

Minutes March 23, 2006

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 23, 2006, Commissioner Falaschi presiding. A quorum was present, including Commissioners Lundeborg, Miller, Soares, Wainwright and Wagner.

Welcome newly appointed Commissioner Captain Julio Soares, to the Board's dry-cargo position. Commissioner Falaschi welcomed newly appointed Julio Soares, APL Director Marine Operations Americas Region, dry-cargo industry representative.

Request approval of Minutes of the February 23, 2006 regular Board meeting. The minutes were unanimously approved.

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

1. The Board received a letter dated February 21, 2006 from W.J. Uberti, Captain, U.S. Coast Guard, Captain of the Port, concerning the pilot ladder configuration on the M/V PHOENIX.
2. The Board received a letter dated March 8, 2006 from Inland Pilot Captain Slough summarizing the results of a meeting with personnel representing the M/V GOLDEN ARROW I and the Port of Stockton regarding vessel interaction.
3. The Board received a letter dated March 12, 2006 from SFBP Captain Chadwick requesting a leave of absence.
4. The Board received a letter dated March 22, 2006 from Applicant "A" requesting an appeal of the Pilot Commission to review the denial of application to take the May 2006 exam.

Other Pilot Matters -- Executive Director Moloney

1. The Board issued a license renewal to SFBP Captain R. Nyborg during the month of March.
2. The Board has received the manpower reports and statements for pilotage fees and surcharges collected from SFBP through January 2006 and Inland Pilot Slough through February 2006.

Port Agent's Report -- SFBP Captain Bill Greig

1. Not-Fit-For-Duty
Captain Teague NFFD due to non piloting related injury, anticipated return to duty April 13;
Captain Simenstad sustained a scalp laceration and concussion on board a water taxi when returning to Pier 9 from a job. He was NFFD 3/17 – 3/20.
2. Recommended Minimum Rest Period Exceptions:
Total of 25 in February, 12 of which were related to pilots assigned to ride the M/V PHOENIX up the coast as well as a pilot assigned to go to station with owner and charterer to investigate ladder situation on the M/V PHOENIX.

2/2 1 exception, 8.5 hours rest, 2 NFFD and 1 comp;
2/3 9 exceptions, 6.8 – 11.8 rest, 2 NFFD, 2 comp, 2 personal bus.;
2/4 3 exceptions, 10.1 – 11.8 rest, 1 NFFD, 2 comp, 1 carried away;
2/9 6 exceptions, 10.7 – 11.8 rest, 1 NFFD;

2/23 5 exceptions, 8.9 – 11.9 rest, 3 personal bus, 1 Port Agent vacation;
2/27 1 exception, 10.5 hours rest, 2 comp.

3. Statistics for February 2006 compared with the three-year average:

Bar Crossings	+14%
Bay Moves	+42%
River Moves	+1%
Total Moves	+18.6%
GRT	+21%
4. P/V GOLDEN GATE is completing the 3-week engine overhauls and is expected to be back in operation Monday March 27.

Unfinished Business

1. Open Incidents -- Executive Director Moloney

A motion was made to postpone the reporting of Items 1. a. and b. until all Commissioners are in attendance. The Board discussed the importance that all Commissioners review the IRC reports and the need to move forward so that the IRC reports are presented in a timely manner. There was no second. The motion failed for lack of a second.

- a. M/V PELOPONESIAN PRIDE, allision with Buoy #5 Oakland Outer Harbor, December 23, 2005, SFBP Captain T. Holl -- Executive Director distributed copies of the Findings of Facts and gave the following report:

PROBABLE CAUSE

At 0416 on 23 Dec. 2005, Capt Timothy Holl boarded the 883' container vessel M/V PELOPONESIAN PRIDE at the offshore pilot station to pilot it to Oakland berth #37. The inbound transit was uneventful, though visibility was poor. At 0518 as the vessel passed under the Golden Gate Bridge, speed was reduced to dead slow ahead to maintain a safe (2 mile) distance from another vessel also bound for the Oakland Outer Harbor. Capt Holl maintained radio contact with two other pilots working vessels in the Oakland area as well as his tugs to estimate visibility. He contacted VTS to find the locations of vessels in Anchorage 9 in case he needed to anchor while waiting for visibility to clear.

As the vessel passed Alcatraz, visibility improved and speed was increased to full ahead until passing Blossom Rock, where it was reduced to slow ahead. As the vessel approached the Bay Bridge, the tug *Enterprise* reported that visibility near Oakland Bar Channel entrance was about 0.6 mile. Tug *Marauder* at the Outer Harbor Entrance Channel and another tug in the Outer Harbor reported the same. At 0550, passing through D-E span of the Bay Bridge, the lights of the *Enterprise* were sighted (at a distance of 0.8 mi.) and Capt Holl and the master decided to continue to the Outer Harbor.

While the vessel was transiting the Bar Channel the tugs were made up: *Enterprise* on the starboard bow, *Marauder* on the port bow, both trailing without a strain on the lines. As the vessel passed the face of the container terminal it was mid channel at dead slow ahead, with a slight swing to the right from the ebb current. Capt Holl ordered 20° left rudder, followed by hard left rudder. The vessel seemed slow to respond and he found the helmsman had only used 30° rudder. He had it increased to left 35° and ordered slow ahead. This started the vessel swinging to port. Capt Holl ordered rudder midship and stopped the engine, then hard right rudder. The vessel was abeam Berth #36 and slightly south of the center of the channel. Capt Holl advised the Master he was moving the vessel to the north to position for the turning basin.

He noted that there was a band of dense fog obscuring Buoy 5, the channel range lights and the corner of the terminal at the turning basin.

As the vessel's bow approached Buoy 5 the operator of the port tug reported the buoy close aboard. Capt Holl could not see it yet and ordered dead slow ahead, then slow ahead, then stop, to get the vessel turning to starboard. The operator of the port tug called again reporting the buoy close and asked if he should push on the bow. Capt Holl had the starboard tug back half alongside, brought the vessel's bow thruster full to starboard and engine slow ahead. The port tug was directed to push full ahead on the port bow and the starboard tug backed full.

Capt Holl walked to the port bridge wing and could see Buoy 5 just beyond the port tug. He was concerned about grounding to the east of the channel and ordered stop engine, then half astern. The port tug folded alongside to pass the buoy, then returned to perpendicular to push on the bow. The vessel continued to pass the buoy, with the stern swinging to port. The vessel appeared to touch the buoy as it was passing below the bridge wing. Capt Holl stopped the engine to avoid fouling the buoy. The vessel exited part of the band of fog and Capt Holl could see the vessel's bow was swinging to starboard. The port tug reported Buoy 7 off the port bow and the officer on the stern of the vessel reported Buoy 5 to be 25 meters astern. Hard left rudder was ordered, engine dead slow ahead and tugs/thruster stopped. The vessel continued to the turning basin, was turned and proceeded back to Berth 37, to dock without further event.

Capt Holl reported the allision to VTS and the Port Agent, confirmed that the port tug had not contacted the buoy and when departing the vessel, had the pilot boat take a turn around the buoy, where no sign of damage could be found.

OPINIONS

1. Capt Holl was well rested when he joined the vessel. Fatigue was not an issue.
2. The reduced visibility was given good consideration, including having a prepared option of going to Anchorage 9 to wait for better visibility if necessary. The decision to proceed was based on observed visibility and reports from tugs in the vicinity of the track.
3. The transit of the Outer Harbor Entrance Channel was made at a safe speed. Capt Holl found that the vessel did not maneuver as quickly as he expected and in retrospect said that for that class vessel he would most likely have the tugs take a strain on their lines and use the vessel's engine to improve maneuvering control.
4. The dense belt of fog obscuring the channel ranges and buoy lights let Capt Holl get farther to the north of channel center than he intended. The warnings from the port tug were timely and allowed him to take action to get the vessel back on track. He considered whether he would have been better served by paying more attention to the radar but concluded he was better off using what visual references he had. Once he determined the vessel's proximity to the buoy, his remedial actions were proper. The lack of visual references in the dense band of fog caused Capt Holl to misjudge the turn and take the vessel to the edge of the channel.
5. Other factors considered but not an issue were:
Communications - on ship, not an issue. The master participated in the decision making.
Off ship - Capt Holl effectively communicated with other pilots, tugs and VTS in transit planning.
Speed - not an issue

Traffic - not an issue, as noted above, Capt Holl used other traffic in the vicinity as sources of information.

Weather - not an issue, other than the fog hampering visibility.

Mechanical - not an issue, the vessel performed to its capability.

RECOMMENDATIONS

1. Close this case. Minor pilot error. Capt Holl maneuvered the vessel too far to the north of the center of channel when restricted visibility obscured his reference points. Once he had visual contact with Buoy 5 he maneuvered the vessel to clear it but did make slight contact. With the buoy in close proximity he stopped the vessel's engine to avoid damaging it and when clear, maneuvered the vessel safely to its berth. He promptly and properly reported the contact to the Coast Guard.
2. This report serves as lessons learned and will be distributed to all pilots and trainees.

It was moved and seconded to accept the IRC Report. Commissioner Falaschi asked for comments from the public and for discussion. There were no comments from the public and no further discussion. The motion passed unanimously.

- b. M/V NAVIOUS ACHILLES, possible grounding San Joaquin River Light 58, January 6, 2006, SFBP Capt. R. Pinetti -- Executive Director distributed copies of the Findings of Facts and gave the following report:

PROBABLE CAUSE

On the morning of 06 January at 0925, Capt Pinetti boarded the M/V NAVIOS ACHILLES off New York Point to pilot it to Stockton Berth 2. He relieved Capt Wainwright who boarded off at New York Point. Due to heavy rains and flooding conditions the San Joaquin River was ebbing heavily. The NAVIOS ACHILLES was the first vessel to attempt an upriver transit in 10 days. Capt Pinetti contacted Capt Gabe who was aboard a vessel in Stockton preparing to transit downbound. His vessel was fogbound and he was waiting better visibility prior to getting underway. The two pilots agreed to stay in contact to discuss meeting options enroute.

As the NAVIOS ACHILLES passed Antioch, Capt Pinetti contacted Capt Gabe again, who reported the fog was breaking up and anticipated getting underway shortly. They made arrangements to meet near Sevenmile Slough and Capt Pinetti slowed the vessel accordingly. Visibility for Capt Pinetti's transit was variable with patchy fog.

As the vessel proceeded upriver, Capt Pinetti noted that it handled well at low speed in its loaded condition (33.5 feet). On the approach to Light 30 he observed that there was a significant westerly set due to the strong ebb current. He was able to counter it by starting his turn early and increasing speed. He anticipated similar sets in turns upriver and where sloughs and/or where the riverbed crossed or joined the ship channel.

After rounding Oulton Point approaching Sevenmile Slough, Capt Pinetti had the starboard anchor backed out to dredge it for better maneuvering control at the area he and Capt Gabe would pass. Initially too much chain was paid out, which stopped the vessel. He had the anchor recovered and proceeded on to the vicinity of Lights 40/41. As the vessel's bow passed the lights he had the anchor backed out again and was able to dredge with it, holding position just east of Light 40, toward the south bank. At 1450, Capt Gabe, on M/V PUDU (draft - 30' 10") passed downbound. The two pilots discussed visibility upriver, which Capt Gabe

reported as clear with patchy fog. Capt Pinetti and the master decided to proceed and the anchor was recovered. Transit speed was half ahead, with full ahead available for better maneuvering. As the vessel passed Webb, Potato and Hayes Points the anticipated sets from side channels were experienced and countered with hard over rudder orders and kicks to full ahead on the engine. Between Hayes and Prisoners Points the fog lifted completely. As he approached the turn at Prisoners Point, Capt Pinetti was mindful of a Broadcast Notice to Mariners warning of possible shoaling to the south and southwest of the point. He expected heavy sets from the combined currents from Venice Reach and Mandeville Cut.

The vessel had been making 5.4 knots over ground on half ahead (8.5 knots through the water). Capt Pinetti started the turn earlier than normal with hard left rudder and increased speed to full ahead. The vessel started to turn off the 172° base course but as it came to Prisoners Point the current flow from Venice Reach on the port bow prevented it from turning past 165°. The vessel continued straight into the south bank about 20 meters west of Light 58 at about 1600. An island is shown at that location on the chart but due to the flood stage of the river was completely submerged. Capt Pinetti had considered dropping the port anchor when the vessel failed to respond to the rudder and engine commands but thought it might set the vessel bodily onto the light.

Capt Pinetti ordered the engine stopped, rudder midship and asked for the forward tanks and holds to be sounded/inspected. He considered the falling tide and the silt being carried downriver and opted to extricate the vessel. He ordered full astern. At 1610 the vessel backed off the edge of the channel. The current from Venice Reach was strong enough that as the vessel moved into the stream, the current banked off the edge of the channel and swung the bow to port, into the channel. Capt Pinetti ordered full ahead and maneuvered the vessel into Mandeville Cut. At 1612 he advised VTS of the grounding, refloating and that the forward tanks/holds were secure. At 1614 he advised the Port Agent of the situation, who then made the appropriate contacts with USCG Sector Command, leaving Capt Pinetti to deal with maneuvering the vessel.

Capt Pinetti had the tanks and holds inspected again to confirm no damage and continued the transit. Visibility improved and was unrestricted the rest of the route. Use of hard over rudder and kicks to full ahead were needed to offset the heavy current but the remainder of the transit was uneventful. First line was at 1950 and Capt Pinetti left the vessel at 2030.

OPINIONS

1. The vessel handled well and there were no mechanical problems. Capt Pinetti noted the handling characteristics to the Master early in the transit. At the time of the incident, the vessel did not have sufficient power to overcome the current it was exposed to, but it was not a material deficiency.
2. The heavy rains of the previous weeks caused significant runoff. The fact that the NAVIOS ACHILLES was the first vessel to attempt an upriver transit in 10 days is notable.
3. Fatigue was not an issue in this incident. Capt Pinetti was rested at the beginning of the transit and was not fatigued at Prisoners Point. He did note that toward the end of the transit he was becoming fatigued.
4. Timing with passing Capt Gabe's vessel was not an issue. They planned to meet at a fairly wide part of the route, but Capt Pinetti felt he could safely anchor at anytime due to the strong ebb current.

5. Capt Pinetti was concerned about shoaling near Prisoners Point but that only supported his decision to start the turn early.
6. Capt Gabe had not mentioned any difficulty in maneuvering at the turn but his vessel was lighter and making higher speed downbound. It was not as exposed to the effects of the Venice Reach current as an upbound vessel would be.
7. Speed was not an issue. Capt Pinetti was operating the vessel at prudent speed, including keeping enough power in reserve to assist in maneuvering when needed. GPS observation indicated that the current approaching Prisoners Point was ebbing about 3 knots.
8. Visibility was not an issue in the grounding. Capt Pinetti stated that the fog lifted between Hayes and Prisoners Points.
9. Weather at the time was not an issue. The rain in preceding weeks had caused flooding in the watershed upstream of the Delta and significant ebb currents resulted.

RECOMMENDATIONS

1. Close this case. No attributable pilot error. Capt Pinetti was proceeding at a prudent speed. He was aware of the strong ebb current and its effects at turns and areas where sloughs and the riverbed crossed or joined the channel. He used judicious increases in power to improve maneuverability at turns, then reduced speed to have a maneuvering reserve in case of the vessel taking a sheer. The Prisoners Point turn was the place where the maximum concentration of the current occurred. Capt Gabe's downbound vessel was lighter and faster and did not experience the exposure to the current Capt Pinetti's vessel did.

In interview Capt Pinetti noted that if he knew then what the effect of the current would be at Prisoners Point, he might have been able to make the turn with a higher speed approach and earlier turn. The IRC believes that would be imprudent in more cases than not.

Capt Pinetti did not want to risk having the vessel stranded by the falling tide and potential silting from the strong runoff, and subsequently backed the vessel off the bank.

The vessel was able to negotiate the turn but only after grounding and having the bow pushed into the channel by the current pushing the starboard bow after banking off the channel edge. In hindsight, the transit should not have been attempted until there was less current at Prisoners Point turn.

It was moved and seconded to accept the IRC Report. Commissioner Falaschi asked for comments from the public and for discussion. There were no comments from the public and no further discussion. The motion passed unanimously

- c. M/V PIONEER, possible grounding, NY Slough near Pt. Beemar, February 20, 2006
- d. M/V BUM YOUNG, allision with Unitank Dock, Richmond, February 21, 2006

Executive Director reported that these incidents remain under investigation.

2. Pilot Ladder reportable incidents -- Executive Director Moloney reported that there are no new reportable incidents.
3. Report of suspected safety standard violations involving pilot transfer arrangements on M/V PHOENIX. Report on interim developments. Possible presentation by vessel owner; **Possible further Board action re same**

Commissioner Falaschi welcomed owner's representatives, Atlantis Langowski and Captain Jim Morgan, Technical Advisor to the meeting and asked that they proceed with their presentation. Captain Morgan agreed to view the BOPC video tape of March 17, 2006 taken of the M/V PHOENIX from the SFBP boat. He then distributed pictures taken of the vessel in Long Beach, CA. He explained that he has been tasked by the owner to work with the SFBP to address the boarding arrangements and recommend a technical solution to the boarding arrangements. He said he has worked with the classification society and vessel master. He explained a possible design solution. A structural architect has been contacted to draft and do cost estimates of a structural addition to the vessel that would allow the pilot ladder to meet standard safety requirements and address SFBP's concerns. He expressed the owner's desire to find a solution that is satisfactory to the SFBP.

Port Agent Captain Greig requested that the design architect visit the Bay Area to ride the SFBP boat so that they have an understanding of the requirements needed for safe boarding. Captain Greig expressed the need to resolve this issue because of the strain on the SFBP manpower because of the upcoming pilot training schedule and the effect of scheduling a pilot riding the vessel up the coast.

Commissioner Falaschi thanked Captain Morgan for his presentation and requested the owner's representatives to encourage the owners to move swiftly as the current situation continues to cause SFBP manpower issues, which ultimately effects safety. This item will remain on the agenda until resolved.

4. Rules and Regulations Committee -- Commissioner Wainwright said there is no report but that a Committee meeting will be scheduled for April.
5. Finance Committee -- Commissioner Sitts -- no report. The next Finance Committee meeting will precede the Board's April meeting.
6. Pilot Training Curriculum Committee -- Commissioner Wagner said there is no report.
7. Pilot Evaluation Committee -- Capt. Melvin -- Report on March 15, 2006 Committee meeting -- report on trainees' progress; recommendation re appointment of Pilot Evaluation Committee member to replace outgoing Chair and selection of Chair; -- **possible Board action re same**

SFBP Captain Melvin reported that Captain Hannigan, Puget Sound Pilot Association noted that his Association incorporated a pilot trainee selection process similar to that developed by the Board and have recently increased the Puget Sound trainee stipend.

Captain Melvin noted that the PEC met March 15, 2006. The six trainees were interviewed and are progressing. He continued with the following:

"As you are aware, I will term off the Committee on March 27 and therefore, the PEC has selected SFBP Capt. Steve Roberts as the new Chairman of the PEC. In addition, the PEC developed a recommendation to the Board that SFBP Capt. Bill Wells be appointed to replace

me, as a member of the PEC. Six pilots, each with at least ten years of experience as required were considered. Consideration was given to not only the quality of the pilot's past trainee evaluations, but also to balancing the dispatch board, in order to provide an equal number of Eval members from each group. We also considered the number of river pilots now serving on the Committee. The purpose of the last two concerns was two-fold, making Eval pilots more accessible to the trainees, without overtaxing the dispatch board. As a result of our deliberations, the Committee has instructed me to recommend Capt. Wells for an appointment to the PEC.

Serving on the Pilot Evaluation Committee for the past eight years has been one of the most personally rewarding experiences of my career. I would like to take this opportunity to thank the entire Board for the support the PEC has received throughout those years. We have seen many positive changes, from not only the quality of the training program itself, but also the development of an improved selection process, which is now serving as a model for other pilot organizations. It is believed that ours is the first pilot commission to use simulation as part of the exam for selecting trainees into a pilot training program. These changes came about as the result of hard work from many dedicated people. With your permission, I think it's appropriate to give recognition to some of those individuals.

First, I would like to thank some former members of the Eval committee, who worked tirelessly to develop a mere concept into a practical selection exam. In particular, I would like to thank Captains Eric Dohm, Asmund Gjevik, Arnie Kelso, Steve Maclachlan and Thomas Vilas for all their hard work. Secondly, the present Eval committee has done a great job with continuing that work, and I appreciate the efforts made by Captains Dave Gates, Will Lemke, Thomas Miller and Steve Roberts. Much appreciation goes to the other pilots for assisting us whenever called upon. Last, but certainly not least, I would like to thank Capt. Moloney, Alice Evans and Ray Paetzold, without whose help our best efforts would never have been so successful.

I believe everyone who has worked to develop this process has made a significant contribution to pilot safety and it has been a real privilege to work with you.

Commissioner Falaschi thanked Captain Melvin for his efforts during the past eight years. It was moved and seconded to accept the PEC report and recommendation to appoint SFBP Capt. Steve Roberts to the Chair of the PEC. Commissioner Falaschi asked for comments from the public and for discussion. There were no comments from the public and no further discussion. The motion passed unanimously.

It was moved and seconded to appoint SFBP Captain Bill Wells to the PEC. Commissioner Falaschi asked for comments from the public and for discussion. There were no comments from the public and no further discussion. The motion passed unanimously.

8. Pilot Power Committee -- Commissioner Wagner -- Report on results of March 15, 2006 Committee meeting, review of updated pilot power data, possible recommendations regarding trainee projections

Commissioner Wagner reported that the Committee met at the Board office to review the updated pilot power data for the categories listed in Section 237(d) of the Board's regulations for the period August 2004 through December 2005.

The Committee also reviewed the most recent retirement survey from November 2005, which indicated 12 pilots will possibly retire over the next 3 years.

The Committee discussed the increase in tonnage, the dedicated pilot for the M/V PHOENIX moves, the uncertainty of anticipated retirements and past year's circumstances.

Although it appears that 60 pilots are adequate to handle the current workload, it was noted that there were 60 pilots available during only 4 of the 17 months of data reviewed (Aug-Sept 2004 and Nov-Dec 2005).

Therefore, the Committee will meet again in June to review the first 5 months of data for 2006. The Committee requests that an updated retirement survey be sent out in May. The Committee also requests that definitions for "pilot assigned" and "total moves" be provided. There are no recommendations for the number of trainees at this time.

The next Pilot Power Committee meeting is scheduled for June 21, 2006 at 10:00 a.m. at the Board office.

9. Pension Committee -- Commissioner Miller-- status of determining options for selecting new fiduciary upon current fiduciary's retirement; -- **possible Board action re same**

Commissioner Miller reported that a meeting was held with the SFBP controller and fiduciary to review the fiduciary responsibilities. Executive Director will contact Sacramento for possible contract with a fiduciary business.

10. Vessel Interactions -- Executive Director Moloney said there are no new interactions.

11. Pilot Security -- Commissioner Falaschi said this item remains as a place holder.

12. Ad hoc Committee for Pilot Fitness -- Commissioner Falaschi said this item had remained as a place holder pending the additional Board appointment and that Committee assignments would be forthcoming after the Committees' workload was reviewed.

13. Pilot Identification Cards -- Executive Director Moloney reported that the Board's current website can offer access to the terminals to verify pilot identification. This is being discussed with the SFBP Port Agent. Commissioner Wagner expressed the need for an I.D. card that is acceptable at the terminals. Port Agent Greig advised that the SFBP have contacted the Emergency Services regarding I.D. cards and will meet with the Executive Director to consider other avenues of obtaining acceptable I.D. Cards. This item will remain on the agenda.

14. Pilot Trainees -- Commissioner Miller -- recommendations for providing Workers Compensation coverage for trainees -- **possible Board action re same**

Commissioner Miller reported that currently, and since the start of the Board's Pilot Trainee Training Program, trainees have worked under a contract that designates them as "independent contractors" and not employees of the Board.

At the request of the Board's president, I have reviewed that position, as it relates to the potential liability of the Board in the event that a trainee were to be injured while in the training program. With the help of Board counsel and expertise within the State Insurance Compensation Fund, I have concluded that there is significant risk to the Board that a court would find that, despite the language in our contract, a trainee injured as a result of his or her activities in the training program would be found to be an employee of the Board for workers' compensation purposes.

If a trainee were injured while engaged in training activities and the Board did not have workers compensation insurance in effect, the cost to the Board could be quite substantial and would have to be paid through the pilot trainee or Board operations surcharge. It therefore makes good business sense to obtain appropriate insurance for such potential loss if reasonably available.

As reported in my interim report last month, the State Fund, which provides workers compensation for state employees, including the Board's two full time employees, is prepared to provide coverage for the trainees under the state's worker's compensation laws. The premium cost quoted to us would come to approximately 70 cents per trainee per vessel move. I have discussed this cost with Mike Jacob of PMSA and understand that, in his view, PMSA's members would not object to this additional expenditure, especially given the potential exposure to substantially higher surcharge rates if the Board had no coverage at the time of loss.

The State Fund does not provide coverage under the federal Longshore and Harbor Workers Compensation Act – which generally applies to harbor workers who are not members of the crew of a vessel, nor to the Jones Act, which applies to seamen. Board counsel has examined the potential risk to the Board that it might be found liable to an injured trainee under either Act and has concluded that such risk is negligible.

Accordingly, I hereby move that the Board authorize its President and/or Executive Director to take all steps necessary to obtain state workers' compensation coverage for the current and future trainees in the Board's training program through the State Insurance Fund. (Any increase in the Pilot Trainee Training Surcharge – currently set at \$6 per trainee per vessel move – can wait until the Finance committee has had an opportunity to review the actual increased expenditures for the Trainee Training Program, including costs associated with the upcoming trainee selection examinations in May.) The motion was seconded.

Commissioner Falaschi asked for comments from the public and for discussion. Mike Jacob, PMSA representative who was in the audience said that PMSA concurs with Mr. Miller's report. There were no further comments from the public and no further discussion. The motion passed unanimously.

New Business

1. M/V USNS JOHN ERICSON, allision with SFBP Pier 15, March 14, 2006 – Executive Director reported that this incident is under investigation.
2. Report on review of minimum rest period data and its availability from the Inland Pilot as is routinely provided by SFBP -- Executive Director Moloney reported that Captain Slough had been contacted and that he does not track information similar to that provided by SFBP.
It was requested that the regulations be reviewed for possible amendment and that Captain Slough be requested to participate in this review. This item will remain on the agenda.
Executive Director Moloney further noted that fatigue is a factor that is included in each pilot incident investigation. In none of the piloting incidents involving Capt. Slough was fatigue found to be a factor.
3. Ad Hoc Committee on Pilot Safety -- Commissioner Falaschi -- review lessons learned from recent pilot injuries, deaths and close calls while embarking/disembarking; develop recommendations re same – Commissioner Falaschi said there is no report at this time and no Committee members assigned at this time pending review of availability of information from ongoing investigations.

4. Trainee Stipend -- possible recommendations re increasing Trainee Stipend (currently \$4,200/mo.); **possible Board action re same**

The Board discussed Captain Melvin's report of the difference in stipend between SFBP and Puget Sound Pilot Association. It was moved and seconded to consider matching Puget Sound's trainee stipend. PMSA's Mike Jacob suggested that additional information should be obtained for a broader comparison of trainees here and elsewhere, including a comparison of minimum requirements, length of service, length of the training program and other relevant factors to ensure a meaningful comparison before determining an appropriate adjustment in the stipend. Commissioner Falaschi expressed the need for a thorough Committee review of other industry stipend comparisons. The motion was amended to defer the issue to the PEC and Finance Committee to conduct the necessary review and develop appropriate recommendations. Commissioner Falaschi asked for comments from the public and for discussion. There were no additional comments from the public and no further discussion. The motion passed unanimously.

5. Public Comment on matters not on the agenda – there were none.

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

Schedule next regular meeting – the next meeting is scheduled for April 27, 2006 at 9:30 a.m. The Finance Committee is scheduled for April 27, 2006 at 8:30 a.m.

Adjournment – the meeting was adjourned at 11:05 a.m.

Respectfully submitted,

Alice A. Evans
Secretary