

BOARD OF PILOT COMMISSIONERS

Minutes January 22, 2004

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 Thursday, January 22, 2004 Commissioner Falaschi presiding. A quorum was present, including Commissioners Lundeborg, Rosequist, Wagner, Welch and Winn. Also in attendance were Port Agent Pete McIsaac, Board Counsel Ray Paetzold, Executive Director Patrick Moloney and Secretary Alice Evans and various members of the public.

Request approval of Minutes of the December 18, 2003 regular Board meeting. The minutes were unanimously approved as amended: Page 4, last paragraph of item 7., line 3, delete ~~January 1, 2004~~ and add "next available opening".

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

1. The Board received a letter from Capt. Daniel Keon notifying the Board that his three training trips were completed.

Other Pilot Matters--Executive Director Moloney

1. The Board issued license renewals to Captains Anderson, Carlier, Carlson, Coppo, Crowell, Gates, Gjevik, Hand, Kelso, Keon, MacLachlan, McIsaac, Plant, Rioux, Rhodes, Shanower, Teague and Waugh during the month of January.
2. The Board has received the manpower reports and statements for pilotage fees and surcharges collected from SFBP through October and Inland Pilot Slough through November 2003. Copies are available in the Board office.

Port Agent's Report -- Port Agent Captain McIsaac

1. There are currently three pilots NFFD:
Captain J. Weiss is recovering from a non-work related condition;
Captain Hoburg is recovering from a knee injury and is expected back to work in early February;
Captain Larwood has been NFFD since December 31. He is recovering from a knee injury that may require surgery.
2. As reported the last two months, there was a fuel system problem with the P/V GOLDEN GATE that has limiting its operation to inside bay work only. After numerous attempts to determine the cause of the intermittent blockage, including using a fiber optic camera-equipped "snake", the problem was solved last week. There was a quarter-size plastic cone, most likely from a fuel system additive canister, that was found in the supply line between the tank and the manifold. As the rpm's were increased, the piece would occasionally be drawn up tight against a valve and, depending how it was sitting, would either restrict or completely shut off the supply of fuel to the engines. We are currently engineering a solution to prevent a recurrence.

3. The number of vessel movements while up in 2003, slowed considerably during November and December. Areas of growth in 2003 included cruise ships whose calls to San Francisco and Monterey increased from about 60 in 2002 to 110 in 2003 and aggregate vessels which continue to import sand and gravel at record rates due to on-going construction projects and declining local sources.

Vessel movement report through December 2003; compared to three-year daily average:

Bar Crossings	+3.1%
Bay Moves	+4.1%
River Moves	-13.2%
Total Moves	+2.6%
Gross Tons	+7.9%

Commissioner Rosequist inquired whether the construction projects in the bay impede SFBP operations. Port Agent McIsaac noted that there is more traffic due to the closure of the Fremont and Santa Cruz rock quarries as more aggregate is brought in from B.C. At the present time SFBP operations are not affected by the Bay Bridge project; however, in the future, the Benicia Bridge project may affect operations.

Unfinished Business –

1. Open Incidents --

- a. S/S MAUI, grounding, entrance to Oakland Estuary, January 28, 2003 SFBP Captain J. Weiss; hearing continued to March 15, 2004 (through March 18, if necessary) by order of Judge Walker, OAH - confirm Board members' availability for new hearing dates; request by Capt. Weiss to disqualify Commissioner Falaschi from participating in the hearing pursuant to Gov't Code §11512(c); **possible Board action on disqualification request**

Commissioner Falaschi reported that Capt. Weiss had filed a request asking Commissioner Falaschi to disqualify himself from participating in the hearing on the grounds that Captain Weiss feels that Commissioner Falaschi is biased against him. Commissioner Falaschi has declined to disqualify himself, so the matter will be one for the Board to decide. He then asked Commissioner Lundeberg to preside over this portion of the meeting and moved to the public seating area.

Commissioner Lundeberg noted that a request to disqualify a Board member is not a common procedure and asked Board Counsel Paetzold to give the background and procedural framework.

Board Counsel Paetzold reported as follows: A pilot whose license may be suspended or revoked as a result of alleged misconduct is entitled to have the matter heard by unbiased members. If the pilot believes that he cannot get a fair hearing because one of the Board members is biased or prejudiced against him, or has an interest in the outcome, the law provides a procedure for the pilot to challenge that member.

That procedure requires the pilot to file an affidavit specifying the grounds for the member's disqualification. If the member does not agree that he should be disqualified, the issue is determined by the remaining Board members.

In this instance, Capt. Weiss stated in his affidavit that he believes Commissioner Falaschi is biased against him. The specific grounds alleged by Capt. Weiss stem from Commissioner Falaschi's role about four years ago on an advisory committee to the Board to develop recommendations regarding a request by various barred pilots who asked the Board to provide them with a hearing or adopt regulations to deal with the subject of barring of individual pilots by some shipowners. Capt. Weiss was one of those pilots, who were represented in that matter by John Meadows, Capt. Weiss' current counsel.

The specific grounds alleged by Capt. Weiss also stem from a social encounter between Capt. Weiss and Commissioner Falaschi at a reception held by the pilot association in September 2000.

The procedure for the Board to decide this issue is for the Board to give both counsel and Commissioner Falaschi an opportunity to address the matter. As you have before you the written submissions from each, you should determine whether either counsel or Commissioner Falaschi has anything further that they would like to add and whether the Board members have any questions.

Once the matter is submitted, the remaining Board members, without Commissioner Falaschi's participation, should determine the issue. Your deliberation and vote must be in a session that is open to the public. As with any Board action, the affirmative vote of four members is required.

Commissioner Lundeberg thanked Board Counsel and asked Board members if they have any questions before we hear from Mr. Meadows. There were none at this time. Commissioner Lundeberg noted that Mr. Meadows had been provided with Mr. Gleason's memo and all the attachments. Those are the only documents the Board members have before them on this issue. (Copies are available in the Board office.) He then asked Mr. Meadows if he had anything he would like to add to his submission.

Mr. Meadows thanked Commissioner Lundeberg and noted that he was disappointed that there was not a court reporter scheduled for this portion of the meeting to transcribe this discussion verbatim. He then distributed copies of his prepared remarks (copies of which are available in the Board office) and continued that his sole purpose was to make sure that his client, Capt. J. Weiss, gets a fair trial. He reiterated the circumstances for the claim of bias as summarized by Board Counsel Paetzold.

Mr. Meadows discussed the barred pilot litigation that followed the Board's adoption of Commissioner Falaschi's recommendations, and his view that much time and money could have been saved if the Board had granted the barred pilots' request.

Mr. Meadows stated that Commissioner Falaschi's recommendations, without personally meeting with the barred pilots or their counsel, and the exchange described by Captain Weiss at least left room for doubt whether Commissioner Falaschi can be fair and unbiased. He then thanked Commissioner Lundeberg.

Commissioner Lundeberg then asked Mr. Gleason if he had anything he wished to add to his written remarks. Mr. Gleason thanked Commissioner Lundeberg and noted that no court reporter had been scheduled because none was required and none had been requested. He summarized the status of the barred pilot litigation, in which the courts had confirmed that the position taken by the Board, and recommended by Commissioner Falaschi, did not violate the barred pilots' rights.

As for the social exchange described by Capt. Weiss, even if the Board believed Capt. Weiss' version of that exchange, it described something of such a minor nature that it could not rationally be viewed as evidencing the level of bias that would warrant Commissioner Falaschi's disqualification.

Commissioner Lundeberg asked Commissioner Falaschi whether he wished to add anything to his written submission. Commissioner Falaschi replied that he did not.

Commissioner Lundeberg asked the remaining Board members whether any of them had any questions of counsel or of Commissioner Falaschi. There were none.

Commissioner Lundeberg then asked attorneys Meadows and Gleason whether the matter was submitted. Both replied in the affirmative.

Commissioner Falaschi then left the room.

After review of the voting procedure and determining that no Commissioners had any further questions it was moved and seconded to deny the request to disqualify Commissioner Falaschi. Commissioner Lundeberg asked for discussion. Commissioner Rosequist noted his appreciation of the presentation by both counsels and stated that he had read all the material thoroughly, had a clear understanding of the issues and was prepared to vote. There was no other discussion. After clarifying that a "yes" vote in favor of the motion meant that Captain Weiss' request to disqualify Commissioner Falaschi would be denied and a "no" vote would require another motion, Commissioner Lundeberg asked for a roll call vote:

Commissioner Rosequist	YES
Commissioner Wagner	YES
Commissioner Welch	YES
Commissioner Winn	YES
Commissioner Lundeberg	YES

The motion passed unanimously.

Commissioner Lundeberg thanked Counsels Gleason and Meadows and asked them to please inform Judge Walker that the Board has denied Capt. Weiss' request to disqualify Commissioner Falaschi.

Commissioner Falaschi was called back into the room and resumed his presiding role.

- b. M/V S/R GALENA BAY, possible grounding approaching San Francisco Dry Dock and allision with Dolphin 6, August 26, 2003, SFBP Captain Dan Larwood – Executive Director Moloney distributed copies of the Findings of Facts and gave the following report:

PROBABLE CAUSE

At about 0520 on the morning of 26 August 2003, Capt Daniel Larwood boarded the tanker S/R GALENA BAY at the offshore pilot station to pilot it to the San Francisco Drydock Dolphin Berth, inboard of Drydock #2, for engine repairs. In interview Capt Larwood noted that during the Master/Pilot Exchange, Capt Wilcox expressed concern about the vessel's ability to respond to astern engine orders due to a bearing problem. Escort tugs had been dispatched and met the vessel at the sea buoy for the bar crossing. Capt Larwood advised Capt Wilcox that he did not think the

depth of the berth would accommodate the draft of the vessel but Capt Wilcox responded that Sea River had notified him that there was 30' of water at the berth. The vessel was drawing 27' 01" aft.

The inbound transit was uneventful with tugs *Mare Island* and *Carquinez* escorting from the sea buoy. Prior to passing the Golden Gate Bridge the tug *Mare Island* put a line up to the centerline chock on the stern. Once inside the Bay a third tug joined for docking. The vessel took a line from the *Carquinez* on the port bow, main deck level and a line from the *Delta Deanna* on the starboard bow, forecastle level, all the way forward.

The approach to the berth was by making a broad turn to starboard and coming across the flood current from the east. The vessel passed to the north of the drydock and was stopped headed about due north, parallel to the drydock. With the vessel's engine stopped, the tug on the stern was directed to pull the vessel aft, into the berth. Once the vessel gathered slight sternway the after tug was directed to recover her line and move to the port quarter and put up the line there. Steering control was maintained by the tugs on the bow. The after tug took longer than anticipated in recovering the line, but finally shifted to the port quarter as the vessel entered the narrow berth. The width of the berth between drydock wall and several pilings marking the demolished Pier 5 was about 130', exclusive of the width of the dolphins. The vessel's beam was almost 106'.

As the vessel's bridge passed the end of the drydock, the stern took a sheer to starboard due to shoal water on the port side. The after tug was not ready to work on her line and was unable to pull. Capt Larwood had the vessel's rudder placed hard right and the engine slow ahead. He also had the tug on the port bow push the bow to starboard to counter the sheer and had the tug on the starboard bow pull straight forward in line to take the sternway off.

The stern continued the sheer and at 0803 the vessel landed hard on the outboard dolphin. The vessel's bridge was just aft of the dolphin and the landing was in the area of the after starboard tank set. There was minimal fendering on the concrete dolphin and the vessel's shell plating was dented. There was no breach of the plating.

Capt Larwood had the ship backed further into the berth using the tugs, but about halfway into position it stopped. The pilot and master thought that friction from tires on the next dolphin might be holding the vessel and had mooring lines run to the third dolphin. Heaving on the lines pulled the vessel a few feet more. Soundings were taken by lead line and showed 22' of water at the port quarter and the *Mare Island*, moving to midship, opposite the outboard dolphin reported 19'.

The *Delta Deanna* was ordered to pull slow away in line and the vessel moved ahead easily. The mooring lines were recovered and at 0942 the vessel moved out of the berth and transited to Anchorage 9 uneventfully under her own power.

A structural survey of the vessel showed that an 18' by 5.5' section of shell plating and two longitudinal frames needed replacing. A sounding survey of the berth revealed that while there was 30' or more of depth near the vessel's centerline, the depth on her outboard side was generally about 15' to 20'.

OPINIONS

1. The approach from the bay to position in preparation for docking was proper. Tug positioning was appropriate.
2. The approach to the berth was reasonable, particularly considering the questionable engine capability. Having the after tug tow the vessel astern was prudent.

3. Due to the proximity of the pilings from Pier 5, having the after tug shift position was a reasonable decision.
4. The sheer toward the dolphin and subsequent grounding were caused by shoal water on the vessel's port side.
5. There was insufficient depth of water at the berth to dock a vessel of the GALENA BAY's beam and draft.

RECOMMENDATIONS

1. Close this case. No pilot error. Capt Larwood had been advised that there was sufficient depth of water at the berth to accommodate the vessel. When it took the sheer he reacted properly to minimize damage to vessel and dolphin but was unable to prevent the hard landing caused by the vessel being pushed bodily to starboard by the shoal to port.

It was moved and seconded to accept the IRC report. Commissioner Falaschi asked for discussion. An explanation of a shearing effect was given and the configuration of the vessel was discussed. It was noted that the contact of the vessel with the bottom caused the vessel to shear. There being no further discussion, the motion passed unanimously.

- c. M/V NEW HORIZON, allision with North Channel Buoy "1", December 6, 2003 – Executive Director said that this report is under investigation.
2. Pilot Ladder reportable incidents --Executive Director Moloney said that there were no reportable incidents.
3. Rules and Regulations Committee--Commissioner Welch reported that the Committee has not met, however the Committee chair and Board Counsel will review Executive Order S-2-03 regarding review of all regulations since 1999, and advise if a meeting is warranted.
4. Finance Committee--Commissioner Winn – no report – the next Committee meeting is scheduled for 8:45 a.m., February 26, 2004.
5. Pilot Training Curriculum Committee--Commissioner Wagner - results of January 7 and 20, 2004 meetings; possible recommendation re 3-year training curriculum changes; **possible Board action re same**

Commissioner Wagner said that the Committee met January 7 and 20 to review the next bridge resource management training cycle. As required by regulation 215(b)(2), the San Francisco Bar Pilots must attend a course at least five days in length completed at least once every three years covering at least the following topics: (a) bridge resource management for pilots; (b) shiphandling on a computer driven ship's bridge simulator including emergency maneuvering and shiphandling in close quarters; (c) emergency medical response; (d) advanced electronic navigation systems; and (e) regulatory review. California Maritime Academy (CMA), Marine Safety International (MSI) and Maritime Institute of Technology & Graduate Studies (MITAGS) were asked to submit proposals for the required training and any other new training available, such as AZIPOD and KAMEWA propulsion control systems. Although AZIPOD and KAMEWA control systems training is not mandated, it is beneficial to the pilots. Cruise ships calling in the San Francisco Bay Area already have AZIPOD control systems. In 2003, out of 190 cruise ship moves, 58 had AZIPOD control systems. In 2004, 204 cruise ship moves are anticipated with at least 58 having AZIPOD controls. The Polar Millennium class tankers with KAMEWA control

systems are expected to start calling in the San Francisco Bay Area this year. This type of technology is becoming more common and requires a different training from conventional shiphandling. Other pilot groups that have already received this type of training are B.C. Coast, Southwest and Southeast Alaska, Hawaii, Puget Sound, Los Angeles, Long Beach, Tampa, Miami, Jacksonville, Virginia, Maryland, New York, and New Jersey.

After much discussion the Committee recommends that the curriculum for the next three year training cycle required by regulation 215(b)(2) include AZIPOD and KAMEWA propulsion control systems training. It was moved and seconded to accept the Committee's recommendation that the curriculum for the next three year training cycle required by regulation 215(b)(2) include AZIPOD and KAMEWA propulsion control systems.

Commissioner Falaschi asked for discussion. Executive Director Moloney drew a diagram and gave an explanation of how each system works compared to a conventional propulsion system. There being no further discussion, the motion passed unanimously.

Commissioner Wagner further reported that the next Committee meetings are scheduled as follows: February 3 and 10 at 10:30 a.m. and a tentative meeting scheduled for February 24 at 9:00 a.m., at the Paetzold Law Firm, to review proposals to develop a recommendation to the Board regarding the mandated training including training on AZIPOD and KAMEWA control systems and to develop recommendations to the Board re same.

6. Ad Hoc Committee on Trainee Selection--Commissioner Bayer -- Status report on review of trainee selection process -- Commissioner Falaschi referred to Board counsel. Mr. Paetzold noted that the Board had received just over half of the occupational analysis questionnaires back from the pilots. Port Agent Captain McIsaac noted that it would be beneficial to have a tracking system in place to be able to notify those pilots who did not respond. The questionnaire responses are anonymous. Commissioner Rosequist requested Captain McIsaac to relay the message to those pilots who did not respond that the Commissioners are concerned about the perceived lack of cooperation. Commissioner Falaschi reiterated the Board's proactive stance and that without the requested information the Board cannot make well-informed decisions.
7. Pilot Evaluation Committee--Capt. Melvin--Report on trainees' progress in training program -- Report on January 21, 2004 Committee meeting - Possible recommendation to issue Certificate of Completion and license to pilot trainee; **possible Board action re same**

Captain E. D. Melvin, chair of the Pilot Evaluation Committee, reported that the Committee met January 21, 2004. All trainees were interviewed and the two new trainees are presently riding for pilotage.

The Committee completed a final assessment of whether trainee Captain Pinetti successfully completed all elements of the Board's training program, including each of the criteria listed in the Board's regulations at Section 214(h). The Committee unanimously agreed on its conclusion and has authorized me to present its recommendations to you at today's meeting.

Captain Pinetti has been in the training program for 15 months. Before his entrance into the Board's training program he was an L.A. Pilot for four years; mooring master for Chevron for eight years; Marine Transport Crowley Maritime for two and a half years; MSC three years; U.S.Navy active duty five years; and is a 1976 graduate of the Naval

Academy. Throughout his tenure as pilot trainee, Captain Pinetti has shown superior shiphandling skills and a rapid acquisition of local knowledge.

To date, Captain Pinetti has made over 396 trips as trainee, riding as observer on 136 trips and directing the navigation of the vessel under the direct supervision of a pilot or inland pilot on another 260 trips. Over 82 of those trips were with members of the Pilot Evaluation Committee, 42 of those were within the last three months.

As reported in the past, the Committee regularly reviewed each trainee's progress through periodic meetings with him and through its review of the trip reports by other pilots. Each Committee member personally rode numerous times with Captain Pinetti before making this recommendation.

Captain Pinetti continues to meet all statutory prerequisites for being licensed as a pilot. During each of the past three months he has maintained in excess of a 4.0 score on his evaluations by the Committee, and has adequately demonstrated each of the specific items of local knowledge listed in Section 214(h), both in written examinations and orally during riding with members of the PEC.

In addition the Committee used detailed trip reports to ensure that Captain Pinetti demonstrated a working knowledge of the fundamentals of shiphandling in each of the circumstances listed in the regulations, and demonstrated the skills and knowledge necessary to become a Board licensed pilot.

On behalf of the Pilot Evaluation Committee, it is my great pleasure to recommend that the Board issue to Captain Pinetti a Certificate of Completion of the Board's pilot trainee training program and that it authorize the issuance of a pilot's license to Captain Pinetti effective February 1, 2004.

Commissioner Falaschi thanked Captain Melvin for his report. It was moved and seconded to issue a Certificate of Completion of the Board's pilot trainee training program and authorize the issuance of a pilot's license to Captain Pinetti effective February 1, 2004. It was noted that there is an opening at the present time. Commissioner Falaschi asked for discussion. There was none. The motion passed unanimously. The Board and members of the audience extended their congratulation to Captain Pinetti.

8. Vessel Interactions--Review incident frequency, Board's role in addressing the problem-- Commissioner Falaschi/Executive Director Moloney – Commissioner Falaschi noted that this is a place holder. Executive Director Moloney reported that there were no vessel interactions to report.
9. Pilot Security -- Commissioner Falaschi noted that this item is a place holder in the event a security issue arises. Port Agent McIsaac stated that there were none to report.

New Business

1. Public Comment on matters not on the agenda – Commissioner Falaschi acknowledged Mr. Tony Davis, recently appointed as the Sr. Investigator, USCG Marine Safety Office, who was in the audience.

Port Agent Captain McIsaac invited everyone to attend Captain Pinetti's swearing in and reception February 4, 2004 at 12:00 noon at the SFBP office East End Pier 9, San Francisco, CA.

2. Proposals for additions to next month's agenda – there were none.

Schedule next regular meeting – The next regular meeting is scheduled for Thursday, February 26, 2004 at 9:30 a.m. The Finance Committee will meet prior at 8:45 a.m.

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

Respectfully submitted,

Alice A. Evans
Secretary