

BOARD OF PILOT COMMISSIONERS

Minutes March 27, 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 9:30 a.m. on Thursday, March 27, 2003, Commissioner Falaschi presiding. A quorum was present, including Commissioners Lundeberg, 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 February 27, 2003, regular Board meeting. The minutes were approved unanimously after being amended as follows: at pg. 4, line 1, after "Commissioner Welch recused himself" add "from the presentation, participation and resolution of this IRC report"; and on page 5, item 5., line 3, change "Wagener" to "Wagner".

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

1. The Board received notification from the Office of the Governor dated February 27, 2003 announcing the reappointment of James D. Falaschi as a member of the BOPC. Term expires December 31, 2006.
2. The Board received a letter dated February 27, 2003 from the SFBP that Captain Russell Nyborg will serve as Acting Port Agent from March 10, 2003 through March 14, 2003.
3. The Board received a letter dated March 17, 2003 from the SFBP noting that two pilots have indicated that they intend to retire on January 1, 2004, and requesting that the Board consider starting an additional two trainees as soon as possible.
4. The Board received a memorandum from the State of California, Nora Cheek, Personnel Program Manager, ref. Code 2003-014, dated March 20, 2003, regarding ethics orientation training for filers of statements of economic interest.

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 January 2003 and Inland Pilot Slough through February 2003. Copies are available in the Board office.
2. The Board issued license renewals to Captains R. Nyborg, Thomas and J. Weiss during the month of March.

Port Agent's Report--Port Agent Captain McIsaac

1. There are currently three pilots NFFD:
Captain Hughes continues to recover from heart surgery;
Captain Wagner continues to recover from ankle injury and subsequent surgery;

Captain Shanower underwent surgery on March 14 and expects to be NFFD for 4-6 weeks;

Captain Alden suffered a laceration to his knee while transferring at sea on March 13. The laceration required 10 stitches to close. He was FFD on March 25;
Captain Carlier was FFD on March 25.

2. There was one 12-hour MRP violation on March 15 with a rest period of 10 hours. There were two pilots off the board, one NFFD and one on comp.
3. The P/V PITTSBURG suffered a catastrophic failure to the starboard main engine on March 10. A new engine was installed for a cost of \$16,000 and the boat was back in service on March 12.
4. The P/V DRAKE also went out of service on March 10 when it blew a head gasket in the port main engine. The engine had 13,000 hours on it and was scheduled to be overhauled later this year. Complete in-frame overhaul was done for a cost of about \$25,000 and the vessel was back in service on March 21. On March 24 it was taken to Stones boatyard for a scheduled major dry docking which is expected to keep it out of service until April 11.
5. As discussed at last month's meeting we are changing the way we calculate vessel movement numbers. In the past we reported a simple year-to-date comparison with the same time frame from the previous year. This resulted in rather wild swings especially in the first three months of the year. Starting with 2003 we will report the vessel movement numbers compared to a three year average. To arrive at the number you add the previous three years worth of vessel movements together, divide by three to arrive at an annual average, and then divide that number by 365 to arrive at a daily value. The value is then multiplied by the number of days in the month for comparison purposes.

Through February 2003:	Bar Crossings	+0.8%
	Bay Moves	+8.9%
	River Moves	+15.2%
	Total Moves	+3.0%
	Gross Tons	+1.1%

Unfinished Business

1. Open Incidents --Executive Director Moloney
 - a. M/V TAI SHAN HAI interaction w/ M/V POLAR ALASKA at Amorco Dock Martinez, December 21, 2002, Inland Pilot Captain Slough -- Executive Director Moloney distributed copies of the Findings of Facts and gave the following report:

At noon on 21 December 2002, Capt Slough boarded the bulk freighter TAI SHAN HAI at the Port of Stockton. He got the vessel underway at 1308 and made an uneventful transit down the San Joaquin River. At 1708 the vessel passed New York Point where the Sacramento River joins the San Joaquin. Recent heavy rains along with dumping of accumulated water from the Sacramento had caused a current larger than predicted.

Capt Slough was aware of vessels moored in the vicinity of the UPRR Bridge. He was concerned about passing one moored at the Avon Pier and as he approached it he gradually reduced speed to dead slow ahead (5.5 kts). On the near approach in the Point Edith Range he was carrying up to 10° leeway to keep the vessel in the channel. The vessel passed the vessel moored at the Avon Pier uneventfully.

For transiting the UPRR Bridge speed was increased to slow ahead (6.3 kts) to improve steering. Slow ahead was maintained through the bridge and past the tanker POLAR ALASKA moored at the Amorco Terminal just beyond the bridge. When the vessel was clear of the Amorco Terminal, speed was increased to full ahead and the vessel proceeded uneventfully to Anchorage 8.

The POLAR ALASKA was moored portside to the Amorco terminal with 5 head and breastlines, 2 springlines leading aft, 2 springlines leading forward and 5 stern and breastlines. The vessel was discharging cargo. As the TAI SHAN HAI passed the POLAR ALASKA, the tanker experienced vessel interaction. The freighter was making 6.3 knots with an observed 3.5 knot current pushing it so speed over ground was about 10 knots. The interaction caused the tanker to be pulled down the pier 25-30 feet. The forward springlines tension overcame the winch brake set points and were paid out. This overstressed the lines and broke their exterior fabric. It also stretched the cargo hoses to their limit but did not part them. Pumping was stopped immediately.

The crew of the POLAR ALASKA attempted to warp the vessel back into position, but the current was too great and the engine was brought back on line and the vessel backed into position. Following the incident modifications were made to the mooring arrangements of that and similar vessels.

OPINIONS

1. Captain Slough properly handled the vessel under difficult circumstances. He held speed to a minimum and safely passed a vessel moored at the Avon Terminal where the channel is closer than it is to the Amorco Terminal.
2. The speed increase from dead slow ahead to slow ahead was proper for the transit of the UPRR Bridge. It improved the handling of the vessel while keeping speed to a minimum.
3. The Amorco Terminal is immediately beyond the UPRR Bridge. A speed reduction to dead slow ahead would not have made any difference as the vessel passed and with the 3.5 knot following current would have resulted in a reduction of vessel control.

RECOMMENDATIONS

1. Close this case. No attributable pilot error. Capt Slough was operating the vessel at the minimum speeds he could to keep it in the channel. At times he was using up to 10 degrees of leeway to offset the following current. Modifications made to the mooring plan of the vessel effected show that this was a lessons learned opportunity.
2. Repeating another recent interaction incident finding; regardless of causes in this incident, pilots should pay close attention to potential vessel interaction situations and proceed at minimum speeds consistent with good vessel maneuverability. It is recognized that these two standards of operations may at times be incompatible. Route planning should take this into account and may require adjusting schedules or tugs to accommodate safe passing speeds.
3. The PORTS current indicator at the Benicia Bridge has been offline for a long time. It was an aid in determining current velocity and would be a useful aid in decision making for safe transits.

It was moved and seconded to accept the IRC report. Commissioner Falaschi asked for discussion. The Board discussed whether there is communication with vessels at the dock and it was noted that there usually is none as there is no pilot onboard the moored vessel. It was noted that vessels usually do maintain slow speed while transiting this area. It was reported that this IRC report would be used as lessons learned. Commissioners Welch and Wagner noted that the pilots have not received these IRC lessons learned reports for approximately two years and that this is very valuable information for the pilots. Board staff was directed to publish all back reports as soon as possible and publish all future reports in a timely manner. There being no further discussion, the motion passed unanimously.

- b. S/S MAUI, grounding entrance to Oakland Estuary, January 28, 2003
- c. M/V CEFALONIA, grounding Webb Point, Light 47, San Joaquin River, February 22, 2003

Executive Director Moloney noted that the above incidents are under investigation.

2. Pilot Ladder reportable incidents --Executive Director Moloney

VESSEL	PILOT	DATE	DISCREPENCY
M/V STAR DJVERVANGER	LOBO	3/12/03	Steps need seizing repaired

3. Rules and Regulations Committee--Commissioner Welch--Report on March 18, 2003, Committee meeting and Rulemaking Calendar for 2003; possible recommendation to commence formal rulemaking process regarding trainee selectees' requests to defer entry into training program; **possible Board action**

Commissioner Welch reported that the Committee met March 18, 24 and 25. Subjects for inclusion on a possible 2003 Rulemaking Calendar were discussed. Several are suggested to the BOPC for consideration and committee assignment:

A review of "lessons learned" on BOPC regulations covering a "Hearing to Determine Number of Pilots". Do present regulations serve the BOPC's purposes satisfactorily?

Review current BOPC regulations and procedures regarding pilot attendance at required training in light of some non-attendance during 2002. Do present regulations and procedures ensure compliance?

The Ad Hoc Trainee Selection Review Committee may have recommendations regarding the need for changes to present regulations as a result of their on-going review.

Review various statutory changes affecting the BOPC.

Review of current Section 219 -- regarding blanket prohibition against running a vessel aground.

Commissioner Welch distributed copies of the final draft of proposed amendments of Section 213(i) "Pilot Trainees" to implement trainee selection deferment policy and reported as follows:

The Committee completed work on proposed rulemaking to address requests by potential trainees for deferred entry into the Board's trainee training program. We unanimously recommend that the Board direct Board staff to prepare a formal rulemaking.

The Committee asked the Executive Director to develop a checklist containing specific information to be exchanged with the candidates and the creation of specific documents as required by the revised 213(i), and report back to the Committee at its next meeting. Future

meetings will be scheduled dependent on tasks forwarded to the Committee. None are scheduled at this time.

Commissioner Welch then moved that the BOPC direct the Board staff to prepare a formal rulemaking covering revisions to subsection 213(i). The motion was seconded. Commissioner Falaschi asked for discussion. The Board discussed the rulemaking process and noted that this includes a 45-day public comment period. There being no further discussion, the motion passed unanimously.

4. Finance Committee--Commissioner Winn--Results of Finance Committee meeting of March 27, 2003, (immediately preceding Board meeting) Pilot Vessel Surcharge rate (5.13 mils), reserve and expenditures -- possible recommendation to adjust surcharge rate; **possible Board action**

Commissioner Winn reported that the Committee met earlier today and reported that the SFBP reported a default of payment by Sunrise Shipping in the amount of \$203K and it is anticipated that approximately half of that amount may be collected. The SFBP did notify the various ship owners of their collection procedure. The SFBP reported that through February 2003 income from piloting was up 2.5%, expenses up 2.2%, operating income up 2.6%, non-operating income up 165% (this includes the Sea Marshal program and revenue from the Carquinez Bridge project (consulting done by SFBP)), net income up 3.9% and net audited income up 6%. The Committee reviewed the pilot boat surcharge. As of the end of February 2003 there is a surplus of approximately 210K. It is projected by the end of June to be \$90K. It was noted that the Committee continues to anticipate recommending an increase in the surcharge rate during the second quarter of 2003 to become effective July 1, 2003. The Committee received the SFBP audited Financial Statements as of December 31, 2002 and 2001, and SFBP Benevolent and Protective Association Financial Statements as of December 31, 2002 and 2001 (copies are available at the Board office).

5. Pilot Training Curriculum Committee--Commissioner Wagner--Report on Coast Guard rulemaking re Maritime Security: possible incorporation into BOPC training curriculum -- Report on March 18, 2003, Committee meeting; possible recommendation to the Board regarding Maritime Security Training; **possible Board action**

Commissioner Wagner reported that the Committee met March 18 and reviewed the Coast Guard's proposed Rulemaking re Maritime Security and noted that it is very broad in scope and not specifically targeted for SFBP. A final version is anticipated by November 2003. There is no recommendation at this time.

6. Ad Hoc Committee on Trainee Selection--Commissioner Bayer--Report on public workshop held on March 18, 2003, review of trainee selection process; possible recommendation to the Board; **possible Board action**

Executive Director reported for Commissioner Bayer that the Committee continues formal review of the trainee selection process with public workshops currently scheduled for April 1 and 28, 2003 at the Board office.

7. Pilot Evaluation Committee--Capt. Melvin--Report on trainees' progress in training program and PEC meetings held March 13 and 26, 2003, possible recommendation re additional pilot trainees to enter Pilot Trainee Training Program; **possible Board action**

SFBP Captain Melvin who was in the audience reported that the Committee continues the review of lessons learned from the 2002 trainee selection process and will report to the Ad Hoc Committee as soon as possible. There is no recommendation at this time as the previously scheduled meeting was postponed. The pilot trainees continue to progress well. 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 requested that this item be placed on next month's agenda for Board action.

8. Vessel Interactions--Review of incident frequency; Board's role in addressing the problem--Commissioner Falaschi/Executive Director Moloney -- Commissioner Falaschi requested that this item be continued to next month's agenda.
9. Security assessment covering pilots' operation -- Commissioner Falaschi requested that this item be continued to next month's agenda.

New Business

1. Request by SFBP Captain Hughes for disability determination under Harbors and Navigation Code Section 1164; **possible Board action**

Commissioner Falaschi referred to Board Counsel who reported that this item had been placed on the agenda in anticipation of a request from Capt. Hughes but that, to date, the Board has not received such a request. Mr. David Singelstad, who was in the audience with Capt. Hughes, identified himself as Capt. Hughes' attorney and apologized for his inability to provide the request or any supporting medical records in advance of this meeting. He stated that Captain Hughes was requesting a Board determination of temporary disability so as to entitle him to pension benefits under Harbors and Navigation Code Section 1164(b), but that Capt. Hughes wanted to keep open the option of challenging the not-fit-for-duty finding of the Board physician and returning to duty as a pilot. The Board recessed to give Mr. Singelstad time to discuss the applicable law with Board counsel and to consult with his client and medical expert. After a 15-minute recess, Mr. Singelstad repeated his request on Capt. Hughes' behalf for a disability finding under Section 1164, relying upon the records currently in the Board's file to support the request. Captain Hughes acknowledged his understanding of the request but withdrew it during the Board's deliberation. Accordingly, the Board took no action on this request.

2. Pension benefits for widow of disabled pilot, Capt. Carlier; correction; **possible Board action** – This item had been placed on the agenda in anticipation of a request for correction. None was received.
3. Closing the bar -- Port Agent Capt. McIsaac -- practice and procedure -- Captain McIsaac distributed copies of the San Francisco Bay Bar Conditions (BARCON) guideline used by the SFBP to determine the need to close the bar. He then gave the following report: the Port Agent of the SFBP is responsible for the setting of BARCONs. These conditions will affect the transfers of pilots at the bar. The Port Agent's determination of a BARCON will be based on meteorological data -- primarily wind speed and such factors as swell, sea state, currents, visibility, vessel design and prudent seamanship. Input from pilots and the station boat operators will also be considered. Whenever the BARCON status is changed the SFBP dispatcher will notify the pilot vessel on station via cell phone. The BARCON status is not broadcast on VHF. He then explained the various codes and the SFBP internal procedure for closing the bar to shipping. He also discussed the impact on the Sea

Marshal program and communicating with its dispatcher. (Copies are available in the Board office.)

4. Public Comment on matters not on the agenda

Lt. Chris Tribolet MSO USCG, Investigation, who was in the audience, expressed his concern that the USCG had not been notified of the M/V TAI SHAN HAI interaction w/ M/V POLAR ALASKA at Amorco Dock Martinez, December 21, 2002, Inland Pilot Captain Slough. Executive Director Moloney noted that this item had been on the agenda for three months, and that he did not know if Captain Slough or Amorco Dock had contacted the USCG, but that in the future the Coast Guard will be given notice of vessel interaction incidents being investigated by the IRC. The Board discussed various issues of past presentations relative to vessel interaction, the Board's past attempts to work with port authorities on this issue and the Board's pro-active stance on vessel safety matters generally. Commissioner Falaschi stated that the Board welcomes any input from the Coast Guard and the opportunity to work closely with it to address these issues.

Cdr. Dave Kranking, VTS USCG, who was in the audience, said the USCG continues to welcome the opportunity to give a presentation of the Marine Safety Office, Inspection Department. Commissioner Falaschi requested that this item be added to next month's agenda.

5. Proposals for additions to next month's agenda -- there were no additional proposals.

Schedule next regular meeting -- the next Board meeting is scheduled for April 24, 2003, at 9:30, in the Board office Pier 9, Suite 102, San Francisco, CA. The Finance Committee meeting is scheduled for 8:30 a.m., the same date. The hearing on the proposed rulemaking regarding the trainee selection deferment policy (item 3 under "unfinished business" above) was set for Tuesday, June 3, 2003, following publication and mailing of the appropriate notice.

Adjournment -- the meeting was adjourned at 11:50 a.m.

Respectfully submitted,

Alice A. Evans
Secretary