

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

Board President Falaschi recognized and welcomed Ms. Maureen Moss, *DCA Small Business/DVBE Advocate & Liaison*, to the meeting.

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

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

1. The Board received a letter dated July 6, 2006 from Port Agent Captain Greig that SFBP Captain McIsaac will serve as Acting Port Agent July 8 through July 17, 2006.
2. The Board received a letter dated July 12, 2006 from SFBP Trainee Captain Spencer notifying the Board of his resignation from the SFBP trainee program.

Other Pilot Matters -- Executive Director Moloney

1. The Board issued license renewals to SFBP Captains Alden, Haggerty, Kenyon, Larwood, Miller, E. Nyborg and Wainwright during the month of July 2006.
2. The Board has received manpower reports and statements for pilotage fees and surcharges collected from SFBP through May 2006 and Inland Pilot Slough through June 2006.

Port Agent's Report -- SFBP Captain Bill Greig

1. NFFD: Captains McBride and Welch remain NFFD recovering from non-pilot related injuries.
2. Minimum Rest Period Exceptions:  
34 during June  
21 of the 34 were during training  
29 of the 34 were with 3 pilots NFFD  
Range of rest periods 5.2 hours – 11.9 hours

Port Agent Greig stated that two additional training periods were scheduled between now and September and that during those periods, all non-essential support activities would be cancelled to minimize MRP exceptions.

*Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun*

3. Statistics: YTD compared to three year average for same period:

Bar crossings	+14%
Bay Moves	+32%
River Moves	+6.5%
Total Moves	+17%
GRT	+25%
4. Pilot Vessels: P/V SAN FRANCISCO went in the yard last Wednesday for her annual overhaul and will return to service Monday.
5. M/V PHOENIX: The Owners and the Pilots have reached an agreement regarding pilot boarding of the Phoenix, and all issues are now resolved.

#### Unfinished Business

1. Open Incidents -- Executive Director Moloney
  - a. M/V PIONEER, grounding, NY Slough near Pt. Beemar, February 20, 2006, SFBP Captain Cota

#### PROBABLE CAUSE

On the morning of 20 February 2006, Capt Cota boarded the bulk freighter PIONEER in Anchorage 9 to pilot it to Domtar Terminal near Antioch. The vessel has peculiar maneuvering characteristics due to being single screw with twin rudders. Capt Cota noted it handled poorly. The transit to New York Slough was uneventful.

When the vessel entered New York Slough the docking tugs met it and were made up with *Marauder* on the port bow and the *Lynn Marie* on the stern. The transit of the channel was made at dead slow speed, with about a one knot following current. Another vessel, bound for Stockton, was following the PIONEER.

As the PIONEER approached Light 10 in the East Reach, Capt Cota ordered a turn to port for the 26° bend in the channel. The vessel was making about 6 knots over ground at the time. The vessel did not turn as quickly as Capt Cota anticipated and at 0805 the starboard bow gently grounded on the south side of the channel, with the bridge near Buoy DD.

Capt Cota had not realized the vessel was going off track and did nothing to prevent it. Even at dead slow ahead the vessel was making too much way for the bow thruster to be effective. The tug on the bow could have been used to assist the turn but Capt Cota was not aware of the developing situation.

Once the vessel grounded, Capt Cota contacted VTS to report it, and informed the pilot on the vessel following the PIONEER of the grounding, and to make passing arrangements. He used the tugs to hold the PIONEER alongside the bank while the other passed. When the other vessel was clear, Capt Cota used the PIONEER's engine

*Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun*

and the two tugs to pull it away from the bank. The channel bottom in the area is sand and mud. There was no damage to the vessel or the environment. The vessel was refloated at 0910 and proceeded to Domtar Terminal where it was docked uneventfully. Capt Cota reported to VTS when the vessel was refloated.

## OPINIONS

1. The rudder configuration of the PIONEER makes it difficult to handle. Steering is sluggish at low speeds.
2. Ample resources were available to safely maneuver the PIONEER through New York Slough.
3. Capt Cota did not realize the vessel was turning too slowly and therefore failed to take corrective action.
4. Once the vessel grounded Capt Cota promptly made the proper reports and passing arrangements to allow the safe passage of the vessel following his. Post-grounding actions allowed the safe refloating of the vessel despite a falling tide.
5. No other mitigating factors were involved in the grounding. The cause was lack of situational awareness on Capt Cota's part.

## RECOMMENDATIONS

1. Close this incident. Pilot in error. Capt Cota acknowledges the lack of situational awareness and does not expect it will happen again. A Warning Letter of Reprimand has been placed in his file.

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

- b. M/V APL THAILAND, allision with barge tending DREDGE NJORD,  
March 29, 2006, SFBP Captain Hurt

## PROBABLE CAUSE

On the morning of 29 March 2006 at 0030, Capt Hurt boarded the container ship APL THAILAND at the offshore pilot station. After the Master/Pilot conference Capt Hurt made arrangements through VTS to have the dredge Njord shift out of the Oakland Bar Channel where it was working. After the dredge moved it reported through VTS that its barge was still projecting 100 feet into the channel. Capt Hurt had made numerous transits passing the dredge and considered the position to be acceptable.

The inbound passage was uneventful, including slowing to pass another dredge working near San Francisco Pier 35. After passing under the Bay Bridge the docking tugs joined the vessel and one tug put up a line to the centerline chock on the stern.

As the vessel lined up for the approach to the Oakland Bar Channel, Capt Hurt could see that the vessel was making significant leeway. He noted that the southerly wind was increasing, estimating it at about 20 knots. The dredge and barge were obscuring the left channel entrance buoy but the right buoy was clearly visible. The dredge, barge and attending tug were well lit and visible. The lighting further obscured the left channel buoy.

In order to keep the vessel on track for entering the channel, Capt Hurt had to steer the vessel into the current and wind, causing it to crab as it approached the channel. As the vessel approached the dredge and barge, the buoy on the north side of the channel (#1) came into view. The vessel's navigation team noted that the barge was protruding more than 100 feet into the channel. They believed it was almost mid-channel. The crab angle of the vessel meant that the vessel needed more channel width than its actual 131 foot beam and Capt Hurt could see that the stern of the vessel would be very close to the bow of the barge. He moved to the port bridge wing for a better view. As the vessel's port quarter approached the barge, he had the rudder put hard left to lift the stern into the wind and away from the barge. There was a vessel anchored in Anchorage 8, so turning to starboard and making another approach was not an option.

At 0154 the port quarter of the vessel had a glancing allision with the bow of the barge, contacting it twice. Vessel speed at the time was about 8 knots. VTS was advised. Capt Hurt contacted VTS by cell phone to advise them that, considering weather conditions, the dredge should shift away from its present location prior to the next vessel arriving. Shortly after the allision the vessel encountered a squall line. Heavy rain and strong gusty winds were encountered for the remainder of the transit. The vessel proceeded to the estuary, turned in the turning basin and at 0307 had first line at berth 60, starboard side to. After inspection of the vessel by crew and tugs alongside, Capt Hurt contacted VTS again at 0337 to advise that there was no apparent damage to the vessel or injuries. VTS advised that the dredge had reported no damage or injuries and no lines parted.

Subsequent inspection of the vessel found two slight dents with no broken welds. The classification society will not be requiring any repairs until the next special survey (2010). The vessel was not delayed in sailing. An inspection of the barge revealed virtually no damage beyond scraped paint.

In interview, Capt Hurt stated that if he were doing the same job again, the only thing he would do differently would be to have the dredge and attending barge get completely clear of the channel.

## OPINIONS

1. Capt Hurt made a timely request to have the dredge Njord shift position out of the Oakland Bar Channel. After it moved, VTS relayed its reported position to Capt Hurt.

*Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun*

2. Capt Hurt believed that the reported position of the dredge with the barge protruding 100 feet into the channel was acceptable and planned to counter the ebb current by staying to the south side of the channel.
3. During the channel transit the southerly wind was increasing.
4. The dredge's barge was protruding considerably more than 100 feet into the channel.
5. The presence of a vessel in Anchorage 8 prevented Capt Hurt from turning to starboard and aborting the approach.
6. Once he became aware of the actual position of the dredge and barge, Capt Hurt maneuvered the APL THAILAND to avoid them. The ebb current and southerly wind set the vessel across the channel toward the dredge and barge.
7. The hard left rudder lifted the stern away from the dredge and barge, minimizing contact.
8. The tug on the stern kept a slack line and did not have any effect on the allision.
9. Fatigue was not a factor. Communications internal and external were good, though the position of the barge was misreported.

## RECOMMENDATIONS

1. Close this case, no pilot error. Capt Hurt had planned a track which took the ebb current and the dredge's advertised position into account. After the vessel was committed to the channel transit and as it approached the dredge and barge, it was observed that the barge intruded farther into the channel than expected. Capt Hurt maneuvered to avoid the barge but increasing southerly winds prevented him from completely avoiding it. His timely maneuver minimized impact and consequently caused minimal damage to the vessel and barge. The barge's intrusion into the channel farther than reported was the cause of the incident.

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

- c. M/V NORDIC VOYAGER, possible allision with Amorco berth, June 14, 2006

Executive Director Moloney reported that after thorough review of the Investigator's and Pilot's report the IRC Committee determined that this was a non-incident.

Executive Director Moloney reported that a report was made of M/V COSCO SEATTLE and tug allision. There was no SFBP involvement. This is a non-incident.

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**

Item discussed under Port Agent's report.

4. Rules and Regulations Committee -- Commissioner Wainwright said there is no report.
5. Finance Committee -- Commissioner Falaschi -- 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**. Commissioner Soares gave the following report:

The Committee met earlier today. It reviewed the SFBP Income Statement Report. No unusual items noted.

The Committee also reviewed the BOPC Fund Condition and projected income and expenses for the next 6 months.

The current balance is about \$650,000. The balance projected for 12/31/06 is about \$600,000 if surcharge rates and vessel traffic remain the same, assuming a 3% increase in expenses related to Board operations and pilot training and no increase in the trainee stipend.

The Committee reviewed the various surcharges. The Board operations surcharge is at 2% and is currently projected to result in slightly higher income than projected expenses.

The Pilot Training surcharge is currently \$20 per move and is generating about 50% of the income needed to meet projected expenses. The current reserves are still sufficient to cover nearly 11 months of expenses.

The Pilot Trainee Training Surcharge is currently \$6 per trainee per move and is generating sufficient income to meet current expenses if there are no increases in the stipend.

The Pilot Vessel Surcharge is currently 4.5 mils. Current reserves are \$164,000. The Committee has no recommendations for changes in any of the surcharges at this time and will meet prior to the August board meeting to monitor the income and expenses.

6. Pilot Training Curriculum Committee -- Commissioner Wagner said there is no report.
7. Pilot Evaluation Committee -- Capt. Roberts -- Report on July 19, 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 recommendation to issue Certificate of Completion and license to one or more Trainees if warranted

The pilot evaluation committee met on July 19<sup>th</sup> @ 1000. All 5 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 7 months to 1 year 6 months. All continue their progress satisfactorily and at their own speed. At this time there are no recommendations to the board.

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

Received letter of resignation from pilot trainee, Capt. Rob Spencer, effective July 12th.

8. Pilot Power Committee -- Commissioner Wagner said there is no report.
9. Pension Committee -- Commissioner Miller -- Report on July 20, 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 gave an overview of the status of contracting with third party to provide fiduciary/oversight and reported that the BOPC has received a proposal from Carlson, Quinn & Associates; it anticipates it receiving a proposal from Krohn & Croak; six other firms were contacted but were (unable to respond due to conflict or not open to taking on additional work. Commissioner Miller noted that the scope of contract was review of the calculations of benefits, of the quarterly calculation of the pension surcharge and of the collections and payments.

Commissioner Miller gave an overview of the status of PMSA's request for an actuarial study to quantify pay-out projections under the statutory pension plan and develop recommendations regarding scope and instructions. The Committee discussed various elements of the proposed guidelines and agreed that a further meeting of PMSA and the SFBP Port Agent would be necessary to build consensus on additional details obtaining competitive bids and a meaningful study useful to all parties.

Commissioner Miller noted receipt of a letter dated July 19, 2006 from Flynn, Delich & Wise LLP, Conte C. Cicala regarding 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); Commissioner Miller noted that the Committee members received the letter at the July 20 meeting and did not have sufficient time to review the letter

for a full consideration of the issues. The next Pension Committee meeting is scheduled for August 10, 2006 at 1:30 p.m.

10. Vessel Interactions -- Executive Director Moloney said there were no vessel interactions.
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).—Executive Director Moloney reported that the identification cards continue to progress, however there is no end date at this time.
14. Ad Hoc Committee on Pilot Safety -- Commissioner Falaschi -- no report

#### New Business

1. Public Comment on matters not on the agenda -- there were none
2. Proposals for additions to next month's agenda -- there were none

Schedule next regular meeting -- the next meeting is scheduled for August 24, 2006 at 9:30 a.m. The Finance Committee meeting will begin at 9:00 a.m.

Adjournment -- the meeting was adjourned at 10:05 a.m.

Respectfully submitted,

Alice A. Evans  
Secretary