

AMENDED IN ASSEMBLY APRIL 9, 2012
AMENDED IN ASSEMBLY MARCH 29, 2012
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2287

Introduced by Assembly Member Swanson

February 24, 2012

An act to ~~amend Section 1191 of~~ *add Section 1191.5 to* the Harbors and Navigation Code, relating to bar pilotage.

LEGISLATIVE COUNSEL'S DIGEST

AB 2287, as amended, Swanson. Bar pilotage: rates.

Existing law provides for the licensing and regulation of pilots for Monterey Bay, and the Bays of San Francisco, San Pablo, and Suisun, and the payment of specified pilotage rates and charges imposed on vessels piloted in those bays. In that connection, existing law requires the Board of Pilot Commissioners for Monterey Bay, and the Bays of San Francisco, San Pablo, and Suisun Bays to recommend that the Legislature, by statute, adopt a schedule of pilotage rates that provide fair and reasonable return to pilots engaged in ship movements or special operations if the rates for those movements or operations are not specified by law.

Existing law requires a vessel using pilots for ship movements or special operations that do not constitute bar pilotage to pay the rate specified in the schedule of pilotage rates adopted by the Legislature.

~~This bill would, in the alternative, require a vessel using pilots for ship movements or special operations that do not constitute bar pilotage to pay the rate mutually agreed upon by the port agent and the person~~

~~with the authority to act on behalf of the vessel using a pilot for ship movements or special operations that do not constitute bar pilotage.~~

This bill would require that a minimum of 2 pilots be on board a vessel that is subject to the payment of bar pilotage and is inward or outward bound into or out of Monterey Bay, or the Bays of San Francisco, San Pablo, or Suisun if the movement of the vessel involves special circumstances or operations, as described. The bill would require a vessel that is subject to the payment of bar pilotage pursuant to those provisions to pay the full pilotage rate for vessel movements for the first pilot, and $\frac{1}{2}$ the full pilotage rate for vessel movements for the 2nd pilot. The bill would require the board, no later than January 1, 2014, to adopt regulations specifying the requirements that must be met for the safe operation of vessels in those bays during periods of restricted visibility caused by fog, weather conditions, or darkness.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1191.5 is added to the Harbors and
- 2 Navigation Code, to read:
- 3 1191.5. (a) *If the movement of a vessel which is subject to the*
- 4 *payment of bar pilotage and is inward or outward bound into or*
- 5 *out of Monterey Bay, or the Bays of San Francisco, San Pablo, or*
- 6 *Suisun, involves special circumstances or operations, the vessel*
- 7 *shall have a minimum of two pilots on board at all times.*
- 8 (b) *The vessel shall pay the full pilotage rate for the first pilot*
- 9 *for vessel movements covered under subdivision (a), and shall pay*
- 10 *one-half the full pilotage rate for the second pilot for those vessel*
- 11 *movements.*
- 12 (c) *For purposes of this section, “special circumstances or*
- 13 *operations” includes any of the following:*
- 14 (1) *The movement of a vessel that exceeds 1,115 feet in length*
- 15 *and is destined for the Port of Oakland.*
- 16 (2) *The movement of a vessel that involves a nighttime transit*
- 17 *of anhydrous ammonia during hours of darkness.*
- 18 (3) *The movement of a vessel that requires the turning of a vessel*
- 19 *that is between 1,000 feet and 1,115 feet in length.*
- 20 (4) *The movement of a vessel that takes place during a time of*
- 21 *restricted visibility caused by fog, weather conditions, or darkness.*

1 (d) On or before January 1, 2014, the board shall adopt
2 regulations specifying the requirements that must be met for the
3 safe operation of vessels in those bays during periods of restricted
4 visibility caused by fog, weather conditions, or darkness.

5 SECTION 1. Section 1191 of the Harbors and Navigation Code
6 is amended to read:

7 1191. (a) ~~The board, pursuant to Chapter 6 (commencing with~~
8 ~~Section 1200), shall recommend that the Legislature, by statute,~~
9 ~~adopt a schedule of pilotage rates that provide fair and reasonable~~
10 ~~return to pilots engaged in ship movements or special operations~~
11 ~~if rates for those movements or operations are not specified in~~
12 ~~Section 1190.~~

13 (b) ~~A vessel using pilots for ship movements or special~~
14 ~~operations that do not constitute bar pilotage shall pay the rate that~~
15 ~~is specified in the schedule of pilotage rates adopted by the~~
16 ~~Legislature or the rate mutually agreed upon by the port agent and~~
17 ~~the person with the authority to act on behalf of the vessel using~~
18 ~~a pilot for ship movements or special operations that do not~~
19 ~~constitute bar pilotage.~~

20 (c) ~~Consistent with the board's adoption of rate~~
21 ~~recommendations in May 2002, the minimum rates imposed~~
22 ~~pursuant to this section that are in effect on December 31, 2002,~~
23 ~~shall be increased by 26 percent on January 1, 2003; those in effect~~
24 ~~on December 31, 2003, shall be increased by 26 percent on January~~
25 ~~1, 2004; those in effect on December 31, 2004, shall be increased~~
26 ~~by 14 percent on January 1, 2005; and those in effect on December~~
27 ~~31, 2005, shall be increased by 14 percent on January 1, 2006.~~