

Minutes May 27, 2004

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, May 27, 2004 Commissioner Falaschi presiding. A quorum was present, including Commissioners Bayer, Lundeborg, Rosequist, Wagner and Welch. Also in attendance were Port Agent Pete McIsaac, Board Counsel Raymond Paetzold, Executive Director Patrick Moloney and Secretary Alice Evans and various members of the public.

Request approval of Minutes of the April 22, 2004 regular Board meeting. The minutes were unanimously approved as amended on page 1, Correspondence, item 1. change ~~Action~~ to "Acting".

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

1. The Board received a letter dated May 18, 2004 from SFBP Trainee Captain Richard M. Gurry resigning from the SFBP training program effective June 1, 2004.
2. The Board received a letter dated May 21, 2004 from SFBP Port Agent Captain Peter McIsaac requesting the appointment of a pilot trainee to fill Captain Gurry's position as soon as possible.

Other Pilot Matters--Executive Director Moloney

1. The Board issued license renewals to SFBP Captains Chadwick, Chapman, Fuller, Gabe, Horton, Sweeney, D. Weiss, Wells and Inland Pilot Captain Slough during the month of May.
2. The Board has received the manpower reports and statements for pilotage fees and surcharges collected from SFBP through March 2004 and Inland Pilot Slough through February 2004. Copies are available in the Board office.

Port Agent's Report -- Port Agent Captain McIsaac

1. There are currently three pilots NFFD:
Captain J. Weiss is recovering from a non-work related condition;
Captain Larwood is recovering from knee surgery and is expected to return to duty mid-June;
Captain Rhodes is being treated for a condition not related to work.
2. There were two 12-hr MRP violations on April 16 with the shortest rest period being 9.75 hours. Three pilots were off the board, two NFFD and one with a suspended license. There were three 12-hr MRP violations on April 29 with the shortest rest period being 8.75 hours. Eight pilots were off the board, five in training, two NFFD and one with a suspended license.
3. SB 1303 -- the San Francisco Bar Pilots have sponsored a bill authored by Senator Torlakson, SB 1303. The original version changed "and" to "or" in Harbors and Navigation Code Section 1150 concerning the selection of industry commissioners and the bays in which their firms do business. This change avoids an overly restrictive requirement and provides the Governor continued flexibility in selecting commissioners.

Subsequently, SFBP initiated meetings with industry members proposing a major amendment to SB 1303. Following these meetings and a meeting held by Senator Torlakson on May 19, SB 1303 has now been amended to include:

1. The original “and” to “or” language of SB 1303.
2. The provision of an option to change pilotage rates (both positive and negative) by the change in the average of the last three years’ CPI for the Western Region starting January 1, 2007 (when current rates expire) if a rate hearing has not been held and new rates have not been legislated. It should be noted that any interested party may still petition for a rate hearing.
3. The CPI portion will sunset after five years.

Some Board members expressed that, while the Board has generally supported Industry and SFBP working together to work out rate proposals, they were surprised that the Board had not been informed of this amendment at an earlier stage in the legislative process.

The proposed legislation will be added to the agenda for discussion at the next Board meeting.

4. The majority of piloted vessels departing Monterey Bay proceed directly to Southern California where the pilot then disembarks. On June 22 the vessel PRIDE OF ALOHA will depart Monterey Bay for Hilo to start her maiden voyage in the Hawaii inter-island trade. SFBP intends to send the P/V CALIFORNIA to Monterey to disembark the pilot and to take the opportunity to run familiarization trips over the route to qualify additional pilots for that area.

Commissioner Bayer recommended that as many pilots as practicable be encouraged to take advantage of this opportunity to participate in these familiarization trips.

5. Vessel Traffic Report through May 2004 compared to 3-year daily average:

Bar Crossings	-1.5%
Bay Moves	-12.6%
River Moves	-7.5%
Total Moves	-3.9%
Gross tons	+5.3%

Unfinished Business

1. Open Incidents --Executive Director Moloney
 - a. S/S MAUI, grounding, entrance to Oakland Estuary, January 28, 2003 SFBP Captain J. Weiss; update information on hearing date (set for September 20-23) -- continues to remain open - no change in hearing date.
 - b. S/S KENAI, allision with dock, Amorco, March 11, 2004 -- this incident is under investigation.
 - c. M/V CSL TRAILBLAZER grounding Light #5 Stockton Deepwater Channel, April 1, 2004, SFBP Captain Peter Fuller -- Executive Director Moloney distributed the Findings of Facts and gave the following report:

PROBABLE CAUSE

In the early morning of 1 April 2004 Capt Peter Fuller boarded the bulk freighter CSL TRAILBLAZER at Richmond Inner Harbor to pilot it to the Domtar Terminal near Antioch. The transit to New York Slough was uneventful.

The vessel met its docking tugs near New York Point. When the vessel entered New York Slough, speed was reduced in preparation for turning the vessel off Riverview and backing to the Domtar Terminal. The current was slightly flooding, winds were NNW, gusting to 30 knots. As the vessel transited the slough, the tug *Philip W* was made fast on the starboard bow and the *Marauder* was made fast on the starboard quarter. When both tugs were fast, the forward tug was backed easy to slow the vessel even more.

At 0827 the rudder was put hard right and the engine ordered to full ahead to begin the turn. A minute later Capt Fuller noted that the vessel was not making any headway and had the engine stopped and rudder placed midship. At the time the vessel was about 130-150 feet from Light #5 and in the channel. Both tugs were backed full and the vessel pivoted on the port quarter.

Capt Fuller had the forward tug let go and shifted it to the port quarter. The tug landed at 0835 and was directed to push at full power. The vessel's engine was backed and the vessel floated free immediately. The engine was stopped then placed slow ahead. The *Philip W* was directed to make up on the port bow to assist with the turn.

The turn was made without further incident and the tugs positioned on the port side to counter the set caused by the wind. The vessel was then backed to Domtar Terminal and docked uneventfully.

OPINIONS

1. Environmental conditions for the docking were challenging but acceptable.
2. The tugs for the job were of appropriate horsepower and were properly positioned for turning the vessel at Riverview.
3. The flood current pushed the vessel farther east than originally intended.
4. The vessel gently grounded on a migratory shoal inside the channel in the vicinity of light #5 at Kimball Island. Capt Fuller believed he was still in deep enough water for the maneuver and noted that he had been there before.
5. The vessel was easily pushed off the shoal and docked uneventfully.

RECOMMENDATIONS

1. Close this case. No pilot error. Capt Fuller found shoal water inside the channel where no shoaling had previously been reported. He got the vessel back to deeper water promptly and made the appropriate reports. The vessel took proper action to determine that there was no observable damage.

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

- d. M/V RICKMERS NEW ORLEANS grounding at Stockton Deepwater Channel, April 10, 2004 -- remains under investigation

2. Pilot Ladder reportable incidents --Executive Director Moloney

DATE	VESSEL	Pilot	NATURE OF DEFICIENCY
4/29/04	RIBBON	Lobo	Ladder should be replaced or re-seized - rungs are old. Captain would not replace with second ladder as it is in the same condition.
5/8/04	HANJIN BENING	Hurt	High freeboard (15m/49'03"), neither accom. ladder nor pilot ladder were secured to ship's hull (nor were they secured to each other), thus any small degree of roll of the vessel would produce an exaggerated swing away from ship's side.
5/9/04	PUSAN SENATOR	Crowell	Ladder suspended from main deck, some 45 ft. above waterline, swinging freely as vessel makes lee. Suction cup or recessed padeye at intersection point of accom. ladder would eliminate swing.

Executive Director Moloney reported that these reports were forwarded to the USCG and Agent/Owner.

3. Rules and Regulations Committee--Commissioner Welch -- report on status of proposed rulemaking re amendments to Pilot Trainee Selection Procedures and Continuing Professional Development Program; **possible Board action re same**

Commissioner Welch reported that the Committee met again today, May 27, and that there are two rulemaking items ready for BOPC action.

Section 213 "Pilot Trainees"

The Committee recommends various changes developed as a result of work done by the Ad Hoc Committee on Trainee Selection and as directed by the BOPC in consultation with the Selection Appeals Committee regarding specific changes to subsection (m).

In short the recommended language changes how experience points are accumulated; made changes requested by OER as a result of staffing issues; made changes dealing with evaluator fatigue during the simulator testing phase; and formalized the selection appeals process.

Commissioner Welch recommended in the form of a motion, as authorized by the Committee, that the BOPC direct BOPC staff to commence a formal rulemaking. The motion was seconded. Commissioner Falaschi asked for discussion. There being no further discussion the motion passed unanimously.

Section 218 "Duties of Port Agent"

The proposed amendments would change the circumstances under which the Port Agent assigns a supervisory pilot to accompany newly licensed pilots with various experience levels of less than two years using criteria in keeping with current trends in vessel size and traffic.

The proposed changes conform to recommendations from the Pilot Evaluation Committee and respond to a February 2004 request by the SFBP Port Agent.

Commissioner Welch recommended in the form of a motion, as authorized by the Committee, that the BOPC direct BOPC staff to commence formal rulemaking. The motion was seconded. Commissioner Falaschi asked for discussion. The Board discussed the fact that this proposed change would not preclude the Port Agent from assigning an additional pilot or a supervisory pilot when conditions warrant. There being no further discussion the motion passed unanimously.

The Board agreed on setting the hearing date for oral public comment to immediately follow its regular Board meeting on August 26, 2004.

4. Finance Committee--Commissioner Falaschi noted no report.
5. Pilot Training Curriculum Committee--Commissioner Wagner said there is no report.
6. Pilot Evaluation Committee--Capt. Melvin -- Report on trainees' progress in training program; report on April 14 and May 19, 2004 committee meetings:

SFBP Captain Melvin reported that the trainees are riding for pilotage and are starting to handle ships. They have been riding tugs for familiarization. Trainee Capt. Gurry resigned from the training program citing personal reasons. The contracting process for the next trainee on the list has begun; Board confirmation of the continued need for this training position to be added to next month's agenda.

7. Vessel Interactions--Review incident frequency, Board's role in addressing the problem--Commissioner Falaschi/Executive Director Moloney -- Executive Director Moloney reported that none of the recent or open incidents were vessel interactions.
8. Pilot Security -- Commissioner Falaschi reported that this item is on the agenda to be able to react and support SFBP and industry.
9. Ad hoc Committee for Pilot Fitness -- Commissioner Falaschi to announce assignment of Committee members -- Commissioner Falaschi noted that he has spoken to several potential committee members and that he expected to be in a position to announce the Committee membership at the next Board meeting.
10. SFBP Retirement Survey Report -- Executive Director Moloney reported that he and Captain McIsaac would finalize procedures at the end of today's meeting to maintain the survey participants' anonymity while tracking the survey reports to ensure maximum participation. Commissioner Wagner noted the importance of conducting the survey annually to update the number of trainees needed to replace retiring pilots. Commissioner Falaschi commented that this is also a safety issue and needs to be routinely monitored. As in the past, the Board will remain proactive on this issue and make this a yearly survey report.

New Business

1. Public Comment on matters not on the agenda -- there were none.
2. Proposals for additions to next month's agenda

Review results of retirement survey and confirm the continuing need to contract with a new trainee to replace Trainee Capt. Gurry.

Schedule next regular meeting -- the next meeting is scheduled for June 24, 2004 at 9:30 a.m.

Adjournment -- the meeting was adjourned at 10:05 a.m.

Respectfully submitted,

Alice A. Evans
Secretary