



**BOARD OF PILOT COMMISSIONERS
FOR THE BAYS OF SAN FRANCISCO, SAN PABLO AND SUISUN**
660 Davis Street, San Francisco, California 94111

**Minutes of the Monthly Board Meeting
November 14, 2013 at 9:30 a.m.
660 Davis Street, San Francisco, California 94111**

Board members present

RADM. Frank Johnston, President, Public Member
Mr. Dave Connolly, Vice President, Public Member
Capt. Joe Long, Commissioner, Pilot Member
Capt. Steve Roberts, Commissioner, Pilot Member

Staff present

Allen Garfinkle, Executive Director
Roma Cristia-Plant, Assistant Director
Dennis Eagan, Board Counsel
Kelly Dolcini, Staff Services Analyst
Sigrid Hjelle, Office Technician

Others present

Capt. Peter McIsaac, Port Agent

Public present

Past President Knute Michael Miller, Ray Paetzold, San Francisco Bar Pilot (SFBP) Counsel, and John Cinderey, SFBP Business Director.

1. Call to Order and Roll Call

President Johnston called the Board to order at 9:30 a.m. Executive Director Garfinkle called roll and declared that there was a quorum.

2. Approval of minutes of the October 24, 2013 Board meeting

Board members were presented with the minutes of the October 24, 2013, meeting for approval.

MOTION: Commissioner Roberts moved to approve the minutes of the October 24, 2013 meeting. Vice President Connolly seconded the motion.

ACTION: The motion passed unanimously.

3. Announcements

President Johnston announced the arrival of Roma Cristia-Plant as the new Assistant Director of the Board of Pilot Commissioners. He also welcomed Ray Paetzold, in-house counsel to the San Francisco Bar Pilots. He then acknowledged the new print of the Great Seal of the State of California on the wall behind him, and thanked Office Technician Sigrid Hjelle for her efforts to acquire it.

4. Board Member Activities

Commissioner Connolly reported that he attended the monthly luncheon of the San Francisco Port Council of the Maritime Trades Department, AFL-CIO, where he met briefly with state Senator and Majority Leader Ellen Corbett who was the guest speaker

5. Executive Director's Report

A) Correspondence and activities since the last meeting.

Mr. Garfinkle welcomed Ms. Roma Cristia-Plant and introduced her as the new Assistant Director of the Board of Pilot Commissioners. After some brief background on Ms. Cristia-Plant, Mr. Garfinkle also welcomed Mr. Paetzold to his new position with the San Francisco Bar Pilots.

He then discussed the correspondence received by Board staff since the October 24, 2013 meeting:

- On November 12, 2013, Board staff received a letter from Mr. Michael Balash of San Francisco requesting a public meeting regarding the proposed changes to Trainee Training Program entrance requirements.
- On November 13, 2013, Board staff received a case summary from American Maritime Safety, Inc., which summarized USCG v. Terrell, No. 2013-0076. This case pertained to merchant mariner who tested positive for marijuana during a random drug test, although his name did not appear on the list of those to be tested.
- He reported the Board received a check for \$143,503.47 for surcharges collected by the SFBP, which were broken down as follows:
 - Board Operations Surcharge: \$37,218.47
 - Continuing Education Surcharge: \$54,975.00
 - Trainee Training Surcharge: \$51,310.00

B) Pilot Licensing Matters:

Executive Director Garfinkle reported that between the September and October meeting, staff renewed licenses for Capts. Kleess, Dowdle and Chapman, and confirmed that the Board had not renewed any licenses since the October meeting.

C) Legislative and Contractual Matters:

There has been no legislation affecting the Board since last meeting.

On behalf of Mr. Garfinkle, Ms. Dolcini reported that the non-competitive bid request for Capt. Dave Gates' consultation on the upcoming trainee exam had been approved by the Department of General Services and staff should receive a copy within the next week.

She also reported that staff has begun working with the Continuing Education Committee on a request for proposals from manned model training facilities, as well as the Pilot Fitness Committee on a study of how fatigue affects the pilots.

Mr. Garfinkle reported that the contract for fiduciary services would be conducted under a three-party contract.

6. Port Agent's Report

- A) Montly report on SFBP ship piloting business activity during the month of July. When compared to a three year average, bar crossings are down 1.5% at 566; bay moves are up 9.4% at 119; river moves are up 7.1% at 33; total moves are down 0.5% at 718, and gross registered tonnage up 5.6% at 34,061,905 tons.

The P/V CALIFORNIA was taken out of service on November 5, 2013 due to a failed oil cooler on the starboard generator. It was put back in service on November 7, 2013.

The P/V DRAKE was taken out of service on October 28, 2013 for planned shipyard maintenance that is scheduled to be completed on November 15, 2013.

- B) Monthly report on pilot availability and absences. Capt. McIsaac reported that there is currently one pilot absent for medical reasons (AFMR).

He described the five minimum rest period (MRP) exceptions since the September 26, 2013, meeting that ranged between 10.4 and 11.7 hours.

- C) Monthly confidential written report of pilots who have been absent for medical reasons . There was no report presented to the Board.

7. **Pilot Evaluation Committee**

- A) No report on the November Pilot Evaluation Committee (PEC). Capt. Nyborg reported that the PEC had not met since the last Board meeting but that all trainees were progressing well and the Committee would meet on November 20, 2013. He also described the hundreds of man hours already contributed toward the development of the Trainee Training Program Entrance Exam and emphasized the importance of advertising for the exam as soon as possible.
- B) Trainee Certificate of Completion. No recommendations.
- C) Executive Director appointment of new pilot(s). None.

8. **Reported safety standard violations**

Mr. Garfinkle reported a pilot ladder deficiency occurred on the M/V FSL SHANGHAI in the Port of Benicia on October 26, 2013. A thorough investigation was conducted by a Board dispatched incident investigator, which sparked a discussion of the Board's obligation regarding public safety and notification of the U.S. Coast Guard.

Board Counsel Eagan suggested that a pilot should refuse to Board or depart a vessel whose pilot ladder s/he deems deficient.

9. **Reportable piloting events**

Mr. Garfinkle reported that on October 15, 2013, the ITB MOKU PAHU allided with the New York Slough Channel Marker 7. The incident is under investigation and the 90th day deadline will occur on January 13, 2014.

10. **Pilot Fitness Committee**

Pilot Fitness Committee Chairman Mike Miller reported that the Committee had not met since the last Board meeting. Members are continuing to review the professional literature on circadian rhythm disruption and sleep deficit among shift workers. The Committee will meet on December 3, 2013 to review a draft scope of work for the legislatively mandated pilot fatigue and safety study.

11. **Rules and Regulations Committee**

- A) Report on committee activities. Commissioner Roberts reported that the Rules and Regulations committee would meet jointly with the Ad Hoc Committee on Trainee

Recruitment on December 9, 2013, to discuss the comments heard in a public hearing regarding proposed changes to entry requirements for the Trainee Training Program.

- B) Status report on Pilot Trainee Qualifications regulations. Commissioner Roberts reported that the Board received a request for public hearing regarding the proposed changes to trainee qualification regulations. The Board of Pilot Commissioners will meet on Friday, December 6, 2013, at 1:30 p.m. at the BOPC office to receive oral and written statements, arguments, or contentions
- C) Status report on the Trainee Exam Fee regulations for charging a fee to sit for the trainee exam. No report.

12. Low Sulfur Fuel Report

Executive Director Garfinkle stated that there was no low sulfur fuel report

13. Report of the Attorney General's Office

Board Counsel Dennis Eagan stated that he had nothing to report.

14. Public comment on matters not on the agenda

There were no comments.

15. Proposals for additions to next month's agenda

Executive Director Garfinkle provided potential board meeting dates in 2014 to the Commissioners for review, and reported that the Board meeting calendar dates for 2014 will be on the December agenda.

16. Adjournment

MOTION: Commissioner Long moved to adjourn the meeting. Vice President Connolly seconded the motion.

ACTION: The motion passed unanimously and the meeting adjourned at 10:40 a.m.

Prepared by: Kelly Dolcini