

Minutes
April 24, 2008

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 April 24, 2008, Commissioner Miller presiding. A quorum was present including Commissioners Johnston, Osen, Soares, Tate, and Wainwright. Also present were SFBP Acting Port Agent Captain Melvin, Board Counsel Paetzold, Executive Director Moloney and Secretary Alice Evans.

Request approval of Minutes of the February 28, 2008 regular Board meeting. Commissioner Miller requested additional time to review the draft minutes and approval until the next Board meeting.

President's Report

Commissioner Miller noted this item remains on the agenda during this period when so many issues in which the Board is involved require the President's personal involvement between Board meetings. The President's Report will facilitate updating the Board and the public on various ongoing issues. Mr. Miller reported that he attended the National Transportation Safety Board hearing in Washington D.C. on April 8 and 9, 2008 regarding the COSCO BUSAN. Mr. Miller represented the Board as both a witness on two panels and as spokesman during other elements of the hearing. Captain Moloney served as alternate spokesman when Mr. Miller was testifying as a witness. Board Counsel Paetzold also attended the hearing. Mr. Miller then gave an overview of the hearing process and various issues that were noted in the hearing: The Board needs to have more communication with other pilot commissions in the U.S. and develop a clearer mechanism for recognizing degradation of pilots' skills.

Commissioner Miller noted that he attended hearings held by Assembly and Senate Budget Subcommittees #4. The Committee will require a progress report in 2009 regarding additional expenditures and progress to date of the Board's new and current committees related to the COSCO BUSAN: Navigation and Technology, Pilot Fitness, IRC and diversity outreach program (which is not related to the COSCO BUSAN).

Commissioner Miller noted the two Senate Bills continue to progress. SB 1217 will affect the Board's reporting procedure. SB 1627 will impose new reporting requirements and will place the Board under the Business, Transportation and Housing Agency. The Board would no longer be an independent agency. Mr. Levin, SFBP Business Manager, who was in the audience noted that SFBP supports both bills.

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

1. The Board received a letter dated April 18, 2008, from the National Transportation Safety Board, expressing appreciation to Mr. Miller and staff for participation in the COSCO BUSAN public hearing April 8 and 9, 2008.

2. The Board received authorization dated April 1, 2008, from Louis Mauro, Chief Deputy Legal Affairs Secretary, to contract for outside counsel for FY/ 08/09.

Other Pilot Matters -- Executive Director Moloney

1. The Board issued license renewals to SFBP Captains Melvin, F. Hoburg, Dohm, Kirk, Pate, Pinder and Lemke during the month of April.
2. The Board received manpower reports and statements for pilotage fees and surcharges collected from SFBP through February and Inland Pilot Captain Slough through March 2008.

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

1. NFFD: Captain Simenstad is NFFD while recovering from shoulder surgery; Captain M. Hoburg is NFFD while being treated for a thyroid condition; Captain Pinder injured his back while disembarking from a vessel on March 18. He is expected to be NFFD for another 3-weeks; Captain Sweeney broke a bone in his shoulder on April 11, he is expected to be out at least 8-weeks; Captain Wagner is being treated for a condition not related to piloting, she is expected to be out for 8-weeks.
2. Recommended Minimum Rest Period Exception: There were 40 exceptions in April: 11 occurred on March 1, with 22 pilots on the board (2 pilots NFFD, 1 suspended); 1 occurred on March 4 with 20 pilots on the board (3 NFFD, 1 suspended 1 pilot business); 1 occurred on March 7 with 24 pilots on the board (1 personal); 1 occurred March 19 with 25 pilots on the board (1 pilot business); 17 occurred on March 27 with 21 pilots on the board (2 NFFD, 1 pilot business, 1 suspended); 9 occurred March 28 with 21 pilots on the board (2 NFFD, 1 pilot business, 1 suspended). The shortest MRP was 6 hours.

Commissioner Miller inquired as to what can be done to eliminate MRPs. Acting Port Agent Captain Melvin noted that the current number of pilots is down to 55 and that as soon as more trainees come on line the MRPs will go down. The SFBP 12-hour minimum rest period was discussed. It was noted that the Port Agent could reassign pilots if necessary. It was discussed that the SFBP Port Agent closely monitors MRPs and assignments to avoid declining service to a shipper.

3. Pilot Vessels: the P/V GOLDEN GATE has been out of service since April 1, 2008 for the service life extension. Major aluminum wastage was found under the fendering in the shear strake area. This wastage will require a full replacement of the shear strake. This unexpected repair will extend the downtime by a considerable amount. An estimate for the repairs as well as an estimate in the time extension is forthcoming.

P/V EAGLET: was down two days due to a cracked expansion tank resulting in main engine coolant water loss.

New Build: the bids are due to be returned to the SFBP by April 25. Three yards are still in the running. After the bids have been received, the SFBP, Engineering and legal firms will

review the proposals, ask questions and work out details. This should take up to 30 days. After review the yard will be selected.

4. Billed vessel moves through March 2008 compared to 3-year average:

Bar Crossings:	+2.3%
Bay Moves:	+6.9%
River Moves:	-28.0%
Total Moves:	+1.7%
GRT:	+7.3%

When compared to the first three months of 207 total moves are down 1% and GRT is up less than 1%.

Unfinished Business

1. Board office lease -- Executive Director Moloney reported there is a new contact person at DGS Real Estate office. No new development at this time.
2. Open Incidents -- Executive Director Moloney
 - a. M/V COSCO BUSAN, allision Bay Bridge, November 7, 2007, SFBP Captain John Cota - report on status of scheduled hearing (currently September 2, 2008). Commissioner Miller reported that there is no change in the hearing date.
 - b. M/V GLOBAL DREAM, allision with Sacramento Berth 2, December 20, 2007

Executive Director Moloney distributed the Findings of Facts and gave the following report:

PROBABLE CAUSE

In the evening of 19 December 2007, Capt Pinetti boarded the freighter GLOBAL DREAM off New York Point to pilot the vessel to Sacramento Berth 2. The transit to the vicinity of the port was uneventful.

As the vessel was passing the chemical dock, about a mile and a half from the port, it was met by its docking tugs. The *Robert Brusco*, a single screw, 2150 bhp boat was positioned on the port bow and the *Joedy Brusco*, a triple screw, 825 bhp boat was positioned on the starboard bow, far enough aft to be out of the way of the anchor. Using the tugs to restrain the vessel, speed was reduced to 3 knots. Once it was slowed, the tug on the port bow was released and repositioned to the starboard quarter.

There was a fresh breeze blowing from the south, directly on the vessel's beam as it approached the berth. Capt Pinetti had to steer into the wind and kept the vessel's speed under control by backing the tug on the bow. He had asked for dead slow ahead, but the engine order log indicates the vessel was at slow ahead.

As he approached the berth, Capt Pinetti saw that a barge with two tugs moored to it, was encroaching into the approach to the berth. He consequently had to hold the vessel farther off the berth than he normally would have. As he was making his final approach, a weather front came through the port, increasing wind speed by at least five knots and setting the vessel to the north, toward the pier. Capt Pinetti considered putting the starboard anchor down and dredging it but decided he was far enough away from the obstructing barge that he didn't need to.

Once the stern was clear of the barge, he ordered the engine stopped, then shortly thereafter, half astern. The engine order log shows that the vessel response was full astern. The after tug was directed to back half astern. The higher than anticipated torque from the backing propeller and the strong wind acting on the vessel's superstructure caused its stern to drop toward the pier. Capt Pinetti had the rudder placed hard left and ordered half ahead to lift the stern away from the pier. The forward tug was directed to back full to hold the bow off the pier. The maneuver checked the swing toward the pier but was unable to overcome the force of the wind on the beam.

The vessel's quarter landed on the lightly fendered corner of the pier, causing a dent in the shell plating and scraped paint. The vessel was lifted off the pier using engine, rudder and tugs and moved into position and moored.

The dent is about six feet long, a foot and a half high and four inches deep; repair estimate was \$12,000-15,000.

OPINIONS

1. Environmental conditions were a challenge with Southerly wind and a front passing as the vessel was docking.
2. Fatigue was not an issue. The pilot was rested.
3. Capt Pinetti did not think communications were an issue at the time, but examination of the engine order logs from the bridge and engine room show that some of his orders were misunderstood or not obeyed.
4. Positioning of the tugs was appropriate. Capt Pinetti anticipated that he might need the starboard anchor and positioned the forward tug where it would be out of the way.
5. There was no other traffic.
6. Vessel speed was prudent. Capt Pinetti controlled speed as he approached the berth by backing the forward tug since he needed the power to counter the wind on the vessel's beam
7. Capt Pinetti was sure that he did not order a full astern on final approach to the berth. He stated that he would only use a full astern order if he thought he was getting into

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extremis. The unanticipated torque from the full astern response pulled the stern to port too fast to be corrected in time.

RECOMMENDATIONS

Close this case. No pilot error. Capt Pinetti was dealing with a light vessel with high freeboard in a beam wind situation. He needed to power the vessel into position across the wind. The over-response to his half astern order caused the stern to torque into the corner of the pier. His hard left, full ahead order minimized impact. He rapidly got the situation under control and docked the vessel.

The SFBP should contact the barge owner and advise them that their barge should not encroach a waterway.

It was moved and seconded to accept the IRC report. Commissioner Miller asked for comments from the public and discussion. The Board discussed the fact that there was a rudder indicator and no RPM indicator and that information was not given the Board's investigator at the time of the Board's investigation. Commissioner Soares noted a concern that a vessel in the Bay cannot be moved if tug requirements are not met by SFBP guidelines. Tug requirements and standards for river ports and ship movements were discussed in detail and it was noted that the same standards for bay moves do not pertain to river moves.

Commissioner Osen noted that although this was an incident with minor damage to the vessel, that the area of damage could be classified as a near miss. It was clarified that the area of damage was on the port-quarter cargo hold.

Commissioner Johnston noted that the IRC would review SFBP tug guidelines for Bay and River moves and report to the Board.

There was no further discussion. The motion passed unanimously.

3. Pilot Ladder reportable incidents -- Executive Director Moloney -- IRC review of pilot ladder deficiency report based on "failure to rest firmly against ship's side" - proper standard under IMO/USCG -- Executive Director Moloney said there are no incidents to report. He noted that Commissioner Osen would notify the IRC when this class of vessel returns to the Bay area.
4. Rules and Regulations Committee -- Commissioner Wainwright said there is no report.
5. Finance Committee -- Commissioner Osen said there is no report.
6. Pilot Training Curriculum Committee -- Commissioner Wagner -- Commissioner Miller said there is no report.

7. Pilot Evaluation Committee -- Capt. Roberts -- report on April 16, 2008 meeting; possible recommendation to issue Certificate of Completion and license to one or more Trainees if warranted; **possible Board action re same**

SFBP Captain Roberts reported that the Pilot Evaluation Committee met on April 16. All 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 (3) at 4 months, (3) at 10 months, (3) marking their 1-year anniversary on April 1, and (4) at 1 year and 4 months. Most trainees are proceeding satisfactorily and at their own speed. Two trainees have been counseled on specific areas requiring improvement to ensure that they are able to make adequate progress in the training program without Board intervention. The PEC will continue to monitor their progress and keep the Board informed.

As noted earlier, the PEC met on April 16, 2008 at which time it completed a final assessment of whether trainee Captain George Livingstone has successfully completed all elements of Section 214 of the training requirements of the Board's Regulations.

The Committee unanimously agreed on its conclusion and has authorized me to present its recommendations to you at today's meeting.

Captain George Livingstone

Prior to entering the training program, Capt. Livingstone had over 26 years of sea-going experience. Since graduating from the California Maritime Academy in 1980, he has sailed both ships and tugs; from oil tankers and roll-on/roll-off ships to harbor and ocean tugs. His sea-going experience has taken him from Alaska through the Panama Canal and from the West Coast to the Persian Gulf. He has worked as both docking and mooring master. Most of his career (15 yrs) was spent with Sause Brothers Ocean Towing, Inc. Through those years, in-between sea assignments, he assisted management with various tasks, including development & revision of the corporate operations manual, offshore mooring guidelines, and a master's training program.

He spent five years writing "*Tug Use Offshore, Bays & Rivers*" with his brother (Capt. Grant Livingstone), published and released by *The Nautical Institute (London)* in 2006. The book has since received critical acclaim from multiple profession sources, including *The Professional Mariner magazine* (December, 2006) and *The Journal of Maritime Law & Commerce* (April, 2007).

Captain Livingstone holds 1st Class pilotage for San Francisco Bay & Tributaries and for Los Angeles/Long Beach Harbors (unlimited), and is licensed as "Master of Towing Vessels" Any Ocean and 3rd Mate (Unlimited), Any Ocean.

In 2005 Capt. Livingstone was certified by The United States Coast Guard as a "*Designated Examiner*" for towing vessels. He was also certified by the Pacific Maritime Institute as "*Instructor*" for basic tug/barge simulator training.

Captain Livingstone resides in Coos Bay, OR. with two dogs, two sons and girlfriend Kelly.

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To date, Captain Livingstone has a total of 381 trips in the training program, riding as observer on 138 jobs, (including the required trips on local tugboats) and directing the navigation of the vessel under the direct supervision of a pilot or inland pilot on another 243 jobs.

Captain Livingstone has worked extensively with members of the Pilot Evaluation Committee, acquiring far more than the 50 rides required by law (80), with 20 of those rides completed within the last 90 days.

As I have reported to you in the past, the Committee regularly reviews each trainee's progress through periodic meetings with him and through its review of evaluation cards (trip reports) from other pilots. Each Committee member personally rode numerous times with Captain Livingstone before making this recommendation.

Captain Livingstone continues to meet all statutory prerequisites for being licensed as a pilot. He has maintained in excess of a 4.0 (4.23) score on his evaluations by members of the Committee during each of the last three months and has adequately demonstrated each of the specific items of local knowledge required by the regulation.

In addition the Committee used detailed trip reports and personal observation to ensure that Captain Livingstone demonstrated a working knowledge of the fundamentals of shiphandling in each of the circumstances listed in subsection (h) of the regulation, and has demonstrated the skills and knowledge necessary to become a Board licensed pilot.

On behalf of the Pilot Evaluation Committee, it is my great pleasure to recommend that the Board issue to Captain Livingstone a certificate of successful completion of the Board's pilot trainee training program effective April 24, 2008 and, that it authorize the issuance of a pilot's license to Captain Livingstone effective April 24, 2008.

It was moved and seconded to accept the PEC's report and to issue Certificate of Completion effective April 24, 2008 and, a Pilot's License to Captain Livingstone effective April 24, 2008. Commissioner Miller asked for comments from the public and discussion. There were no comments and no discussion. The motion passed unanimously.

Commissioner Miller and Board and members of the audience extended their congratulations to Captain Livingstone. The swearing in would take place immediately after the Board meeting. Captain Livingstone thanked the IRC and Board.

8. Pilot Power Committee -- Commissioner Wagner -- Commissioner Miller said there is no report.
9. Pension Committee -- Commissioners Miller/Tate -- Report on status of requests for offer/proposals by third party contractors to provide actuarial study Commissioner Tate said there is no report. Commissioner Miller stated that the actuarial study remains in DCA contracts department and will be sent out as an Invitation for Bid. This procedure is required

under State contracting rules because only one bid was received in response to the Board's earlier attempt to secure an actuary.

10. Vessel Interactions -- Executive Director Moloney said there is no report.
11. Ad Hoc Committee on Pilot Safety -- Commissioner Soares said there is no report.
12. Pilot Vessel Advisory Committee -- Captain Figari -- SFBP Acting Port Agent Capt. Melvin said there is no report.
13. UPRR Bridge -- Executive Director said there is no report.
14. Ad Hoc Advisory Committee on Pilot Selection -- Commissioner Tate said there is no report.
15. Navigation Technology Committee -- Commissioner Johnston -- report on April 17, 2008 Committee meeting, status of developing recommendations regarding electronic navigation system issues, training and portable pilot units

Commissioner Johnston gave the following report. The Navigation Technology Committee, having considered its mandate regarding the training of pilots in advanced electronic navigation systems and regarding the use of portable electronic navigation equipment, following full discussions at its publicly attended meetings of February 13, March 20 and April 17, 2008, unanimously agreed to recommend to the full Board as follows:

That the Committee recognizes that, while electronic navigational charts (ENCs) and Electronic Chart Display and Information Systems (ECDIS) have become more common on ships calling on ports serviced by pilots licensed by the Board, not all such ships are equipped with such advanced electronic navigation systems, nor are the presentation on such systems standardized. Furthermore, current training in such systems tends to focus on a single manufacturer with limited opportunity to become familiar with a variety of systems except as they are encountered while piloting. The Committee therefore recommends:

- (1) That the Board direct its Curriculum Committee to consider incorporating in the current training program enhanced training in advanced electronic navigation systems providing exposure to a greater number of systems and variety of presentations than what is currently provided;
- (2) That the Board adopt by regulation a requirement that pilots licensed by the Board be equipped with, and trained in the use of, portable electronic navigation equipment, commonly known as Portable Pilot Units ("PPUs"). The regulation should require that pilots be equipped with PPUs at all times while piloting except when the pilot deems that embarking on or disembarking from a vessel while carrying a PPU may present an unacceptable safety hazard to the pilot or when circumstances would prevent its use.

Such PPUs shall, at a minimum, have the following capabilities:

- (a) Displaying approved electronic navigation charts (ENCs) issued by the cognizant U.S. government authority;
- (b) Displaying the vessel's position and heading on such ENCs to the accuracy required by the International Maritime Organization (IMO) for Automatic Identification Systems (AIS);
- (c) Displaying other navigational information as provided through the vessel's AIS pilot plug.

The Committee believes that the pilots should be left to determine which manufacturer or vendor will provide PPUs that best meet their needs in complying with the above minimum requirements. The Committee further recognizes that the costs for acquiring and maintaining PPUs and associated training are not insubstantial but believes that this Committee may not be the proper venue to determine the mechanism for the pilots' recovery of such costs.

The Board may wish to consider the extent to which such costs are a "cost of providing pilot services" as that term is used in Section 236(f)(1) of the Board's regulations regarding Rate Hearing Procedures. With regards to the training costs associated with the PPUs, the Board may wish to consider whether to direct its Training Curriculum Committee to evaluate incorporating such training costs in the Board's training program.

The Committee recognizes that advances in both shipboard and portable navigation technologies are likely to accelerate and recommends that the Board provide a mechanism to ensure that its information as to such advances remains sufficiently current to permit timely changes to the requirements proposed above.

Commissioner Johnston extended a thank you to SFBP Captain Shane Gabe and Committee members and Board staff.

It was moved and seconded to accept the Navigation Technology Committee report. Commissioner Miller asked for comments from the public and discussion.

Commissioner Tate expressed a concern that the equipment, software and training would need to be standardized. It was noted that the equipment, software and training would be standardized and updated on a regular basis. SFBP Captain Gates, who was in the audience noted various instances when current laptop programs did not work accurately and that standardizing equipment, software and training would enhance the pilots' piloting tools. Commissioner Johnston noted that the Committee would continue to monitor the progress and report any problems or changes to the Board as necessary. There was no further discussion. The motion passed unanimously.

New Business

1. M/V MORNING CHARM, allision Benicia Berth 2, February 21, 2008 -- Executive Director Moloney reported this incident remains under investigation.

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2. M/V TU QIANG, allision, Richmond, Parr 5A, March 25, 2008 -- Executive Director Moloney reported this incident remains under investigation.
3. Public Comment on matters not on the agenda -- Mr. Levin, SFBP Business Manager reported that a CMA cadet would be working in the SFBP office as an intern this summer and would be assigned to various projects.
4. Proposals for additions to next month's agenda -- there were none.

Schedule next meetings -- the next Board meeting is scheduled for May 22, 2008 and the June meeting is moved up to June 18, 2008, at 9:30 a.m.

Adjournment -- the meeting was adjourned at 11:20 a.m.

Respectfully submitted,

Alice A. Evans
Secretary