

Minutes
July 24, 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 9:30 a.m. on Tuesday, July 24, 2007, Commissioner Miller presiding. A quorum was present including Commissioners Lundeborg, Osen, Tate, Wagner and Wainwright. Also present were SFBP Port Agent Captain McIsaac, Board Counsel Paetzold, Executive Director Moloney and Secretary Alice Evans.

Board Secretary Evans advised there were 2 typos in the May 17, 2007 meeting minutes. Page 5. Item 4. Para 6 change ~~IRS~~ to IRC and Item 5. strike the words ~~Senate and~~. Board secretary was directed to make the changes.

Request approval of Minutes of the June 21, 2007 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 June 26, 2007 from the Port of Stockton noting the following commissioned pilots for July 1, 2007 through June 30, 2008: SFBP Captains Alden, Atthowe, Gabe, Haggerty, Hartshorn, Hurt, Miller, O'Laughlin, Pinetti, Roberts, Sweeney and Inland Pilot Slough.
2. The Board received a letter dated June 28, 2007 from Department of Finance, Todd Jerue, Program Budget Manager, notifying that Budget Change Proposals for fiscal year 2008-09 are due in a few months.

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 2007.
2. The Board received manpower reports and statements for pilot fees and surcharges collected from SFBP through May 2007 and Inland Pilot through June 2007.

Port Agent's Report -- SFBP Captain Peter McIsaac

1. Captain Plant is NFFD while being treated for a condition not related to piloting. Captain Haggerty has been NFFD since July 11 due to a back problem. Capt. R. Nyborg has been NFFD since July 19 due to chronic shoulder pain caused by a pilot ladder incident in December 2005.
2. Pacific Coast Maritime Agency has been slow to pay the SFBP for pilotage services rendered. SFBP notified them that they would be put on a cash basis if all outstanding invoices and accrued interest were not paid in full. The agency paid \$62K to date and have until the end of the week to pay the additional \$30K.

3. Recommended Minimum Rest Period Exceptions: There were 15 in June; 6 occurred on June 15 when 2 pilots were NFFD. The MRP was 7.5 hours. 3 occurred the following day. The MRP was 9.7 hours; 6 occurred on June 30 when 2 pilots were training and 2 were NFFD. The MRP was also 9.7 hours.
4. Pilot Vessels: The P/V CALIFORNIA is currently in the yard for her annual dry-docking and to have the damage caused by the collision with the M/V CYGNUS VOYAGER repaired. She is expected to be back in service on August 6.
5. Billed vessel moves through June 2007 compared to 3-year average:

Bar Crossings	+8%
Bay Moves	+8%
River Moves	+4%
Total Moves	+8%
GRT	+16%

When compared to first 6 months of 2006 total moves are down 3.5% and GRT is up less than 1%.

Executive Director provided the following report from Inland Pilot Captain Slough: "I had a time-off between-jobs violation on the evening of July 15. I'd taken the M/V TOBOLSK from Sacramento to Stockton on July 15 and we were all secure at Berth #8 in Stockton at 2045 hours on July 15. We had a very fast turn around, and I stayed on board the vessel in preparation for the down bound transit the next morning. We departed on the morning of July 16 with last line at 0648 hours for a 2-hour violation on the 12-hour rule. Just as a side note, the ship went initially to Stockton for a part discharge and then around to Sacramento to discharge the balance of cargo on board. The only problem was that someone in Sacramento apparently forgot to find out how much room was in their tanks, and the ship had an extra 900 tons of cargo left on board. We ended up taking the ship back to Stockton to discharge the balance of cargo on board."

The terminology was clarified that violation should read exception.

Unfinished Business

1. Board office relocation -- Executive Director Moloney reported that Sacramento continues to work on the Board's office relocation.
2. Open Incidents
 - a. M/V SOVI R, grounding 0.8mi Northeast of New York Point, June 13, 2007 -- Executive Director Moloney reported that the incident is under investigation.
3. Pilot Ladder reportable incidents -- Executive Director Moloney said there is no report.
4. Rules and Regulations Committee -- Commissioner Wainwright -- report on July 18, 2007 meeting -- possible Board action to accept Committee's report on definition of "misconduct" made at the May 17, 2007 Board meeting.

Commissioner Wainwright reported that the Committee met July 18, 2007 and continued discussion of Rate Hearing Procedures; a resolution was made on four of the items. The Committee plans to meet further on this topic as soon as possible.

Commissioner Wainwright continued that the Board had not formally accepted the Rules and Regulations Committee's recommendation on "Misconduct" made at the May 17, 2007 Board meeting and that it was requested to have a formal vote by the Board. It was moved and seconded to accept the Rules and Regulations Committee recommendation that no further action be taken relative to the definition of "Misconduct". Commissioner Miller asked for comments from the public and discussion. There were no questions and no further discussion. The motion passed unanimously.

5. Finance Committee -- Commissioner Wainwright - report on July 24 meeting, BOPC fund condition report, status of budget for FY07/08, revenue and expenditure projections for Board operations, Pilot Training, Trainee Training and Pilot Vessel Surcharges; possible recommendation to adjust surcharges as necessary; **possible Board action**

Commissioner Wainwright reported that the Committee met today and reviewed SFBP Income and Expense Report. It reviewed the Pilot Vessel Surcharge and noted a \$105,000 credit was added to the current balance for the 2006 property taxes on the station boats and that there is a consensus to maintain a 2-3 month reserve. The Committee also reviewed the Spring Finance Letter information; BOPC Fund Condition, operations, Pilot Training, Trainee Training surcharges. There are no adjustments recommended for any of the surcharges at this time. There is a meeting scheduled for 9:00 a.m. August 23, 2007 to review the Spring Finance Letter information and review 08/09 trainee training budget.

6. Pilot Training Curriculum Committee -- Commissioner Wagner said there is no report.
7. Pilot Evaluation Committee -- Capt. Roberts -- report on July 18 PEC meeting -- status of trainees and of preparation for possible trainee selection examinations in August 2007; selection of evaluators for simulator; **possible Board action re same**

SFBP Port Agent Captain McIsaac reported that on July 1 three trainees, Captains Cavender, File and Tylawsky started in the BOPC training program on limited duty due to the possible lack of State Workman's Compensation Insurance coverage pending adoption of a state budget. The PEC held new pilot orientation at Pier 9 which covered operations, procedures, pilot ladder and pilot boat safety.

On July 11 the PEC held the final written exam workshop with Drs. Hertz and Chinn and Board Counsel. Executive Director and 6 subject matter experts assembled the final testing points for the August written exam. Work on the simulator exam is continuing. The simulator script, route, and testing points should be finalized on July 31.

On July 18 the PEC held its monthly meeting and interviewed 11 trainees individually. All are doing well and progressing at their own speed. They range in time in the program from 18 days to 19 months.

All is on schedule for the new trainee exam at CMA August 13 - 18, 2007.

Executive Director Moloney reported that there are currently 55 applications and that 37 qualify to take the written examination and that the handbooks were mailed.

Commissioner Wagner thanked the PEC and Board staff for all their efforts in preparing the next exam. It is hoped that this exam will produce enough candidates for the next 2-3 years.

Commissioner Miller noted the additional workload the test preparation puts on the SFBP board. He also noted that the new trainees are on limited training duty due to the status of the State Budget for FY07/08 and its potential effect on the Workman's Compensation State Insurance for the new trainees.

8. Pilot Power Committee -- Commissioner Wagner -- report on July 17, 2007 meeting

Commissioner Wagner reported that the ad hoc Pilot Power Committee met July 17, 2007. The Committee reviewed the updated 237(d) data through June 2007 and the results of the latest retirement survey. The retirement survey indicates that 12 pilots anticipate retirement by the end of December 2009. There are currently 11 trainees in the training program. The Committee recognizes the need for additional trainees to meet anticipated retirements beyond 2009. The pilot trainee selection exam is scheduled for the week of August 13, 2007. The results should be ready prior to the September Board meeting, at which time the Committee will meet again. The Committee has no recommendation at this time relative to the adequacy in the current number of pilots and trainees, as more time is needed to assess all the available information.

9. Pension Committee -- Commissioner Miller -- Report on status of request for offer/proposal to provide fiduciary services and for actuarial study; **possible Board action if needed**

Executive Director Moloney reported that Sacramento advised Board staff to reformat the Solicitation Requests and send solicitation requests to small businesses. Board staff is currently working on this project.

10. Vessel Interactions -- Executive Director Moloney said there is no report.

11. Pilot Security -- Commissioner Miller reported this item remains on the agenda as a placeholder.

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. Executive Director reported that the report on TWIC is available in the Board office (63 pages).

13. Ad Hoc Committee on Pilot Safety -- Commissioner Soares

Commissioner Miller noted there is no report.

14. Pilot Vessel Advisory Committee -- Capt. Bill Figari -- report on July 10, 2007 meeting; recommendation re preliminary authorization for SFBP to procure two 3508 Caterpillar Tier 2 diesel engines at quoted cost of \$386,609 (for two) for proposed new station boat to replace P/V DRAKE; **possible Board action re same**

Executive Director Moloney reported that the Committee met July 10, 2007 to review SFBP's request for preliminary authorization to procure two 3508 Caterpillar Tier 2 diesel engines at quoted cost of \$386,609 (for two) for proposed new station boat to replace P/V DRAKE. The Committee determined it would be cost saving and it would be an advantage to have the engines secured before building of the new pilot vessel and recommend approval of the request.

It was moved and seconded to approve the preliminary authorization request to procure two 3508 Caterpillar Tier 2 diesel engines at quoted cost of \$386,609 (for two) for proposed new station boat to replace P/V DRAKE. Commissioner Miller asked for comments from the public and discussion. It was discussed that these new engines would meet the anticipated changes in air quality regulations. It was noted that the SFBP had not determined the build start date. There were no questions from the public and no further discussion. The motion passed unanimously.

The next Committee meeting is currently scheduled for August 20, 2007 at 9:00 a.m.

15. UPRR Bridge -- SFBP Port Agent McIsaac -- possible update on UPRR's engineering study on effect of high winds on bridge.

SFBP Port Agent McIsaac reported that Marc Bayer, former BOPC Commissioner and currently on the Harbor Safety Committee, has requested NOAA to install a PORTS wind sensor on the bridge that can be accessed by phone or computer.

16. Ad Hoc Advisory Committee on Pilot Selection -- Commissioner Tate reported that the Committee is waiting for appointment of one more member. At this time no meeting has been scheduled.

New Business

1. Public Comment on matters not on the agenda -- Commissioner Lundeberg reported that there is an article written in the Baltimore Sun reporting on U.S. Coast Guard administrative hearings, "Justice Stacked Against Mariners" and that hearings were scheduled to look into this issue and the Coast Guard's competency in vessel inspections.
2. Proposals for additions to next month's agenda -- there were none.

Schedule next regular meeting: The next meeting is scheduled for August 23, 2007. The Continuation of the Rulemaking Hearing will immediately follow at approximately 10:30 a.m. in the BOPC office.

Adjournment -- the meeting was adjourned at 10:20 a.m.

Respectfully submitted,

Alice A. Evans
Secretary

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