

**Minutes**  
**May 17, 2007**

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 10:30 a.m. on Thursday May 17, 2007, Commissioner Miller presiding. A quorum was present including Commissioners Lundeborg, Osen, Soares, Tate, Wagner and Wainwright. Also present were SFBP Port Agent Captain McIsaac, Board Counsel Paetzold, Executive Director Moloney and Secretary Alice Evans.

Introduction of new Board member, Commissioner Ben Tate. -- Commissioner Miller introduced Commissioner Tate and welcomed him to the Commission. Commissioner Tate gave a brief summary of his past experience with the Board's Pilot Power Committee and said he is looking forward to being more involved with the Board and that he is particularly interested in the continued growth of commerce in the Bay Area.

Request approval of Minutes of the April 26, 2007 regular Board meeting. (Change to Page 6 #2, line 1, strike ~~he~~ -- insert "*Captain Bob Pinder*"). The minutes were unanimously approved as amended.

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

1. The Board received a letter dated May 8, 2007 from San Francisco Bar Pilots re request for Preliminary Authorizations for (1) Design, Engineering and Related Costs for Pilot Vessel to Replace P/V DRAKE and (2) Service Life Extension of P/V GOLDEN GATE
2. The Board received a letter dated May 16, 2007 from San Francisco Bar Pilots regarding additional information -- Service Life Extension of P/V GOLDEN GATE -- Finding of Necessity

Other Pilot Matters -- Executive Director Moloney

1. The Board issued license renewals to SFBP Captains Chapman, Fuller, Gabe, Horton, Sweeney, Weiss, and Wells and Inland Pilot Slough during the month of May 2007.
2. The Board received manpower reports and statements for pilotage fees and surcharges collected from SFBP through March and Inland Pilot Slough through April 2007.

Port Agent's Report -- SFBP Captain Peter McIsaac

1. Not-fit-for-Duty

Captain Simenstad is recovering from a leg injury. He hopes to be cleared for duty June 1.

Captain Plant is NFFD while being treated for a condition not related to piloting.

2. Pilot Ladder Safety:

While boarding the M/V VOIDOMATIS at sea the evening May 7th a pilot had a hardened rubber rung of a ladder snap when he put his weight on it. The pilot had a firm grip on the side ropes which prevented him from falling down onto the deck of the pilot boat. The master and crew insisted that the pilot boat had crushed the step but that was not the case and in fact the boat fendering never got within 2 meters of that rung. The SFBP would like to thank Captain Moloney, Captain Pete Bonebakker of Conoco Phillips and the USCG for their quick response. By 1000 the following morning the ladder was inspected and removed from service.

3. Glaring billboard near Bay Bridge Maze is very bright. It is a safety issue for pilots transiting through Oakland Bar Channel. The SFBP will contact the Port of Oakland and USCG regarding this safety issue.
4. Wayward Whales -- Two whales have recently been sighted in the Sacramento Deep Water Channel. Vessel transits through that area have been put on a case-by-case basis until it has been ascertained that the whales are safely clear of the channel. We are in daily contact with Sector Command on this issue.
5. Recommended Minimum Rest Period Exceptions: There were 15 in April; 6 occurred when 1 pilot was NFFD and 3 were training; 8 occurred when 2 pilots were NFFD and 1 was pulled pilot business; 1 occurred when 2 pilots were NFFD and 2 were pulled pilot business. The minimum time off was 5.5 hours.
6. Pilot Vessels: The P/V DRAKE is out of service while the starboard main engine is being overhauled. Expected completion date is May 23rd.
7. April billed vessel moves compared to 3-year average:

Bar crossings	+8%
Bay moves	+13%
River moves	-11%
Total moves	+8%
GRT	+18%

When compared to first 4 months of 2006 total moves are down 4.3% and GRT is up 2.7%.

#### Unfinished Business

1. Board office relocation -- lease terminated as of May 31, 2007 -- Executive Director Moloney reported that Board staff looked at two locations, one in the Ag Building which would be too small and would serve as a temporary space. The other is at the Roundhouse at 10 Lombard Street. The current space will remain available on a month-to-month basis until contracting procedures for a new office location can be completed. Commissioner Miller noted that all meetings would continue to be held at our current office location until further notice.
2. Open Incidents -- Executive Director Moloney

- a. M/V DA YA HAI, grounding vicinity of Riverview San Joaquin River, January 10, 2007, SFBP Captain O’Laughlin -- Executive Director Moloney distributed copies of the Findings of Fact and gave the following report.

## PROBABLE CAUSE

Capt O’Laughlin was assigned to pilot the bulk freighter DA YA HAI to Stockton on 10 January 2007. He met the vessel off Pittsburg at 0650 and relieved Capt Horton. They discussed the handling characteristics, which were that the vessel was slow to respond to the rudder and required a lot of counter rudder to stop it swinging.

Capt O’Laughlin took the conn and began to set up for the turn into New York Slough. He discussed this with the Master and asked to have the anchor ready for use and have a mate at the engine order telegraph for fast response to his orders. His intention was to make the transit at slow speed and increase engine speed to assist in turns, then slow down again.

The turn into New York Slough was successfully negotiated. As the vessel transited the slough, Capt O’Laughlin could see fog developing in Broad Slough and ahead. As the vessel entered the San Joaquin River the fog became dense and he lost sight of the river bank and the navigation aids. He did not want to attempt to transit the Antioch Bridge in the fog and advised the Master they should anchor.

The last safe place to anchor was about 0.6 mile ahead. The vessel was making about 6 knots with a knot and a half of flood current pushing it. When backing a standard right turning single screw vessel, the propeller “paddlewheel effect” will pull the stern to port and bow to starboard. In the narrow channel Capt O’Laughlin would counter that by starting a swing to port, then backing and as the vessel crossed the channel track, come back ahead long enough to swing the bow to port again, then back some more.

Capt O’Laughlin initiated the swing to port using the radar for bearings then stopped the engine. As he was about to back the vessel he realized he was swinging too far to port and ordered hard right and full ahead. As the engine started to come up to speed he realized that it would not take effect in time and ordered full astern. Before the vessel could be stopped over the bottom, it crossed the San Joaquin River and at 0726, grounded gently near Kimball Island. Capt O’Laughlin estimated it was making about a knot and a half at the time. He advised VTS of the situation and continued to back. The vessel floated free at 0733. He backed to mid channel and anchored the vessel. Later, the vessel was reanchored off the River View area. The vessel was sounded and found to be undamaged.

At 0945, with improved visibility and the assistance of a tug, the vessel was turned in the channel and proceed to Stockton uneventfully.

## OPINIONS

1. Fatigue was not a factor in this incident.

2. Capt O'Laughlin was well prepared for the job. He knew what to expect in handling characteristics and took appropriate precautions.
3. Operating the vessel at low speed with speed increases to improve handling in turns was prudent.
4. When the unanticipated fog formed, the decision to anchor was prudent.
5. The lack of visual references forced Capt O'Laughlin to maneuver by radar. His plan to back the vessel, then kick it ahead to get back on track would have worked if he had visual references.
6. When making the swing to port to set up for the backing bell he left the rudder on a little too long and overshot where he intended to be. When he saw that the kick ahead was not going to check the swing in time, the decision to back the engine was prudent.
7. Post grounding actions were timely and resulted in the vessel being quickly refloated and safely positioned in the river until visibility improved

## RECOMMENDATIONS

1. Close this case. Minor pilot error. The lack of visual references caused Capt O'Laughlin to slightly overshoot the swing he was setting up prior to backing the vessel's engine. His actions prior to and following the grounding were prudent and minimized the effect of the grounding. The Board investigator noted that the vessel's Master was very impressed with the way Capt O'Laughlin handled the vessel under difficult circumstances.

It was moved and seconded to accept the IRC Report. Commissioner Miller asked for comments from the public and discussion. The vessel's responsiveness, *water* depth in the area and pilot change over was discussed in detail. There was no further discussion and the motion passed unanimously.

- b. M/V BELLE AYURA, grounding Beacon 5 Mandeville Reach, San Joaquin River, February 28, 2007 -- Executive Director Moloney reported that this investigation remains under investigation and that the IRC requests an extension until the next Board meeting. It was moved and seconded to extend the IRC report until the next Board meeting. Commissioner Miler asked for comments from the public and discussion. There were no comments and no discussion. The motion passed unanimously.

3. Pilot Ladder reportable incidents -- Executive Director Moloney

M/V VOIDOMATIS May 10, 2007 -- pilot ladder failure -- Executive Director Moloney -- noted that this was reported under the Port Agent report and distributed a picture of the broken pilot ladder. He noted that it was SFBP Captain Lobo who was boarding the vessel at the time of the rung failure.

4. Rules and Regulations Committee -- Commissioner Wainwright -- possible further discussion of Committee's report at last meeting relative to defining "misconduct," status of formal rulemaking on pension plan, pilot vessel surcharge and extension of training cycle to 5 years.

Commissioner Wainwright gave an overview of the April 10 Committee meeting and the report made at the April 26 Board meeting regarding the definition of "misconduct" and the Board's decision to wait until Commissioner Soares was available to comment. Commissioner Wainwright continued with the Committee's decision and vote to recommend to the Board that no formal definition be adopted and to remove the "misconduct" item from the Committee's agenda. He felt that adequate guidance on the issue was contained in the Code and in current regulations and that the IRC's recommendation to maintain the current law was noteworthy.

Commissioner Soares commented that his vote to keep the "misconduct" item on the agenda was based on his belief that the term should be defined in regulation to avoid having to make a judgment after the fact as to whether a pilot's actions crossed the line.

Executive Director Moloney expressed the IRC's concern that a definition would limit the IRC's ability to thoroughly investigate an incident.

The history of "misconduct" agenda item and current guidance was discussed.

Mr. Mike Jacob, PMSA Vice President, who was in the audience commented that the Committee had thoroughly addressed this item and thanked the Rules and Regulations Committee and the Board for addressing the threshold question of whether adopting a definition of the term was in the interest of the State.

Commissioner Miller stated that, in his view, the issue had been thoroughly discussed in joint meetings of the IRC and the Rules and Regulations Committee and that returning the matter to those Committees would not be productive. Commissioner Miller thanked everyone for their extra effort on this Committee item.

Commissioner Wainwright reported that Board staff is preparing the rulemaking packages relative to the pension plan, pilot vessel surcharge and amendment to the training cycle.

5. Finance Committee -- Commissioner Wainwright said there is no report and referred to Commissioner Miller who reported that he attended the Assembly Budget Hearing. He testified at the Assembly Hearing on the Spring Finance Letter and on other matters concerning the SFBP. He reported that the Spring Finance Letter was approved.
6. Pilot Training Curriculum Committee -- Commissioner Wagner /Executive Director Moloney -- possible proposal to amend/extend SFBP contract to provide for transportation of pilots incidental to training program mandated by Section 215 for FY/07/08-08/09; **possible Board action re same**

Commissioner Wagner reported that at the April 26, 2007 Board meeting the Board approved the extension of the MITAGS contract for 2 years to accommodate new pilots that have not attended this training to remain consistent with training completed by the SFBP in the last 3 years. The Board staff has been directed to prepare the necessary contract with MITAGS for FY07/08 and 08/09. In addition, the contract to provide transportation of pilots incidental to this training as mandated by Section 215 needs to be amended.

It was moved and seconded to amend the existing contract with SFBP to provide associated roundtrip air transportation to Baltimore/Washington International Airport at the lowest available coach class fare and associated ground transportation, not to exceed \$20,000 per fiscal year for FY07/08 and 08/09, and authorize the Board President and/or Executive Director to prepare and sign all necessary documents associated therewith. Commissioner Miller asked for comments from the public and discussion. There were no comments and no discussion. The motion passed unanimously.

7. Pilot Evaluation Committee -- Capt. Roberts -- status of trainees and of preparation for possible trainee selection examinations in August 2007; status of contracting with three additional trainees to begin July 1, 2007 (pending approval of Spring Finance Letter/expenditure authority); **further Board action if needed.**

SFBP Capt. Roberts reported that the next PEC meeting is scheduled for May 23, 2007. He invited the new Commissioners to attend the simulator exam workshop at CMA. There are currently 8 trainees in the program and 3 scheduled to start July 1, 2007. SFBP Port Agent McIsaac commended the PEC and Board staff for the additional time spent on the PEC workshops.

8. Pilot Power Committee -- Commissioner Wagner said there is no report.
9. Pension Committee -- Commissioner Miller -- Report on status of Board's authority to select/contract with new fiduciary and for actuarial study; **possible Board action if needed**

Commissioner Miller reported that Board staff was finalizing the solicitation requests.

10. Vessel Interactions -- Executive Director Moloney said there is no report.
11. Pilot Security -- Commissioner Miller -- Commissioner Miller said there is no report. SFBP Captain McIsaac reported that there is a protest scheduled in Oakland May 19 and all necessary steps will be taken to ensure there is no delay in vessel movements.

SFBP Port Agent McIsaac reported that there is a very bright billboard located in Oakland that illuminates the sky at night and is a potential hazard to navigation. The SFBP will contact the Port of Oakland to request the sign be repaired or removed.

12. Pilot Identification Cards -- Executive Director Moloney -- status of federal proposal for Transportation Worker Identification Credential (TWIC), obtaining a more substantial Pilot I.D. card. -- Commissioner Lundeborg reported that there continues to be a delay with TSA obtaining the TWIC. Executive Director Moloney reported that he is exploring an option for stiffening current pilot I.D. cards.
13. Ad Hoc Committee on Pilot Safety -- Commissioner Soares said there is no report.
14. Pilot Vessel Advisory Committee -- Capt. Bill Figari -- report on results of May 14, 2007 Committee meeting, possible recommendation in response to SFBP request for “necessity” determination and preliminary authorization regarding acquisition of replacement boat for P/V DRAKE and regarding proposal for life extension modifications to P/V GOLDEN GATE; **possible Board action re same**

Mr. Mike Jacob, PMSA Vice President who was in the audience reported that the Committee met May 14 and agreed to make the following recommendations upon receipt of additional information which was received by letter dated May 16, 2007 (noted under correspondence) and requested Board Counsel to read the motions recommended by the Committee. The following motions were made as follows:

It was moved and seconded that the condition surveys and other documentation examined by the Committee supports a conclusion that the P/V DRAKE is nearing the end of its service life, and that steps to obtain a replacement station boat should commence promptly; and that the Board approve a determination that expenditures for SFBP’s acquisition of a new station boat are “necessary” within the meaning of the draft regulation (Section 236.1(d). Commissioner Miller asked for comments from the public and discussion. There were none. The motion passed unanimously.

It was moved and seconded that the documentation examined by the Committee supports a preliminary authorization to expend reasonable and necessary costs for the design and engineering phase of the acquisition of a new station boat for P/V DRAKE. The costs for that phase are currently estimated to be about \$418,500.00. Commissioner Miller asked for comments from the public and discussion. There were none. The motion passed unanimously.

It was moved and seconded that the condition surveys and other documentation examined by the Committee supports a conclusion that the engines on the P/V GOLDEN GATE will need to be replaced in the near future to meet the state’s new air emission standards and that the proposed replacement of the engines, generators, propulsion control system, cooling systems, steering systems and fendering are reasonably expected to extend the service life of the vessel an estimated 15 years; and that the Board approve a determination that expenditures for SFBP’s proposed modifications to extend the service life of P/V GOLDEN GATE are “necessary” within the meaning of draft regulation Section 236.1(d). Commissioner Miller asked for comments from the public and discussion. There were none. The motion passed unanimously.

Mr. Jacob reported that the preliminary authorization for the P/V GOLDEN GATE would be further addressed at the next Committee meeting.

15. UPRR Bridge -- Commissioner Miller/SFBP Port Agent McIsaac -- report on UPRR's plan to close bridge when winds exceed 35 mph, status of meeting by stakeholders to address concerns of upstream terminals, vessels and the railroad.

SFBP Port Agent McIsaac reported that there is a meeting scheduled for May 29 to discuss the concerns related to closing the UPRR Bridge when winds exceed 35 mph.

#### 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 June 21, 2007 at the Board Office Pier 9, Suite 102, San Francisco. The future meetings will remain at the Board location until further notice.

Adjournment -- the meeting was adjourned at 10:50.

Respectfully submitted,

Alice A. Evans  
Secretary