

Minutes
May 26, 2005

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, May 26, 2005 Commissioner Falaschi presiding. A quorum was present, including Commissioners Lundeberg, Wagner and Wainwright. Also in attendance were Port Agent Bill Greig, Board Counsel Raymond Paetzold, Executive Director Moloney and Secretary Alice Evans and various members of the public.

Request approval of Minutes of the March 24, 2005 regular Board meeting. The minutes were unanimously approved.

Correspondence and Activities since the March meeting including update on status of appointments to fill three remaining vacancies on Board -- Executive Director Moloney

1. The Board received a letter dated March 30, 2005 from Western States Petroleum Association (WSPA) in support of the recently projected increases in surcharges.
2. The Board received a letter dated April 11, 2005 from SFBP Port Agent Captain Greig advising that Captain McIsaac will serve as Acting Port Agent April 17, 2005 through April 21, 2005.
3. The Board forwarded a letter dated April 12, 2005 to the Office of Administrative Law, William Gausewitz, Director regarding "underground regulations" and the reports required by Executive Order S-2-03.
4. The Board received a letter dated May 4, 2005 from SFBP Captain McIsaac that he will be serving as Acting Port Agent effective May 14, 2005 during Port Agent Captain Greig's recovery from a non-work related injury.
5. The Board received a letter dated May 16, 2005 from Department of Consumer Affairs acknowledging receipt of the BOPC compliance status as of March 31, 2005 with the DCA, State and federal requirements regarding software management.

Other Pilot Matters -- Executive Director Moloney

1. The Board issued license renewals to SFBP Captains Dohm, F. Hoburg, Lemke, Melvin and Pinder during the month of April. The Board issued license renewals to SFBP Captains Chadwick, Chapman, Fuller, Gabe, Horton, Sweeney, Weiss, Wells and Inland Pilot Slough during the month of May 2005.
2. The Board has received the manpower reports and statements for pilotage fees and surcharges collected from SFBP through February 2005 and Inland Pilot Slough through April 2005. Copies are available in the Board office.

Port Agent's Report -- SFBP Captain Bill Greig

1. Not-fit-For-Duty
Captain Shanower continues to recover from an injury sustained January 9 when boarding off of M/V CLEAMAR
Captain McBride is recovering from an illness not related to piloting.
2. Minimum Rest Period Violations

There were 13 violations in April and 47 violations in May; 29 of these occurred during training periods. Two of these were due to early river job call outs. 25 of these occurred in Group 2, which is short two pilots. 17 of these were on May 8 and 3 were on May 14 when we had more than twice the average number of moves.

In order to manage these MRPs the river ports are commissioning two new pilots as of June 1. The next training group is June 5 through June 11. We will continue to enforce the policy on no comp during those days. We are adding a policy of restricting pilot participation in outside committees and organizations to off-watch pilots only. We have balanced the training classes so that both watches are affected equally. We will restrict comp and on-watch activities in Group 2 until that group is up to full strength.

Commissioner Falaschi noted that the number of violations is of concern to the Board and noted that the SFBP are taking aggressive actions to address the problem.

3. Pilot Boats

There has been no unscheduled down time since the last Board meeting.

4. Vessel Movements

GRT	+14.0%
Bar Crossings	+6.5%
Bay Moves	+1.0%
River Moves	-14.0%
Total Moves	+4.0%

It was noted that the River Moves are down because of the lack of traffic to Sacramento. The two new River Pilots are SFBP Captains Hurt and Pinetti.

Unfinished Business

1. Open Incidents --Commissioner Executive Director Moloney

- a. M/V CMA-CGM YANTIAN, alleged violation of RNA speed restrictions, San Francisco Bay, September 19, 2004

PROBABLE CAUSE

On the afternoon of Sept. 19, 2004, Capt Simenstad boarded the motor container ship CMA CGM YANTIAN at the offshore pilot station for a transit to Oakland. He directed the vessel inbound through the Main Ship Channel at maneuvering full ahead speed. As the vessel approached the Golden Gate Bridge Capt Simenstad was contacted by VTS enquiring about the vessel's speed. He responded that it was at 15 knots, maneuvering full ahead. He was advised that VTS radar showed the vessel to be doing over 20 knots over the ground.

Capt Simenstad asked the vessel's master what speed the vessel was making and was told that maneuvering full ahead was 17 knots. The master called the engine room, then placed the engine order telegraph to half ahead. As the vessel approached Alcatraz, Capt Simenstad noted numerous sailboats in a regatta and had the vessel's speed dropped to slow ahead. The remaining transit to Oakland was uneventful.

Subsequent analysis of VTS recordings showed that at 1306 when the vessel crossed the line of demarkation and entered the Regulated Navigation Area (RNA) it was making 22.7 knots over

the ground. At 1311 when it passed under the Golden Gate Bridge it was making 23 knots over ground. The current at the time was flooding at about 2 knots.

On January 11, 2005, Sapt Simenstad was issued a Letter of Warning in Lieu of Suspension and Revocation by the Marine Safety Office. Capt Simenstad accepted the letter on February 10th.

OPINIONS

1. The vessel was traveling in excess of maneuvering full ahead speed (17 kts) as it passed between the line of demarkation and the Golden Gate Bridge.
2. Subsequent actions were timely and reduced the vessel's speed to within the 15 knot legal limit within the RNA.

RECOMMENDATIONS

1. The IRC concurs with the Marine Safety Office issuance of a Letter of Warning and believes that it is sufficient to close this case noting pilot error in not keeping the vessel's speed within the 15 knot speed limit. A copy of the letter has been entered in Capt Simenstad's file.

It was moved and seconded to accept the IRC report. Commissioner Falaschi asked for discussion. There was no further discussion. Commissioner Falaschi asked if there were any comments from the public. There were none. The motion then passed unanimously.

- b. M/V MANDARIN GLORY, allision with Richmond Levin Terminal 5B, November 29, 2004, SFBP Captain F. Hoburg

PROBABLE CAUSE

On the morning of 29 November 2004, Capt Hoburg boarded the bulk freighter MANDARIN GLORY at the offshore pilot station to pilot it to Richmond berth Parr 5B. The inbound transit was uneventful, though Capt Hoburg did note that the vessel's master, Capt Chu had a poor command of maritime English.

On the approach to Richmond the vessel was joined by the docking tugs. One put a line up on the centerline forward, the other on the centerline aft. At the terminal another vessel, the M/V EMERALD was being shifted off the berth. Capt Hoburg discussed the passage plan with the pilot and was also asked by the terminal operator to moor the vessel stern in to the channel and portside to.

After turning at Potrero Point, Capt Hoburg turned the vessel 180° and backed it toward the berth. The EMERALD had cleared the berth and was waiting for the MANDARIN GLORY to pass, then dock at Parr 5A.

The MANDARIN GLORY was maneuvered into Santa Fe Channel, then into Lauritzen Channel to Berth 5B. With the vessel resting on the first two fenders, springlines had been sent out and sternlines were being sent ashore. At that point the dock supervisor asked that the vessel be moved about 100 feet back for better positioning. Capt Hoburg told Capt Chu that the springline would have to be slacked and again had difficulty communicating with him.

The after tug operator called Capt Hoburg noting that it would have to shift forward due to the proximity of some barges. Capt Hoburg told him he would move him before the tug was in a bad position and had it continue pushing dead slow ahead. The forward tug was directed to come to a 45° angle to push the vessel aft. As the vessel moved down the pier, the sternlines were tightened and became breastlines. The vessel was stopped, but the dock supervisor asked that it be moved about 30 feet farther aft.

The vessel's crew had sent two offshore stern lines out that were on bollards but still floating in the water. They had been diverted back to the port side by the linemen ashore calling for them to slack the breast lines so they could be lead aft. Capt Hoburg notified the dock that he was going to shift the after tug and needed the breast lines to hold the stern in. He also told Capt Chu that he wanted the breast lines held using arm and hand gestures and simple English. After that he indicated he wanted the after tug let go, then the line taken back aboard farther forward.

At 1050 the after tug reported its line was aboard and was repositioning. The vessel was resting on the second and third fenders of the pier. Capt Hoburg noticed the stern moving rapidly off the pier and saw that the after breast lines had been slacked against his orders. He stopped the forward tug and told it to back easy. By the time it was able to take a strain on its line, the bow had landed hard on the first fender. The after tug had been directed to push easy but was still 30-40 seconds from being in position.

With the bow being pulled off the first fender the stern was pivoting back in. The stern crew was now heaving on the breast lines, aggravating the movement of the stern. The forward tug was directed to push at minimum power and the after tug to back easy. The after tug reported that no crew members had appeared to take its line and was unable to assist.

Capt Hoburg ordered the rudder hard left and then looking at Capt Chu said dead slow ahead. Capt Chu pointed at the lines in the water and said "No - no." The port quarter landed heavily on the third fender, Both tugs were directed to push easy and the vessel was stabilized, then secured.

OPINIONS

1. Capt Hoburg observed a language problem early in the transit and used commands as simple as possible, backed up with body language gestures.
2. The vessel was successfully landed at Parr 5B. The decision to move the vessel began the line handling incident. Language problems caused multiple miscommunications.
3. If the after breast lines hadn't been slacked initially, the stern would not have come off the pier, allowing the bow to be pushed in. This is where the damage to the first fender came from.
4. If the crew had not heaved in on the breast lines aft it would not have pulled the stern into the third fender. If the hard left and dead slow ahead engine order had been obeyed it would have reduced or eliminated the damage to the third fender.

RECOMMENDATIONS

1. Close this case. No pilot error, A language barrier caused miscommunications that resulted in a flawed line handling evolution. The master's failure to use a dead slow

ahead order for fear of fouling lines in the water astern of the propeller allowed the stern to be pulled into and damage the third fender.

It was moved and seconded to accept the IRC report. Commissioner Falaschi asked for discussion. The Board discussed the damage to the fenders that were pushed under the pier. It was noted that there is no estimate for the damage at this time. There was no further discussion. Commissioner Falaschi asked if there were any comments from the public. There were none. The motion then passed unanimously.

c. M/V PORT PEGASUS, grounding Lt. 31, San Joaquin River, January 19, 2005

d. M/V ZHEN HUA I, allision with Oakland Berth 33, March 5, 2005

Executive Director Moloney reported that incident reports on items c. and d. are not completed and noted that the IRC requests an extension until the next Board meeting. It was moved and seconded to extend the time for the IRC to report on incidents M/V PORT PEGASUS and M/V ZHEN HUA I until the next Board meeting. Commissioner Falaschi asked for discussion. There was no further discussion. Commissioner Falaschi asked if there were any comments from the public. There were none. The motion then passed unanimously.

2. Pilot Ladder reportable incidents -- Executive Director Moloney -- follow-up report on M/V EVER DIADEM, SFBP Captain Chadwick, first reported at Board's January 27 meeting.

Executive Director Moloney reported that this is a follow-up report that there were no ship personnel at the top of the pilot ladder to assist the Pilot because ship personnel were assisting boarding other personnel by helicopter. He noted that the SFBP Operations Pilot reported that in the future the pilot boat personnel and pilot will look to make sure someone on vessel is ready to help the pilot at the top of the pilot ladder.

3. Rules and Regulations Committee -- Status of Appointments of Committee Members -- No report.
4. Finance Committee -- Status of Appointments of Committee Members; results of Committee meeting of May 26, 2005

Commissioner Falaschi commented that the Board continues to wait for appointments to fill the three vacancies on the Board. In the interim he will act as chair to the Finance Committee.

Commissioner Falaschi reported that Michael Jacob, PMSA, was appointed as member of the Finance Committee.

The Committee met this morning to review the SFBP Variance Report, which is now referred to as the SFBP Income Statement Report. No significant variance was noted. Pilot gross income is up 15% over last year's; expenses are up 6% over last year's; expense-to-income ration is at 27%.

The Committee also reviewed BOPC income, expenses and projections. The fund surplus continues to decline at the rate projected at the last meeting. No unusual expenses were noted. The Committee and staff will review current and projected fund data maintained by the Department of Finance and Department of Consumer Affairs Budget Analyst and report its conclusions at the next Board meeting. No Board action is required at the present.

5. Pilot Training Curriculum Committee -- Commissioner Wagner -- No report.
6. Pilot Evaluation Committee--Capt. Melvin -- Report on April 13 and May 25 Committee meetings -- report on trainees' progress in training program; expiration of trainee eligibility list (June 2005); possible recommendation to schedule testing for trainee selection -- **possible Board action re same**

SFBP Captain Melvin reported that SFBP Captain Gjevik chaired the May 25 meeting and reported that all trainees are performing as expected. Each trainee was interviewed individually. The PEC working group will meet at CMA May 27 for continued preparation for simulator selection process testing. A report will be given at the next Board meeting.

7. Pension Committee -- Status of Appointments of Committee Members – No report.
8. Vessel Interactions -- Executive Director Moloney said there are no vessel interactions to report.

Commissioner Falaschi noted that the following items 9. and 10. remain on the agenda as placeholders:

9. Pilot Security -- Commissioner Falaschi – No report.
10. Ad hoc Committee for Pilot Fitness -- Commissioner Falaschi -- status of appointments of committee members – No report.
11. Pilot Vessel Life Extension Modifications, Proposed Legislation -- SFBP Port Agent Captain Greig

Captain Greig reported that AB 852, a bill that would allow for the use of the pilot vessel surcharge to fund modifications to extend the life of existing pilot boats, has passed the Assembly and is on its way to the Senate.

New Business

Executive Director Moloney reported that the new incidents listed below are under investigation. Also, there was a near-miss with the S/S JEREMIAH O'BRIEN May 22, 2005. A sailing vessel under power turned in front of the ship and crossed under the bow. The danger signal was sounded and the pilot ordered stop engine. The sailboat passed under the bow with less than 10 feet to spare. The matter is under investigation by the U.S. Coast Guard.

1. M/V BRASA, grounding, Pinole Shoal Beacon #11, March 31, 2005
2. M/V SAPPHIRE HIGHWAY, allision with Benicia Center Dock, April 12, 2005
3. USS MCCLOSKEY, pile failure, SFO Pier 27, May 20, 2005
4. M/V KENAI, allision with AMORCO berth, May 22, 2005
5. M/V AMITY, grounding Pinole Shoal, May 23, 2005
6. Public Comment on matters not on the agenda

7. Proposals for additions to next month's agenda – Commissioner Falaschi commented that the most recent Board members who were not reappointed had performed various important tasks that deserve recognition. He requested Board staff to prepare a Resolution recognizing their past efforts. The Resolution is to be presented at the next Board meeting.

Schedule next regular meeting – The next Board meeting is scheduled for June 23, 2005 at 9:30 a.m. The Finance Committee meeting is scheduled for 9:00 a.m., June 23, 2005.

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

Respectfully submitted,

Alice A. Evans
Secretary