



Business, Transportation  
and Housing Agency

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



**2009**

**Annual Legislative Report**

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I.

**I. Introduction**

Section 1157.5 of the Harbors and Navigation Code introduced by Senate Bill 1217 (2008) mandated to the Board of Pilot Commissioners of the Bays of San Francisco, San Pablo and Suisun (Board) that it submit an annual report describing the Board's activities for the preceding calendar year with certain specific information.

The provision called for reporting on the number of vessel movements across the bar, on the bays, and on the rivers within the Board's jurisdiction; the names of pilots and trainees and their status; and summaries of misconduct or navigational incident reports.

The following report is hereby submitted in compliance with the cited provision.

The report has been prepared by the collaboration of the following officials:

- Knute Michael Miller, President of the Board
- Peter Mclsaac, Port Agent
- Gabor Morocz, Ex Officio Board Member

**II. Summary of Major Board Activities in Calendar Year 2009**

**Overview**

On January 1, 2009, pursuant to SB 1627 (Wiggins) enacted September 29, 2008, the Board became a constituent department of the Business, Transportation and Housing Agency (BTH). Previously, the Board had been an independent agency. Much of the focus and activities of the Board during 2009 were the result of this important change in its status and relationships within State government, as well as other requirements of that legislation. Other legislation, SB 1217 (Yee) enacted September 29, 2008, and SB 300 (Yee) enacted October 11, 2009, affected Board operations as well.

**Discussion**

**1. Transition From Independent Agency to Constituent Department of BTH.**

The Board began working with executives of BTH shortly after the enactment of SB 1627 in 2008 to chart a course for the integration of the Board into the BTH structure. Integration began on January 1, 2009, with immediate oversight by BTH and the establishment of BTH Secretary Dale E. Bonner as an ex officio member of the Board. Secretary Bonner appointed Deputy Secretary John Hummer to serve as his delegate on the Board. Mr. Hummer was succeeded on April 9, 2009, by BTH Deputy General Counsel Gabor Morocz.

For many years prior to integration into BTH, the Board contracted with the Department of Consumer Affairs for administrative and legal support services. That contract continued in force until June 30, 2009. Administrative services are now provided by the California Highway Patrol and legal support provided by the Attorney General's office.

**2. Personnel Matters.**

On July 1, 2009, Governor Schwarzenegger appointed Ms. Nancy Hall Bennett to be the Board's Assistant Director, a new statutory position mandated by SB 1627.

On October 1, 2009, the Board's long-time Executive Director resigned his position. Shortly thereafter, the Board established a Search Committee, advertised for applicants, ultimately appointing Captain Allen Garfinkle as its new Executive Director, effective February 1, 2010. In the interim, at the direction of Secretary Bonner, BTH Deputy General Counsel Morocz served as Acting Executive Director.

### **3. Implementation of 2008 and 2009 Legislation.**

The Wiggins and Yee bills mandate Board action in a number of areas. Key among them are requirements that the Board:

- Establish minimum standards for the selection of Board investigators (who investigate maritime incidents involving Board-licensed pilots).
- Establish standards for the selection of Board physicians (who determine whether pilot trainees and Board-licensed pilots meet the Board's fitness standards).
- Monitor on a continuing basis changes in prescription medications taken by trainees and licensed pilots;
- Implement revised procedures for determining whether an investigated incident involves pilot error and if so, what sanctions are to be imposed;

During 2009, the Board addressed each of these mandates. Minimum standards for selecting investigators have been identified and are now in the rulemaking process. Interim guidance with respect to pilot medications has been provided to pilots, trainees, and Board-appointed physicians. Rulemaking with respect to both pilot medications and selection criteria for Board physicians is part of the agenda for the Pilot Fitness Committee, as discussed below. The Board has adjusted its incident review procedures to conform to the requirements of SB 1627.

### **4. Initiation of Studies Pursuant to 2008-2009 Spring Finance Letter.**

The Board requested and was granted a 2008-2009 budget augmentation to address major new tasks stemming from the M/V COSCO BUSAN collision with the San Francisco-Oakland Bay Bridge on November 7, 2007.

In 2008, the Board established a Navigation Technology Committee which, in 2009, identified standards for "personal pilotage units" – essentially a laptop computer programmed with standardized software for use by licensed pilots as a navigation tool – and recommended that the Board adopt regulations to implement the Committee's recommendations. The Board adopted those recommendations and rulemaking is in process.

In 2009, the Board established a Pilot Fitness Committee to review and, if appropriate, recommend changes to the Board's fitness standards for trainees and licensees, to identify standards for selection of Board-appointed physicians, to consider the appropriateness of establishing a medical review officer to oversee the fitness determination process, and other medical and fitness matters. The Board has contracted with the University of California, San Francisco Medical Center, to assist with these studies. The Committee's work is ongoing, with the expectation that recommendations to the Board will be forthcoming in 2010 with rulemaking and contracting changes following shortly thereafter.

## **5. Performance and Financial Audit by Bureau of State Audits.**

SB 1627 directed the Bureau of State Audits (BSA) to conduct a comprehensive performance and financial audit of the Board. The BSA conducted the audits over the course of several months during 2009 and issued its report on November 24, 2009. The report made a number of findings and recommendations that have been quite helpful to the Board in improving its operations and procedures. During 2009, the Board implemented procedures that addressed most of the BSA recommendations and will complete the process in 2010.

## **6. Litigation Involving the Board.**

The Board is a party in five different lawsuits stemming from the M/V COSCO BUSAN accident in 2007 seeking damages directly or set-off with respect to claims by the State of California against the vessel owner and operator. The Board is defended in those actions by the Attorney General's Office.

**III. Number of Vessel Movements in 2009**

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Subdivision (a) of Section 1157.5 of the Harbors and Navigation Code called for reporting the number of vessel movements across the bar, on the bays, and on the rivers within the Board's jurisdiction. The statistical numbers are the following.

Number of vessel movements across the San Francisco Bar <i>(Includes 2 movements in Monterey Bay)</i>	6,439
Number of vessel movements within the Bays of San Francisco, San Pablo and Suisun	1,261
Number of vessel movements on the Sacramento and San Joaquin Rivers <i>(235 movements handled by bar pilots and 84 movements handled by the Inland Pilot)</i>	319

## IV. List of Status of Pilot Licensees and Trainees in 2009

	Pilot name	Originally Licensed	Licensed and Fit for Duty	Licensed and Not Fit for Duty	Licensed and Absent for Medical Reasons	Manned Model Training	Combination Course Training	Active Military Duty	Leave of Absence	License Suspended
1	Alden, Bruce	7/2/1993	1/1/09 - 12/31/09							
2	Anderson, Chris	1/17/1994	1/1/09 - 12/31/09			6/19/09-6/28/09				
3	Atthowe, Bill (Retired)	2/11/1985	1/1/09 - 2/27/09		12/7/08 - 2/27/09					
4	Aune, Drew	4/1/2009	1/1/09 - 12/31/09							
5	Boriolo, Dan	10/1/1995	1/1/09 - 12/31/09							
6	Burger, Tom	9/4/1991	1/1/09 - 12/31/09							
7	Carlier, John	1/20/1989	1/1/09 - 12/31/09				5/02/09-5/09/09			
8	Carlson, Kenneth	1/1/1988	1/1/09 - 12/31/09				10/23/09-0/31/09			
9	Chapman, David	5/26/1997	1/1/09 - 12/31/09							
10	Cloes, Don	6/26/2009	1/1/09 - 12/31/09							
11	Coney, Blake B	9/1/1993	1/1/09 - 12/31/09		1/21/09-4/1/09	6/19/09-6/28/09	10/23/09-10/31/09			
12	Coppo, George	1/1/1992	1/1/09 - 12/8/09 12/23/09 - 12/31/09	12/9/09 - 12/22/09		6/19/09-6/28/09			12/9/09- 12/22/09 Medical	
13	Dohm, Eric (Retired)	4/1/1993	1/1/09 - 12/31/09							
14	Dowdle, George	11/1/1993	1/1/09 - 12/31/09			6/19/09-6/28/09				
15	Fuller, Peter	5/1/1998	1/1/09 - 12/31/09		8/25/09-10/31/09		9/11/09-9/19/09			
16	Gabe, Sean	5/1/1995	1/1/09 - 12/31/09				5/02/09-5/09/09			
17	Gans, John (Retired)	12/10/1988	1/1/09 - 3/26/09	3/27/09-4/23/09 Permanently NFFD	1/1/09-3/26/09					
18	Gates, David	1/1/1992	1/1/09 - 12/31/09			6/19/09-6/28/09	9/11/09-9/19/09			
19	Greig, William	2/9/1989	1/1/09 - 12/31/09							
20	Haggerty, Mark	7/1/1998	1/1/09 - 12/31/09		4/4/09-5/13/09 10/14/09-12/31/09		9/11/09- 9/19/09			
21	Hoburg, Morgan	2/24/2006	1/1/09 - 12/31/09							
22	Holl, A45Tim	9/22/2005	1/1/09 - 12/31/09							
23	Horton, Bruce	5/8/1991	1/1/09 - 12/31/09				10/23/09-10/31/09			



	Pilot name	Originally Licensed	Licensed and Fit for Duty	Licensed and Not Fit for Duty	Licensed and Absent for Medical Reasons	Manned Model Training	Combination Course Training	Active Military Duty	Leave of Absence	License Suspended
24	Hurt, Richard	9/26/2003	1/1/09 - 12/31/09							
25	Kelso, Arnold	1/20/1989	1/1/09 - 12/31/09			8/14/09-8/23/09				
26	Kenyon, Hugo	7/1/1998	1/1/09 - 12/31/09				9/11/09-9/19/09			
27	Kirk, Roger	4/1/2007	1/1/09 - 12/31/09							
28	Kleess, Guy	11/1/2005	1/1/09 - 12/31/09							
29	Larwood, Dan	7/1/1998	1/1/09 - 12/31/09				10/23/09-10/31/09			
30	Lemke, William	4/1/1993	1/1/09 - 12/31/09		4/24/09-5/27/09	6/19/09-6/28/09	5/02/09-5/09/09			
31	Livingstone, George	4/24/2008	1/1/09 - 12/31/09							
32	Long, Joe	7/1/2008	1/1/09 - 12/31/09							
33	MacLachlan, Steve	1/14/1987	1/1/09 - 12/31/09		7/29/09-8/26/09		10/23/09-10/31/09			
34	McBride, David	12/10/1988	1/1/09 - 12/31/09				5/02/09-/09/09			
35	McCloy, Dave	6/1/2008	1/1/09 - 12/31/09		6/30/09 - 9/2/09					
36	McIsaac, Peter	1/1/1994	1/1/09 - 12/31/09							
37	Melvin, Eddie	4/1/1988	1/1/09 - 12/31/09				3/21/09-3/28/09			
38	Miller, Tom	7/1/1987	1/1/09 - 12/31/09			8/14/09-/23/09				
39	Nyborg, Einar	7/1/1995	1/1/09 - 12/31/09							
40	O'Laughlin, Kenneth	2/11/1985	1/1/09 - 12/31/09							
41	Pate, David	4/1/2007	1/1/09 - 12/31/09		10/28/09 - 12/31/09					
42	Pinder, Robert	4/1/1997	1/1/09 - 12/31/09		1/1/09-3/9/09 7/1/09-9/16/09		5/02/09-5/09/09			
43	Pinetti, Randall	2/1/2004	1/1/09 - 12/31/09		1/1/09 - 1/26/09					
44	Ridens, Ray	1/1/2007	1/1/09 - 12/31/09				3/21/09-3/28/09			
45	Roberts, Steve	2/11/1985	1/1/09 - 12/31/09				5/02/09-5/09/09			
46	Robinson, Eric	1/1/2004	1/1/09 - 12/31/09			8/14/09-8/23/09	9/11/09-9/19/09			
47	Rocci, Reuben	1/1/2008	1/1/09 - 12/31/09							
48	Simenstad, Michael	11/7/1973	1/1/09 - 11/08/09 12/09/09 -12/31/09							
49	Slack, Dustin	7/1/2008	1/1/09 - 12/31/09			8/14/09-8/23/09				
50	Sweeney, Michael	3/28/1985	1/1/09 - 12/31/09							

	Pilot name	Originally Licensed	Licensed and Fit for Duty	Licensed and Not Fit for Duty	Licensed and Absent for Medical Reasons	Manned Model Training	Combination Course Training	Active Military Duty	Leave of Absence	License Suspended
51	Teague, Larry (Retired)	2/4/1987	1/1/09 - 9/30/09							
52	Teague, Steve	1/1/2007	1/1/09 - 12/31/09							
53	Vilas, Tom	2/11/1985	1/1/09 - 12/31/09							
54	Wagner, Nancy	3/1/1990	1/1/09 - 12/31/09				9/11/09-9/19/09			
55	Wainwright, David	7/1/1991	1/1/09 - 12/31/09				10/23/09-10/31/09			
56	Wehr, Shane	6/1/2008	1/1/09 - 12/31/09							
57	Weiss, David	9/10/1993	1/1/09 - 12/31/09			8/14/09-8/23/09				
58	Welch, Dennis (Retired)	12/1/1987	1/1/09 - 9/14/09	9/15/09-11/10/09 Permanently NFFD	1/1/09-9/14/09					
59	Wells, William	5/8/1991	1/1/09 - 12/31/09							
60	Slough, Wally (Inland Pilot)	2/11/1985	1/1/09 - 12/31/09							
	Active Pilots:	55								
	Retired Pilots:	5								

	<b>Pilot Trainee Name</b>	<b>Date of Beginning Training</b>	<b>Status in 2009</b>
1	Aune, Drew Max	1/1/2008	completed training on 3/31/09
2	Bridgman, Daniel Peter	10/1/2008	in training
3	Cloes, Donald Albert	1/1/2008	completed training on 6/24/2009
4	Dobson, Eric	1/1/2007	dismissed on 2/26/2009
5	Fawcett, Eric Hoyer	4/8/2009	in training
6	Kellerman, Zachary Mark	6/1/2009	in training
7	Martin, Carl Jr.	10/1/2008	in training
8	Merritt, David Gerald	4/8/2009	in training
9	Peery, Michael Kelton	6/1/2009	in training
10	Ruff, Paul Daniel	4/8/2009	in training
11	Tylawski, Gregory Michael	7/1/2007	in training
12	Wilcox, James William	4/1/2007	resigned on 2/19/2009
	8 Trainees remaining by the end of 2009		

## **V. Summary of Reports of Navigational Incidents and Pilot Ladder Safety Standard Violations Occurred in 2009**

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Subdivision (c) of Section 1157.5 of the Harbors and Navigation Code called for providing summaries of each report of misconduct or navigational incidents involving pilots or other matters for which a license issued by the Board may be revoked or suspended. The summaries are required to provide details including the descriptions of findings made by the Incident Review Committee (IRC) and of the resulting action taken by the Board, as well as stating prior reportable incidents of the pilots involved. Accordingly, the navigational and safety equipment incidents that occurred in 2009 are listed below.

### **M/V HANJIN PITTSBURG, Pilot Ladder Safety Standard Violation, February 6, 2009**

A report had been received by Executive Director Moloney that the pilot ladder on the vessel had non-horizontal rungs, but that everyone safely disembarked. The report was faxed to the U.S. Coast Guard for follow-up and the ship agent was also notified of the pilot ladder deficiency.

### **M/V XIN NING BO, Vessel Interaction, February 7, 2009 Pilot Michael Simenstad**

The incident happened when the container ship M/V XIN NING BO proceeding outbound from Berth 58 passed the bulk carrier M/V BONASIA moored at the Schnitzer Steel berth in the Port of Oakland. Leaving the turning basin, the ship was accelerating from stop to about 4.5 knots and, as it passed the BONASIA, interaction between the two pulled the stern of the BONASIA into the channel. Having all the stern lines secured to one bollard caused the bollard to shear and peel back the cap plate of the mooring dolphin. The stern of the ship then drifted into the channel between 60-80 feet. The pilot was unaware of the interaction as his attention was focused on keeping the vessel mid-channel. No other nearby ships moored in the channel had been affected.

The IRC investigation found that the pilot operated the vessel at as low a speed as he thought he could safely maneuver. The mooring of the stern of the BONASIA was poorly arranged, with all stern lines leading to one bollard. The load should have been spread to multiple bollards. Accordingly, the IRC recommended finding of no pilot error and closing the matter without further action. The Board has approved the recommendation and the matter was closed.

Pilot Simenstad has been a pilot since 1973. He had the following prior incidents with finding pilot error or remedial action imposed.

- 2/20/1985. MICRONESIAN INDEPENDENCE. Docking at Oakland Middle Harbor Terminal. Remedial action: five observer trips on similar ships over six months.

- 10/14/1988. FORMOSA. Docking incident at Pier 80B in San Francisco. Remedial action: counseling.
- 1/19/1990. CROWN CONFIDENCE. Grounding off Avon Dock. Remedial action: counseling.
- 1/27/1990. NOSAC TAKAYAMA. Docking at Pier 70, San Francisco. Remedial action: counseling.
- 9/19/2004. CMA CGM YANTIAN. Excess speed in a Regulated Navigation Area. Remedial action: Letter of Warning in Lieu of Suspension and revocation issued by the U.S. Marine Safety Office.
- 6/21/2005. SAGA MUSKETEER. Allision with Foss Tank Barge 248-P3 in Richmond and failure to file a timely pilot's report. Remedial action: Letter of Reprimand.

**M/V XIN NING BO, Excessive Speed, February 7, 2009  
Pilot Michael Simenstad**

The incident happened when the container ship M/V XIN NING BO proceeded outbound from Oakland Berth 58. As the vessel exited the Oakland Estuary into the Inner Harbor Entrance Channel, AIS data showed it to speed from 12 knots to 18-19 knots. In the vicinity of Harbor Rock, AIS reading again showed the vessel speeding up to 17-18 knots.

The IRC investigation found that the vessel was operating in Regulated Navigation Area where vessels are subject to a 15 knots speed limit. As data showed that the pilot operated the vessel on two separate legs of the transit in excess of the 15 knots speed limit, the IRC recommended taking formal disciplinary action for suspension of the license.

The Board has adopted the recommendation of the IRC and directed staff to file a formal accusation against the pilot licensee. An accusation has been filed and served on the pilot, and the matter is waiting for the scheduling of a formal hearing with the Office of Administrative Hearing. There is no estimated completion date for this matter as the Office of Administrative Hearing has a substantial backlog in scheduling and completing administrative hearings.

Pilot Simenstad has been a pilot since 1973. He had the six prior incidents with findings pilot error or remedial actions imposed as listed above at the vessel interaction incident.

**M/V MORNING MERMAID, Hard Landing at Richmond Berth 8  
June 19, 2009, Pilot William Wells**

The incident happened when the auto carrier M/V MORNING MERMAID was docking at Berth 8 in Richmond. The docking occurred in the evening in a gusting high wind. The vessel was assisted by tugs to fit into the tight place at the dock. The crew on board and on shore had difficulties to secure the bow lines, the stern lines and the spring lines. The pilot maneuvered the docking by the ship's own propulsion and with assistance of two tugs. At a moment when the pilot believed that all lines had been made fast the stern lines became loose and dropped into the water. In correcting the line errors, the wind suddenly

died and the stern of the ship landed hard on the pier at an area that was missing a proper fender. Minor damage was caused to the pier.

The IRC investigation revealed that the cause of the hard landing was a combination of gusting wind conditions, a misunderstanding in communication between the pilot and the tug operator, miscommunication between the master of the vessel and his stern crew, and poor line handling by ship and shore personnel. The IRC recommended the finding of no pilot error and closed the matter without further action. The Board has approved the recommendation and the matter was closed.

Pilot Wells has been a pilot since 1991, and had no records of prior incidents with adverse findings.

### **M/V TASMAN RESOLUTION, Allision in the San Joaquin River August 27, 2009, Pilot David Bruce Alden**

The incident happened when the freighter M/V TASMAN RESOLUTION was proceeding outbound from the Port of Stockton downriver in the San Joaquin River. Approaching the Santa Clara Shoal on the right side of the river, the ship took a sheer to the left and headed across the channel toward the opposite shore. The pilot tried to overcome the sheer but the ship did not respond and continued heading for the opposite shore. Slowing down and using an anchoring technique, the vessel came to a stop with its bow in apparent contact with the levee on Bradford Island. Using the anchor and engine maneuvers, as well as the assistance of a tug, the ship pulled away from the levee and continued downriver. The allision caused no damage to the ship but caused considerable damage to the levee.

The IRC investigation was unable to find conclusive evidence as to the cause of the sudden sheer of the ship. The IRC found that the pilot's efforts to alter the course of the ship after the sudden sheer were appropriate but the vessel did not respond to these actions. The attempts to stop the ship from alliding with the levee have been partially successful as the allision occurred at a very slow speed.

Because of lack of sufficient evidence the IRC could not reach a reasonably certain conclusion as to the cause of the sheer to port and the evidence available did not support a finding of any pilot error. Therefore, the recommendation was of finding no pilot error and closing the matter without further action. The Board has adopted the recommendation of the IRC and the matter was closed without further action.

Pilot Alden has been a pilot since 1993, and he had one prior incident resulting in the issuance of a warning letter and taking observer trips.

- March 21, 1995, THORSEGGEN, freighter. Allision at San Francisco Pier 27. \$30,000 damage to vessel and \$20,000 to pier. Pilot error. Remedial action: received a Letter of Warning with four observer trips to Pier 27.

**M/V S.H. GRACE, Temporary Grounding, August 27, 2009**  
**Pilot George Harry Kleess**

The incident happened when the bulk carrier M/V S.H. GRACE proceeding inbound from sea to the Port of Sacramento grounded briefly in the Sacramento River Deep Water Ship Channel. The incident happened at night with the navigation aids still visible. Shortly after passing the mouth of Prospect Slough and navigation aid "49A", the ship's bow took a sudden sheer to the left. Attempts to correct the wrong heading were unsuccessful and portions of the hull of the vessel came into contact with the western edge of the channel and the soil bank. The speed of the ship slowed to approximately 2 knots. Following maneuvers resulted in the ship breaking away from the bank and the pilot was able to line up the ship on the center of the channel. The rest of the trip was uneventful.

The IRC found no evidence of shoaling in the area in question and no mechanical problem with the ship's steering. The only possibility identified was the effect of the flow of water from the mouth of Prospect Slough pushing the stern to starboard. There was no other evidence to explain the sudden sheer to port. The pilot anticipated the flow and slowed the ship down to the correct speed.

While the IRC could not find any failure to meet a standard in this situation, it recommended that the pilot could benefit from additional practice trips on deep draft ships up the Sacramento Deep Water Ship Channel under the guidance of more experienced river pilots. The Board approved the recommendation and ordered the pilot to take four practice trips up channel on vessels exceeding 26 feet in draft under the guidance of an experienced river pilot, two of such trips to be at night.

Pilot Kleess has been a pilot since 2005 and had no records of prior incidents.

**M/V VOC ROSE, Vessel Allision with Berth, August 29, 2009**  
**Pilot George Harry Kleess**

The incident happened when the M/V VOC ROSE proceeded to dock at Stockton Berth 12/13 in the evening. The ship was proceeding up the San Joaquin River to Stockton for loading bulk sulphur at the terminal. The berth faces down river at an angle and a direct approach by a vessel proceeding up river leaves limited room to turn the ship off the berth and make a flat landing. The approach to the dock was conducted in the dark with the assistance of ship and tug personnel providing distance reports to the pilot. At the landing, the ship allided with one of the wooden pylons used to support a catwalk attached to the berth and caused damage to the structure.

The IRC investigation concluded that the final approach of the ship remained at an acute angle to the face of the pier. There have been prolonged attempts for gaining some speed for the final maneuver. However, at the end, the pilot was unable to stop the ship's forward momentum before its bulbous bow allided with the wooden pylon. The IRC also found that the pilot may not have adequately accounted for side movement of the ship and the effect of the slight flood current on the river.

Accordingly, the IRC recommended the finding of pilot error and entering into a stipulation with the pilot to take four practice trips under the guidance of an experienced river pilot, two of such trips to be at night. The Board approved the recommendation and ordered the completion of the practice trips.

Pilot Kleess has been a pilot since 2005, and he had one prior incident resulting in no pilot error but practice trips ordered by the Board, as described above.

**M/V ANTONIA SCHULTE, Vessel Interaction Incident, October 15, 2009  
Pilot Daniel Boriolo**

The incident happened when the M/V ANTONIA SCHULTE was proceeding inbound in the Oakland Outer Harbor and passed a moored container ship, the M/V EVER REWARD, at Oakland Berth No. 37. The EVER REWARD was conducting bunkering operation and a fuel barge was moored to it on its outer side. The surge caused by the passing ship applied additional strain on the mooring lines of the fuel barge and thereby caused damage to the bulwark of the EVER REWARD.

The IRC investigation concluded that the pilot followed proper port protocols and notified the bunkering operation about its passing of the berth. The bunkering operation seized in preparation for the passage. The ANTONIA SCHULTE passed the berth on the far side of the channel and slowed down to appropriate speed. The passing of the ship caused a natural and foreseeable fore and aft surge movement of the bunkering barge alongside the EVER REWARD, resulting in foreseeable strain on its mooring lines. The damage was probably caused by the improper placement of the mooring lines of the fuel barge on the bulwark of the EVER REWARD.

The IRC recommended the finding of no pilot error and closing the matter without further action. The Board adopted the recommendation and the matter was closed.

Pilot Boriolo has been a pilot since 1995 and had no records of prior incidents with adverse findings.

**ATB GALVESTON and BARGE PETROCHEM PRODUCER, Pilot Boarding  
Arrangement Deficiency, November 16, 2009**

The ATB GALVESTON and PETROCHEM PRODUCER is an Articulated Tug/Barge vessel. A pilot reported that the access ladder leading from the barge down to the deck of the tug was a simple aluminum ladder that appeared to be unsafe in harsh sea conditions.

After investigation, the IRC concluded that there are no regulations or standards addressing this type of access ladder arrangement. Regulations control only the pilot ladder leading up to the deck of the barge. The safety concern has been reported to the U.S. Coast Guard for further action. The Board accepted the report and left the record open for receiving follow up information from the Coast Guard.