

Minutes Open Session	Pilot Fitness Committee Meeting	Date: June 7, 2013
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Committee members present

K. Mike Miller, Chairman
Ms. Barbara Price
Capt. Joe Long, Commissioner
BG Chet Ward, MD
University of California Associate Clinical Professor Robert A. Kosnik, MD

Staff present

Sigrid Hjelle, Office Technician

Others present

Capt. Pete McIsaac, Port Agent
BTH Agency Deputy General Counsel Gabor Morocz (telephonically)

Public present

San Francisco Bar Pilot (SFBP) Capts. Rick Hurt and David Weiss

1. Call to order and roll call

Chairman Miller addressed the charges to the Committee from the Board. The Committee will continue to monitor the pilot fitness rulemaking process and once regulations are approved and in force, will recommend to the Board a Budget Change Proposal requesting an augmented appropriation sufficient to cover the increased costs to the Board of the enhanced pilot fitness determination protocols. Once the Legislature and the Governor approve funding for the program, the Board will be able to contract with a vendor to provide the needed services.

With respect to the other charge from the Board, the Committee today begins the process of examining pilot fatigue issues as they affect the Board’s licensees in preparation for developing and forwarding a recommendation to the Board that will facilitate its response to the Legislative mandate in SB 1408 (2012) which added to the Harbors and Navigation Code new section 1196.5, and directs the Board to contract with an independent entity to conduct a study of the effects of work and rest periods on psychological ability and safety for pilots. In due course, the Board will promulgate regulations for pilots establishing requirements for adequate rest periods intended to prevent pilot fatigue.

Chairman Miller went on to state his view that the first order of business was for Committee members to gain a substantial working knowledge of fatigue issues as they affect shift workers generally, and pilots and other mariners particularly. Staff has assembled binders for each member of the Committee that contain copies of correspondence and copies of academic articles and research reports relevant to these tasks. Other studies and reports will be provided

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to members of the Committee from time to time. They will be available in both electronic and hard copy forms.

Finally, Chairman Miller expressed his optimism that the Committee would, as it did with respect to the pilot fitness study and resulting (proposed) regulations, be a leader in the pilotage world, and produce draft regulations that can be a model for other jurisdictions – mindful that each pilotage grounds and each pilotage organization has unique needs and challenges.

The Committee then moved to consideration of the agenda in regular order.

2. Approval of minutes of the April 17, 2013 Joint Pilot Fitness/Rules and Regulations Committee meeting

Because members of the Rules and Regulations Committee (which comprised one of the two Committees working together as the Joint Committee) were not present, the Pilot Fitness Committee did not take up approval of the minutes of the April 17th Joint Committee meeting. Members of the Pilot Fitness Committee who were present at a separate Committee meeting of that date were, however present, constituted a quorum present at that meeting, and addressed the minutes of that meeting. Ms. Price moved approval of the minutes. Dr. Kosnik seconded the motion which passed unanimously on a voice vote.

3. Report on status of pilot fitness rulemaking package and review by Office of Administrative Law. (Member Morocz)

Member Morocz reported that the draft rulemaking package was under review at BTH Agency. Once that review is completed, the Board may initiate the 45 day public comment period, after which the package may be forwarded to OAL for its review.

4. Review background materials relevant to fatigue study

Chairman Miller announced that copies of all of the documents listed in Agenda item 4.a. through 4.f. are in the Committee members’ binders or a link to the Manalytics study is provided.

- a. Correspondence dated June 20, 2011 from Rob Jones, NTSB staff, requesting information on BOPC hours of service rules, and BOPC response dated August 18, 2011;
- b. Synopsis of NTSB findings with respect to *MV Eagle Otome* collision investigation;
- c. NTSB correspondence dated November 4, 2011 with Governor Brown (and other governors) communicating NTSB recommendations M-11-19, M-11-20, and M-11-21 (stemming from the *MV Eagle Otome* investigation), and response dated January 12, 2012 by Acting BTH Secretary Traci Stevens;

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- d. Responses of other states to NTSB correspondence of November 4, 2011 regarding recommendations cited in agenda item 4.c.;
- e. NTSB correspondence dated June 19, 2012, responding to correspondence from Secretary Stevens dated January 12, 2012;
- f. SB 1408 provisions related to pilot fatigue (as chaptered).
- g. Manalytics study (August 22, 1986) to assist BOPC in setting the proper number of bar pilot licenses to issue. Link to study:
<http://www.bopc.ca.gov/res/docs/pubs/manalytics%20study.pdf>
- h. BOPC regulation 237(d) and its application.

The Committee discussed the documents identified in Agenda item 4, recognizing that pilot fatigue issues are not new, but that in recent years there has been increased focus within the transportation safety community on fatigue. The Committee discussed the 1986 Manalytics study and noted that while fatigue issues were addressed in the study, the purpose of the study was to assist stakeholders (SFBP and PMSA) and the Board in setting the appropriate number of bar pilot licenses at that time. Capt. Weiss addressed the Committee and discussed the Regulation 237(d) reports prepared by SFBP and delivered to the Board annually or more often. Commissioner Long reported that pilot power issues, including a possible recommendation that the Board offer to bring one or more trainees into the Board's Trainee Training Program, would be considered at a committee meeting on June 11. However, final action on a possible recommendation would not be forthcoming until July when the results of the most recent confidential retirement survey would be available.

Chairman Miller called attention to correspondence, copies of which were provided to the Committee, addressed to the Board dated January 26, 2012 from PMSA Vice President Mike Jacob in which he asserts that the Board's licensees only engage in an average of 3.6 hours per day of "actual piloting" (referring to time on the bridge conning the vessel) and further asserts that any SFBP pilot fatigue issues may be resolved by more efficient SFBP watch scheduling and dispatch procedures. Chairman Miller stated his view that PMSA's characterization of "actual piloting" as relevant to the discussion was analogous to asserting that the only time a surgeon is working is when he is in the Operating Room laboring over a patient.

Chairman Miller stated that so-called "actual piloting" as calculated by PMSA might or might not be arithmetically accurate, but in any case it was irrelevant to the determination of appropriate work rules to minimize fatigue among the Board's licensees. He called the Committee's attention to two definitions used by the FAA in its Notice No. 10-11, dated September 3, 2010, at page 126:

Duty means any task, other than long-call reserve, that a crewmember performs on behalf of the certificate holder, including but not limited to airport/standby reserve, short-call reserve, flight duty, pre- and post-flight duties, administrative work, training, deadhead transportation, airport positioning on the ground, aircraft loading, and aircraft servicing.

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Duty period means a period that begins when a certificate holder requires a crewmember to report for duty and ends when that crew member is free from all duties.

SFBP Port Agent (Capt.) Peter McIsaac observed that the relevant metric was time on duty, not time on task.

There was consensus that the Committee and its independent research vendor, when contracted with, should consider all activities and circumstances that contribute to pilot fatigue, and that the particular circumstances and needs of the waters under the Board’s jurisdiction were relevant to that inquiry.

5. Discussion of fatigue issues as they apply to mariners and shift workers in general, and to the Board’s licensed pilots in particular. Review of Bridge Resource Management/Combination Course introduction concerning pilot fatigue

The Committee discussed fatigue issues generally. President Miller observed that three studies provided to Committee members appeared to him to be especially relevant to the Committee’s charge, to wit:

- “Managing Fatigue within Marine Pilotage,” Sydney Sea Pilots, June 15, 1999
- “Marine Pilot Fatigue Management,” Captain Rob Lovell (Queensland, Australia), June 17, 1999
- “Scientific Review: Columba River Pilots Watch Schedule,” Circadian (Stoneham, Mass.), May 3, 2013

Members of the Committee indicated interest in auditing those segments of the Bridge Resource Management/Combination Course instruction concerning pilot fatigue. The course is required for all Board licensees once every five years as a condition to retaining their licenses. The course presently is conducted by the California Maritime Academy.

6. Determination of next steps

Member Morocz suggested that the Committee organize its analysis according to the terms of the statutory mandate, as follows:

Harbors and Navigation Code §1196.5(a):

“The board shall contract with an independent entity to conduct a study of the effects of work and rest periods on psychological ability and safety for pilots. The study shall evaluate sleep- and human-related factors for pilots, and shall include information and recommendations on how to prevent pilot fatigue and ensure the safe operation of vessels.”

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The broad scope of the study:

- the effects of work on the psychological ability and safety for pilots;
- the effects of rest periods on the psychological ability and safety for pilots;
- evaluation of sleep factors for pilots;
- evaluation of human-related factors for pilots;
- provide information on how to prevent pilot fatigue and ensure safety; and
- provide recommendations on how to prevent pilot fatigue and ensure safety.

There could be other subject matters that are not specifically listed in the statute but are necessary to explore and explain the matters listed in the statute.

There should be no other subject matters that are not listed and are not necessary to cover the matters listed in the statute.

The Committee agreed that this was a useful format and that it should be used by Committee members to record their suggestions for topics for consideration.

Chairman Miller observed that generic studies of pilot fatigue were certainly relevant to the Committee's charge, but that the ultimate study and recommendations necessarily should focus on the particular challenges experienced by the Board's licensees. All agreed.

7. Public comment on matters not on the agenda

There were none.

8. Proposals for next month's agenda

There were no proposals for next month's agenda.

9. Adjournment

The Committee agreed to meet again on August 2, 2013 at 9:30 a.m.

There being no further business to come before the Committee, it adjourned at 11:13 a.m.

Prepared by: Kelly Dolcini