



National Transportation Safety Board

Washington, DC 20594

Office of the Chairman

January 12, 2016

The Honorable Edmund G. Brown, Jr.
Governor of California
State Capitol
Ste. 1173
Sacramento, CA 95814

Dear Governor Brown:

Thank you for the November 25, 2015, letter from Mr. Allen Garfinkle, Executive Director, Board of Pilot Commissioners (BOPC) for the Bays of San Francisco, San Pablo, and Suisun, to the National Transportation Safety Board (NTSB) addressing the state of California's efforts to address Safety Recommendation M-11-19. We issued this recommendation on November 4, 2011, as a result of our investigation of the January 23, 2010, collision of the tankship *Eagle Otome* with the general cargo vessel *Gull Arrow* and the tank barge *Kirby 30406*, which was being pushed by the towboat *Dixie Vengeance* at the Port of Port Arthur, Texas.

M-11-19

Ensure that local pilot oversight organizations effectively monitor and, through their rules and regulations, oversee the practices of their pilots to promote and ensure the highest level of safety.

We classified Safety Recommendation M-11-19 "Open—Acceptable Response" on July 19, 2012, pending completion of the BOPC's review of California's statutes and regulations to verify whether they complied with our recommendation. We are pleased to learn that the BOPC completed its review of the state pilot regulations in Title 7, California Code of Regulations, beginning in section 201, and that, following our issuance of the *Eagle Otome* accident investigation report, in 2012 the state legislature added the following authority for BOPC oversight of pilot fatigue:

"the enhancement of navigational safety is of the utmost concern in state pilotage," and, "in order to ensure and promote the highest level of safety in pilotage, the [B]oard is empowered to effectively monitor and oversee the practices of pilots and prevent fatigue resulting from extended hours of service, insufficient rest within a 24-hour period, and disruption of circadian rhythms."

We are pleased California thoroughly reviewed its pilot oversight regulations and authorized the BOCA to monitor pilot practices to prevent fatigue resulting from extended hours of service, insufficient rest within a 24-hour period, and disruption of circadian rhythms. Accordingly, Safety Recommendation M-11-19 is classified “Closed—Exceeds Recommended Action.”

Thank you for your assistance and for your leadership in marine safety.

Sincerely,

**Christopher A. Hart**
Chairman
*Approved for Electronic Transmittal
No Hard Copy Will Follow*

cc: Mr. Allen Garfinkle
Executive Director
Board of Pilot Commissioners

Mr. Gabor Morocz
Deputy General Counsel
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