

## **BOARD OF PILOT COMMISSIONERS**

### **Minutes September 25, 2003**

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, September 25, 2003, Commissioner Falaschi presiding. A quorum was present, including Commissioners Bayer, Lundeberg, Rosequist, Welch, and Wagner. Also in attendance were Port Agent Pete McIsaac, Board Counsel Ray Paetzold, Executive Director Patrick Moloney and Secretary Alice Evans and various members of the public.

Request approval of Minutes of the August 28, 2003 regular Board meeting -- the minutes were unanimously approved.

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

1. The Board forwarded a letter dated August 26, 2003 to SFBP Port Agent Captain McIsaac acknowledging receipt of a copy of SFBP letter dated July 3, 2003 to Captain Donald Hughes detailing the process for his refresher training program.
2. The Board received a letter dated August 26, 2003 from Senate Rules Committee confirming James Falaschi's reappointment as a Member of the Pilot Commission.
3. The Board received a letter dated August 27, 2003 from California Integrated Waste Management Board, confirming the Board's compliance with AB 75.

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 July and Inland Pilot Slough through August 2003. Copies are available in the Board office.
2. There were no license renewals during the month of September.

Port Agent's Report -- Port Agent Captain McIsaac

1. There is currently one pilot NFFD; on September 24 a letter was received from Captain Hughes and another letter from his doctor stating that he suffers from a serious loss of hearing.
2. There was one 12-hour MRP violation on August 29, with a rest period of 11.5 hours. Two pilots were off the board, one NFFD and one on comp time.
3. The P/V SAN FRANCISCO is currently dry docked at Bay Ship & Yacht for annual maintenance and the installation of new shaft seals. The boat is expected to be out of service for a total of 2-3 weeks.
4. The diesel inboard rigid hull inflatable rescue boats that are currently on the station boats have not served the pilots well. They were designed for both rapid launch man-overboard recovery and to board pilots on such unique vessels as crane delivery ships and submarines. Unfortunately the jet drive units cause them to steer poorly at slower speeds which make them impractical to use for recovery or boarding. This coupled with the

ongoing maintenance issues has forced us to replace them with a simpler, more durable design. We have entered into a contract with NorthWind Marine in Seattle to design and build two new outboard driven RIB's as replacements. The contract is not to exceed \$130K with completion of the vessels expected in January 2004. Once we have placed the new RIB's in service we will sell the two older boats, with all of the proceeds used to offset the cost of the new ones.

5. Through July 2003 (compared to 3yr Daily Average):
- |               |       |
|---------------|-------|
| Bar Crossings | +5.1% |
| Bay Moves     | +9.0% |
| River Moves   | -1.1% |
| Total Moves   | +5.6% |
| Gross Tons    | +7.8% |

Unfinished Business

1. Open Incidents --Executive Director Moloney

- a. S/S MAUI, grounding, entrance to Oakland Estuary, January 28, 2003 SFBP Captain J. Weiss; status of scheduling hearing -- Board Counsel Paetzold reported that an amended accusation has been filed and separate counsel has been retained in order to minimize or eliminate various legal challenges unrelated to the merits of this matter. A hearing has been tentatively set for Wednesday, December 3, 2003 subject to Board availability. The Administrative Law Judge and a hearing room at the Office of Administrative Hearings in Oakland have been reserved for 3 days (12/3 - 12/5), although the parties are hopeful that the matter can be concluded in less time.
- b. M/V S/R GALENA BAY, possible grounding approaching San Francisco Dry Dock and allision with Dolphin 6, August 26, 2003 -- Executive Director Moloney reported that this incident is being investigated.

2. Pilot Ladder reportable incidents --Executive Director Moloney -- no reportable incidents

3. Rules and Regulations Committee--Commissioner Welch -- no report

4. Finance Committee--Commissioner Rosequist reported the following:

Report on review of current Pilot Vessel Surcharge rate (current 5.13 mils), revenue, expenditures and reserve balance; review SFBP's request to increase rate to 6.11 mils effective October 1, 2003, - possible recommendation re rate adjustment-- **possible Board action**

The Committee met today and reviewed the following: SFBP variance report through August 31, 2003 and BOPC Fund Status through September 18, 2003. No unusual items were noted.

The Committee also reviewed the Pilot Vessel Surcharge. At the end of August the surplus was \$97,000. At the current surcharge rate there would be a monthly shortfall of \$10,000. The Committee recommends in the form of a motion to increase the rate to 6.11 mils effective October 1, 2003. Commissioner Falaschi asked for discussion. There was no further discussion. The motion passed unanimously.

Report on review of Pilot Training Surcharge (currently \$20/move) - possible recommendation; **possible Board action** -- no Board action required at this time. This item will remain on the Finance Committee's agenda.

Report on review of Attorney General's Memo re waivable and non-waivable litigation costs; possible recommendation; **possible Board action** (This item may be moved to the end of the calendar and discussed in closed session pursuant to Government Code §11126(e).) -- Board Counsel reported that this item had been placed on the agenda as a place holder and that it is now moot.

5. Pilot Training Curriculum Committee--Commissioner Wagner -- no report.
6. Ad Hoc Committee on Trainee Selection--Commissioner Bayer -- Status report on review of trainee selection process -- no report
7. Pilot Evaluation Committee--Capt. Melvin--Report on trainees' progress in training program -- Report on September 10, 2003 meeting:

Possible recommendation to issue Certificate of Completion and license to Pilot Trainee Captain Richard Hurt; **possible Board action**

SFBP Captain Melvin, PEC Chair, reported that at the PEC meeting of September 10, 2003 the Committee completed a final assessment of whether trainee Captain Richard Hurt has successfully completed all elements of the Board's training program including each of the criteria listed in the Board's regulations at Section 214 (h).

Before his entrance into the Board's training program, Captain Hurt had been employed as a Port Pilot for the Port of Los Angeles from January 2000 through September 2002; sailed as Master for Alaska Tanker Company; worked for Marine Transport Lines for 14 years, nine years as Master; and towed supply vessels in the Cook Inlet and the Bearing Sea of Alaska. He is a 1981 graduate of the California Maritime Academy.

Captain Hurt had the highest combined score in experience points, written examination and the simulator exercise portions of the Board's trainee selection held in the spring of 2002. Throughout his tenure as a pilot trainee, Captain Hurt has shown superior shiphandling skills and a rapid acquisition of local knowledge. To date Captain Hurt has made over 335 trips as trainee, riding as observer on 152, part handled on 36 and directed the navigation of the vessel under the direct supervision of a pilot or inland pilot on another 147 trips. Over 50 of those trips were with members of the PEC, 22 of those were within the last three months.

The Committee regularly reviewed Captain Hurt's progress through periodic meetings with him and through its review of the trip reports by other pilots. Each Committee member personally rode numerous times with Captain Hurt before making this recommendation. Captain Hurt continues to meet all statutory prerequisites for being licensed a pilot, has maintained in excess of a 4.0 score on his evaluations by the Committee, and has adequately demonstrated each of the specific items of local knowledge listed in the regulations - both in written examinations and orally during his riding with members of the PEC.

In addition, the Committee used detailed trip reports to ensure that Captain Hurt has demonstrated a working knowledge of the fundamentals of shiphandling in each of the circumstances listed in the regulations, and has demonstrated the skills and knowledge necessary to become a Board licensed pilot.

Commissioner Melvin also commented that he found Captain Hurt to be an impressive trainee with impeccable credentials and impressive experience. He is very "self critical" and, at the same time, exhibited warranted confidence on the bridge.

Captain Melvin stated that it was the unanimous recommendation of the PEC that the Board issue to Captain Hurt a Certificate of Successful Completion of the Board's Pilot Trainee Training Program and that it authorize the issuance of a pilot's license to Captain Hurt.

It was moved and seconded to issue Captain Richard Hurt a Certificate of Completion of the Pilot Trainee Training Program as of September 25, 2003 and that he be licensed by the Board effective September 25, 2003. Commissioner Falaschi asked for discussion. There was none. The Board voted unanimously in favor of the motion. Congratulations were extended to Captain Hurt.

Report on leave of absence policy for trainees -- possible recommendation --**possible Board action**

SFBP Captain Melvin reported that a prospective trainee had requested a seasonal leave of absence. The PEC feels that the training should be during all seasons in the Bay Area as each season has its own weather and tide conditions with which a trainee must become familiar. The PEC does not have a recommendation requiring Board action at this time. The prospective trainee deferred. Future requests for leave of absence will be evaluated on a case-by-case basis.

Status of contracting with three additional trainees -- Executive Director Moloney reported that the contracts are being processed in Sacramento. Two trainees are to start training November 1 and one to start December 1, 2003.

8. Vessel Interactions--Review incident frequency, Board's role in addressing the problem-- Commissioner Falaschi/Executive Director Moloney -- reported this continues to remain on the agenda as a placeholder. Nothing to report.
9. Security assessment covering pilots' operations -- Commissioner Falaschi -- security/safety concerns raised by recent incident involving kayakers tying up at pilot runboat landing, Pier 9, at night. Commissioner Falaschi noted this was for informational purpose. SFBP Port Agent Captain McIsaac reported that this incident was referred to the Harbor Safety Committee and the Coast Guard.

New Business

1. M/V Wan Hai 306, September 14, 2003 Near Miss near Golden Gate Bridge -- Executive Director Moloney reported that the matter is being investigated by the IRC and the IRC will make a report at the next Board meeting.
2. Public Comment on matters not on the agenda -- SFBP Port Agent Captain McIsaac announced that there will be a swearing-in ceremony for Captain Hurt immediately following this meeting and that everyone is invited to attend.
3. Proposals for additions to next month's agenda -- there was none.

Schedule next regular meeting -- the following dates were scheduled:

October 23, 2003	Board meeting - 9:30 a.m.	Finance Committee	8:45 a.m.
November 20, 2003	Board meeting - 9:30 a.m.	Finance Committee	8:45 a.m.
December 18, 2003	Board meeting - 9:30 a.m.	Finance Committee	8:45 a.m.

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

Respectfully submitted,

Alice A. Evans  
Secretary