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Eric Burnette, Executive Director
Oregon Board of Maritime Pilots
800 NE Oregon Street, Suite 507
Portland, Oregon 97232

By Email

Re: House Bill 2695; Coos Bay/Yaquina Bay Pilots' Response to Your Letter of February 2

Dear Mr. Burnette:

Thank you for your letter of February 2 regarding HB 2695. I am responding on behalf of the Coos Bay/Yaquina Bay Pilots Association (CBPA). CBPA opposes HB 2695.

As you know, HB 2695 would create an exception to ORS 776.405. That statute currently requires vessels trading between Oregon ports and foreign ports to utilize the services of Oregon licensed maritime pilots. Federal law allocates responsibility for regulating pilotage on such vessels to the states. See 46 U.S.C 4601 and 4602. HB 2695 would abrogate that responsibility by excepting tugs and barges trading between Oregon and British Columbia from Oregon's pilotage requirements.

The Oregon pilotage requirements are essential to safety in navigation and the protection of the environment. HB 2695 would replace the heightened navigation protections afforded by an Oregon licensed pilot with "a person holding the federal mariner license required for the towing vessel" if it was operating under the minimal federal requirements. HB 2695 would not require a federal first class pilot license, but instead would go to the lowest rung and permit a member of the tug's crew to act as pilot. The differences are dramatic between the comprehensive State regulatory requirements and the minimal federal requirements for those who in the federal system are deemed to be "acting as pilot." Here are just a few points of comparison, as examples:

HB 2695 would allow persons to navigate exempted tugs and barges into Coos Bay who in their lifetimes had seen Coos Bay as few as 12 times and in some cases as few as 4 times, and never passed any examination demonstrating any level of local knowledge. State licensed pilots for Coos Bay have many hundreds and in some cases thousands of bar crossings and bay transits to their credit, and all State pilots have passed at least two stringent written examinations regarding local knowledge. The training and continuing professional development of State licensed pilots is vastly superior to the vanishingly minimal federal requirements for a person "acting as pilot."

HB 2695 would allow a person who has not even seen Coos Bay for up to 5 years to attempt to cross a very treacherous bar with a tug and fully loaded barge. This lack of recent familiarity can

be dangerous. State licensed pilots navigate the bar and bay many times every month even with the low traffic levels of recent years, and are intimately familiar with the many hazards and constantly changing conditions.

HB 2695 would allow a person who has not had a physical examination for up to 5 years to "act as pilot" for exempted tugs and barges into and out of Coos Bay. State licensed pilots must pass a stringent physical every year and between physicals report any medical conditions that arise that are of concern regarding their fitness to pilot.

HB 2695 would allow a person with a blood-alcohol level of up to .04% (the federal mariner permissible on-duty limit) to "act as pilot," instead of requiring an Oregon pilot subject to the State's "zero tolerance" policy of no alcohol consumption in the 12 hours preceding a piloting assignment.

You as well as anyone know how dedicated the Oregon Board of Maritime Pilots is in protecting navigation safety through comprehensive regulation of pilotage. All of that would go out the window for vessels within the special interest exemption under HB 2695.

The business interests who support HB 2695 wish to avoid the costs of hiring State licensed pilots and are willing to expose everyone else to the increased safety risks that would result. They are likely to point to an exemption in the State of Washington as their model for HB 2695 and complain that some of their competitors in Washington do not have to pay pilotage fees on tugs and barges engaged in foreign trade. However, the exemption in Washington was adopted many decades ago, before navigation safety and protection of the environment gained the recognition they deserve. One must question whether Washington would adopt the same exemption today---it is doubtful.

According to the American Pilots Association, there is no exemption from state pilotage requirements similar to Washington's in entire the United States. Is it really the Oregon way to mimic a bad (and obsolete) example of one other state and lower standards that protect the environment?

CBPA wishes to be on record opposing HB 2695. Thank you for the opportunity to comment.

Very truly yours,



Kevin Q. Davis

Attorney for the Coos Bay/Yaquina Bay
Pilots Association

cc: Tess Milo