

BOARD OF PILOT COMMISSIONERS

Minutes October 24, 2002

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 October 24, 2002, Commissioner Falaschi presiding. A quorum was present, including Commissioners Lundeborg, Rosequist and Winn. Also in attendance were Port Agent Captain McIsaac, Board Counsel Ray Paetzold, Executive Director Moloney and Secretary Alice Evans and various members of the public.

The Minutes of the August 22, 2002, meeting were unanimously approved.

Correspondence and Activities since the August meeting—Executive Director Moloney

1. The Board received a letter dated September 23, 2002, from SFBP advising that Captain Russell Nyborg will serve as Acting Port Agent from September 21, 2002, through September 30, 2002.
2. The Board received a letter dated October 18, 2002, from SFBP Captain Carl E. Bowler, informing the Board that he intends to retire from active service commencing January 1, 2003 at 0000 hours.

Other Pilot Matters--Executive Director Moloney

1. The Board has received the manpower reports and statements for pilotage fees and surcharges collected from SFBP through August and Inland Pilot Slough through September 2002. Copies are available in the Board office.
2. The Board issued license renewals to Captains Burger and Coney during the month of September and Captain Boriolo during the month of October 2002.

Port Agent's Report--Port Agent Captain McIsaac

1. There are currently five pilots not fit for duty.
Captain Hughes continues to recover from heart surgery.
Captain Dowdle broke two ribs disembarking onto the P/V CALIFORNIA October 19, 2002.
Captain Rioux's condition will require an additional surgery, he will be not fit for duty for at least four to six weeks.
Captain Alden continues to recover from a shoulder injury. He is expected to return to work October 29, 2002.
Captain Wagner continues to recover from a broken ankle and the subsequent surgery.

2. There were two 12-hour MRP violations on August 23. The shortest rest period was 9.5 hours. Three pilots were off the board, two NFFD and one in training. There were eight violations on September 3. The shortest rest period was seven hours. Six pilots were off the board, three NFFD, two on comp time and one pulled personal. There was one violation on October 22 with a rest period of ten hours. Six pilots were off the board, three NFFD, two on pilot business and one on comp time.
3. The 10-day PMA lockout of ILWU did not cause the SFBP any major operational problems. The short term impact was significant with workload down between 60 and 70% for the duration of the lockout. Since Taft Hartley was invoked, the pilots are doing a lot more short Bay moves, which tends to require more manpower. The P/V PITTSBURG was put into temporary lay-up for one week since there was nothing moving on the rivers. This resulted in one casual crewmember being laid off for a short period.
4. The P/V CALIFORNIA is scheduled for dry-docking on November 6. Normally the pilots do not take a station boat out of service this late in the year but the yard had to accommodate an emergency request from the USCG. If there is any further delay the CALIFORNIA will not be dry-docked until next spring. The schedule of the work should only keep the boat off station for two trips.

The P/V GOLDEN GATE was in dry dock September 30 through October 11.

5. Through July 2002

Bar Crossings	- 1.10%
Bay Moves	-8.86%
River Moves	+6.45%
Total Moves	-2.15%
GRT	+1.33%

As compared to the same period last year.

The Board members discussed various potential problems that may occur after the 80 day cooling off period that may effect the SFBP. It was noted that the Board will continue to monitor the situation to remain proactive on any issues likely to arise.

Unfinished Business

1. Open Incidents—Executive Director Moloney
 - a. M/V CHIMBORAZO, allision with wharf at Amorco, Martinez, July 22, 2002, SFBP Captain J. Cota

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

PROBABLE CAUSE

On the evening of 15 July 2002, Capt Cota boarded the tanker M/V CHIMBORAZO to pilot the vessel from Amorco Wharf to Martinez Terminal. He boarded the vessel at 2040. By 2115 the two assist tugs had been made fast; the *Andrew Foss* forward and the *Delta Deanna* aft. The tugs were pushing at low power to pin the vessel against the berth. Captain Cota had the vessel's crew single up to double springlines fore and aft.

At 2125 Captain Cota had all lines let go and stopped the forward tug. This allowed the bow to be pushed off the dock by the ebb current. When he could see that the bow was clearing the berth, he stopped the after tug to let the stern ease off the berth with the current.

Since the current was starting to push the vessel down the length of the pier, he had the engine placed dead slow ahead briefly to take the sternway off and hold position on the pier.

As the after springlines (wires) were let go, a shackle on the end of one of them caught on a metal protective strip on the pier. Capt Cota had the engine stopped and the crew on the stern stopped heaving on the wire. Longshoremen on the pier were able to clear the shackle and the crew began heaving on the wire again. The other wire had cleared the pier and was in the water being heaved in.

The vessel was about 8-10 feet off the pier and holding position when the recovery of the first springline resumed. It now caught on a pipe cover protecting the timber stringpieces at the pier's edges. Capt Cota had the tugs push the vessel back toward the pier to assist in freeing it. The crew on the stern continued to heave on the wire until it pulled free and in the process displaced the pipe cover upward about 9-10 inches on the corner of the pier. The vessel's stern landed on the pier and jarred some outboard planking loose.

OPINIONS

1. Capt Cota purposely allowed the current to lift the vessel off the berth and used its engine to hold it in position.
2. The vessel was stationary over ground at the time of the springline snagging the dock's protective strip and pipe guard.
3. It was the strain of the springline being heaved in that caused the displacement of the metal strip and the pipe guard.

RECOMMENDATIONS

1. Close this case. No pilot error. Capt Cota had the vessel well under control when the springline snagged. It was the force of the crew heaving on the wire that caused the metal damage. The stern of the vessel landed somewhat harder than he wanted due to being unable to use the engine to counter the small momentum that built up from pushing the vessel back against the pier to try and help clear the wire. That does not rise to the level of an error.

It was moved and seconded to accept the IRC report. Commissioner Falaschi asked for discussion. There being no further discussion, the motion passed unanimously.

- b. M/V KAULA LUMPUR EXPRESS, interaction with LT GLOBE at OAK 35, July 23, 2002, SFBP Captain J. Weiss

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

On the morning of 23 July 2002 Capt John Weiss boarded the container ship M/V KUALA LUMPUR EXPRESS at the offshore pilot station to pilot it to Oakland Berth 23. As the vessel entered the Bay he was advised by VTS that there were “no wake zones” at Pier 45 and the “E” tower of the Bay Bridge. He acknowledged and slowed the vessel as it transited the city front. By the time the vessel was passing Aquatic Park it was at dead slow ahead and shortly thereafter the engine was stopped.

Capt Weiss kept the engine stopped until clear of dredging near Pier 35, then ordered half ahead. When the vessel was off Treasure Island, the speed was dropped to slow ahead and, when about a thousand yards from the Bay Bridge, was reduced to dead slow ahead. When the vessel cleared the D-E span, speed was increased to slow ahead until the Oakland Bar Channel where it was reduced to dead slow ahead again.

Due to the flood current the vessel carried between 15 to 20 degrees of leeway as it progressed through the channel. As soon as the vessel passed into the lee of the terminals the engine was stopped and remained stopped until the vessel started the turn near berths 33/34.

As the vessel approached berth 35, the Mate on the bow observed the container ship LT GLOBE moored portside to the berth and with its stern lines hanging slack to waterlevel. Capt Weiss estimated the vessel’s speed to be about 6 knots as they coasted by the LT GLOBE and when he began the turn at berth 33 he looked back and observed that the lines were still slack and hanging to the water. The vessel was then docked uneventfully at berth 23.

As the KAULA LUMPER EXPRESS passed the LT GLOBE, vessel interaction caused the LT GLOBE to be pulled about 5-6 meters off the berth, causing the gangway to slide off the gangway platform and parting a 10” springline. When the LT GLOBE surged back towards the pier, the gangway struck the platform and was badly twisted as well as knocking the platform into the water.

OPINIONS

1. Capt Weiss had planned the transit well and operated the vessel at prudent speeds within the Bay, including speed alterations for “no wake zones”.

2. The transit of the Oakland Bar Channel was made at the vessel's minimum speed and the engine was stopped as soon as the vessel was out of the effect of the current.
3. The LT GLOBE was not properly tending the stern lines. Multiple witnesses observed them touching the water. This allowed the vessel to be pulled off the berth with subsequent damage to its gangway.

RECOMMENDATIONS

1. Close this case. No pilot error. Capt Weiss exercised prudence throughout the entire transit. He kept the vessel's speed down to a minimum and had stopped the engine as soon as he safely could after transiting the Oakland Bar Channel with a cross current.

It was moved and seconded to accept the IRC report. Commissioner Falaschi asked for discussion. There being no further discussion, the motion passed unanimously.

- c. M/V NYK LYNX, Oakland Berth #37, interaction with M/V MING ZENITH, August 3, 2002, SFBP Captain E. Nyborg

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

PROBABLE CAUSE

At 0440 on 3 August 2002 Capt Einar Nyborg boarded the container vessel NYK LYNX at Oakland Berth 23 to pilot it to sea. The vessel was undocked and turned in the basin uneventfully.

The outer harbor transit was made on a dead slow ahead speed (7 knots). In the Outer Harbor Entrance Channel the vessel passed the container ship NORDCLOUD at Berth 35 uneventfully but when it passed the container ship MING ZENITH at Berth 37 vessel interaction pulled the ship off the berth and pulled a bollard where all four stern lines were concentrated off the pier. Capt Nyborg sent the tug *Silver Eagle* back to assist the MING ZENITH, which then ran three stern lines to the next bollard up the pier.

OPINIONS

1. The concentration of mooring lines on one bollard was the reason for it failing and being pulled out

2. The NYK LYNX was not proceeding at excessive speed. It was as slow as it could operate and maintain steerageway proceeding into a cross-current channel transit.
3. Berth congestion causes the vessels to make less than optimum line placement.

RECOMMENDATIONS

1. Close this case, no pilot error. Capt Nyborg was piloting the NYK LYNX at minimum speed. The cause of the incident was improper placement of the MING ZENITH's mooring lines.

It was moved and seconded to accept the IRC report. Commissioner Falaschi asked for discussion. There being no further discussion, the motion passed unanimously.

Commissioner Rosequist requested that additional information be included in the IRC's oral report, such as investigator's name, procedure taken to arrive at conclusion, lessons learned, if applicable, and any other pertinent information that may be helpful to the Board, depending on the complexity or significance of the incident. It was noted that this information is regularly included in the IRC's written report.

- d. M/V ACADEMIK SEMENOV, lost engine power between Prisoner's Pt and #1 and #2, August 3, 2002, SFBP Captain Atthowe
- e. M/V ROYAL ACCORD, interaction M/V DELTA PRIDE, Bay Bulk Pittsburgh, August 13, 2002
- f. M/V ROYAL ACCORD, grounding Pittsburg Diablo, August 13, 2002

Executive Director Moloney reported that incidents under d., e., and f. are being investigated.

The Board discussed the number of recent vessel interaction incidents. It was noted that the vessels are larger and that their greater displacement gives rise to the possibility of more serious interactions with inadequately moored vessels. Port Agent Captain McIsaac noted that the SFBP have recommended the use of tractor tugs in the inner harbor to retard the larger vessel's speed. This method works well but is expensive. Mr. Rick Holly, OSPR, who was in the audience, noted that vessel interactions have been an ongoing problem in other areas of the Bay and the Carquinez Straits. It was suggested that the Board be proactive in monitoring these incidents and to raise awareness with the facility operators and the USCG. This item will be added to next month's agenda.

2. Pilot Ladder reportable incidents—Executive Director Moloney said there are no new incidents to report.

3. Rules and Regulations Committee—Commissioner Falaschi said there is no report. The Rulemaking Hearing for Monterey Bay Pilotage and Clean-up Review is scheduled immediately following the Board meeting today.
4. Finance Committee—Commissioner Winn reported that the Finance Committee met October 10. The SFBP reported that their end-of-August gross revenues were up 4%, expenses up 3%, net income up 8%, and the income-to-expense ratio was at 33%. Overall, August was a very good month for the SFBP. It was noted that their expenses were up due to maintenance on the pilot boats, as well as the acquisition of new computers. It was also reported that the USCG has recently signed a new one-year contract with the SFBP to continue the Sea Marshal program.

The BOPC monthly expenditures were reviewed and nothing unusual was noted. We received confirmation from the Department of Finance that our request to lower the operations surcharge to 0.5% had been approved effective October 1, 2002. The SFBP have made this adjustment to their billings.

The Committee reviewed the pilot boat surcharge. As of the end of September 2002 there is a surplus of approximately 399K. It is anticipated that it will take about 15 1/2 months to deplete this surplus at current levels and the Committee recommends no action at this time. We will continue to monitor this surplus.

The Executive Director is currently preparing a proposal for new office furniture for the Board office. We hope to have a recommendation for the Board's consideration at the next Board meeting.

The Committee received an opinion from Board Counsel regarding whether or not funds collected through the pilot boat surcharge could be utilized to perform modifications to the new pilot boats. He then asked Board Counsel Paetzold to report.

Board Counsel Paetzold said that the Finance Committee reported that, at the Board's regular meeting on August 22, the SFBP asked whether the pilot vessel surcharge funds could be used to reimburse the SFBP for expenses incurred in design modifications to the two new pilot boats. The design modifications would address issues with the Boats' water making capabilities and the boats' fendering system. The Committee understands that these issues became apparent after the boats were placed in service and are not warranty items.

In response to the Committee's request, Board Counsel researched the issue and prepared a written opinion concluding that the current law authorizing the collection of a pilot boat surcharge does not authorize the use of those funds to recover the pilots' expenses for post-delivery modifications. Copies of the opinion letter dated October 8, 2002, are available in the Board office. The SFBP's representative was informed of the opinion and indicated that SFBP would not pursue the funding question further.

5. Pilot Training Curriculum Committee--Commissioner Falaschi said there is no report.

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

6. Trainee Selection Process--Executive Director

- a. Report on status of contracting with trainees -- Executive Director reported that there are three trainees in the training program. Captain Pinetti started October 11.
- b. Development/adoption of Board policy regarding requests to defer entry into training program; **possible Board action** -- Commissioner Falaschi said a Committee would be appointed when a full Board is available. There is no Board action at this time.

7. Pilot Evaluation Committee--SFBP Capt. Melvin, Committee chair, reported that the Committee met October 16. The trainees are currently studying for their pilotage. They have been instructed not to handle any ship unless they have pilotage for the area.

Regarding the issue of vessel interaction, Captain Melvin noted that the training at Pt. Revel included vessel interaction in both confined and open channels and that he personally believed that it provided valuable training that should be included in future sessions.

New Business

1. Contract for Investigator: Approve Captain Frederick Jones to fill the current vacancy as investigator (copy of Captain Jones' resume is available in the Board office. Captain John Porter resigned as investigator effective June 10, 2002.) -- **possible Board action**

Executive Director Moloney introduced Captain Jones, who was in the audience, and gave an overview of his past experience. It was moved and seconded to appoint Captain Frederick Jones as an Investigator. Commissioner Falaschi asked for discussion. After brief discussion, the motion passed unanimously.

2. Announcement of BOPC Homepage: www.pilotcommission.org

Executive Director Moloney invited everyone to access the homepage and that all Board meeting notices and approved minutes would be posted.

3. Security Alarm Service—discuss the possible need for an alarm service in the Board office; authorize Executive Director Moloney and/or Board President to sign alarm service contract—possible Board action -- Executive Director Moloney reported that the current lease does not include a security alarm system and that it would be beneficial to the Board to secure such a service. It was moved and seconded to authorize Board staff to secure a security alarm system and authorize Board President or Executive Director to sign the contract. Commissioner Falaschi asked for discussion. There was no discussion, the motion then passed unanimously.

4. M/V GINGA KITE interaction w/ M/V ALLEGIANCE, Avon Dock, October 6, 2002

Executive Director Moloney said this incident is being investigated.

5. Public Comment on matters not on the agenda -- Board Counsel Paetzold reported that there is an article in the current Professional Mariner magazine on bridge crashes. There is a copy in the Board office for anyone that may be interested.
6. Proposals for other additions to next month's agenda--there were none.

Schedule next regular meeting: The next two regular Board meetings were scheduled for November 21, and December 19, 2002, at 9:30 a.m., in the Board office Pier 9, Suite 102, San Francisco, CA.

Adjournment -- the meeting was adjourned at 10:40 a.m.

Respectfully submitted,

Alice A. Evans
Secretary