

Minutes July 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 9:30 a.m. on Thursday, July 22, 2004 Commissioner Falaschi presiding. A quorum was present, including Commissioners Bayer, Lundeberg, Rosequist, Wagner, Welch and Winn. Also in attendance were Port Agent Pete McIsaac, Board Counsel Raymond Paetzold, and Secretary Alice Evans and various members of the public.

Request approval of Minutes of the May 27, 2004 regular Board meeting. (There was no June meeting.) The minutes were unanimously approved.

Correspondence and Activities since the May meeting--Commissioner Lundeberg

1. The Board received a letter dated June 10, 2004 from PMSA regarding Senate Bill 1303 (Torlakson) with copy of opposition letter sent to the State Assembly Transportation Committee.
2. The Board received a letter dated June 21, 2004 from SFBP Captain John W. Weiss advising of his intention to retire October 1, 2004.
3. The Board received a letter dated June 28, 2004 from the Port of Stockton regarding the renewal of pilots' commissions authorizing piloting to/from the Port of Stockton for the period July 1, 2004 through June 30, 2005 for SFBP Captains Alden, Atthowe, Gabe, Haggerty, Hartshorn, Miller, O'Laughlin, Roberts, Shanower, Sweeney and Inland Pilot Captain Slough.

Other Pilot Matters--Commissioner Lundeberg

1. There are no license renewals during the month of June. The Board issued license renewals to SFBP Captains Alden, Haggerty, Kenyon, Larwood, Miller, E. Nyborg and Wainwright during the month of July.
2. The Board has received the manpower reports and statements for pilotage fees and surcharges collected from SFBP through May 2004 and Inland Pilot Slough through July 2004. Copies are available in the Board office.

Port Agent's Report -- Port Agent Captain McIsaac

1. There are currently four pilots NFFD;
Captain J. Weiss is being treated for a condition not related to work.
Captain Rhodes is being treated for a condition not related to work.
Captain Rioux has been NFFD since July 10 while being treated for a condition not related to work. He is expected to be FFD in mid-August.
Captain Dohm has been unavailable for duty since June 7 while caring for a terminally ill family member.
2. There were eleven 12-hr MRP violations on June 12 with the shortest rest period being 6.5 hours. Four pilots were off the board, three NFFD and one with a suspended license.

There were eleven 12-hr MRP violations on June 24 with the shortest rest period being 8.75 hours. Eight pilots were off the board; four in training, three NFFD and one with a suspended license.

It was noted that on both days, heavy traffic and pilot training contributed to the MRP violations

3. The P/V GOLDEN GATE suffered a casualty on June 4 when it struck a submerged rock while transiting to Oakland Middle Harbor. The rock had been set by a barge as part of the Oakland-50 project but was supposed to have left at least 18' of clearance. Apparently the rocks had stacked up to less than 10' in the area usually used by the pilot vessel for pilot transfers. The casualty destroyed both propellers on the pilot vessel. The boat was out of service one day while the spare propellers were installed and the hull inspected. As a result of that accident the port identified a new pilot transfer area in the Outer Harbor.

On June 22 the P/V GOLDEN GATE port main engine after-cooler failed causing a blown head gasket. The vessel was out of service for nine days while the problem was identified and repaired.

On July 21 the vessel was again taken out of service to repair a small fracture in the aluminum hull just above the water line. The crack had been welded from the outside earlier this year but the repair recently failed allowing water to intrude while the boat was underway. The GOLDEN GATE will be out of service for at least a week while the interior is dismantled to allow the welder access to the inner side of the hull. The down time will also be utilized to replace the bow fendering, which had been scheduled for the fall.

4. Portions of the new Bay Bridge are being constructed at the Port of Stockton. The first of over two hundred barge transits left the port this morning. The SFBP has been meeting with the tug operator and Port to plan the transits so they have no impact on safety and minimal impact on large vessel transits to and from the river ports.
5. After an under-pier inspection by the Port of SF engineers, a portion of the Pier 9 north apron was closed to pedestrian access due to sub-structure failure. This closure impacts run boat operations. The SFBP and Port met yesterday to discuss the repairs and responsibility for the estimated \$100,000 repair costs.
6. In early June the SFBP was informed that a letter had been sent from the environmental group WaterKeepers to the State Office of Spill Prevention and Response alleging that four piloted vessels had exceeded the 15 knot speed limit while transiting through the central bay. OSPR referred the letter to the HSC of SF Bay for action where it was discussed at the June 10 meeting. A decision was made to have the Navigation Work Group review the allegations and report back to the full HSC. A public meeting was held with representatives of the SFBP, OSPR, WaterKeepers, USCG and the BOPC in attendance. It was agreed that at some point in the near future the VTS will conduct a vessel speed survey to determine if there is a widespread problem. It was also discussed that with the recent worldwide implementation of the Automatic Identification System, which continuously broadcasts own-ship GPS data, accurate vessel speed will be readily available to anyone with an AIS receiver.

There is a second meeting of the Navigation Work Group immediately following this meeting.

7. Vessel Traffic Report through June 2004 compared to 3-year daily average:

Bar Crossings	-0.2%
Bay Moves	-10.8%
River Moves	-9.7%
Total Moves	-2.7%
Gross tons	+5.3

Port Agent Captain McIsaac further commented that the current lease at Pier 9 expires 2009 and gave an update of the negotiations and potential problems associated with renewing the lease. Currently the north apron of Pier 9 has been red tagged to pedestrians and other major repairs are necessary but funding for those repairs is currently uncertain.

Unfinished Business

1. Open Incidents --Commissioner Lundeborg

- a. S/S MAUI, grounding, entrance to Oakland Estuary, January 28, 2003 SFBP Captain J. Weiss; update information on hearing date (set for September 20-23); **possible Board action** on proposed stipulation

Board Counsel Ray Paetzold distributed and summarized a proposed stipulation entered into between the IRC and Capt. Weiss as a result of Captain Weiss' announced retirement plans. The stipulation if approved by the Board would result in a request to take the hearing off calendar and in the dismissal of the charges against Capt. Weiss arising out of this incident upon the effective date of his retirement.

It was moved and seconded to approve the Stipulation as written. Commissioner Falaschi asked for discussion. There being no further discussion the motion passed unanimously.

- b. S/S KENAI, allision with dock, Amorco, March 11, 2004 -- SFBP Capt. M. Sweeney
Commissioner Lundeborg reported that the IRC was unable to review the findings of facts with Captain Sweeney as he was on vacation and that the 90 days to complete the investigation report has expired. He then made a recommendation in the form of a motion to extend the investigation report until the next Board meeting. The motion was seconded. Commissioner Falaschi asked for discussion. There being no further discussion the motion passed unanimously.

- c. M/V RICKMERS NEW ORLEANS grounding at Stockton Deepwater Channel, April 10, 2004 -- SFBP Capt. B. Alden

Commissioner Lundeborg distributed copies of the IRC's Findings of Facts and gave the following report.

PROBABLE CAUSE

On the evening of April 9, 2004, Capt Bruce Alden boarded the motor freighter RICKMERS NEW ORLEANS off New York Point to pilot it to Stockton. Once the vessel entered the Stockton Deep Water Channel it was generally running at dead slow or slow ahead. When it reached Ward Cut, speed was briefly increased to half ahead to take advantage of the mile and a half straight channel.

About half way down the channel, speed was reduced to slow or dead slow ahead. Approaching the turn at Light 16, Capt Alden had the vessel steered to the left side of the channel to use bank cushion to assist the turn.

The turn was begun using rudder and bank cushion pushing the bow to starboard. Capt Alden thought the vessel was turning too slowly and had the engine speed increased to half ahead to improve water flow over the rudder. He then reduced speed to slow ahead again. As the vessel came to the next heading, he used the same technique to check the swing.

After steadying the vessel on the desired course, he found that it was too far to the right, at the edge of the channel, and began maneuvering it to port. Just north of Haypress Reach he felt the vessel slowing and developing a slight list to port. At about 0053, the vessel stopped moving and he advised the vessel's Master that they were aground on soft mud.

Capt Alden had the rudder placed hard left and left the engine on dead slow ahead. This caused the bow to swing to port and into the middle of the channel. At 0057 the rudder was shifted to hard right and the engine placed half ahead. The stern came off the bank into mid-channel. Speed was reduced to slow ahead and the transit continued. The USCG was advised of the grounding and refloating. The Master had tanks and bilges sounded and found no leakage. The remainder of the transit was uneventful.

OPINIONS

1. Environmental conditions for the transit were routine and were not a factor in the grounding.
2. Capt Alden's maneuvering of the vessel using brief increases in engine speed to improve water flow over the rudder was proper. It is a technique taught at Port Revel.
3. The vessel steadied up too far to the right side of the channel. Capt Alden was in the process of maneuvering back to the middle of the channel when the vessel gently grounded.
4. Capt Alden's subsequent maneuvering of the bow to mid-channel, then lifting the stern off the bank with a half ahead engine order and hard right rudder, resulted in safe refloating of the vessel.

RECOMMENDATIONS

1. Close this case, very minor pilot error in getting out of the center of the channel.
2. Capt Alden is commended for his prompt action in refloating the vessel using only engine and rudder. IRC report serves as "lessons learned".

It was moved and seconded to accept the IRC's report. Commissioner Falaschi asked for discussion. There being no further discussion the motion passed unanimously.

2. Pilot Ladder reportable incidents -- Commissioner Lundeborg said there were no pilot ladder incidents to report.

3. Rules and Regulations Committee--Commissioner Welch -- report on status of proposed rulemaking re amendments to Continuing Professional Development Program and Pilot Trainee Selection Procedures

Board Counsel Ray Paetzold reported that the Notice was mailed July 9, 2004 and that to date no comments have been received. The public comment period ends the Monday before the hearing date of August 26, 2004.

4. Finance Committee--Commissioner Winn -- report on results of Committee meeting scheduled to precede this Board meeting

Commissioner Winn reported that the Committee met today and that the SFBP reported that the gross revenue is up 4%, expenses up 7% and that the net is even. The expense-to-gross ratio is 29%. The Committee reviewed the collection efforts relative to one late-paying customer. The Pilot Vessel Surcharge reserve is currently \$71K. The reserve is up due to increased volume of vessel traffic. Adjustments will be proposed if revenues from the surcharge continue to remain higher than expected.

5. Pilot Training Curriculum Committee--Commissioner Wagner said there is no report.

6. Pilot Evaluation Committee--Capt. Melvin -- Report on trainees' progress in training program; report on June 16 and July 14, 2004 Committee meetings; **possible Board action** to confirm authority to contract with new pilot trainee to replace former trainee who resigned from pilot training program

SFBP Captain Melvin reported that the Committee met June 16 with Dr. Hertz and reviewed the items to be tested in the simulator exercise at CMA for the next series of pilot trainee selection exams. The Committee also met July 14 and continued review of the trainees currently in the training program. The trainees are progressing well. They are presently completing their pilotage testing with the USCG and are handling more vessels.

It was noted that also on the agenda is the need to confirm authority to contract with the next pilot trainee candidate on the eligibility list to replace former trainee Captain Gurry, who resigned from the pilot training program last May. It was moved and seconded to authorize the Board President or Executive Director to execute all necessary documents to contract with Captain Tim Holl to enter the pilot training program. Commissioner Falaschi asked for discussion. The Board discussed that there are currently two trainees in the training program and that that number appears to be appropriate to meet current projections. There being no further discussion the motion passed unanimously.

7. Vessel Interactions--Review incident frequency, Board's role in addressing the problem--Commissioner Falaschi/Executive Director Moloney – Commissioner Falaschi said there is no report.
8. Pilot Security -- Commissioner Falaschi said there is no report.
9. Ad hoc Committee for Pilot Fitness – Commissioner Falaschi said that SFBP Captain Larry Teague and Dr. Richard Shoop have agreed to join the Committee. The complete Committee list will be announced at a later date.
10. SFBP Retirement Survey Report -- Commissioner Falaschi

Board Counsel Ray Paetzold reported that Executive Director Moloney anticipated reporting on the results of the survey at the next Board meeting. Preliminary results are that virtually all pilots had responded to the survey and that a sufficient number had indicated plans for retirement within the next several years to warrant continuing the Board's pilot trainee selection proceedings in 2005, when the current eligibility list expires. Commissioner Falaschi expressed the need to continue monitoring the retirements to enable the Commission to ensure there are a sufficient number of pilots to meet the needs of vessel safety. He then thanked the SFBP for the good response to the survey. It was noted that there are currently 59 pilots and that for the last three years there had been 60.

11. SB 1303 - Torlakson -- Commissioner Falaschi -- review proposed legislation re prerequisites for industry Board members and re authorizing Board action to adjust pilotage rates annually beginning January 1, 2007 to reflect changes in CPI -- **possible Board action** to support, oppose or take neutral position on legislation

Commissioner Falaschi referred to Board Counsel Ray Paetzold who summarized his memorandum dated June 25, 2004 to all Board members. Copies were made available to all Board members and the audience. The Board members then discussed the memo and made the following comments.

Commissioner Winn stated that he is opposed to SB 1303's proposal for an automatic rate adjustment as it is contradictory to the Commission's purpose; that, as in the past, he felt it was beneficial for the pilots and industry to attempt to come to an agreement on the rates. The current procedure gives all parties involved a chance to participate.

Commissioner Falaschi expressed his concern that the Board members had not been apprised of the changes submitted to the bill by the SFBP and that the changes directly affect the Commissions' purpose.

Commissioner Rosequist also expressed his concern that the Commission's purpose is to regulate safety and rates and that automatic increases appeared to him to be an inappropriate way for this type of business to be regulated. It takes away the Board's flexibility to be responsive to industry and the pilots. Commissioner Rosequist did not see the rationale for limiting the flexibility and not have rate hearings.

Port Agent Capt. Pete McIsaac commented that the bill would not limit the flexibility to have rate hearings. It allows for another option in the event there is no rate hearing. The rate would be automatically adjusted by the CPI. He noted that this has worked well in other ports.

Commissioner Falaschi continued that the Commission has worked in a proactive way and that the temperament has been to have an open process. The Commission's concern is safety and the health of the industry and the community. He recognized that rate hearings are time and cost-consuming, but the concept of automatic rate increases is not good for the health of this Commission or this industry.

Commissioner Lundeberg commented that the rate increase based on the CPI makes sense to him. He then recommended in the form of a motion that the Board take a neutral position. The motion was seconded. Commissioner Falaschi asked for a roll call vote.

Commissioner Bayer	NO
Commissioner Falaschi	NO
Commissioner Lundeberg	YES

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

Commissioner Rosequist	NO
Commission Wagner	YES
Commissioner Welch	YES
Commissioner Winn	NO

The motion failed.

It was then moved by Commissioner Winn and duly seconded that the Board take a position of “strong opposition” to the rate provision in SB 1303 and send a letter to that effect to the Legislature. Commissioner Falaschi asked for discussion on the motion. There was no further discussion. Commissioner Falaschi asked for a roll call vote.

Commissioner Bayer	YES
Commissioner Falaschi	YES
Commissioner Lundeberg	NO
Commissioner Rosequist	YES
Commission Wagner	NO
Commissioner Welch	NO
Commissioner Winn	YES

The motion passed with four yes and three no. Board staff and Board President will prepare the letter noting the Board’s opposition to the automatic rate adjustment provision in SB 1303.

New Business

1. M/V PACIFIC HIGHWAY allision with fendering W. Span Richmond San Rafael Bridge July 11, 2004 – Commissioner Lundeberg commented that this incident is under investigation.
2. Public Comment on matters not on the agenda – Mr. John Berge, PMSA, inquired if Matson Navigation has been involved in the investigation of the M/V MAUI incident with SFBP Capt. J. Weiss. Board Counsel Ray Paetzold replied that he understood that members of the IRC had interviewed the Master of the MAUI and that if the matter were to go to a hearing, the Captain of the MAUI would probably need to be called as a witness.
3. Proposals for additions to next month’s agenda – there were none.

Schedule next regular meeting – the next meeting is scheduled for August 26, 2004 at 9:30 a.m. with the public hearing on proposed rulemaking re amendments to Continuing Professional Development and Pilot Trainee Selection Procedures immediately following at approximately 10:30.

Adjournment – the meeting was adjourned at 10:15 a.m.

Respectfully submitted,

Alice A. Evans
Secretary