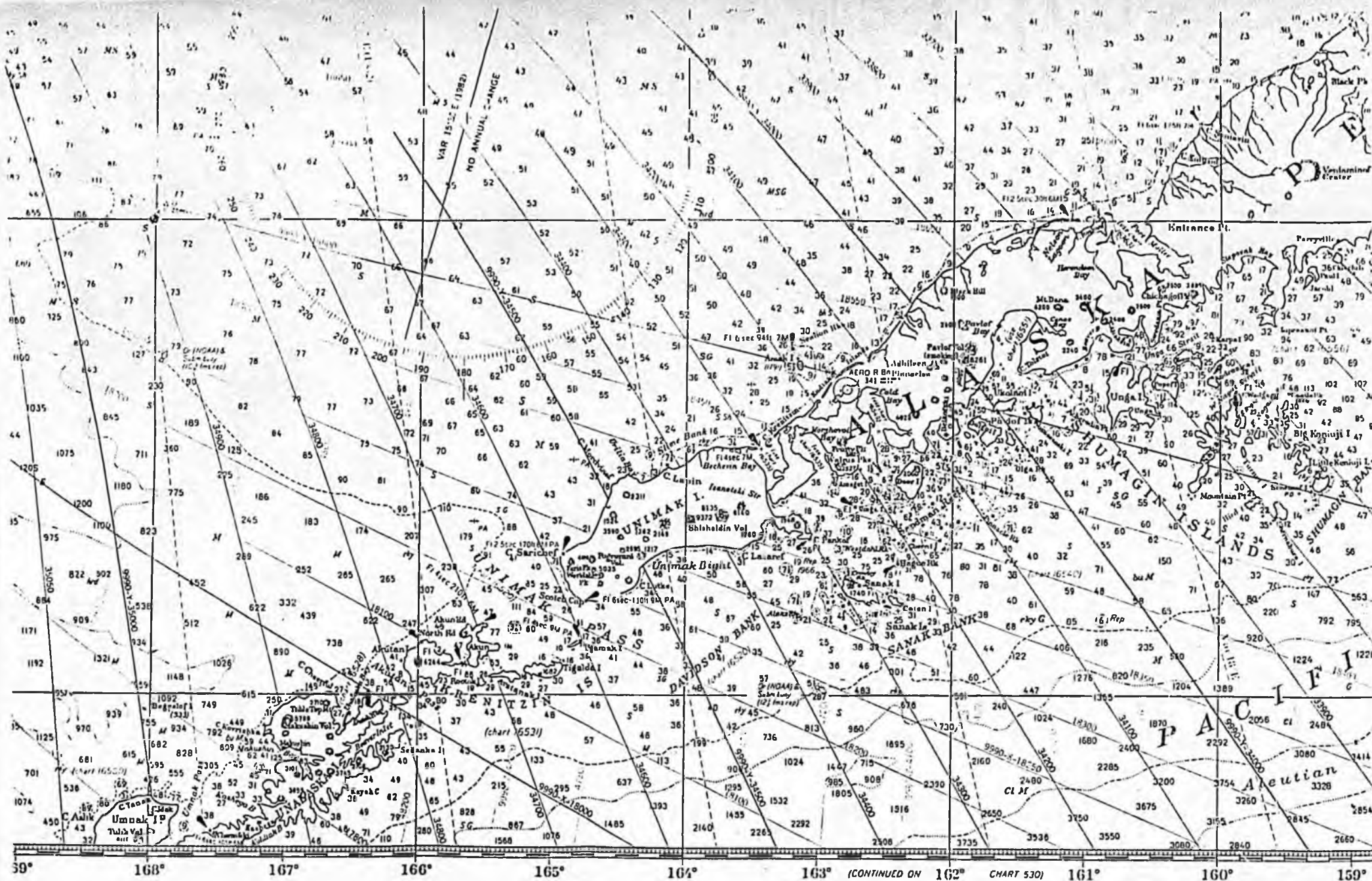
cc: Alvin Burch  
F. Gregory Baker

AB/ep

Ceans Survey with additional data from the United States Defense Mapping Agency Hydrographic/Topographic Center, United States Coast Guard, and Canadian Hydrographic Service.

**LOCAL MAGNETIC DISTURBANCE**  
Differences from the normal variation of as much as 14° have been observed along the Alaska Peninsula.





HOMS  
e side

Published at Washington, D. C.  
U. S. DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
NATIONAL OCEAN SURVEY

FATHOMS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
FEET	6	12	18	24	30	36	42	48	54	60	66	72	78	84	90	96	102
METERS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

(B  
SOUNDINGS