

**BOARD OF PILOT COMMISSIONERS FOR THE BAYS OF
SAN FRANCISCO, SAN PABLO, AND SUISUN**

PROPOSED LANGUAGE

The proposed amendments to existing text are shown in underline to indicate additions and ~~strikeout~~ to show deletions. All other text remains unchanged.

Amend Section 211.5 of Title 7, California Code of Regulations to read as follows:

§ 211.5. Commission Investigator Minimum Standards.

(a) To be eligible to be a Commission Investigator, an applicant shall meet at least two of the following minimum requirements:

(1) Possess or have possessed a United States Coast Guard license as Master of Ocean, Near Coastal or Inland vessels of ~~any gross tons~~not more than 1600 gross tons or as master of vessels of any gross tons, and shall have served at least two years as Master under the authority of that license.

(2) Possess or have possessed a United States Coast Guard license as Chief Engineer, unlimited horsepower, of steam or motor vessels and shall have served at least ~~two years~~one year as Chief Engineer under the authority of that license.

(3) ~~APossess a bachelor's degree from a maritime academy.~~

(4) Possess or have possessed a license or endorsement as first class pilot to serve as pilot from sea to the Golden Gate Bridge or any route or subroute on waters east of the Golden Gate Bridge issued by the U.S. Coast Guard pursuant to 46 CFR Section 11.701 and Officer ~~on~~in Charge, Marine Inspection San Francisco Bay Instruction 16271 or successor thereto.

(5) ~~Three~~Two years of experience in shipboard duties as chief mate or first ~~assistant~~assistant engineer, and two years of experience performing the duties of a marine superintendent or port engineer.

(6) ~~Three~~Two years of experience as a senior marine Coast Guard investigating officer in ~~charge~~ of the investigation division of a Marine Safety Office or Sector Command who retired with the rank of Commanderachieved the rank of Warrant Officer or above.

(7) ~~For purposes of complying with the service requirements in the above subsections (a)(1), (a)(2) and (a)(5), a year shall mean 360 days performing the required duties of the position.~~

(b) All ~~applications~~applicants shall also meet one of the following requirements:

- (1) ~~Two years~~One year of experience employed shoreside as a marine investigator, or
- (2) Two years of experience as a licensed deck or engine officer that includes marine investigations, or
- (3) Thirty or more hours of training in marine incident investigation, provided by a marine investigation training program.

(c) For purposes of complying with the experience requirements in the above subsections (a) and (b), a year shall mean 360 days performing the required duties of the position.

(ed) A Commission Investigator shall be required to possess, as a condition of employment or contracting, a current Transportation Worker Identification Credential issued by the Transportation Security Administration pursuant to 49 CFR section 1572.

Note: Authority cited: Section 1154, Harbors and Navigation Code. Reference: Section 1156, Harbors and Navigation Code.

Amend Section 213 of Title 7, California Code of Regulations to read as follows:

§ 213. Pilot Trainees.

- (a) This section applies only to persons not previously licensed by the Board or otherwise exempt from such program by the Code.
- (b) It is Board policy, through an effective selection process, to provide opportunity for progressive development and advancement of qualified maritime personnel to State licensed pilots in accordance with statutory requirements.
- (c) State licensed pilots hold key positions in the safe passage of shipborne commerce in the waters under the Board's jurisdiction. They must exemplify the highest standards of leadership, professionalism and personal integrity. Mariners selected for the training program must demonstrate that they are fully capable of meeting demands of accountability and responsibility associated with such positions. The vital role of appropriately trained pilots in safety of navigation upon these waters cannot be overemphasized.
- (d) The Board in selecting applicants to participate in the Pilot Trainee Training Program adheres to equal opportunity precepts. All applicants meeting minimum eligibility requirements as provided herein shall receive consideration without regard to age, sex, race, religion, national origin, lawful political affiliation, physical handicap (within the SHIPS limitations), marital status, membership or non-membership in any employee organization, or any other personal

condition unrelated to the applicant's basic ability to perform satisfactorily as a pilot trainee and as a pilot.

(e) To meet minimum eligibility requirements, each applicant must:

(1) Possess a current, valid federal license, with an unlimited radar endorsement, either as master of vessels of not more than 1600 gross tons or as master of vessels of any gross tons;

(2) Be of good mental and physical health and of good moral character;

(3) Provide documentation, consisting of either (1) certificates of discharge or (2) declarations complying with Code of Civil Procedure section 2015.5 by both the applicant and the person verifying the experience, that demonstrates performance as master for:

(A) one year in command of a self-propelled vessel in navigation of not less than 1600 gross tons; or

(B) while holding, at minimum, a current, valid federal license as master of vessels of not more than 1600 gross tons, two years in command of either (1) a towing vessel of not less than 99 gross tons engaged in ship assist or in bay or ocean towing, or (2) a towing vessel of less than 99 gross tons in which the combined gross tonnage of the towing vessel and the vessel(s) towed is not less than 1600 gross tons; ~~or~~

~~(C) for applications submitted on or before the application cut-off date for the 2014 examination, and applicable only to the 2014 examination, two years in command of a towing vessel engaged in ship assist, or in bay or ocean towing in which the combined gross tonnage of the towing vessel and vessel(s) towed is not less than 1600 gross tons. This subsection (e)(3)(C) shall remain in effect only until the Board accepts the eligibility list resulting from an examination administered under Section 213 in 2014, and as of that date is repealed.~~

(4) Demonstrate recency of experience as follows:

(A) For experience under subsection (3)(A), the year of command experience must have been within the four years immediately preceding the application cut-off date, and six months of the command experience must have been within the two years immediately preceding the application cut-off date.

(B) For experience under subsections (3)(B) ~~and (3)(C)~~, the two years of command experience must have been within the five years immediately preceding the application cut-off date, and one year of the command experience must have been within the three years immediately preceding the application cut-off date.

(C) The recency requirements of subsections (4)(A) and (4)(B) above may be met by equivalent periods of service as a commercial pilot, not a member of the crew, directing and controlling the

movement of vessels of not less than 1600 gross tons, or a combination of such command and piloting (non-concurrent) experience.

(5) Be able to communicate in concise and clear language using proper terminology for bridge team, bridge-to-bridge and bridge-to-shore communications in English.

(6) ~~Must not~~Not have had prior felony or drug convictions or be currently in violation of a court order to provide child or spousal support.

(7) Pay to the Board on submission of an application for admission to the Pilot Trainee Training Program an examination fee of \$1,000 for participation in the written examination and bridge simulator exercise provided for in this section. The Board shall refund the entire fee to the applicant if the applicant does not take the written examination. If the applicant takes the written examination but does not participate in the simulator exercise, the Board shall refund \$500 of the examination fee to the applicant.

(f) The applications of all applicants meeting the minimum eligibility requirements in subsection (e) will be reviewed to assess experience points on the following schedule. In documenting their experience, applicants shall submit either (1) certificates of discharge or (2) declarations complying with Code of Civil Procedure section 2015.5 by both the applicant and the person verifying the experience. ~~With the exception of experience submitted under subsections (f)(1)(E), (f)(2)(F), or (f)(3)(C), experience~~Experience used to meet the minimum eligibility requirements of subsection (e)(3) will not be accepted in assessing experience points under this subsection.

(1) Tug Experience (not to exceed a maximum of 35 points):

(A) While holding, at minimum, a current, valid federal license as master of vessels of not more than 1600 gross tons, 1 year's offshore experience as master of a towing vessel in which the combined gross tonnage of the towing vessel and the vessel(s) towed is not less than 1600 gross tons, not combined with any other experience. 5 pts

(B) While holding, at minimum, a current, valid federal license as master of vessels of not more than 1600 gross tons, 1 to 3 years as master. 10 pts

(C) While holding, at minimum, a current, valid federal license as master of vessels of not more than 1600 gross tons, over 3 years as master. 5 pts

(D) While holding, at minimum, a current, valid federal license as master of vessels of not more than 1600 gross tons, serving as pilot on own vessels of not less than 1600 gross tons combined tug and tow for a minimum of 25 moves in pilotage waters for which the applicant held, while piloting, a current pilot endorsement. Moves performed as master of a tug engaged in assist and/or escort duty do not qualify for points under this subsection. "Own vessels" means vessels for which the applicant was the master. 15 pts

~~(E) For applications submitted on or before the application cut-off date for the 2014 examination, and applicable only to the 2014 examination, applicant has the option of having his or her experience, which must be documented in accordance with subsection (e)(3), assessed according to the following alternate schedule. This subsection (f)(1)(E) shall remain in effect only until the Board accepts the eligibility list resulting from an examination administered under Section 213 in 2014, and as of that date is repealed.~~

~~1. Command experience on tugs (minimum one year). 10 pts~~

~~2. Offshore command experience not less than 1600 gross tons combined tug and tow (minimum one year, not combined with any other experience). 5 pts~~

~~3. 2 to 5 years command. 5 pts~~

~~4. Over 5 years command. 5 pts~~

~~5. Served as pilot on own vessels of not less than 1600 gross tons combined tug and tow (minimum 100 moves) in pilotage waters. "Own vessels" means vessels for which applicant was the master. 5 pts~~

(2) Deep Draft Experience (not to exceed a maximum of 35 points):

(A) 1 year as master of self-propelled vessels of not less than 10,000 gross tons, not combined with any other experience. 5 pts

(B) 0.5 years as master of self-propelled vessels of not less than 1600 gross tons. 5 pts

(C) 1 to 4 years as master of self-propelled vessels of not less than 1600 gross tons. 10 pts

(D) Over 4 years as master of self-propelled vessels of not less than 1600 gross tons. 5 pts

(E) Serving as a pilot on own vessels of not less than 1600 gross tons for a minimum of 25 moves in pilotage waters for which the applicant held, while piloting, a current pilot endorsement. "Own vessels" means vessels for which the applicant was the master. 10 pts

~~(F) For applications submitted on or before the application cut-off date for the 2014 examination, and applicable only to the 2014 examination, applicant has the option of having his or her experience, which must be documented in accordance with subsection (e)(3), assessed according to the following alternate schedule. This subsection (f)(2)(F) shall remain in effect only until the Board accepts the eligibility list resulting from an examination administered under Section 213 in 2014, and as of that date is repealed.~~

~~1. Command experience on self-propelled vessels in navigation of not less than 1600 gross tons (minimum one year). 10 pts~~

~~2. In command of self propelled vessels over 10,000 gross tons (minimum one year, not combined with any other experience). 5 pts~~

~~3. 2 to 5 years command (minimum 1600 gross tons). 5 pts~~

~~4. Over 5 years command (minimum 1600 gross tons). 5 pts~~

~~5. Served as pilot on own vessels (minimum 100 moves) in pilotage waters. "Own vessels" means vessels for which the applicant was the master. 5 pts~~

(3) Piloting Experience (with the exception of experience submitted under subsection (f)(3)(C), not to exceed a maximum of 20 points):

(A) 1 to 2 years serving as a full-time commercial pilot, not a member of the crew, directing and controlling the movement of vessels of not less than 1600 gross tons in waters in which a pilot is required by state, federal or foreign law. 10 pts

(B) Over 2.5 years serving as a full-time commercial pilot, not a member of the crew, directing and controlling the movement of vessels of not less than 1600 gross tons in waters in which a pilot is required by state, federal, or foreign law. 10 pts

~~(C) For applications submitted on or before the application cut-off date for the 2014 examination, and applicable only to the 2014 examination, applicant has the option of having his or her experience, which must be documented in accordance with subsection (e)(3), assessed according to the following alternate schedule. This subsection (f)(3)(C) shall remain in effect only until the Board accepts the eligibility list resulting from an examination administered under Section 213 in 2014, and as of that date is repealed.~~

~~1. Served as commercial pilot, not a member of the crew, directing and controlling the movement of vessels of not less than 1600 gross tons (minimum one year) in waters in which a pilot is required by state, federal, or foreign law. 15 pts~~

~~2. 2 to 5 years as a full time pilot. 15 pts~~

~~3. Over 5 years as full time pilot. 10 pts~~

(g) For purposes of meeting the minimum eligibility requirements of subsection (e) herein and the assessment of experience points in subsection (f) herein, a "year" means a minimum of 360 days performing the duties of master or pilot.

(h) All applicants meeting the minimum eligibility requirements in subsection (e) above will be permitted to take a written examination developed and administered by the Board ~~in conjunction with the Office of Examination Resources (OER) of the Department of Consumer Affairs or contractors with equivalent psychometric qualifications and reviewed by OER~~ assistance of one or more contractors with psychometric qualifications equivalent to the State of California's Test

Validation and Development Specialist personnel classification, and who shall utilize a criterion-referenced methodology to establish a passing score for that examination. The passing score reflects the lowest score that a candidate could obtain and meet minimum competence standards. An applicant must achieve a passing score on the written examination in order to be eligible to proceed further in the selection process.

(i) Applicants must be selected for and pass a bridge simulator exercise which tests skills required for ship navigation in piloting waters that cannot be adequately tested in a written examination alone. These include the applicant's ability to assimilate and assess a variety of information in a bridge environment, to plan and execute timely, appropriate responses in both routine and emergency situations, and to communicate effectively both with those on the bridge and those outside the ship. Local knowledge is not required and will not be tested.

~~(1) A cut-off score to enter the simulator exercise will be established after the written examination has been scored and combined with each applicant's experience points. The cut-off score reflects the lowest final score that the applicant could obtain and still be competitive with the other applicants once the simulator is factored in.~~

~~(21) The applicant's performance in the bridge simulator exercise will be evaluated by three evaluators selected by the Board: one from the Board's Pilot Evaluation Committee, one who is a state licensed pilot from another jurisdiction and one who is an industry representative with current or prior command on deep draft vessels. The evaluators will be trained by the Office of Examination Resources (OER) or contractors with equivalent psychometric qualifications and reviewed by OER with the assistance of one or more psychometricians meeting the qualifications set forth in subsection (h).~~

~~(32) The following seven elements will be evaluated during the Bridge Simulator Exercise bridge simulator exercise:~~

(A) Situational awareness

Assesses the applicant's appreciation of the situation the vessel is in at all times during the exercise, including relative motion, traffic, aids to navigation, effect of wind, current and other forces on the vessel, and ability to accurately filter and prioritize available information.

(B) Appropriate response

Assesses the applicant's response in routine transit including timeliness and appropriateness of rudder commands, engine orders and other orders to the bridge team.

(C) Ability to respond correctly under stress

Separately assesses the applicant's ability to respond under emergency or non-routine situations of increased stress.

(D) Communication and bridge presence

Assesses the applicant's ability to use concise, clear and pertinent communications using proper terminology in communicating with the bridge and evaluation teams and on the radio, and assesses the applicant's professional composure, demeanor and ability to communicate warranted self-confidence which inspires confidence in the rest of the bridge team that the vessel's navigation is in good hands.

(E) Fundamental shiphandling

Assesses the applicant's knowledge of proper and timely use of engine and rudder commands and understanding of the ship's response to those commands.

(F) Bridge resource management

Assesses the applicant's proper use of all personnel and equipment resources available during the exercise.

(G) Rules of the road

Assesses the applicant's proper application of the navigational rules of the road to the situations presented.

(43) The exercise will be videotaped and recorded with sufficient detail to allow for meaningful review.

(54) An applicant must achieve a passing score on the bridge simulator exercise to be qualified to compete for final selection. The passing score will be established with the assistance of ~~the Office of Examination Resources (OER) or contractors with equivalent psychometric qualifications and reviewed by OER~~ one or more psychometricians meeting the qualifications in subsection (h), and who shall utilize a criterion-referenced methodology to establish a passing score for that examination. The passing score reflects the lowest score that a candidate could obtain and meet minimum competence standards.

(j) Final selection for entry into the training program shall be based on the combined scores from the applicant's experience points, written examination and bridge simulator exercise, with each given equal weight, in accordance with the following procedures:

(1) All applicants achieving passing scores on both the written examination and the bridge simulator exercise shall be placed on an eligibility list in order of their combined scores, highest score first.

(2) The eligibility list may be used by the Board to fill openings in the training program for up to three years from the date the list is accepted by the Board.

(3) Applicants on the eligibility list must maintain all minimum eligibility requirements set forth in subsection (e), including recency of experience, through the date of the applicant's acceptance of an opening in the training program, and must keep Board staff informed of the most expeditious means of being contacted in the event of an opening in the training program.

(4) Openings in the training program shall be offered to applicants in their order on the eligibility list. An applicant shall have five (5) business days (weekends and state holidays excluded) from the date of notification in which to inform the Board of his or her continued eligibility and agreement to commence the contracting process.

(5) An applicant accepting entry into the training program shall submit to the Board written confirmation of acceptance and verified documentation of continued eligibility as soon as practicable and shall execute all necessary contracting documents within five (5) business days from the date of notification that the documents are available for execution.

(6) Failure to accept the offer of an opening in the training program or to execute the contracting documents within the periods set forth in this subsection shall result in the applicant's name being placed at the bottom of the current eligibility list and the opening shall be offered to the next applicant on the list. The provisions of this subsection effecting an applicant's position on the eligibility list shall not apply if the applicant's failure to timely accept the offer or to timely execute the contracting documents was caused by the applicant's call to active duty in the Armed Forces of the United States.

(7) At the time that an applicant is informed of an opening in the training program, he or she shall be informed:

(A) of the effect of the failure to communicate acceptance in accordance with this subsection;

(B) of the effect of the failure to timely execute contracting documents;

(C) that there are no guarantees of further openings in the training program prior to the expiration of the current eligibility list; and

(D) that there are no guarantees that the applicant will achieve the same position on any future eligibility list.

(8) An applicant on the eligibility list may request removal of his or her name from the list at any time.

(k) The Executive Director will review or cause to be reviewed all applications to determine that the applicant meets the minimum eligibility requirements and to assess experience points. Each applicant will be informed of the results of that review.

(l) The Executive Director is authorized to reject, without further Board action:

(1) incomplete applications, including all applications which do not include verified documentation that establishes that the applicant has met the minimum eligibility requirements;

(2) applications which the Executive Director determines contain inaccurate or misrepresented information affecting the applicant's eligibility or experience unless the applicant can establish to

the satisfaction of the Executive Director that the inaccuracy or misrepresentation was accidental or the result of excusable neglect, and that, as corrected, the applicant continues to meet the minimum eligibility requirements.

(m) A Selection Appeal Committee shall be appointed for each pilot trainee selection and shall be made up of three Board members. The committee shall be made up of one industry, one pilot and one public member. If no members from a particular category are available to act on an appeal, then the committee shall be made up from the remaining categories.

(1) Applicants whose applications have been rejected or who seek Board review of any other issue raised by the selection process shall submit their appeal to the Executive Director in writing, stating the basis for the appeal, supported by all written documents necessary to decide the appeal.

(2) Appeals shall be submitted no later than 30 days following the action being appealed. Notwithstanding the above, appeals of actions which preclude the applicant from taking the written test must be received no later than 15 days before the written test; appeals relating to the written test shall be submitted before the applicant leaves the testing facility.

(3) Upon receipt of an appeal, the Executive Director shall promptly forward one copy to each Selection Appeal Committee member, along with such additional documents as the Executive Director deems relevant and his or her comments responding to the issues raised on appeal.

(4) The Selection Appeal Committee shall meet expeditiously at the date, time and place determined by the chair in conformance with applicable open meeting act laws in order to consider and decide the appeal. The committee may request such additional information or documents as it deems pertinent; however, oral testimony or arguments will ordinarily not be accepted.

(5) Applicants who have submitted an appeal shall keep Board staff informed of the most expeditious means of being contacted during the pendency of the appeal.

(6) Upon deciding the appeal, the Selection Appeal Committee shall issue a written decision, which shall constitute the decision of the Board and shall be final. A copy of the decision shall be provided to the applicant.

(7) If the Selection Appeal Committee finds the appeal has merit, it may order such relief as is authorized under this section.

(n) An applicant's family relationship by blood or marriage to a current or former pilot shall not be considered for any purpose in the selection of pilot trainees.

(o) Anyone participating in the selection process, including without limitation, those involved in evaluating an applicant's experience points, written examination or bridge simulator exercise, and members of the Selection Appeal Committee or the Board shall disqualify himself or herself

and withdraw from participation in the selection process if he or she is related by blood or marriage to any applicant under consideration or, for any reason, cannot be fair and impartial in the selection process, or shall disclose such relationship to the Board. Insofar as applicable, the provisions of California Government Code Section 11512(c) regarding disqualification of an agency member from administrative hearings shall guide the Board in determining whether a selection process participant or prospective participant who does not voluntarily disqualify himself or herself should be disqualified from participating in the selection process.

(p) All documents and records pertaining to an application shall be retained for at least five years.

Note: Authority cited: ~~Section~~ Sections 1154 and 1171.6, Harbors and Navigation Code.
Reference: Sections 1101, 1171, 1171.5, 1171.6, 1175, 1177 and 1178, Harbors and Navigation Code.

Amend Section 215 of Title 7, California Code of Regulations to read as follows:

§ 215. Pilot ~~and Inland Pilot~~ Training.

(a) Every pilot ~~and inland pilot~~ must complete the training program established by this section. The Board may revoke or suspend the license of a pilot ~~or inland pilot~~ if he or she fails to successfully complete the training program during the period specified by the Board.

(b) The training program for each pilot ~~and inland pilot~~ shall consist of two parts:

(1) Attend a manned scale model shiphandling course at least five days in length once every five years which provides realistic experience with maneuvering characteristics of major commercial vessel types that routinely transit the waters under the Board's jurisdiction and under harbor and approach conditions that replicate those that are found in the San Francisco Bay Area; and

(2) Attend a combination course at least five days in length completed at least once every five years covering at least the following topics:

(A) Bridge resource management for pilots;

(B) Shiphandling on a computer driven ship's bridge simulator including emergency maneuvering and shiphandling in close quarters;

(C) Emergency medical response;

(D) Advanced electronic navigation systems; ~~and~~

(E) The hazards of fatigue and effective strategies to prevent fatigue while on duty;

(F) Radar navigation in low visibility/restricted waters; and

~~(EG)~~ Regulatory review.

(c) The Executive Director shall prepare and maintain a list naming each pilot ~~and inland pilot~~ who is to attend the required training courses during the following twelve months, and the dates of such attendance. The list shall be provided to the Port Agent monthly, who shall notify the pilots on the list, ~~and shall be provided to each inland pilot by the Executive Director.~~

Note: Authority cited: ~~Section~~Sections 1154 and 1171.5, Harbors and Navigation Code.
Reference: ~~Section~~Sections 1144 and 1171.5(a), (b), and (c), (e) and (g), Harbors and Navigation Code.

Amend section 218 of Title 7, California Code of Regulations to read as follows:

§ 218. Duties of Port Agent.

(a) A majority of all of the pilots licensed by the Board shall select from among their members one person to act as Port Agent, whose duties shall be to carry out the orders of the Board, under applicable laws, and to otherwise administer the affairs of the pilots as set forth herein. The selection of the Port Agent shall be subject to confirmation by the Board.

(b) The Port Agent shall be responsible for the general supervision and management of all matters related to the business and official duties of pilots.

(c) In carrying out his or her duties, the Port Agent shall be primarily guided by the need for safety of persons, property, vessels and the marine environment.

(d) The Port Agent shall:

(1) Assign Pilots to Vessels.

(A) When assigning pilots licensed by the Board 12 months or less, a supervisory pilot shall also be assigned for the following vessels unless the vessel is proceeding directly from sea to anchorage or from anchorage to sea:

1. all passenger vessels

2. all tank vessels with a length overall in excess of 800 feet

3. all dry cargo vessels with a length overall in excess of ~~925~~975 feet unless the vessel is outbound and will not require turning for the outbound trip

4. all vessels with a length overall in excess of 700 feet proceeding to or from a drydock, marine repair facility, explosives handling facility, or Richmond Inner Harbor

5. all vessels with a length overall in excess of 600 feet proceeding to or from Redwood City, Pittsburg, Antioch, Sacramento or Stockton

(B) When assigning pilots licensed by the Board 18 months or less, a supervisory pilot shall also be assigned for the following vessels unless the vessel is proceeding directly from sea to anchorage or from anchorage to sea:

1. all passenger vessels

2. all tank vessels with a length overall in excess of 850 feet

3. all dry cargo vessels with a length overall in excess of ~~975~~1,000 feet unless the vessel is outbound and will not require turning for the outbound trip

4. all vessels with a length overall in excess of 750 feet proceeding to or from a drydock, marine repair facility, explosives handling facility or Richmond Inner Harbor

5. all vessels with a length overall in excess of 700 feet proceeding to or from Redwood City, Pittsburg, Antioch, Sacramento or Stockton

(C) When assigning pilots licensed by the Board 24 months or less, a supervisory pilot shall also be assigned for the following vessels unless the vessel is proceeding directly from sea to anchorage or from anchorage to sea:

1. all passenger vessels

2. all tank vessels with a length overall in excess of 900 feet

3. all vessels with a length overall in excess of 800 feet proceeding to or from a drydock, marine repair facility, explosives handling facility or Richmond Inner Harbor

4. all vessels with a length overall in excess of 750 feet proceeding to or from Redwood City, Pittsburg, Antioch, Sacramento or Stockton

(D) For purposes of this subsection, the Port Agent may permit the supervisory pilot to board inbound vessels and disembark from outbound vessels in central San Francisco Bay.

(E) The Port Agent may deviate from the requirements of this subsection to assign a supervisory pilot whenever, in his or her judgment, the safety of persons and property and the protection of the marine environment would be better served by such deviation, and shall promptly report such deviation and the reasons therefor to the Board's Executive Director.

(F) When assigning pilots to vessels transiting Monterey Bay, the Port Agent shall assign only those pilots holding current pilotage endorsements for Monterey Bay.

(2) Prepare and administer the pilots' vacation schedule.

(3) Represent pilots before the Board and its committees.

(4) Collect data, prepare accounts, and make the payments to the Board required of pilots by the Code and these regulations. The data referred to in this subsection shall include at a minimum, the name, class, high gross tonnage, and deep draft of each vessel subject to pilotage.

(5) Identify each boat used by the pilots.

(6) Report to the Board all accidents, groundings, collisions or similar navigational incidents involving vessels to which a pilot has been assigned, as well as suspected pilot misconduct, pilot violations of these regulations or the Harbors and Navigation Code, and other matters for which a pilot may be disciplined by the Board. The report shall include but not be limited to the following information:

(A) Name of pilot;

(B) Name of pilot trainee involved, if any;

(C) Date of incident, misconduct or violation;

(D) Time of incident, misconduct or violation;

(E) Location of incident, misconduct or violation;

(F) Nature of incident, misconduct or violation;

(G) Name of vessel involved, if any;

(H) Twenty-four (24) hour telephone number for the vessel agent;

(I) The vessel's location and itinerary.

(7) The Port Agent shall report orally to the Executive Director, as soon as practicable under the circumstances, the information required in subsection (d)(6). If an oral report to the Executive Director is not possible, the Port Agent shall orally notify one of the following persons in the order listed: the Assistant Director, the public member of the Incident Review Committee, or the Secretary of ~~Business, Transportation and Housing~~ the California State Transportation Agency or his or her designee. The Executive Director shall provide the Port Agent with the following contact information for each of the persons to whom notice may be given: business address, home address, business telephone number, home telephone number, all cellular telephone

numbers. After the initial oral report, the Port Agent shall, as soon as practicable under the circumstances, transmit a written report containing the required information to the Executive Director.

(8) Report to the Board any matter which, in his or her opinion, affects the ability of a pilot to carry out his or her lawful duties.

(9) Ensure that at all times adequate pilots and pilot vessels are available for the performance of the lawful duties of pilots, except when weather or other conditions result in the Bar being closed.

(10) Order the Bar closed for reasons of public, pilot, or vessel safety.

(e) The Port Agent may delegate to any other pilot one or more of the duties set forth herein if, in his or her opinion, delegation is necessary to assure its proper performance. The Port Agent shall, however, remain responsible for the proper performance of any duty so delegated.

(f) The Port Agent shall report to the Board in writing whenever any pilot is absent from duty for medical reasons for a period lasting longer than seven days. The report shall state the nature of the medical condition causing the absence, the probable duration of the pilot's absence from duty, and the anticipated date of his or her return to duty. The Port Agent shall also report to the Board in writing the date of departure from and return to duty of any pilot who is on a leave of absence.

(g) In the event of a serious marine incident, as that term is defined in Title 46, Code of Federal Regulations, Section 4.03-2, or in any successor regulations thereto, which incident involved an assigned pilot, the Port Agent shall direct that pilot to undergo timely drug and alcohol testing, pilotage duties and safety permitting. Such testing shall conform to applicable regulations of the U.S. Coast Guard for post incident drug and alcohol testing of merchant vessel personnel (currently at Title 46, Code of Federal Regulations, Subpart 4.06) and, in addition, shall include testing for the presence of anti-depressants, anti-psychotics, anti-convulsants, barbiturates, amphetamines, benzodiazepines, sedative hypnotics, and opiates contained in pain medication. In the event of a navigational incident involving an assigned pilot which results in the holing of the hull of a vessel, a rebuttable presumption shall exist that the incident meets the definition of a serious marine incident for the purposes of this subsection.

(h) If the Port Agent has reasonable cause to believe that an assigned pilot has been impaired by drug or alcohol while on duty, he or she shall direct that pilot to undergo timely drug and alcohol testing, pilotage duties and safety permitting. Where practicable, the Port Agent shall make his or her reasonable cause determination in combination with two other pilots. The Port Agent shall expeditiously inform the U.S. Coast Guard and the Board, orally and in writing, of his or her determination and the basis therefor. Such drug and alcohol testing shall conform to applicable regulations of the U.S. Coast Guard for reasonable-cause drug and alcohol testing of merchant vessel personnel (currently at Title 46, Code of Federal Regulations, Sections 16.250 and Title 49, Code of Federal Regulations, Part 40) and, in addition, shall include testing for the presence

of anti-depressants, anti-psychotics, anti-convulsants, barbiturates, amphetamines, benzodiazepines, sedative hypnotics, and opiates contained in pain medication.

(i) Upon being directed by the Port Agent to obtain drug and alcohol testing pursuant to this section, a pilot shall expeditiously proceed, piloting duties and safety permitting, to an appropriate facility used by the pilots for drug and alcohol testing and meeting U.S. Coast Guard requirements (currently at Title 49, Code of Federal Regulations, Section 40.81), and shall obtain such drug and alcohol testing, as directed. An unreasonable failure by a pilot to obtain drug and alcohol testing as directed under this section shall result in a rebuttable presumption that the pilot had been impaired by drug or alcohol while on duty in violation of Harbors and Navigation Code Section 1181(f). In addition, the Port Agent shall promptly notify the U.S. Coast Guard and the Board, orally and in writing, of the failure by a pilot to undergo drug and alcohol testing as directed under this section.

Note: Authority cited: Section 1154, Harbors and Navigation Code. Reference: Sections 1100, 1101(c), 1101(f), 1130, 1171.5, 1176, 1176.5, 1177(c) and 1181(f), Harbors and Navigation Code; Title 46, Code of Federal Regulations, Section 4.03-2 and Part 16; and Title 49, Code of Federal Regulations, Part 40.