

<b>Minutes</b>	<b>Monthly Board Meeting</b>	<b>Date:</b>
<b>Open Session</b>		June 27, 2013
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**Board members present**

RADM. Frank Johnston, President  
 Mr. Dave Connolly, Vice President  
 Mr. John Schneider, Commissioner  
 Capt. Steve Roberts, Commissioner  
 Gabor Morocz, Ex Officio Member, designee of the Secretary of the Business Transportation and Housing Agency

**Staff present**

Allen Garfinkle, Executive Director  
 Dennis Eagan, Board Counsel  
 Kelly Dolcini, Staff Services Analyst  
 Sigrid Hjelle, Office Technician

**Others present**

Capt. Pete McIsaac, Port Agent

**Public present**

Past President Knute Michael Miller, Past Board Counsel Ray Paetzold, San Francisco Bar Pilot (SFBP) Capt. Einar Nyborg, SFBP Business Director John Cinderey were among the public present.

**1. Call to order and roll call**

The meeting was chaired by President Johnston, who called the meeting to order at 9:30 a.m. There was a quorum present for all agenda items with the exception of items #15 and #16.

**2. Approval of minutes of the May 23, 2013 Board meeting**

The Board approved the minutes with clerical, non substantive changes.

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**3. Announcements**

President Johnston announced that, due to the absence of two Board members and his obligation as a member of the Incident Review Committee to recuse himself from voting on Incident Review Committee proceedings, a quorum would no longer be established for agenda items 15 and 16. For this reason, the meeting would be continued to Monday, July 1, 2013 at 10:00 a.m. to address items 15 and 16.

**4. Board member activities**

There were no reports.

**5. Executive Director's report**

Correspondence and activities since the last meeting:

Mr. Garfinkle reported that on June 12, 2013 Board staff received a letter from the Port of Stockton documenting the renewal of pilotage commissions for the Port of Stockton, which run from July 1, 2013 through June 30, 2014 for the following pilots: Captains Alden, Cloes, Haggarty, Hurt, McCloy, Miller, Pinetti, Robinson, and Sweeney. On behalf of the Commission staff, Mr. Garfinkle thanked these pilots for their service in the demanding river environment.

He also reported he attended the June meeting of the Harbor Safety Committee where copies of the revised Harbor Safety Plan were presented as well as a USCG Marine Safety and Security Information Bulletin (MSIB) detailing the changes to the San Francisco Offshore Traffic Separation Scheme, which would extend shipping lanes beyond the continental shelf in order to protect marine mammals that feed and calve over the shelf.

Board licensing:

Between the April and May Board meetings staff renewed the licenses for Captains Tylawsky, Weiss, Wehr, Sweeney, Hurt, and Horton. Since the May Board meeting staff renewed licenses for Captains Fawcett, Cloes, Manes, Haggerty, Long, Nyborg, and Slack.

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Board Surcharges:

The Board received a check for \$132,238.43 for surcharges collected by the SFBP, which were broken down as follows:

Board Operations Surcharge: \$32,128.43

Continuing Education Surcharge: \$70,770.00

Trainee Training Surcharge: \$29,340.00

Legislative matters:

There was no legislative activity affecting the Board since the last meeting.

Contractual matters:

Ms. Dolcini gave the report on contractual matters. She described the contracts that Board staff have recently completed and are currently working on. These include contracts with California Maritime Academy and Capt. Dave Gates, as well as a recently signed contract for psychometric services from Progeny Systems Corporation, which will aid in the development and implementation of a trainee program entrance exam in 2014.

She also reported that the Board staff would be working on a request for proposals from manned model training facilities, as the current contract with Port Revel expires on June 30, 2014.

**6. Port Agent's report**

Capt. McIsaac reported that there are currently eight pilots absent for medical reasons (AFMR).

He reported that there had been 27 minimum rest period (MRP) exceptions since the May meeting, primarily due to the combination of a large number of pilots who were AFMR and others who were attending the manned model training.

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He also reported on billed vessel moves during the month of May and gave an update on pilot boat maintenance and repairs.

Capt. McIsaac gave an update on matters affecting the SFBP, including the installation of an air gap sensor on D-E span of the Bay Bridge and a visibility sensor at the Port of Oakland. He also discussed a study the SFBP is conducting on night turns in Oakland Inner Harbor.

**7. Pilot Evaluation Committee**

- A. Capt. Nyborg reported that the Pilot Evaluation Committee (PEC) met on June 19, 2013. In closed session, all trainees were interviewed individually. There are currently three trainees in the pilot trainee training program, all of whom are progressing well.

As a result of the meeting and on behalf of the PEC, he informed the Board that the Committee unanimously agreed that Capt. Robert Carr has completed the training program, and he presented a recommendation that Capt. Carr be granted a Certificate of Completion from the training program. Capt. Carr began the training in January of 2011. During that time he worked extremely hard to maintain a good average, making a 4.0 out of 5.0 for the last four months.

- B. Mr. Garfinkle confirmed that Capt. Carr had fulfilled the requirements necessary to complete the training program and recommended to the Board that a Certificate of Completion be issued to Capt. Carr.

**MOTION:** Commissioner Connolly moved that Capt. Carr should be issued a certificate of completion. Commissioner. Roberts seconded the motion.

**ACTION:** Board members voted unanimously issue a Certificate of Completion to Capt. Carr.

- C. President Johnston inquired of Executive Director Garfinkle whether he had received an application for a pilot license from Capt. Carr. Executive Director Garfinkle confirmed that he had received an application from Capt. Carr, that he was found fit for duty by a Board designated physician, and that there is an opening within the San Francisco Bar Pilots. He recommended that the Board issue a license to Capt. Carr.

**MOTION:** Vice President Connolly moved that the Board issue Capt. Carr a license. Commissioner Roberts seconded the motion.

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**ACTION:** The board voted unanimously by roll-call vote to issue Capt. Carr a pilot license.

**8. Reported safety standard violations**

Mr. Garfinkle reported that there had been two safety standard violations since the last Board meeting.

The first was a pilot ladder deficiency on the M/V YM SHANGHAI on June 13, 2013. In this case, following the Board investigation, the United States Coast Guard Sector San Francisco Office of Port State Control was notified of the deficiency. In this case the vessel was outbound and the USCG contacted the vessel through the agent and the deficiency will be rectified before returning to the United States.

The second safety standard violation occurred on June 14, 2013 on the M/V FU KANG. This was also pilot ladder deficiency, where there was extensive wastage on the accommodation ladder being used in combination with the pilot ladder. In this case the vessel was entering port. Following the Board investigation, USCG Sector San Francisco Port State Control was notified and indicated that the ship would be boarded and the ladder inspected.

**9. Reportable piloting events**

A. Mr. Garfinkle reported that the IRC investigation into the M/V TANCREED would be presented at the continued meeting on Monday, July 1, 2013.

B. On the matter of the M/V NYK LYNX, Mr Garfinkle reported that it was still under investigation and that he expected to report on it at the July meeting. However, the 90<sup>th</sup> day occurs on July 22, 2013, while the meeting is July 25, 2013. He requested an extension for this reason, and he expects to present it at the July 25, 2013 meeting.

**MOTION:** Commissioner Connolly moved to grant an extension to the investigation into the interaction of the M/V NYK LYNX with one or both the M/V APL TOKYO

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and/or the M/V BEAR MOUNTAIN BRIDGE. Commissioner Roberts seconded the motion.

**ACTION:** The motion passed unanimously on a voice vote.

- C. On the matter of the M/V CLAXTON BAY, Mr. Garfinkle reported that no action by the Board is necessary.. The incident remains under investigation and that the 90<sup>th</sup> day is August 8, 2013.

**10. Pilot Fitness Committee**

Committee Chairman Miller reported that the Pilot Fitness Committee met on June 7, 2013 with all members participating. Mr. Morocz participated by telephone from Sacramento. The Port Agent and two SFBP pilots also were present throughout the meeting.

The Committee received a progress report from Mr. Morocz on the fitness regulation rulemaking. He reported that BTH Secretary Kelly had approved the proposed regulations. However, BTH (soon to be the California Transportation Agency) was moving its offices and additional progress on the regulations was delayed, with the process expected to resume about July 15, 2013.

The Committee began its consideration of its new mission, to wit: Development of a scope of work for the mandated independent study of pilot fatigue and the eventual development of regulations to address fatigue issues as they relate to the Board’s licensees. The Committee reviewed the language of the statute (SB 1408), discussed fatigue issues addressed in the professional literature furnished by NTSB staff, received a copy of a study completed for the Columbia River Pilots and recommendations made to that pilot group by the study’s authors. Work on reviewing the literature is ongoing.

The Committee will meet next on August 2, 2013.

**11. Finance Committee**

Commissioner Schneider reported on Finance Committee meeting held today, June 27, 2013.

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- A. The Committee met on June 27, 2013 at 8:30 a.m. California Highway Patrol Assistant Chief Terri Anderson joined the meeting to discuss the BOPC budget condition at the close of the 2012-2013 fiscal year.
- B. After reviewing the number of licensees anticipated on July 1, 2013, the Committee determined that it is not necessary to adjust the mill rate at this time.
- C. The Committee reviewed the Board Operations Surcharge. They determined that there was a surplus of funds but that no change was needed to the Board Operations Surcharge (currently 1%) at this time. The Committee also discussed the Continuing Education Surcharge and determined that the charge could be reduced due to a surplus in the Continuing Education account. The Committee recommended that the Board lower the charge from \$105/move to \$75/move.

**MOTION:** Vice President Connolly moved to lower the Continuing Education Surcharge to \$75/move. Commissioner Roberts seconded the motion.

**ACTION:** The motion passed unanimously on a voice vote.

Finally, The Committee discussed the small number of trainees, the need to fund the upcoming examination, and the relatively minimal income gained by \$15/trainee/move. They proposed that the Board raise the surcharge to \$35/trainee/move.

**MOTION:** Commissioner Connolly moved to raise the Trainee Training Surcharge to \$35/trainee/move. Commissioner Roberts seconded the motion

**ACTION:** The motion passed unanimously on a voice vote.

## **12. Pilot Power Committee**

Commissioner Schneider gave the report in Commissioner Long's absence. He gave a brief summary of the June 11, 2013 Pilot Power Committee meeting. The Committee discussed whether it was necessary to add licensees beyond the current authorized number of 60. They discussed the number of MRP exceptions and mitigation practices. It was determined that there were an unusually high number of pilots who are not fit for duty or away at training and that there is no need to increase the number of authorized licenses at this time.

The Pilot Power Committee will meet again on July 23, 2013.

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**13. Low Sulfur Fuel Report**

Executive Director Garfinkle reported that two vessels were identified as having loss of propulsion due to fuel switching during the month of June.

**14. Report of the Attorney General's Office**

Board Counsel Dennis Eagan reported that oral argument in the pending Court of Appeal hearing on Pacific Merchant Shipping Association v. BOPC and Capt. Peter McIsaac as Port Agent, Writ of Mandate occurred on June 19, 2013. The matter has been submitted and the court has 90 days to make a decision.

**15. IRC report on the license suspension or revocation action stemming from the M/T OVERSEAS REYMAR report.**

Mr. Garfinkle reported that the Board would re-convene on Monday, July 1, 2013 to evaluate the proposed stipulated settlement agreement.

**16. IRC report on the M/V TANCREED alleged damage to dock cap rail while departing Benicia Berth 2 on January 26, 2013.**

Mr. Garfinkle reported that the Board would re-convene on Monday, July 1, 2013 to hear the IRC investigation and recommendations.

**17. Public comment on matters not on the agenda**

There were no comments.

**18. Proposals for next month's agenda**

There were no proposals for next month's agenda.

**19. Adjournment**

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The meeting adjourned at 11:15 a.m.

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Allen Garfinkle, Executive Director

Prepared by: Kelly Dolcini