

**Minutes  
December 16, 2004**

The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun regular meeting was held in the Board of Pilot Commissioners office, Pier 9, Suite 102, San Francisco, CA, commencing at 10:45 a.m. on Thursday, December 16, 2004 Commissioner Falaschi presiding. A quorum was present, including Commissioners Bayer, Lundeberg, Rosequist, Wagner, Welch and Winn. Also in attendance were Port Agent Bill Greig, Board Counsel Raymond Paetzold, Executive Director Moloney and Secretary Alice Evans and various members of the public.

Request approval of Minutes of the November 18, 2004 regular Board meeting. The minutes were unanimously approved.

Correspondence and Activities since the November meeting -- Executive Director Moloney --  
No correspondence to report.

Other Pilot Matters -- Executive Director Moloney

1. The Board issued license renewals to SFBP Captains Gans, McBride and Welch during the month of December.
2. The Board has received the manpower reports and statements for pilotage fees and surcharges collected from SFBP through October and Inland Pilot Slough through November 2004. Copies are available in the Board office.

Port Agent's Report -- SFBP Captain Bill Greig

1. There are currently four pilots NFFD. Captains Gans and Rhodes are being treated for conditions unrelated to work. Captain Dohm is caring for a terminally ill family member. Captain Cota is undergoing evaluation.
2. There were three MRP violations since the last meeting. On November 19 there was one violation with a 10 hour 20 minute rest period. Two pilots were NFFD and one was on comp time. This pilot was called in early for a river job. On December 1 there was one violation with an 11-hour rest period with one pilot NFFD and one on pilot business. On December 8 there was one violation with a rest period of 11 hour 30 minutes. There were four pilots NFFD.

Due to the extraordinary amount of MRP violations in November we examined data on twelve-hour violations for the last two years to identify trends in violations. While there are several contributing factors to MRP violations we found that every significant period having violations was also a time when pilots were attending training courses. In order to better manage rest periods we are considering the following actions during training:

- a. Identify the dates of the training periods.
- b. Continue the practice of not allowing comp time during training.
- c. Postpone or reschedule special projects during these times.
- d. Allow only off watch pilots to attend meetings with outside entities.
- e. Cancel all in house pilot meetings.
- f. Temporarily balance each pilot group by transferring pilots from one group to another to make up for deficit caused by NFFD pilots.
- g. Dispatch new pilots only to vessels that they don't require supervision on.

There are six scheduled training periods in 2005 starting in April.

3. There was no down time on any of the pilot boats since the last meeting.
4. Vessel movements through November compared to a three-year daily average:
 

|               |        |
|---------------|--------|
| Bar Crossings | +2.7%  |
| Gross Tons    | +10.1% |
| Bay Moves     | -6%    |
| River Moves   | -3.6%  |
| Total Moves   | +0.8%  |

Unfinished Business

1. Open Incidents --Commissioner Executive Director Moloney
  - a. M/V CMA-CGM YANTIAN, alleged violation of RNA speed restrictions, San Francisco Bay, September 19, 2004 – Executive Director Moloney reported that the incident is not completed and that the IRC requests an extension because the 90-day period will expire before the next Board meeting. It was moved and seconded to extend the IRC report until the next Board meeting. Commissioner Falaschi asked for discussion. There being no further discussion the motion passed unanimously.
2. Pilot Ladder reportable incidents -- Executive Director Moloney said there were no pilot ladder incidents to report.
3. Rules and Regulations Committee -- Commissioner Welch -- report on status of proposed rulemaking re amendments to Continuing Professional Development Program and Pilot Trainee Selection Procedures – Commissioner Welch reported that the Office of Administrative Law approved the proposed rulemaking package and that the rulemaking will be effective January 5, 2005.

Commissioner Falaschi continued with a reminder that it would be beneficial for all committees to submit items for the upcoming Board meetings in January and February to address potential safety issues or concerns in the event that the Board loses its quorum after February 2005.

4. Finance Committee -- Commissioner Winn -- report on December 16, 2004 meeting -- possible recommendations to adjust Board Operations Surcharge/reserve, Pilot Vessel Surcharge, Pilot Training Surcharge and/or Pilot Trainee Surcharge, if warranted -- **possible Board action re same**

Commissioner Winn reported that the Committee met prior to today’s meeting and reviewed the SFBP variance report: Gross from piloting is up 9%, expenses up 11%, net up 6%; expenses-to-gross ratio is 29%; 2004 continues to be a strong year.

The Committee reviewed the BOPC surplus and determined that no changes to the Board Operations Surcharge, Pilot Training Surcharge or Pilot Trainee Surcharge are warranted at this time.

Pilot Vessel Surcharge was also reviewed and the Committee will again review this surcharge at the February meeting. It was noted that if there is a change it would be a reduction.

The SFBP reported that Robin Maritime had an unpaid balance of \$142,000 and that \$36,000 is still outstanding. SFBP will continue collection efforts for the remaining balance.

The SFBP annual audit will begin December 24. It is anticipated that a preliminary report will be submitted at the February meeting.

5. Pilot Training Curriculum Committee -- Commissioner Wagner said there is no report.
6. Pilot Evaluation Committee--Capt. Melvin -- Report on December 15 meeting -- report on trainees' progress in training program -- possible recommendation for replacement of Pilot Evaluation Committee member(s); **possible Board action re same**

SFBP Captain Melvin reported that the Committee met on December 1 at CMA for a workshop in the simulator and that the test preparation is going very well. Two more workshops are scheduled for January 5 and 12 at CMA. The Committee met on December 15 to review trainee progress. The current trainees have their pilotage for all areas and are progressing well. There are four new trainees coming onboard January 1. Orientation is scheduled January 3. The current trainees will also sit in on the orientation session.

The Committee began review of potential candidates to fill two anticipated vacancies. The Committee is reviewing the level of interest, and the quantity and quality of the evaluations by interested pilots. The Committee will also inquire with most recently licensed pilots of the quality of training that they have received. The Committee will make a recommendation at the next Board meeting. The next Committee meeting is scheduled for January 19 at 10:00 a.m.

Commissioner Falaschi asked the Committee to present at the time of its recommendation an overview of the PEC's activities and background of the pilots recommended for appointment.

7. Pension Committee -- Commissioner Bayer -- Report on status of review of statutory pension plan recommendations for the plan's interpretation and implementation, developing proposed procedures for submitting and handling requests for disability determination under the pension plan, fiduciary oversight and pension matters in event that Board loses quorum after February 2005 -- report on December 2 and 13, 2004 meetings -- **possible Board action**

Commissioner Bayer reported that the Committee is continuing its work on various agenda items assigned to it. At the Port Agent's request, the committee considered issues that would be raised in the event a pilot makes a full recovery after retiring due to a disability and then seeks to return to active piloting. Since the last meeting on December 2 the Port Agent has requested that this item be tabled indefinitely. Additional meetings will be scheduled early next year. There are no scheduled meetings at this time.

8. Ad Hoc Pilot Power Committee -- Commissioner Wagner -- review the timing of contracting with three (3) additional trainees -- conditional authorization in event Board loses quorum: authorize President and/or Executive Director to execute all necessary documents to contract with three (3) additional trainees prior to the expiration of the current eligibility list (scheduled to expire June 2005) -- **possible Board action**

Commissioner Wagner reported that the Committee last met on September 17, 2004 and reported at the September 23 Board meeting in relevant part as follows:

The Committee understands that the terms of five current Board members are set to expire on December 31, 2004. In the event that the Governor does not act to re-appoint these members or fill their vacancies, the Board will be without a quorum qualified to take Board action after the end of February 2005. If all of the above circumstances remain unchanged at the time of the Board's December 2004 meeting -- which is today -- the Committee recommended that the

Board authorize its President and/or Executive Director to execute all necessary documents to contract with three (3) additional trainees prior to the expiration of the current eligibility list (scheduled to expire June 2005). The Committee believes that this recommendation should ensure the timely availability of trained pilots to meet current projected needs for the next three years without overburdening the training program or the pilot evaluation committee.

Commissioner Wagner moved and it was seconded that the Board authorize the Board President and/or Executive Director to execute all necessary documents to contract with three (3) additional trainees in time to commence training on or about June 1, 2005. Commissioner Falaschi asked for discussion. Commissioner Rosequist commented that the Board had previously discussed the additional trainee recommendation and that the Board had been provided necessary background and information. The motion then passed unanimously.

Commissioner Falaschi stated that items 9., 10., 11. and 12. on the agenda remain as placeholders and that there is nothing further to report on these items at this time:

9. Vessel Interactions -- Review incident frequency, Board's role in addressing the problem-- Commissioner Falaschi/Executive Director Moloney -- report on 2-year summary, possible reasons for decline in frequency of incidents.
10. Pilot Security -- Commissioner Falaschi
11. Ad hoc Committee for Pilot Fitness -- Commissioner Falaschi -- status of appointments of committee members
12. California Performance Review -- recommendations re Pilot Commission -- Executive Director Moloney -- review status of CPR recommendations following public hearings -- **possible Board action re same**

#### New Business

1. M/V MANDARIN GLORY, allision with Richmond Levin Terminal 5B, November 29, 2004 -- Executive Director said this incident is under investigation.
2. Public Comment on matters not on the agenda -- there were none.
3. Proposals for additions to next month's agenda -- there were none.

Schedule next regular meeting -- the next Board meeting is scheduled for January 27, 2005 at 9:30 a.m.

Adjournment -- the meeting was adjourned at 11:05 a.m.

Respectfully submitted,

Alice A. Evans  
Secretary