

BOARD OF PILOT COMMISSIONERS

Minutes June 3, 2003

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 9:40 a.m. on Tuesday, June 3, 2003, Commissioner Falaschi presiding. A quorum was present, including Commissioners Bayer, Rosequist, Wagner, Welch and Winn. Also in attendance were Port Agent Captain McIsaac, Board Counsel Ray Paetzold, Executive Director Moloney and Secretary Alice Evans and various members of the public.

Request approval of Minutes of the March 27, 2003, regular Board meeting. The minutes were approved unanimously after being amended as follows: at pg. 5, 4. Finance Committee line 10, delete ~~that~~ and line 12 insert "Committee received" and delete ~~Board reviewed~~ and page 4 first paragraph line five insert the words "Commissioners Welch and", delete ~~Commissioner~~

Correspondence and Activities since the March meeting--Executive Director Moloney

1. The Board received a letter dated April 3, 2003 advising that Captain Blake Coney will serve as Acting Port Agent from April 17 through April 26, 2003.
2. The Board received a Notice of Appeal of the finding of Dr. Richard Shoop that Capt. Donald Hughes is Not-Fit-For-Duty
3. The Board received a letter dated May 27, 2003 from CBM Attorneys at Law regarding Public Records Act Request for a copy of the personal services contract and/or proposed personal services contract, amendments, and related documents including copies of all contract transmittal forms (Std No. 215/15) in a matter where private maritime legal counsel was utilized. Copies were forwarded to CBM May 29, 2003.
4. The Board received a letter dated May 29, 2003 from SFBP regarding rescheduling of the Port Revel Manned Model training for Captains Miller, Sweeney and Hoburg.

Other Pilot Matters--Executive Director Moloney

1. The Board has received the manpower reports and statements for pilotage fees and surcharges collected from SFBP through April 2003 and Inland Pilot Slough through February 2003. Copies are available in the Board office.
2. The Board issued license renewals to Captains Dohm, Hoburg, Lemke, Melvin and Pinder during the month of April.

The Board issued license renewals to SFBP Captains Chadwick, Chapman, Fuller, Gabe, Horton, Sweeney, D. Weiss, Wells and Inland Pilot Slough during the month of May.

Port Agent's Report -- Port Agent Captain McIsaac

1. There are currently two pilots NFFD;
Captain Hughes continues to recover from heart surgery
Captain Wagner continues to recover from an ankle injury and subsequent surgery;
Captain Shanower underwent surgery on March 14 and returned to duty May 1;

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun

Captain Cota suffered a laceration to his hand when a ladder slipped while he was boarding off at sea on April 9. The wound required seven stitches to close and he was NFFD to for 12 days;

Captain Miller suffered from vertigo starting April 11 and was FFD as of May 21.

2. There were three MRP violations on March 27 with the shortest rest period being 10 hours 25 minutes. One pilot was off the board NFFD; there were two MRP violations on March 30 with the shortest rest period being 10 hour 50 minutes. Two pilots were off the board, one NFFD and the other one comp; over April 4 and 5 there were 21 MRP violations with the shortest rest period being 4 hours and 55 minutes, five pilots were off the board, two NFFD and three were at BRM training, additionally two pilots were dedicated to the Carquinez Bridge project; there were 14 MRP violations on April 11 with the shortest rest period being 7 hours 20 minutes. Seven were off the board, three NFFD and four at BRM. Two additional pilots were dedicated to the Carquinez Bridge project; there were six MRP violations on April 19 the shortest rest period was 7 hours 20 minutes. Six pilots were off the board, three NFFD, two on comp and one pulled personal; there was one MRP violation on April 22; the rest period was 10 hours. Five pilots were off the board, two NFFD and three on comp; there was one MRP violation on April 23; the rest period was 11 hours. Four pilots were off the board, three NFFD and one on comp; there were five MRP violations on April 26 the shortest rest period was 8 hours 55 minutes. Four pilots were off the board, three NFFD and one as acting Port Agent; there were two MRP violations on May 8 the shortest rest period was 9 hours 10 minutes. Four pilots were off the board, two NFFD and two pulled for pilot business.
3. In summary there were a total of 55 MRP violations during a six-week span. The majority occurred during a training week when there were up to eight pilots off the board for various reasons. This is compounded by the fact that there are currently only 58 active pilots.
4. The P/V GOLDEN GATE went into the shipyard on April 22 for repairs to damaged handrails. She returned to duty on April 29.

The P/V PITTSBURGH was taken out of service for routine maintenance for 48 hours starting May 13.

The P/V CALIFORNIA suffered a clutch failure on May 9 that kept it out of service for six days. A manufacturer's defect was discovered in the trolling valve which has since been replaced. We are negotiating with the valve manufacturer to recover our costs.

4. Through May 2003: Compared to 3-yr daily average

Bay Crossings	+4.9%
Bay Moves	+11%
River Moves	+21.3%
Total Moves	+6.9%
Gross Tons	+7%

F. Unfinished Business

1. Open Incidents --Executive Director Moloney

- a. S/S MAUI, grounding, entrance to Oakland Estuary, January 28, 2003 -- Executive Director Moloney noted that due to various circumstances the report

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun

is not ready to be presented and that the IRC requests an extension. The Board discussed the necessity to present the report in a timely manner. It was moved and seconded to extend the IRC report until the next Board meeting. Board staff was requested to inform the pilot involved of this extension and advise that the report is to be presented at the next Board meeting. Commissioner Falaschi asked for further discussion. There was none. The motion passed unanimously.

- b. M/V CEFALONIA, grounding, Webb Point, Light 47, San Joaquin River, February 22, 2003, SFBP Capt. M. Sweeney -- Executive Director Moloney distributed copies of the findings of facts and gave the following report:

PROBABLE CAUSE

On the morning of 22 February 2003, Capt Sweeney was assigned to pilot the product tanker CEFALONIA to the Port of Stockton. He boarded the vessel at 0506 off Mallard Island in Suisun Bay to relieve Capt Horton. He was advised that the vessel handled very sluggishly as it was loaded to maximum allowable draft with liquid fertilizer. Capt Horton also advised that neither radar set was functioning as well as he would have liked and that it took hard over rudder orders to check even minor swings.

During the transit of New York Slough Capt Sweeney discussed the potential for fog with the master and the potential for anchoring if visibility dropped too much. With the following current, there were not too many choices. As the vessel approached beacon #27, it began running into patches of fog. Fog signals were started and the anchor watch was instructed to keep a watch for recreational craft.

The vessel continued to encounter fog in thick patches that would suddenly clear, showing another patch ahead. Approaching beacon #43, a bank of fog could be seen covering the turn at Webb Point. The vessel's speed was dropped to dead slow ahead in hope that the fog might dissipate but the vessel became unmanageable and speed was increased to half ahead to regain control, then back to slow ahead.

While the vessel was between beacons 43 and 44 in an area of clear visibility it was overtaken by an open cockpit yacht doing about 20 knots. The yacht disappeared into the fog bank at Webb Point and was observed by radar to slow or stop near beacon 46. This narrowed the available width of the channel. Other small craft were observed in the vicinity, confusing the radar picture. Capt Sweeney could not see the small craft and was unable to determine which contact was a boat and which was a beacon. As the vessel entered the fog bank, he was able to see the boat that had overtaken the vessel fine on the starboard bow. He ordered a 3° course change to port to avoid it, then directed the helmsman to steady on the new course.

Capt Sweeney asked Capt Jadhav to call the lookout forward and emphasized the importance of reporting contacts. Captain Sweeney was standing at the starboard radar and noted that the contacts had faded from being too close. He crossed the bridge to see if he could pick them out on the port radar. When he got to the port radar he looked at the rudder angle indicator and found that the rudder was at left 15°, swinging toward midship. He had ordered the vessel steadied but instead found it swinging to port going into tight right turn in the river.

He ordered hard right rudder and half ahead on the engine, followed almost immediately by full ahead. The vessel responded sluggishly and at 0715, grounded gently on the outside of the turn, running over beacon 49 in the process. Just prior to the grounding, the lookout reported the beacon close aboard to port but did not report any of the other numerous contacts in the vicinity.

Several attempts to back off were made but proved unsuccessful. Three tugs from Stockton arrived at 0930 but were not able to free the vessel. Capt Sweeney remained with the vessel until the next morning (24 hours later) assisting in the planning to free the vessel. He was relieved by Capt Atthowe and departed for a drug test and to get some rest. He returned to the vessel the following morning and assisted in the refloating, using more powerful tugs. He and Capt Atthowe alternated piloting the vessel to Stockton for an uneventful docking.

OPINIONS

1. Environmental conditions were initially good but turned from marginal to poor visibility. Capt Sweeney made very responsible attempts to check on visibility along the route before he began the transit.
2. Small boat traffic complicated a critical radar navigation maneuver by anchoring or holding position around navigation beacons.
3. The helmsman applied left rudder when he should have been coming right. Capt Sweeney noted in his report that there were no well-positioned gyro repeaters on the bridge and they did not "click" audibly to give a feel for turn rate.
4. Capt Sweeney's actions when he found the vessel steering to port instead of starboard were correct. The lack of visual references did not allow him to make a more informed decision and the vessel wound up aground on the far side of the channel.
5. Initial refloating efforts were the best that could be done with the assets at hand, but proved insufficient.

RECOMMENDATIONS

1. Close this case. No pilot error. Capt Sweeney exercised caution in his repeated checks on visibility prior to boarding the vessel.
2. Capt Sweeney navigated the vessel with prudence, but once committed to the channel with a following current had very few options for anchoring. He did discuss these with the master. The vessel was known to be difficult to maneuver.
3. At the Webb Point turn, which was obscured by fog, the navigation aids were fouled by small craft in the vicinity. The helmsman put a port drift on the vessel when it should have been turning to starboard. Capt. Sweeney's hard right and up to full ahead engine order was the only opportunity to keep the vessel from grounding although it proved to be insufficient.

4. Capt Sweeney's subsequent work in the refloating of the vessel and transit to Stockton are noted and appreciated.

It was moved and seconded to accept the IRC report. Commissioner Falaschi asked for discussion. Clarification was requested on how long Captain Sweeney stayed with the vessel after the grounding. It was 24 hours. There being no further discussion the motion passed unanimously. After the motion passed Commissioner Rosequist expressed his concern regarding repetitive problems with the CEFALONIA and requested Board staff to consider forwarding a letter of concern regarding same to the USCG.

Executive Director Moloney continued with the next report listed under G. New Business #2.:

M/V ABUL KALAM AZAD, allision with Carquinez Bridge and RDF antenna structure, April 7, 2003, SFBP Capt. W. Atthowe -- Executive Director Moloney distributed copies of the findings of facts and gave the following report:

PROBABLE CAUSE

On the afternoon of 07 APRIL 2003 Capt Atthowe boarded the bulk product tanker M/V ABUL KALAM AZAD north of Alcatraz. He and Capt Jha discussed the air draft at length. They estimated the air draft to be 131.8 feet based on the vessel's deep draft. Capt Jha had ballasted the vessel to draw 8.5 meters aft. The transit to the Carquinez Bridge was uneventful.

As the vessel passed under the Carquinez Bridge the radio direction finder antenna struck the bridge and was knocked off. Capt Atthowe was later advised that the vessel does not have a radio direction finding set aboard. A review of documents revealed that the vessel's particulars were in error.

The pilot card indicates that the leading edge of the superstructure is 195.7 meters aft of the bow and a total length overall of 237.6 meters. This is 82.36%. Applying that factor to the difference between the fore and aft drafts (drag) as reported, leaves a draft at the forward edge of the house of 8.22 meters. The pilot card and vessel's particulars show the keel to mast height as 48.6 meters. Allowing for the vessel's drag, the air draft should have been 40.38 meters (132.25 feet). In fact, the mast will be further aft and the observed aft draft of the vessel was 8.8 meters instead of the declared 8.4 meters.

The Carquinez Bridge has a vertical clearance at the south span of 134 feet at mean high water. The mean high water level for Carquinez Strait is 5.4 feet. The tide level at the time of the incident was projected at 1.5 feet. This should have left a vertical clearance of 137.9 feet. This should have allowed the AZAD to pass with a clearance of just over five and a half feet.

OPINIONS

1. The calculations made by the Operation's pilot, the pilot and the ship's master on air draft clearance were correct given the information they had available. The vessel's particulars were wrong.

RECOMMENDATIONS

1. Close this case, no pilot error. Due to the fairly close proximity of the vessel's mast and bridge, the air draft was looked at closely. All parties arrived at the approximate 5.5 foot clearance and were comfortable with it. The subsequent toppling of the RDF antenna was a surprise for all concerned. Given the error in the ship's particulars the allision was bound to happen at some point in the vessel's career.

It was moved and seconded to accept the IRC report. Commissioner Falaschi asked for discussion. It was discussed that the vessel particulars have now been correct. The motion passed unanimously.

2. Pilot Ladder reportable incidents --Executive Director Moloney

VESSEL	PILOT	DATE	DISCREPENCY
M/V HANJIN GOTHENBURG	J. Weiss	11/3/02	Unable to secure ladder or platform to side of vessel

(Debarking - unable to give copy to master). Copy given to USCG

3. Rules and Regulations Committee--Commissioner Welch -- Report on status of pending rulemaking -- no report
4. Finance Committee--Commissioner Winn--Results of Finance Committee meeting of April 24, 2003, Pilot Vessel Surcharge rate (5.13 mils), reserve and expenditures -- possible recommendation to adjust surcharge rate effective July 1, 2003; **possible Board action** -- Commissioner Winn reported the following:

The Finance Committee met on April 24, 2003. It was reported that SFBP net income was up about 40% compared to the previous year. This is due to an increase in the GRT handled, income from the sea marshall program and from the new Carquinez Bridge Project, and the rate increase which took effect on January 1st. In addition operating expenses were down. The Committee briefly discussed the results of the recent SFBP internal audit and noted nothing unusual.

The Committee reviewed the pilot vessel surcharge. The surplus in this account as of the end of March is approximately \$187K. Based on the average surcharge collected per month it is anticipated that this surplus will be down to approximately \$100K by the end of June. Since this surcharge can only be adjusted on a quarterly basis the Committee feels it would be prudent to keep a small surplus in this account. With this in mind the Committee feels that time has come to adjust the surcharge upwards to a rate level which will be near the breakeven point. It was moved and seconded that the pilot vessel surcharge rate be increased from the current rate of 5.13 mils to 6.50 mils effective from July 1, 2003. Commissioner Falaschi asked for discussion. Commissioner Winn noted that the Finance Committee will continue to monitor the status of this surcharge. The motion passed unanimously.

The BOPC monthly expenditures were reviewed and nothing unusual was noted. The surplus in this account is slowly decreasing and was approximately \$2.98 M as of April 21, 2003.

The SFBP reported that they continue to try and recover the approximately \$203K owed to them by Sunrise Shipping who have closed their doors. The next regular meeting of the Finance Committee is currently scheduled for 8:30 a.m. prior to the June 24 Board meeting.

5. Pilot Training Curriculum Committee--Commissioner Wagner -- no report.
6. Ad Hoc Committee on Trainee Selection--Commissioner Bayer -- Report on review of trainee selection process -- Commissioner Bayer noted that the Committee met with the PEC and deferred his final report until the next Board meeting as the next Committee meeting is scheduled for today June 3, immediately following the Board meeting.
7. Pilot Evaluation Committee--Capt. Melvin--Report on trainees' progress in training program, possible recommendation re additional pilot trainees to enter Pilot Trainee Training Program; recommendation to appoint SFBP Captain Eric Dohm to the Pilot Evaluation Committee; **possible Board action** -- Commissioner Melvin reported that the trainees are finalizing their pilotage and the PEC feels the pilot trainees continue to progress well.

Commissioner Wagner noted that the recommendation to appoint SFBP Captain Eric Dohm to the PEC was on the agenda. Captain Melvin thanked Commissioner Wagner and noted that the Committee did discuss candidates for the vacant Committee member position and recommends SFBP Captain Eric Dohm to fill the vacant position on the PEC. Captain Dohm brings ten years piloting experience to the Committee. He is a former employee of Chevron Shipping. It was moved and seconded to appoint Captain Dohm on the Pilot Evaluation Committee. Commissioner Falaschi asked for discussion. There was none. The motion passed unanimously.

Commissioner Falaschi noted that the next two items 8. and 9. were on the agenda as place holders in case any issues arise that need to be discussed. The Board discussed the need and agreed to leave these on for the interim.

8. Vessel Interactions--Review of incident frequency; Board's role in addressing the problem--Commissioner Falaschi/Executive Director Moloney
9. Security assessment covering pilots' operation -- Commissioner Falaschi

G. New Business

1. USCG Marine Safety Office, Investigation Department presentation -- Anthony M. Davis, Assistant Chief of Investigations, who was in the audience reported that the USCG extends a commendation to SFBP Pilot Captain Chadwick for his assistance in the investigation to find the fishing vessel that set fishing lines in front of the M/V SEAMAN BALTON. He was very resourceful in obtaining statements from the Master and crew. Commissioner Falaschi thanked the USCG and noted the BOPC would extend the thank you to Captain Chadwick.

Mr. Davis requested clarification of the M/V CEFALONIA's report that it was no pilot error and that the USCG does have a standing recommendation to have the M/V CEFALONIA surveyed before entering San Francisco Bay and that the USCG did take this investigation very seriously.

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun

2. M/V ABUL KALAM AZAD, allision with Carquinez Bridge and RDF antenna structure, April 7, 2003, SFBP Capt. W. Atthowe -- reported under F. 1. open incidents.
3. M/V ASANTE, allision with Par 5, Richmond, CA, April 27, 2003 -- Executive Director noted this incident is under investigation.
4. Public Comment on matters not on the agenda -- there were none.
5. Proposals for additions to next month's agenda -- Commissioner Welch requested that the following items be added to next month's agenda for discussion:
 - a. Board discusses and acts on adding additional trainees to the training program.
 - b. Board discusses whether the STCW requirement under current regulations is extended to the BOPC trainees and the method of payment for same.

Commissioner Falaschi noted that under F. Unfinished Business #7. Pilot Evaluation Committee is a placeholder for recommendation of additional pilot trainees and this will continue to the next Board agenda.

Commissioner Falaschi continued and requested the Pilot Training Curriculum Committee, Commissioner Wagner Chair to review the STCW requirements and make its recommendation to the BOPC regarding any possible STCW training for trainees.

Schedule the next regular meeting -- the next Board meeting is scheduled for Tuesday, June 24, 2003 at 9:30 a.m. in the Board office Pier 9, Suite 102, San Francisco, CA. the Finance Committee is scheduled for 8:30 a.m., the same date.

Adjournment -- the meeting was adjourned at 11:25 a.m.

Respectfully submitted,



Alice A. Evans
Secretary