

Minutes
May 25, 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 May 25, 2006, Commissioner Lundeberg presiding. A quorum was present, including Commissioners Miller, Sitts, Wagner and Wainwright. Also present were SFBP Acting Port Agent Captain McIsaac, Board Counsel Paetzold, Executive Director Moloney and Secretary Alice Evans.

Request approval of Minutes of the April 27, 2006 regular Board meeting. The minutes were unanimously approved.

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

1. The Board forwarded the Pilot Retirement Questionnaire to all SFBP and Inland Pilot.

Other Pilot Matters -- Executive Director Moloney

1. The Board issued license renewals to SFBP Captains Chadwick, Chapman, Fuller, Gabe, Horton, Sweeney, Weiss, Wells and Inland Pilot Captain Slough during the month of May.
2. The Board has received manpower reports and statements for pilotage fees and surcharges collected from SFBP through March 2006 and Inland Pilot Slough through April 2006.

Port Agent's Report -- SFBP Captain McIsaac Acting Port Agent

1. Not-Fit-For-Duty -- Captain MacLachlan remains NFFD recovering from a broken finger suffered boarding on the M/V SOUND RELIANCE. His anticipated return to work is May 31; Captain Welch is NFFD recovering from tendonitis aggravated by boarding off. His anticipated return to work is May 31.
2. Minimum Rest Period Exceptions -- There were 33 exceptions to the minimum rest period in April. Minimum rest ranged from 7.8 to 11.9 hours. It was noted that MITAGS training and increase in vessel moves contributed to the exceptions.
3. Statistics
YTD through April as compared to the previous three-year average for the same period:

Bar Crossings	+13.26%
Bay Moves	+38.00%
River Moves	+5.23%
Total Moves	+17.25%
GRT	+14.28%
4. P/V GOLDEN GATE has been down since May 18 to replace a defective head gasket. It is expected to be back in service today.

Unfinished Business

1. Open Incidents -- Executive Director Moloney
 - a. M/V PIONEER, possible grounding, NY Slough near Pt. Beemar, February 20, 2006 -- Executive Director Moloney reported that there were some unresolved issues and that the IRC requests an extension until the next Board meeting. It was moved and seconded to

approve an extension until the next Board meeting. Commissioner Lundeberg asked for comments from the public and for discussion. There were no comments from the public and no discussion. The motion passed unanimously.

b. M/V BUM YOUNG, allision with Unitank Dock, Richmond, February 21, 2006

PROBABLE CAUSE

On the afternoon of 21 Feb. 2006, Capt Sweeney boarded the motor tanker BUM YOUNG at the offshore pilot station to pilot it to Richmond, Berth 11. Following the master/pilot conference, Capt Sweeney made an uneventful transit into San Francisco Bay.

At the entrance to the Southampton Shoal Channel, the vessel was met by the tractor tugs Z4 and Z5. The vessel made the turn off Richmond Long Wharf with the tugs standing by, and used them to help make the turn at Potrero Point. When the vessel entered Richmond Inner Harbor the Z4 made up on the port bow and the Z5 on the port quarter.

When the vessel was in the vicinity of Berth 11, it was turned to port 180° using the tugs and pushed alongside. The tugs were using slow and dead slow engine orders given by Capt Sweeney. First line was at 1740.

After the vessel had landed, it was requested to move back to line up with cargo manifolds on the pier. As it was moving back, the upper edge of the sheer strake in the vicinity of the house contacted an exposed steel strap from a fender repair on the corner of the pier. The hull plating had no support above main deck level and was set in slightly. Neither pilot nor master were aware of the contact at the time. The vessel was securely moored at 1810 and the mate on the stern contacted the master to advise of the contact. The draft of the vessel and height of tide matched the protruding strap with the top of the sheer strake.

The Master filed a Letter of Protest with the terminal, but withdrew it prior to the Board Investigator arriving the next day.

OPINIONS

1. Capt Sweeney docked the vessel properly. It was under control at all times.
2. A review of potential factors involved showed that fatigue, communications, speed, traffic, weather and vessel mechanical issues were not factors in this case.
3. An unfortunate coincidence of the height of the vessel's sheer strake at the arrival draft and the level of the exposed steel strap on the pier fendering system repair at the particular height of tide at the time of docking, caused metal to metal contact and a cosmetic dimpling of the strake.
4. By the time the Board Investigator arrived at the vessel, neither vessel personnel nor terminal operator considered there to have been an incident.

RECOMMENDATIONS

1. Close this case, no pilot error. Capt Sweeney landed the vessel properly. An exposed steel strap on the fendering caused steel to steel contact on the top edge of the sheer strake causing some minor cosmetic damage.

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

c. M/V USNS JOHN ERICSON, allision with SFBP Pier 15, March 14, 2006

PROBABLE CAUSE

On 14 March 2006, Capt McBride boarded the oiler USNS JOHN ERICSSON at about 1430 at the offshore pilot station to pilot it to San Francisco berth 15/17. Earlier in the day when he was notified of the assignment he questioned taking a vessel of that size alongside berth 15/17. He checked with the Operations Pilot, who had been assured by the Inchcape agent that the vessel had been to that pier before.

In the course of the master/pilot conference, Capt McBride found that the vessel had not been to that berth before. He and the master discussed the docking plan, noting that the vessel would overhang the berth by almost 100' at each end, obstructing access to slips that tugs, ferryboats and pilot boats use. They agreed to make a very slow approach and evaluate the situation when they got to the berth.

The vessel was met off Fort Mason by two Z-drive tractor tugs. These were made up on the port side, one forward, one aft. The vessel approached the berth stemming the ebb current, which was running almost 3 knots.

Capt Pope operated the vessel's engines to put it in position fore and aft to the berth. Capt McBride directed the tugs and controlled the transverse motion of the vessel. He had them push the vessel toward the berth using minimum and dead slow speeds. At about 1615 the vessel landed gently, parallel to the berth. The pilings behind the aftermost Yokohama fender offered no resistance and were pushed back under the pier. This allowed the vessel to land on the wooden fendering system of the pier, causing some asphalt damage on the apron.

Capt McBride had the after tug back gently and when the pilings returned to vertical he had the tug push minimum toward the pier and continued the mooring.

When the vessel was almost securely moored, Capt McBride was contacted by the pilot dispatch office and advised that the vessel's agent had received complaints that the vessel's superstructure was blocking the signal of a nearby television station and wanted the vessel undocked and moored portside to. Capts McBride and Pope considered the current and the awkward mooring position and decided it would be better to shift to Anchorage 9 and explore other berthing options. The vessel was undocked and anchored at 1726. Capt McBride departed the vessel at 1833.

OPINIONS

1. The USNS JOHN ERICSSON should not have been assigned to dock at berth 15/17. The pier is routinely used to handle vessels less than 10,000 tons and recently handled one of about 16,000 tons. The ERICSSON is a 40,000 ton vessel and even in ballast displaced almost 26,000 tons. Vessels that size are normally docked at Pier 30/32 (where ERICSSON ultimately went).

2. The docking plan was well thought out. Ample tug power was available and properly used. Capts McBride and Pope made an effective bridge team with Capt McBride controlling the tugs and Capt Pope controlling the engines of the vessel (designed for precision stationkeeping).
3. Placement of floating Yokohama fenders along deteriorated vertical pilings and laying a heavy ship alongside, regardless of how gently, yielded predictable results, with the pilings giving way at the weak midpoint.
4. An inspection of the pilings the following day by boat, showed that the northernmost pilings, which gave way, were previously deteriorated and damaged. Many of the other piling clusters on the pier were fairly new and in good shape and supported the vessel in its brief mooring.
5. Mooring vessels at berths with Yokohama fenders floating alongside vertical pilings, unsupported from behind, invited piling damage. The fender places maximum pressure on the piling where it is naturally weakest and susceptible to the maximum deterioration from water and flotsam.

RECOMMENDATIONS

1. Close this incident. No pilot error. Capt McBride had a good plan for the landing. He was on a well-found vessel with good tugs available. Communications were good; environmental conditions were used to advantage. The cause of the incident was taking a large, heavy vessel to a dock that was not equipped to handle it. The vessel's master complimented Capt McBride's handling of the situation to both Board Investigator and Executive Director.

It was moved and seconded to accept the IRC Report. Commissioner Lundeberg asked for comments from the public and for discussion. The Board discussed the apparent incompatibility of berth and vessel and misinformation that the vessel had docked there before. Board Staff was requested to forward a letter to the Port of San Francisco notifying them of this incident. There were no further comments from the public and no further discussion. The motion passed unanimously.

- d. M/V APL THAILAND, allision with barge tending DREDGE NJORD, March 29, 2006 -- Executive Director Moloney reported that this item remains under investigation.
2. Pilot Ladder reportable incidents -- Executive Director Moloney reported that on May 1, 2006 SFBP Captain McIsaac reported that on M/V PHOENIX -- midship ladder not resting against hull - had to use ladder rigged off focsle at frame 153 - position of ladder difficult for pilot boat.

On May 15, 2006 SFBP F. Hoburg reported that on MV CSL ARCADIAN the platform of accommodation ladder hangs in front of pilot ladder. To make pilot ladder accessible, a rope from deck pulls it aft, causing it to hang at a 45-degree angle. With ship in ballast ladder extends about 20 feet from platform making decent very difficult.

On May 21, 2006 SFBP Captain Hurt reported on M/V PHOENIX as follows: Construction of the M/V PHOENIX is such that the main deck overhangs the parallel mid body for almost the entire ship's length. The result of this arrangement is that there is no flat location along the midbody for a pilot ladder to be rigged, nor for a boat to safely come alongside. On this occasion, a ladder was rigged forward of the overhangs at the forecastle. Due to the unusually

mild weather conditions at the offshore pilot station disembarkation was possible. Draft at time of disembarkation was 5.7 M forward, 7.1 M aft.

Executive Director reported that each report was forwarded to the Agents and USCG.

3. Pilot transfer arrangements on M/V PHOENIX. Report on interim developments to propose modifications. **Possible further Board action re same**

Commissioner Lundeberg referred to Acting Port Agent Captain McIsaac who gave the following report. The M/V PHOENIX has called Oakland twice since the last BOPC meeting. In both cases we flew a plot to Long Beach at the Charterer's request. In both cases the pilot was able to board off when the ship was outbound due to favorable weather conditions, however both pilots submitted a "Pilot Boarding Arrangements Deficiency Report" to the BOPC. Captain McIsaac received a call from Captain Morgan, the consultant hired by the owner to investigate solutions to the boarding arrangement problem. Captain Moran reported that the proposed modification has been submitted to the owner but would also need to be approved by the class society. Captain Morgan was asked for a copy of the proposed modification but he advised that he had been instructed not to share it with the SFBP.

SFBP will continue to work with the owner and Charterer to develop a solution, however this situation puts a strain on pilot power. During January through March there were 30 exceptions to the Recommended Minimum Rest Period associated with the M/V PHOENIX. In April and May SFBP used off-watch pilots to bring the ship up the coast so no MRP exceptions occurred but we will have to issue compensatory time off to these pilots.

This item will be carried to the next Board meeting for further discussion.

4. Rules and Regulations Committee -- Commissioner Wainwright -- Report on results of May 23, 2006 joint Committee meeting with IRC re IRC reporting procedures and re Pilot Vessel Life Extension Modification funding procedures; **possible Board action re same** -- Commissioner Lundeberg reported that this meeting was rescheduled to immediately after the Board meeting today.
5. Finance Committee -- Commissioner Sitts -- Report on results of May 25, 2006 Committee meeting; possible recommendations to adjust Pilot Vessel Surcharge (currently 4.5 mils), Pilot Training Surcharge (currently \$20/move) and Trainee Training Surcharge (currently \$6/move/trainee); -- **possible Board action re same**

Commissioner Sitts reported that the Committee met today. The SFBP Income Statement Report and BOPC Fund Condition were reviewed. No unusual items were noted. The Pilot Vessel Surcharge rate was reviewed. There is no recommendation at this time. The Pilot Training and Trainee Training Surcharges were reviewed and deferred until the next meeting. The next meeting will be scheduled at 8:30 a.m. before the next Board meeting.

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

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

7. Pilot Evaluation Committee -- Capt. Roberts -- Report on May 17, 2006 Committee meeting -- report on trainees' progress; possible report on status/results of Pilot Trainee Selection Examinations; possible recommendation re increasing Trainee Stipend (currently \$4,200/mo); **possible Board action re same**

Captain Roberts reported that the pilot evaluation committee met on May 17 at 10:00 a.m. All 6 trainees were interviewed individually, their trip cards examined, and their progress with all elements of the program monitored.

The trainees range in time in the program from 5 months to 2 years, 2 months. All continue their progress satisfactorily and at their own speed. At this time we have no recommendations to the Board.

Trainee Stipend

I have met with Industry representatives to identify their concerns, and to provide any supporting documentation that might be of interest. I will continue this process and hope to have a recommendation to the Board at the next commission meeting.

Board Trainee Examination

40 candidates qualified for the BOPC Pilot Trainee Exam. The written exam was given May 1 to 38 candidates, 2 being no show. 23 passed the written portion of the exam and went on to Simulator testing, which was held on May 4 and 5 at California Maritime Academy.

On Monday May 15, we held a focus group session, attended by 8 pilots and administered by representatives of OER to validate the test, and establish a cut score. The results are not as yet completed and tabulated. We will present these at next month's meeting.

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

8. Pilot Power Committee -- Commissioner Wagner reported that the next meeting is scheduled for June 21 at 10:00 a.m. in the Board office.
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 a letter was received from PMSA Mike Jacob, Vice President dated May 16, 2006 requesting an Actuarial Evaluation of Future Pilot Pension Liability. This item and others will be noticed, date of meeting to be determined. The Board staff is currently identifying the scope of work for the fiduciary.
10. Vessel Interactions -- Executive Director Moloney -- No 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 -- status of federal proposal for Transportation Worker Identification Credential (TWIC). The identification credentials hearings are proceeding at a fast pace. There are public hearings scheduled June 7 in Long Beach, CA. There is nothing further to report at this time.

14. Report on review of minimum rest period data and its availability from the Inland Pilot and Chevron Shipping as is routinely provided by SFBP -- Executive Director Moloney reported that Inland Pilot Slough will voluntarily report any MRPs. He reported one 12-hour exception (11:42). He slept on the vessel and reported that he was not fatigued during piloting.

Commissioner Sitts noted that Chevron Shipping pilots are not licensed by the BOPC. He then reported that the Chevron Pilots follow OPA 90 and that there is no formal tracking procedure. If a Chevron pilot is not rested, Chevron Shipping hires a SFBP.

15. Ad Hoc Committee on Pilot Safety -- Commissioner Falaschi -- no report.
16. SFBP Captain Chadwick -- Commissioner Falaschi -- Report on recommendation re Request for approval of Leave of Absence, 7 CCR §219(p); **possible Board action re same**

Commissioner Lundeberg read the following report:

SFBP Captain Chadwick has requested the Board to approve a leave of absence. The Port Agent has recommended that the Board reject the request due to the anticipated workload during the period covered by the request and the lack of compelling justification. The Board, at its April 27, 2006 meeting, asked me, as a committee of one, to look into the issues raised by the request as well as the concerns raised by the Port Agent and provide a recommendation to the Board. I have completed my review, and, for the reasons explained below, recommend that the request for a leave of absence be denied.

Captain Chadwick's original request was for a six months sabbatical with no reasons given. It was placed on the Board's April Agenda as it was not received in time to be considered at the Board's March meeting. By letter dated April 20, 2006, Port Agent, SFBP Capt. Bill Greig, informed the Board of SFBP's opposition to the request based on the anticipated workload and lack of any compelling reason given.

In a letter received on the morning of the Board's April 27 meeting, and at the meeting itself, Captain Chadwick, through his attorney, John Meadows, informed the Board that his mother had passed away in England last year and he needed to attend to winding up her affairs; that he wished to re-qualify as a SE Alaska pilot and he wished to take some vacation time. Captain Chadwick offered to reduce his request to 4 1/2 months. Alternatively, he suggested that a trainee could be licensed to cover his absence on the board and offered to agree not to return to active piloting until another pilot retired in order to maintain the current number of active pilots.

Following the April Board meeting, I met with Captain Chadwick and his counsel, considered further written and e-mailed communications from them (which included an offer to reduce the leave of absence to two months), discussed with the Port Agent his concerns relative to ensuring a sufficient number of rested, trained pilots for the anticipated workload, and conferred with Board counsel, and have come to the following conclusions:

1. The reference to a "leave of absence without pay" was added to the Harbors and Navigation Code in 1991 as an additional basis permitting the renewal of a license issued to a pilot who had not been piloting for a consecutive period of one year. (The other bases were that the pilot had been medically disabled or acting as port agent during that period.) The legislative history is silent as to the purpose for adding this provision. The Board has not adopted any guidelines for considering a request for a leave of absence, and there have been no such requests since this law was passed until Captain Chadwick's request.

2. Under the Board's regulations, the Port Agent is tasked with assigning pilots to vessels, administering the pilots' vacation schedule and ensuring that at all times, an adequate number of pilots are available. The Board's regulations require that the Port Agent is to be primarily guided by the need for safety.
3. The current number of pilot licenses authorized by the Board is 60. That number was set following a public hearing in 2002, at which the Board considered evidence including trends and fluctuations in vessel traffic; the number of days pilots were historically unavailable due to sickness, injury, training, essential support activities (including work on the Board's advisory committees, the Pilot Evaluation Committee, the Harbor Safety Committee and other activities supportive of safe navigation), as well as for vacation, personal time off, and other reasons; trends in minimum rest period violations; industry's current economic trends; the effect that a higher or lower number of pilots would have on rates and pilot income; and a variety of other factors and considerations which are detailed in the Harbors and Navigation Code (Sections 1170 - 1170.2) and the Board's regulations (Section 237). The legislative mandate to the Board similarly emphasizes the need to be guided by the needs of public safety.
4. Since the 2002 hearing, trends in vessel traffic have shown a gradual increase. Recently, the number of minimum rest period violations, even when accounting for the effects of the M/V PHOENIX, training, and periodic demands associated with the trainee selection process, have been on the rise.
5. While a longer, more in-depth analysis of these trends has been on-going in the Pilot Power Committee, and its recommendations regarding the possible need for another hearing to consider a change in the number of pilot licenses remain under consideration, I am convinced that the data routinely provided to the Board supports the Port Agent's workload projections and gives ample foundation to his concerns that granting a pilot a leave of absence beyond the 30 days currently available without Board action would be unwise at this juncture absent a compelling reason.
6. As one of the original commissioners assigned to liaison with the UPRR Bridge work group, I am keenly aware of the substantial contribution Captain Chadwick has made to navigational safety beyond carrying out his piloting duties. This is not, however, a question of rewarding exemplary professional conduct. The reasons given for Captain Chadwick's request for a leave of absence do not involve his mental or physical ability to perform his piloting duties but are essentially economic in nature, of the type routinely resolved within the period normally available to pilots without requiring a leave of absence. He has advised that he wishes to prepare his mother's house for sale - it is located in England - and he wishes to make a number of familiarization trips necessary to maintain his SE Alaska pilot's license, something he has successfully done in the past without requiring a leave of absence. Nothing provided by Captain Chadwick in support of his request has explained why these matters could not be handled during normal absences and rotation schedule authorized within the SFBP's work rules, absences that do not require Board intervention.
7. Captain Chadwick's suggestion that the Board could simply license one of the trainees ignores the normal procedures the Board has adopted for determining when a trainee has completed the training program and ignores the code and regulatory provisions that would require a hearing, with full consideration of all the factors required by law, before changing the number of licenses that are authorized. From the Board's experience in such a hearing in 2002, that is no small matter and involves considerable expense and effort on the part of industry, the pilots and the Board.

The reasons given for Captain Chadwick's request, in my view, do not warrant imposing such a burden on others.

8. Under the circumstances, Captain Chadwick's responsibility under his license issued to him by this Board, which includes performing his fair share of the assignments, must take precedence, and the request for a leave of absence should be denied.

It was moved and seconded to accept Commissioner Falaschi's recommendation to deny Captain Chadwick's request for leave of absence. Commissioner Lundeberg asked for comments from the public and for discussion.

The Board discussed Commissioner Falaschi's recommendation and potential ramifications in detail. The Board concurred that the report was very thorough.

Commissioner Lundeberg acknowledged Mr. John Meadows, attorney for Captain Chadwick. Mr. Meadows gave an overview of Captain Chadwick's request and noted that the request is for less time and gave a presentation of the meaning of leave of absence. He requested that the Board consider Captain Chadwick's leave of absence, which is now for 31 days. He then thanked the Board for their time and consideration.

There were no further comments from the public and no further discussion. The motion then passed unanimously

New Business

1. Public Comment on matters not on the agenda
2. Proposals for additions to next month's agenda -- SFBP Captain Roberts reported that the PEC would present a new trainee list for approval and possible recommendation regarding the trainee stipend at the next Board meeting.

Schedule next regular meeting -- The Board discussed scheduling the June meeting for June 29 to accommodate a scheduling conflict for one of the Commissioners. Subsequent to the meeting the regular meeting date of June 22 at 9:30 a.m. was confirmed. The Finance Committee meeting will be determined at a later date.

Adjournment -- the meeting was adjourned at 11:10 a.m.

Respectfully submitted,

Alice A. Evans
Secretary