

Senate Bill 147

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber for Public Utility Commission)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies descriptions of pilotage grounds within which certain vessels must be under direction of state-licensed pilot.

Establishes Columbia River bar precautionary zone.

Provides civil penalty of not more than \$5,000 for violation of provisions related to Columbia River bar precautionary zone.

A BILL FOR AN ACT

1
2 Relating to pilotage; creating new provisions; and amending ORS 776.025, 776.405 and 776.880.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 776.025 is amended to read:

5 776.025. Except as may be established by the Oregon Board of Maritime Pilots under ORS
6 776.115 (3), bar and river pilotage grounds shall be as follows:

7 (1) The Columbia River bar pilotage ground extends from *[the uppermost dock or wharf at the*
8 *Port of Astoria or Knappton to the open sea in at least 30 fathoms of water]* **a line across the**
9 **Columbia River along 123° 44' 00'' west longitude, then downstream to the open ocean at the**
10 **entrance to the Columbia River, and includes the navigable waters encompassed by the fol-**
11 **lowing boundaries: Beginning at the ocean shore at a point that is 46° 19' 06'' north latitude,**
12 **124° 04' 06'' west longitude; then proceeding due west a distance of five miles to a point that**
13 **is 46° 19' 06'' north latitude, 124° 11' 42'' west longitude; then proceeding on an arc in a**
14 **southerly and southeasterly direction that is two miles west of and parallel to the Three**
15 **Nautical Mile Line, as determined by the National Oceanic and Atmospheric Administration's**
16 **Office of Coast Survey, to a southernmost point that is 46° 09' 06'' north latitude, 124° 05'**
17 **36'' west longitude; then due east to shore.**

18 (2) The Columbia and Willamette River pilotage ground extends from the *[lowermost dock or*
19 *wharf at the Port of Astoria to the]* head of navigation on the Columbia and Willamette Rivers and
20 their tributaries; **then downstream to the line across the Columbia River 123° 55' 00'' west**
21 **longitude.**

22 (3) The Coos Bay bar pilotage ground extends from the head of navigation on Coos Bay and its
23 tributaries *[to the open sea in at least 30 fathoms of water]; then downstream to the open ocean*
24 **at the entrance to Coos Bay and includes the navigable ocean area encompassed by the fol-**
25 **lowing boundaries: Beginning at the ocean shore; then west along the line of latitude**
26 **43° 24' 00'' north to the intersection with the line of longitude 124° 22' 00'' west; then south-**
27 **west on a line to the point that is 43° 22' 00'' north latitude, 124° 24' 00'' west longitude; then**
28 **southeast on a line to the point that is 43° 20' 00'' north latitude, 124° 22' 00'' west**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **longitude.**

2 (4) The Yaquina Bay bar pilotage ground extends from the head of navigation on Yaquina Bay
3 and its tributaries *[to the open sea in at least 30 fathoms of water]*; **then downstream to the open**
4 **ocean at the entrance to Yaquina Bay and includes the navigable ocean area encompassed**
5 **by the following boundaries: Beginning at the ocean shore; then west along the line of lati-**
6 **tude 44° 39' 00" north to the intersection with the line of longitude 124° 08' 00" west; then**
7 **south along the line of longitude 124° 08' 00" west to the intersection with the line of latitude**
8 **44° 35' 00" north; then east along the line of latitude 44° 35' 00" north to the ocean shore.**

9 **SECTION 2. Section 3 of this 2011 Act is added to and made a part of ORS chapter 776.**

10 **SECTION 3. The Columbia River bar precautionary zone is established. The Columbia**
11 **River bar precautionary zone extends seaward of the Columbia River bar pilotage ground,**
12 **lying between the western boundary of the Columbia River bar pilotage ground, and the line**
13 **drawn as follows: Beginning on shore at a point that is 46° 26' 00" north latitude,**
14 **124° 03' 24" west longitude; then proceeding due west to a point that is 46° 26' 00" north**
15 **latitude, 124° 20' 48" west longitude; then proceeding southwesterly and then southeasterly**
16 **along the United States 12 nautical mile territorial sea boundary line to a point on that**
17 **boundary that is 46° 04' 18" north latitude, 124° 14' 06" west longitude; then due east to shore.**

18 **SECTION 4. ORS 776.405 is amended to read:**

19 776.405. (1)(a) Except as set forth in paragraph [(b)] (c) of this subsection, *[no]* a person *[shall]*
20 **may not** pilot any vessel upon any of the pilotage grounds established under ORS 776.025 or 776.115
21 without being a licensee under this chapter or a trainee under the onboard supervision of a licensee
22 under this chapter.

23 **(b) Except as set forth in paragraph (c) of this subsection, a person may not pilot any**
24 **vessel in the Columbia River bar precautionary zone, either to enter or depart the Columbia**
25 **River bar pilotage ground, except pursuant to instructions from a licensee under this chapter**
26 **for the Columbia River bar pilotage ground, provided however that the master of a vessel**
27 **transiting the Columbia River bar precautionary zone remains at all times in full command**
28 **of the vessel and is responsible to take all reasonable steps to safely navigate the Columbia**
29 **River bar precautionary zone.**

30 [(b)] (c) *[Paragraph]* **Paragraphs (a) and (b)** of this subsection *[does]* **do not** apply to:

31 (A) The master of a vessel under fishery, recreational or coastwise indorsement provided under
32 46 U.S.C. chapter 121;

33 (B) A vessel registered with the State Marine Board or a similar licensing agency of another
34 state; or

35 (C) The master of a foreign registered fishing or recreational vessel, exempted by the Oregon
36 Board of Maritime Pilots, of not more than 100 feet in length or 250 gross tons international.

37 (2) A licensee under this chapter is at all times the servant of the vessel being piloted and its
38 owners and operators.

39 **SECTION 5. ORS 776.880 is amended to read:**

40 776.880. (1) In addition to any other penalty provided by law, any licensee or trainee who com-
41 mits any act for which the Oregon Board of Maritime Pilots could revoke, suspend or refuse to issue
42 or renew a license is subject to a civil penalty in an amount determined by the board of not more
43 than \$250 for each offense.

44 (2) Any person who violates the provisions of ORS 776.405 (1)(a) is subject to a civil penalty in
45 an amount as determined by the board of not less than \$5,000 and not more than \$50,000.

1 **(3) Any person who violates the provisions of ORS 776.405 (1)(b) is subject to a civil pen-**
2 **alty in an amount as determined by the board of not more than \$5,000 for each offense.**

3 ~~[(3)]~~ **(4)** Civil penalties under this section shall be imposed as provided in ORS 183.745.

4 ~~[(4)]~~ **(5)** All amounts recovered under this section are subject to ORS 776.365.

5
