

Minutes December 15, 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 10:40 a.m. on Thursday, December 15, 2005, Commissioner Falaschi presiding. A quorum was present, including Commissioners Miller, Sitts and Wagner. Also present were members of the public.

Request approval of Minutes of the November 17, 2005 regular Board meeting. The minutes were unanimously approved.

Correspondence and Activities since the November meeting including update on status of appointment to fill dry-cargo position on Board -- Executive Director Moloney

1. The dry-cargo position remains open.
2. The Board received a letter dated November 17, 2005 from Department of Finance advising of the approval to increase the BOPC Operations Surcharge to 2% effective January 1, 2006.
3. The Board received a letter dated December 5, 2005 from California Integrated Waste Management Board -- Notification of Compliance with AB 75.

Other Pilot Matters -- Executive Director Moloney

1. The Board issued license renewals to SFBP Captains Gans, McBride and Welch during the month of December 2005.
2. The Board has received the manpower reports and statements for pilotage fees and surcharges collected from SFBP and Inland Pilot Slough through October 2005.

Port Agent's Report -- SFBP Captain Bill Greig

1. Captain Jim Shanower remains unfit for duty while recovering from an injury sustained while boarding off the M/V CLEAMAR on January 9, 2005.
2. Recommended Minimum Rest Period Exceptions:

There were 16 exceptions to the recommended minimum rest period in November

11/16: 9 exceptions with 1 pilot sick and 2 on pilot business

11/17: 2 exceptions with 1 pilot sick

11/22: 1 exception with 1 pilot on comp

11/23 4 exceptions with 1 pilot sick and 1 pilot on comp

There have been no exceptions to date in December.

3. Pilot Boats: The P/V PITTSBURG was out of service for 10 days for her annual yard period. The P/V CALIFORNIA is in the yard now having her new Human Overboard Retrieval system installed. She will be back on Friday.
4. Statistics: YTD vs. three-year average:
Bar Crossings: +7.3%
Bay Moves: +2.1%

River Moves	+8.6%
GRT	+14.5%

Unfinished Business

1. Open Incidents -- Executive Director Moloney

- a. M/V KENAI, allision with AMORCO berth, May 22, 2005, SFBP Captain Crowell (possible Board action on IRC's Report made at October 27, 2005 meeting)

Executive Director Captain Moloney distributed copies of the Findings of Facts and gave the following report:

PROBABLE CAUSE

Capt Crowell boarded the steam turbine tanker KENAI at Anchorage 9 to pilot it to the Amorco Wharf (Martinez) at 1005 on 22 April 2005. He had a thorough Master/Pilot conference with Capt Holman (approx. 30 minutes). The vessel was underway at 1054. The tug *Delta Deanna* was tethered aft as escort tug. As the vessel approached Carquinez Strait the tug *Delta Linda* put a line up on the port bow and the tug *Mare Island* put a line up on the starboard bow. The bow was relatively light and the *Mare Island's* line lead up at a steep angle. Capt Crowell's orders to the tug were influenced by the additional strain that would be placed on the tug's line.

The vessel was stopped downstream of the berth and using tugs, engine and rudder turned to starboard to moor portside to. The *Delta Linda* was let go and moved to the starboard quarter, putting up a line at 1445.

The current was flooding at an observed knot and a half. Capt Crowell maneuvered the vessel to keep the current fine on the starboard bow and stemming it with a series of slow ahead orders ranging from 10 to 40 rpm. The vessel had bridge control of the engine and the watch officer was operating it. The vessel's position relative to the current caused the vessel to be pushed back toward the pier and close it laterally.

Capt Holman had expected the vessel to be held a beam width off the pier, positioned fore and aft off its desired landing position then pushed it into position with the tugs. He was alarmed at the more dynamic approach that Capt Crowell was taking.

Capt Crowell ordered the forward tug to back and pull the bow through the current to check the lateral movement toward the pier. At that point the stern was about 75 feet from the pier, about half the distance Capt Holman was expecting. Capt Holman was concerned about the closure rate to the pier and without consulting or advising Capt Crowell, ordered the engine ahead 40 rpm and the rudder hard left to lift the stern away from the pier. He had Capt Crowell direct the forward tug to back full. Capt Crowell was concerned that the lead of the tug's line might cause it to part. In interview with the IRC Capt. Crowell stated he ordered the forward tug to back 3/4, then up to full astern. Capt Holman apparently interpreted that as indecision or confusion.

The vessel continued to close the pier and as it became clear the bow would land first, the rudder was shifted to hard right to bring the vessel parallel to the pier. As a consequence of the Captain's helm and engine order, the bow did land first, followed immediately thereafter by the stern. The tugs were still backing and the vessel was pulled clear of the pier 50 to 60 feet. Capt Holman continued to direct the engine and rudder. He had Capt

Crowell direct the tugs. The vessel was moved another 150 feet back into docking position, pushed in to the pier and moored without further event.

OPINIONS

1. KENAI is a well run ship. Documentation was precise and made investigation easy.
2. Factors that were considered but deemed not an issue in this incident were:
 - a. Machinery- bridge control steam plant was an asset in maneuvering
 - b. Pilot fatigue - rested
 - c. Speed - under control
 - d. Traffic - none
 - e. Tugs - responsive
 - f. Weather - normal
3. Despite a detailed master/pilot conference, Cpts Crowell and Holman seem to have had different plans on docking the vessel. Capt Crowell was proceeding with his plan and was comfortable with how it was working, having the ship about a half beam off and the current pushing it into position. Capt Holman expected to have the ship stopped, in position and a beam width off the dock and subsequently intervened. Capt Crowell noted that, several weeks ago, in doing a similar job at a dock across the Strait he stopped a vessel about 120 feet off the dock but did not feel comfortable with it in that position.
4. There was a failure on the part of both the pilot and master to communicate their wishes and intentions to each other.

RECOMMENDATIONS

1. Close this case. No pilot error in the matter of the allision in that the master had the conn at the time. Capt Crowell apparently didn't give the master the confidence that he was going to make a safe landing. His plan was to use the current to drive the vessel into the berth, then put the bow through it and use the current to hold the vessel off the pier. Capt Holman's plan was to park the vessel a beam width (140') off the berth and push it into the pier with the tugs.
2. Capt Crowell noted that in retrospect he should have done a better job talking the maneuver through to Capt Holman as it progressed. Better communication by either party could have allowed an adjustment of the plan to satisfy Capt Holman in the final phase of the docking and is the root cause of this incident.

It was moved and seconded to accept the IRC Report. Commissioner Falaschi asked for comments from the public and for discussion. The Board discussed that there was a detailed Master/Pilot conference and that the actual maneuvering plan was not clear to the Master. It was noted that the Pilots provide a service for ship operators and that the conference and maneuvering plans must be clear. Executive Director noted that the IRC report is distributed to all pilots and trainees for lessons learned to prevent this type of incident from happening in the future. Commissioner Falaschi asked Mr. John Meadows, attorney for Captain Crowell who was in the audience, if he had any further comments. Mr. Meadows noted that Captain Crowell was also in the audience and would answer any questions. There were no questions. There were no comments from the public and no further discussion. The motion passed unanimously.

- b. M/V SAGA MUSKETEER allision with T/B FOSS 248 03 at Richmond Inner Harbor Shore Terminal June 21, 2005, SFBP Captain M. Simenstad

Executive Director Captain Moloney distributed Findings of Facts and gave the following report:

PROBABLE CAUSE

On the evening of 21 June 2005, Capt Simenstad was assigned as the pilot of the M/V SAGA MUSKETEER to take it from Anchorage 9 to Parr 5A, Richmond. As the vessel approached Richmond it was joined by the tugs *Enterprise* and *Marauder*. *Enterprise* put a line up to the starboard quarter and *Marauder* put one up to the port bow. After making the Potrero Turn, *Marauder* was shifted to the starboard bow. In the vicinity of Terminal 3 the vessel was turned 180°, then held alongside the terminal to allow an outbound vessel to pass.

When the outbound vessel was clear Capt Simenstad had the tugs pull the vessel back into the channel and backed it toward Parr 5A. The vessel was turned to the northwest to enter Santa Fe Channel using the after tug to pull the vessel's stern to starboard. As it entered the channel, the bow began to set down toward the tank barge Foss 248-P3, which was loading at the Shore Oil Terminal. The tankermen on the barge were concerned and ordered an emergency stop to the loading at 2340.

As the vessel continued back up the channel the tankermen on the barge saw the forward tug and yelled to it. The operator of the *Marauder* noted the proximity to the barge and alerted Capt Simenstad by radio. Capt Simenstad directed the *Marauder* to bring the bow to starboard. The tug had been at a 45° angle to the bow. The operator turned perpendicular and attempted to pull the bow away from the barge. At 2349, before the bow could be moved away, the vessel's port bow lightly brushed the port bow of the barge and dented about 8 feet of 3" rubrail. Impact was reduced by two large tires on the barge. The vessel continued astern about 300 feet was moored uneventfully. There was no damage to the vessel.

Capt Simenstad reported the allision to the Coast Guard and was advised that an investigator would be dispatched. After the vessel was securely moored, the *Marauder* took Capt Simenstad, the vessel's Master and First Officer to the Foss barge to inspect damage and exchange information. Pumping to the barge was resumed at 0055. Cell phone records show that at 0132 Capt Simenstad called the Coast Guard again and at 0138 placed a call to the Pilot Commission office (2 minutes). He did not advise the Port Agent of the allision. He left the area at about 0200. Later that morning when the Board Executive Director opened the office he did not find any messages on the answering machine and remained unaware of the allision.

OPINIONS

1. This was a routine assignment, though in one of the more difficult berths in the Bay area.
2. Capt Simenstad was rested for the job. Fatigue was not an issue.
3. Communications were not an issue, either aboard the vessel or with the tugs. It was the forward tug's timely communication that alerted Capt Simenstad to the proximity of the barge.

4. There were no time constraints. The vessel had to hold up in the Harbor Channel to wait for another vessel to clear the berth.
5. Speed was not an issue. It was well managed throughout the transit.
6. Visibility was not an issue, aside from being dark.
7. Traffic was not an issue. The vessel was fully under control when the outbound vessel passed and was the only traffic encountered.
8. The configuration of the vessel's bow was such that the forward tug could not work on the stem as Capt Simenstad had planned, and had to work on the starboard bow.
9. Weather conditions were routine for the season. Capt Simenstad stated in interview that he misjudged the effect of the westerly wind on the vessel. He anticipated more effect on the stern of the vessel with it's after house and cranes. The bow was set to port more than he planned on and after being warned by the tug, tried to pull it to starboard. He thought he was going to clear the barge prior to that.
10. Capt Simenstad understands his error in not reporting the incident to the Port Agent and has assured the IRC it will not happen again.

RECOMMENDATIONS

1. Close this case. Pilot in error in the matter of the allision. The incident review report will serve as "lessons learned".
2. The failure to file a written report on the incident in a timely fashion as required by Regulation 219 is more serious and in accordance with Regulation 210 (f)(7) must be responded to with a Warning Letter of Reprimand. Any future similar failure would likely bring a recommendation for suspension of license.

It was moved and seconded to accept the IRC Report. Commissioner Falaschi asked for comments from the public and for discussion. The Board discussed Captain Simenstad's previous incidents during the past 32 years of piloting. He is now the SFBP senior pilot. There were no comments from the public and no further discussion. The motion passed unanimously.

2. Pilot Ladder reportable incidents -- Executive Director Moloney said there were no reportable incidents.
3. Rules and Regulations Committee -- Commissioner Wainwright - proposed Committee agenda for 2006

Proposed items for Committee's agenda for 2006:

- (1) Pilot Vessel Life Extension Modifications – prepare implementing regulations - prepare procedure for hearing to approve use of P/V surcharge funds for P/V life extension modifications
- (2) Statutory Pension Plan – prepare regulations to implement recommendations being developed by Pension Committee
- (3) Physical exam requirements & guidelines; appeal procedures – prepare

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possible amendments to §217 to implement recommendations to be developed by Ad Hoc Committee on Pilot Fitness

(4) Review definition of “misconduct” - consider whether to address/include:

- conduct on board pilot boat
- failure to follow USCG navigation/communication requirements
- violation of Rules of the Road
- endangering vessels, property or the environment
- interfering with Bridge Team

(5) Review lessons learned from 2002 rate & manpower hearings; propose revisions to §236 & 237 as necessary

(6) §§219(t) and 220(d) - “run a vessel on shore” – consider whether to amend to deal with loss of steering/power situations

(7) Consider revisions to IRC reporting procedures to allow Board members more time to evaluate IRC reports

4. Finance Committee -- Commissioner Sitts said there is no report and that the next meeting will be scheduled to take place prior to the Board meeting at 8:30 a.m. January 26, 2006.
5. Pilot Training Curriculum Committee -- Commissioner Wagner reported that the Committee would meet sometime in early January.
6. Pilot Evaluation Committee -- Capt. Melvin -- Report on November 9 and December 7, 2005 Committee meetings -- report on trainees’ progress – SFBP Captain Melvin reported that the trainees are progressing as expected. The PEC working group plans to meet at CMA in January to finalize the simulator portion of the testing. The next regular PEC meeting is scheduled for January 18, 2006.
7. Pension Committee -- Commissioner Sitts said there is no report.
8. Vessel Interactions -- Executive Director Moloney reported that there is one new incident listed under new business and that it is under investigation.
9. Pilot Security -- Commissioner Falaschi said there is no report.
10. Ad hoc Committee for Pilot Fitness -- Commissioner Falaschi -- status of appointments of committee members – no report.
11. Pilot Identification Cards - Executive Director Moloney reported that he is waiting for recommendations from Chevron Captain Reynolds.

New Business

1. M/V SAGA TUCANO antennae contact with Hwy 680 Bridge and UPRRB, December 9, 2005.

2. M/V STAR HOYANGER interaction with M/V GOLDEN ARROW, Stockton #19 & 20, December 9, 2005.

Executive Director Moloney reported that Item 1. and 2. are under investigation.

3. Board Investigator Contract effective April 1, 2006 -- Retired Chevron Captain Reynolds -- Executive Director Moloney -- **possible Board action to approve contract**

Executive Director Moloney summarized Capt. Reynolds' background and experience. Thereafter it was moved and seconded to authorize the Board President and/or Executive Director to execute all contracts necessary to retain Capt. Reynolds as one of its investigators on the same terms and conditions applicable to its other investigators. Commissioner Falaschi asked for comments from the Board and the public and for discussion. There were no further comments or discussion and the motion passed unanimously.

4. Public Comment on matters not on the agenda – Executive Director Moloney reported with regret that Investigator Captain William Barton passed away on December 1. The Board extended their condolences to his family.

5. Proposals for additions to next month's agenda

Commissioner Wagner reported that the Ad Hoc Pilot Power Committee would meet in January to review the results of the current retirement survey and report to the Board.

Commissioner Falaschi noted that Commissioner Miller is researching workers compensation coverage for the pilot trainees. This item will added to next month's agenda.

Schedule next regular meeting – the 4th Thursday of each month meeting dates were reviewed. The next meeting date is January 26, 2006 at 9:30 a.m. The Finance Committee will meet at 8:30 a.m. the same day.

Adjournment – the meeting was adjourned at 11:30 a.m.

Respectfully yours,

Alice A. Evans
Secretary