

## **Minutes**

**June 22, 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 June 22, 2006, Commissioner Falaschi presiding. A quorum was present, including Commissioners Lundeborg, Miller, Soares, Wagner and Wainwright. Also present were SFBP Acting Port Agent Captain Greig, Board Counsel Paetzold, Executive Director Moloney and Secretary Alice Evans.

Request approval of Minutes of the May 25, 2006 regular Board meeting. The minutes were unanimously approved.

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

1. The Board received a letter dated June 2, 2006 from Concentra Health Services notifying that effective July 1, 2006 invoices will reflect a pricing change for some or all of the services.
2. The Board received a letter dated June 9, 2006 from the Port of Stockton regarding approved original Commissions and reappointments - July 1, 2006 through June 30, 2007 - as follows: SFBP Captains Alden, Atthowe, Gabe, Haggerty, Hartshorn, Hurt, Miller, O'Laughlin, Pinetti, Roberts and Sweeney and Inland Pilot Slough.

Other Pilot Matters -- Executive Director Moloney

1. There are no license renewals during the month of June.
2. The Board has received manpower reports and statements for pilotage fees and surcharges collected from SFBP through April 2006 and Inland Pilot Slough through May 2006.

Port Agent's Report -- SFBP Captain Bill Greig

1. NFFD: Captain Welch is recovering from a pilot ladder related injury. Captains MacLachlan and McBride are recovering from non-piloting related injuries.
2. Recommended Minimum Rest Period Exceptions - there were 32 in May:  
13 - occurred during training cycle.  
18 - occurred with 2 pilots NFFD.  
1 - occurred with 1 pilot on pilot business.  
The range of time off was 8.5 – 11.9 hours.
3. Statistics:  
YTD through May as compared to the previous three-year average for the same period:  
Bar Crossings           +13%  
Bay Moves               +33%  
River Moves:           +16%  
GRT:                     +23%

4. PILOT VESSELS:

P/V SAN FRANCISCO was down 4 days to renew a clutch.

P/V PITTSBURG has been shut down since Monday due to crew injuries and illnesses.

5. M/V PHOENIX: Last Friday we sent a pilot to ride up the coast from Long Beach at the agent's request. Monday morning the weather was too rough to board Captain D. Weiss off the Phoenix so he rode the vessel to Seattle. Now that summer is here we are looking at whether we can get by using the forward ladder position for the next several months. We will only board on and off if we can do so safely.

6. M/V GOLDEN GATE Rescue June 22, 2006

At about 0615 this morning, a surveyor fell into the water while transferring between the Marine Express launch ALINE ELIZABETH and the M/V FERIDE at Anchorage 7. During the initial rescue attempt, a launch crewman also fell into the water. The surveyor was encumbered with equipment on his person. Both men were drifting towards the M/V FERIDE's propeller and the launch was not able to maneuver or to recover the men. The FERIDE and the launch had thrown life rings but the men were not able to reach them. The P/V GOLDEN GATE maneuvered into position and used a new heaving device to send a line to the men who were subsequently recovered over the stern of the P/V GOLDEN GATE. Both men were aboard the P/V GOLDEN GATE by 0630. Both men were uninjured. The P/V GOLDEN GATE's operator was Rory Sheridan and his crewman was Paul Monte.

Unfinished Business

1. Open Incidents -- Executive Director Moloney
- a. M/V PIONEER, grounding, NY Slough near Pt. Beemar, February 20, 2006, SFBP Captain Cota
  - b. M/V APL THAILAND, allision with barge tending DREDGE NJORD, March 29, 2006, SFBP Captain Hurt

Executive Director Moloney reported that both pilots were unavailable to meet with the IRC and that the IRC requests extensions for incidents 1.a. and 1.b. above until the next Board meeting. It was moved and seconded to approve an extension 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.

2. Pilot Ladder reportable incidents -- Executive Director Moloney said there were no new pilot ladder incidents to report.
3. Pilot transfer arrangements on M/V PHOENIX. Report on interim developments to propose modifications. **Possible further Board action re same** -- Executive Director Moloney said there is no report. The Port Agent's report relative to the vessel's last port call and on-going dialogue was noted.
4. Rules and Regulations Committee -- Commissioner Wainwright -- Report on results of May 25, 2006 joint Committee meeting with IRC re IRC reporting procedures and re Pilot Vessel Life Extension Modification funding procedures -- Commissioner Wainwright gave the following report:

The Rules and Regulations Committee and the Incident Review Committee held a duly noticed joint meeting on May 25, 2006 following the regular Board meeting to review Incident Reporting Procedures, including possible changes to allow Board members more time to review the IRC's reports before acting on them, and to review current definitions of the term "misconduct" as a basis for taking corrective action against a pilot license. A further joint meeting is expected to be scheduled in July to continue this review before deciding what recommendations, if any, should be made to the full Board on these items.

The committees also discussed two provisions in the Board's regulations - Sections 219(t) and 220(d) - which prohibit a pilot or trainee, "through ignorance, willfulness or neglect" from "running a vessel on shore." The committees discussed possible circumstances when overriding safety concerns make running a vessel aground the most prudent action, but decided that amending the regulations in order to address such circumstances was not warranted. The IRC has the authority to take such considerations into account when investigating incidents, and there have been no reported incidents in which the IRC felt the regulatory language to be unnecessarily restrictive. Accordingly, unless requested to address this item further, the Rules and Regulations Committee will remove this item from its agenda without further action.

The Rules and Regulations Committee continued its review of draft regulations for setting pilot boat surcharge rates, both for proposed new construction and life extension modifications to existing pilot boats. That process is expected to continue as the committee seeks input from key members of the Board's ad hoc pilot boat committee involved in the Board's approval of the construction of the station boats in current use.

The committee has received proposed amendments to Section 236 of the Board's regulations, which deals with Rate Hearing procedures, from PMSA. It expects to begin addressing those proposals, along with any response from the SFBP, at its next meeting.

Other items on the committee's long-range rulemaking agenda, including those dealing with regulations to determine the number of pilot licenses issued by the Board, with pilot fitness issues, pilot safety issues, and the statutory pension plan await recommendations from the cognizant committees.

5. Finance Committee -- Commissioner Sitts -- possible report -- 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** - No report
6. Pilot Training Curriculum Committee -- Commissioner Wagner said there is no report.
7. Pilot Evaluation Committee -- Capt. Roberts -- Report on June 14, 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**, including acceptance of results of Trainee Selection Examinations and approval of Trainee Training Program Standby List

Captain Roberts reported as follows: Report on PEC meeting June 19: All 6 trainees are doing well and progressing at their own speed.

Report on Trainee Stipend: Continuing to meet with industry representatives, hope to have a recommendation for next month's meeting.

Results of BOPC new trainee exams were discussed. 10 trainee/applicants passed all three portions of the exam.

Recommendation of the PEC to accept a list of the 10 trainee/applicants who passed ranked in the order of their total combined score. List to be good for up to 3 years.

It was moved and seconded to accept the IRC's results of Trainee Selection Examinations and approval of Trainee Training Program Standby List, a total of 10 candidates to be used to fill openings in the training program for up to three years. 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.

8. Pilot Power Committee -- Commissioner Wagner -- Report on June 21, 2006 Committee meeting -- report on results of most recent Retirement Survey; possible recommendation re contracting with additional pilot trainees for entry into training program following May 2006 trainee selection examination - timing of entry; **possible Board action re same**

Commissioner Wagner said the June 21 meeting was cancelled and that another meeting would be scheduled at a later date.

9. Pension Committee -- Commissioner Miller -- Report on June 9, 2006 Committee meeting; including possible recommendations regarding actuarial study of potential liabilities under statutory pension plan, proposed rulemaking to clarify terms in HNC Section 1163 - 1164 and to provide procedures for requesting a disability determination under HNC Section 1164 and regarding options for selecting/contracting with new fiduciary upon current fiduciary's retirement -- **possible Board action re same**

Commissioner Miller reported that the Committee met June 9 and reviewed PMSA's request for an actuarial study to quantify pay-out projections under the statutory pension plan and develop recommendations for same; reviewed proposed rulemaking recommendations developed by the previous committee (but not finalized) regarding various code provisions in Harbors and Navigation Code Sections 1160 - 1168 ("full years of service" and other terms used in calculating pension benefits); and reviewed proposed procedures for seeking disability determination from Board under Section 1164, as developed by previous committee. There are no recommendations at this time. The Committee needs to continue discussion. The next Pension meeting is scheduled for July 6, 2006 at 10:00 a.m.

Board staff sent a scope of work for the off-site fiduciary to various firms and to date, has received one response.

10. Vessel Interactions -- Executive Director Moloney reported that there are no vessel interactions to report.
11. Pilot Security -- Commissioner Falaschi said there is no action to report.
12. Ad hoc Committee for Pilot Fitness -- Commissioner Falaschi said there is no action to report.
13. Pilot Identification Cards -- Executive Director Moloney -- status of federal proposal for Transportation Worker Identification Credential (TWIC). Executive Director Moloney said there is no report.
14. Ad Hoc Committee on Pilot Safety -- Commissioner Falaschi said there is no action to report.

Commissioner Falaschi requested further discussion on the P/V GOLDEN GATE rescue of June 22, 2006 to acknowledge the pilot vessel's crew members, operator Rory Sheridan and his crewmen Paul Monte for their response to rescue the surveyor who fell while transferring between the Marine Express launch ALINE ELIZABETH and the M/V FERIDE at Anchorage 7 and the launch crewman who fell while attempting to rescue the surveyor.

It was moved and seconded to direct Board staff to prepare a letter of commendation to each crewmember for a job well done. 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.

#### New Business

1. M/V NORDIC VOYAGER, possible allision with Amorco berth, June 14, 2006 -- Executive Director Moloney said this incident is under investigation.
2. Public Comment on matters not on the agenda -- there were none.
3. Proposals for additions to next month's agenda -- there were none.

Schedule next regular meeting -- the next meeting is scheduled for July 27, 2006 at 9:30 a.m.

The following regular Board meetings are tentatively scheduled for the remainder of 2006:

August 24, 2006  
September 28, 2006  
October 26, 2006  
November 16, 2006  
December 14, 2006

Adjournment -- the meeting was adjourned at 9:55 a.m.

Respectfully submitted,

Alice A. Evans  
Secretary