

Minutes April 27, 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 April 27, 2006, Commissioner Falaschi presiding. A quorum was present, including Commissioners Lundeborg, Miller, Soares, Wainwright and Wagner. Also present were SFBP Port Agent Captain Greig, Board Counsel Paetzold, Executive Director Moloney and Secretary Alice Evans.

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

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

1. The Board received a letter dated April 20, 2006 from John F. Meadows, Jedeikin, Spaulding, Meadows, & Schneider Attorneys at Law, regarding SFBP Captain Chadwick's requested Leave of Absence
2. The Board received a letter dated April 20, 2006 from SFBP Port Agent Captain Bill Greig, regarding SFBP Captain Chadwick's requested Leave of Absence
3. The Board received a letter dated April 26, 2006 from John F. Meadows, Jedeikin, Spaulding, Meadows, & Schneider Attorneys at Law, regarding SFBP Captain Chadwick's requested Leave of Absence

Commissioner Falaschi noted that the Board's regulations provide that "pilot shall not be absent from duty for more than 30 consecutive days - without obtaining a leave of absence from the Board unless the absence is caused by his or her sickness or personal injury."

Commissioner Falaschi referred to Mr. Meadows' request to move this item to the beginning of the meeting and offered Mr. Meadows an opportunity to make his presentation. Mr. Meadows gave an overview of Captain Chadwick's request for leave of absence without pay from June 8 through December 7, 2006 and noted that Captain Chadwick is willing to cut the leave of absence down to four and one half months in response to SFBP's concerns regarding the sufficiency in the number of pilots available to meet the anticipated vessel traffic. He summarized the reasons for the request as follows: To permit Capt. Chadwick to attend to winding up his mother's affairs; taking care of other family matters; to re-qualify as a SE Alaska Pilot and to take some vacation time. Captain Chadwick pointed out that there is at least one pilot trainee who, in his judgment and in the judgment of many of his pilot colleagues, is or will shortly be at a stage in his training where he is able to take on full-time pilotage duties. If licensing a trainee raises concern that there would then be in excess of 60 active pilots, Capt. Chadwick would agree not to return until another pilot retires, which he understands will take place effective December 31, 2006.

SFBP Port Agent Captain Greig referred to his letter to the Board and stated that the main concern is that the SFBP are very busy, that there were 64 minimum rest period exceptions since the first of the year and that 90 cruise ships are expected to call between now and September.

The Board noted that the Port Agent is responsible to ensure the availability of an adequate number of rested, licensed, pilots to provide pilotage service and has opposed Capt. Chadwick's request for a leave of absence, and noted that the Board does not have authority to change the number of licensed pilots without a pilot power hearing.

Commissioner Falaschi noted that as the information in Mr. Meadows' April 26 letter was not received by the Board until this morning, that there is insufficient time during this meeting to give adequate consideration to the issues raised by Capt. Chadwick's request while ensuring that an adequate number of pilots remain available. It was moved and seconded that Commissioner Falaschi appoint a committee of one to look into the options and develop recommendations to the Board for the May meeting. 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.

Mr. Meadows and Captain Chadwick thanked the Board for their consideration and for moving the item to the beginning of the meeting.

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.
2. The Board has received manpower reports and statements for pilotage fees and surcharges collected from SFBP through February 2006 and Inland Pilot Slough through March 2006.

Port Agent's Report -- SFBP Captain Bill Greig

1. Not-Fit-For-duty -- Captain Teague returned to duty 4/26. Captain Steve MacLachlan broke his finger boarding M/V SOUND RELIANCE Tuesday April 25.
2. Recommended Minimum Rest Period Violations -- There were a total of 34 in March -- 18 of those were related to M/V PHOENIX
Details:
3/10: 9 Exceptions, 6.0 – 9.3 hours of rest, 1 comp.

3/18-20 (Phoenix): 18 Exceptions, 8.2 -11.1 hours of rest, 2 NFFD, 2 carried away.

3/29: 4 Exceptions, 7.6 – 11.6 hours of rest, 1 NFFD, 1 Pilot Business, 2 Comp, 1 Bereavement.

3/31: 3 Exceptions, 10.0 – 11.5 hours of rest, 1 NFFD, 2 Pilot Business, 2 Training, 1 personal.
3. Statistics
YTD Through March compared to the three-year average for the same period.
Bar Crossings: +14%
Bay Moves: +41%
River Moves: +9%
Total Moves: +18.5%
GRT: + 22%
4. Pilot Boats

2/27 – 4/3 – P/V GOLDEN GATE– Planned down time - The port and stbd main engines were overhauled. This was a bare block overhaul (major). The stbd. reduction gear was replaced using our spare gear. The gear that was removed will be rebuilt and put back into stock.

3/24 – 3/25 – P/V DRAKE – Unplanned Down Time - The Port reduction gear failed and was replaced with our spare. The gear that was removed will be rebuilt and put back into stock.

4/13 – 4/20 – P/V SAN FRANCISCO – Unplanned Down Time – The stbd tail shaft seal failed. The boat was dry-docked to accomplish the repairs. Both seals (Port and Stbd) were changed.

5. Rate Negotiations:

We have met numerous times with Industry representatives in order to negotiate a new rate. We were not successful in arriving at a new rate; however, we did agree on the following joint statement:

“We have not reached an agreement on the rate, however, we have agreed not to petition BOPC for a rate adjustment before March, 2007. We will continue to meet in the meantime to negotiate a rate.”

This agreement was signed by myself and Mr. Mike Jacob of PMSA.

Commissioner Falaschi noted that the agreement sends a good signal that the pilots and industry can work together. Captain Greig noted that industry participants were very pleasant to work with, very up-front.

Rivers:

We are restricting transits on the Sacramento and San Joaquin Rivers to daylight only due to strong currents and high water conditions. We expect to maintain this for another 2 weeks.

Acting Port Agent:

I will be out of town from this afternoon until Wednesday May 3. Captain Bruce Horton will be the Acting Port Agent in my absence.

Unfinished Business

1. Open Incidents -- Executive Director Moloney

- a. M/V PIONEER, possible grounding, NY Slough near Pt. Beemar, February 20, 2006
- b. M/V BUM YOUNG, allision with Unitank Dock, Richmond, February 21, 2006
- c. M/V USNS JOHN ERICSON, allision with SFBP Pier 15, March 14, 2006

Executive Director Moloney reported that Items 1. (a) and (b) remain under investigation due largely to the time required for the current trainee selection process and that the IRC requests an extension until the next Board meeting. It was moved and seconded to extend Items 1. (a) and (b) under Unfinished Business until the next Board meeting. Commissioner Falaschi asked for comments from the public and for discussion. There were no comments from the public and no discussion. The motion passed unanimously.

Executive Director reported that Item 1. (c) under Unfinished Business remains under investigation and that no extension is needed at this time.

2. Pilot Ladder reportable incidents -- Executive Director Moloney reported that on April 2, 2006, SFBP Captain Chadwick reported that on the M/V JILL JACOB the pilot ladder was improperly placed between the accommodation ladder platform and the hull, making transfer difficult and potentially dangerous and noted that there was no lashing between the accommodation ladder and the pilot ladder. Executive Director reported that the deficiency report was forwarded to the USCG and the vessel's agent.

3. Report of suspected safety standard violations involving pilot transfer arrangements on M/V PHOENIX. Report on interim developments. **Possible further Board action re same**

Commissioner Falaschi referred to Board counsel to review a letter dated April 26, 2006 from Atlantis Tillman Langowski, Law Office Keesal, Young & Logan, representatives for Owners and Members of the M/V PHOENIX, on the interim developments since the Board's last meeting. Copies are available in the Board office. The Owners have not received all of the requested information in order to determine whether modifications to the vessel are a viable option.

Port Agent Captain Greig reported that the vessel's next call on the Bay Area is scheduled for April 30. The agent has not approved flying a pilot to ride the vessel to the Bay Area. The SFBP will be on station to board the vessel; however, if inclement weather or sea conditions make boarding unsafe, boarding may be refused.

4. Rules and Regulations Committee -- Commissioner Wainwright -- Report on results of April 19, 2006 Committee meeting -- Commissioner Wainwright reported that the Committee held its inaugural meeting for the current rulemaking calendar on April 19. After reviewing each of the items on its agenda, it agreed that, pending different prioritization by the Board or subsequent events, it would focus its attention during the next several meetings on the following: (1) Developing implementing regulations for last year's legislation which created a funding mechanism for pilot vessel life extension modifications; (2) reviewing the IRC's reporting procedures to explore possible amendments that would provide Board members more time to consider the IRC's reports before acting on them; (3) reviewing procedures to determine the number of pilots - and the data routinely gathered to determine the continuing adequacy of that number - including any lessons learned from the 2002 hearing which set that number at 60; and (4) reviewing the definition of the term "misconduct" as used in Harbors and Navigation Code dealing with piloting incident investigations and Board disciplinary hearings, and the prohibition against "running a vessel on shore" as used in the Board's regulations.

The Committee plans to contact interested parties to provide input to a review of the Board's rate hearing procedures beginning in July, including any lessons learned from the 2002 rate hearing, with the intent of having any proposed revisions in place by March 2007. The remaining items await input from the various ad hoc or standing committees (including possible regulations relative to the statutory pension plan and a review of the pilot fitness standards and medical review process.)

5. Finance Committee -- Commissioner Sitts -- Report on results of April 27, 2006 Committee meeting; possible recommendations to adjust Pilot Vessel Surcharge and Trainee Training Surcharge; -- **possible Board action re same** -- no report - the next meeting will be held at 8:30 a.m., May 25, 2006.
6. Pilot Training Curriculum Committee -- Commissioner Wagner - no report.
7. Pilot Evaluation Committee -- Capt. Roberts -- Report on April 19, 2006 Committee meeting -- report on trainees' progress; possible recommendation re increasing Trainee Stipend (Currently \$4,200/mo); **possible Board action re same**

The PEC met on April 19, 2006. All six trainees were interviewed individually, their trip cards examined, and their progress with all elements of the program reviewed. The trainees range in time in the program from 4 months to 2 years. All continue their progress satisfactorily, and at their own speed. At this time there is no recommendation to the Board.

The Washington State Commission was contacted regarding the State of Washington's code that deals with pilot trainee selection, duties, and qualifications. In that document it has been verified that their trainees' stipend is currently \$6,000 monthly.

The PEC is attempting to meet with industry representatives to identify other information that is pertinent to the review of the stipend currently paid to SFBP trainees. At this time there is no recommendation to the Board.

The PEC has been working on the simulator portion of the pilot trainee exam. We also reviewed the written exam at the April 19 meeting. All preparations are completed with exception of the training of the outside pilot and ship master evaluators, which will take place May 3. The written exam will be given for some 40 qualified candidates on May 1 followed by simulator testing on May 4 through 6.

8. Pilot Power Committee -- Commissioner Wagner -- no report.
9. Pension Committee -- Commissioner Miller -- recommending options for selecting/contracting with new fiduciary upon current fiduciary's retirement; -- **possible Board action re same** - Commissioner Miller reported that Board staff is currently working on various options to contract with a third party fiduciary.
10. Vessel Interactions -- Executive Director Moloney -- no vessel interactions to report.
11. Pilot Security -- Commissioner Falaschi -- no report.
12. Ad hoc Committee for Pilot Fitness -- Commissioner Falaschi -- no report.
13. Pilot Identification Cards -- Executive Director Moloney -- it was noted that the Department of Homeland Security is currently working on a federal identification card for the entire maritime industry transportation workers. It was suggested that the Port of San Francisco and Port of Oakland be contacted for updated information.
14. Appeals Committee -- Commissioner Miller -- Report on April 10, 2006 Committee meeting

Commissioner Miller reported that the Committee met April 10, 2006 in closed session to discuss the appeals of Applicants A and B, whose applications had been denied for failure to meet the Board's minimum experience/recency requirements. After thorough review of each appeal individually, the Committee concurred with the determination and voted unanimously to deny the appeals. Each applicant was notified in writing of the result and the reasons for the denial.
15. 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 Inland Pilot Slough does not track the MRP exceptions as the SFBP. Captain Slough agreed to voluntarily report to the BOPC immediately any future MRPs. Inquiry was made regarding the Chevron pilots' tracking of MRP exceptions. It was requested that Board staff contact Inland Pilot Slough and Chevron pilots and request this information be provided in writing. The Commission's purpose to monitor navigation safety in the Bays was discussed at length.
16. Ad Hoc Committee on Pilot Safety -- Commissioner Falaschi -- no report.

New Business

1. M/V APL THAILAND, allision with barge tending DREDGE NJORD, March 29, 2006 -- Executive Director Moloney reported that this incident is under investigation.
2. SFBP Captain Chadwick -- Request for approval of Leave of Absence, 7 CCR §219(p); **possible Board action re same** -- refer to correspondence and activities on page one.
3. Public Comment on matters not on the agenda -- there was none.
4. Proposals for additions to next month's agenda -- add "MRP exceptions reporting by Chevron pilots" to Item 15 above.

Schedule next regular meeting -- the next meeting is scheduled for May 25, 2006 at 9:30 a.m. The Finance committee meeting is scheduled for 8:30 a.m.

Adjournment -- The meeting was adjourned at 10:50 a.m.

Respectfully submitted,

Alice A. Evans
Secretary