

## **Minutes**

**August 26, 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, August 26, 2004 Commissioner Falaschi presiding. A quorum was present, including Commissioners Bayer, Rosequist, Wagner, Welch and Winn. Also in attendance were Acting Port Agent Captain Greig, Board Counsel Raymond Paetzold, Executive Director Moloney and Secretary Alice Evans and various members of the public.

Request approval of Minutes of the July 22, 2004 regular Board meeting. The minutes were unanimously approved.

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

1. The Board received a letter dated July 19, 2004 from SFBP Captain John W. Weiss, that due to disability he is retiring effective October 1, 2004.
2. The Board received a letter dated July 22, 2004 from SFBP Port Agent Captain Pete McIsaac that SFBP Captain Eric Dohm is unable to attend the Manned Model Training scheduled in August and that SFBP Captain Eric Robinson has been scheduled in his place.
3. The Board received a letter dated July 28, 2004 from John F. Meadows, John W. Weiss' attorney, requesting that the Board place Captain John W. Weiss' request for disability retirement on the August 26, 2004 agenda.
4. The Board received a letter dated August 2, 2004 from James R. Saunders, Jr., M.D., that SFBP Captain John W. Weiss is Permanently Not Fit For Duty (PNFFD) as a San Francisco Bar Pilot effective September 30, 2004.
5. The Board received a letter dated August 5, 2004 from SFBP Port Agent Captain Pete McIsaac that Captain Bill Greig will serve as Acting Port Agent August 13 through 22 and August 27 through September 1 and that Captain Blake Coney will serve as Acting Port Agent September 1 through September 9, 2004.

Other Pilot Matters--Secretary Executive Director Moloney

1. There are no license renewals during the month of August.
2. The Board has received the manpower reports and statements for pilotage fees and surcharges collected from SFBP through June 2004 and Inland Pilot Slough through July 2004. Copies are available in the Board office.

Port Agent's Report -- Acting Port Agent Captain Greig

1. There are currently four pilots NFFD.  
Captain Pete McIsaac is being treated for a condition not related to work.  
Captain Rhodes is being treated for a condition not related to work.  
Captain J. Weiss is being treated for a condition not related to work.  
Captain Dohm has been NFFD since June 7 while caring for a terminally ill family member.

There was one 12-hr MRP violation on July 24 with the rest period being 11.5 hours. Five pilots were off the board, four NFFD and one with a suspended license

There was one 12-hr MRP violation on August 9 with the rest period being 8.9 hours. Six pilots were off the board; 3 NFFD, one with a suspended license, and two on comp time.

There were six 12-hr violations on August 16 with the shortest rest period being 8.25 hours. Four pilots were off the board, one pulled personal and one on bereavement leave. There were labor problems in LA/LB that caused a number of ships to by-pass LA/LB and call at Oakland instead which caused a jump in traffic.

2. The P/V CALIFORNIA was out of service from August 2 through August 16 for scheduled maintenance and repair.

The P/V SAN FRANCISCO will go out of service from August 30 through September 10 for planned maintenance and repair.

3. SB 1303 – At the SFBP’s request Senator Torlakson removed the CPI language from SB 1303. The bill, which contains the “and/or” clean up language referring to geographical location of Commission members is currently on the Governor’s desk waiting for signature.
4. The SFBP will submit a request next month for additional pilot trainees to be brought into the training program. It is requested that this item be placed on the BOPC agenda for possible Board action at the next Board meeting.

Commissioner Falaschi directed this item to the ad hoc Pilot Power Committee for assessment of adequacy in current number of pilots and projected needs, including reviewing results of July 2004 Retirement Survey and updated §237(d) data and consulting with the Pilot Evaluation Committee regarding its capacity to handle additional trainees, and to develop recommendations to the Board regarding SFBP’s request including what number of additional trainees should be brought into the training program and the timing of bringing them in to meet projected needs without exceeding the capacity of the SFBP and the Pilot Evaluation Committee to provide and supervise the training.

5. Chair of the Pilot Evaluation Committee, SFBP Captain Melvin cannot be here today and asked to report that the August 25 Evaluation Committee meeting was not held due to a lack of quorum. However, the Committee is continuing its work.

#### Unfinished Business

1. Open Incidents --Commissioner Executive Director Moloney
  - a. S/S MAUI, grounding, entrance to Oakland Estuary, January 28, 2003 SFBP Captain J. Weiss; hearing taken off calendar -- report pending dismissal of administrative proceedings pursuant to stipulation.

Executive Director Moloney reported that the hearing remains off calendar and that the IRC report will be presented after SFBP Captain J. Weiss’ retirement date.

- b. S/S KENAI, allision with dock, Amorco, March 11, 2004 -- SFBP Capt. M. Sweeney

Executive Director Moloney distributed the Findings of Facts and presented the following report.

#### PROBABLE CAUSE

At about 2120 on the evening of 10 March, Capt M. Sweeney boarded the steam turbine tanker SS KENAI in the vicinity of Harding Rock Buoy to relieve the pilot who had brought the vessel in from sea. Capt Sweeney was to pilot the vessel to the Amorco Wharf in Martinez to dock it portside to. The tug *Arthur Foss* was tethered astern as escort tug.

The transit of San Francisco and San Pablo Bays was routine. Off Oleum the tug *Liberty* joined and off Benicia the tug *Marauder* joined and was directed to standby the port bow to assist in the starboard turn. The *Liberty* was directed to put up a line to the starboard bow and the *Arthur Foss* was let go from the tether and directed to put up a line on the starboard side just forward of the vessel's bridge.

At about 0032 the vessel began the turn to starboard. It was downstream from the wharf to allow for the flood current and Buoys 2 and 3 off the Benicia/Martinez Bridge. The turn was completed in about 10 minutes and the *Marauder* was repositioned to the starboard side midship and told to push dead slow ahead.

Capt Holman of the KENAI was concerned about the proximity of the buoys at the bridge. Capt Sweeney advised him that he would land the vessel well forward of its final berthing position, hold it with the tugs then slip it back into position. This is not an unusual maneuver.

When the vessel was about a ship width off the wharf, Capt Holman noted that the bow was closing the wharf faster than the stern. Capt Sweeney corrected it but briefly confused the names of the fore and aft tugs. This was corrected and several minutes later with the vessel stopped, close to and parallel with the pier, Capt Sweeney directed the fore and aft tugs to come up to slow ahead to push the vessel up to the pier and pin it as intended. It touched down lightly on first the forward fender, then the after one. At the stern, the springlines were handed down to the pier.

While the lines were being passed, Capt Sweeney noted that the vessel was being lifted off the fenders several inches by the current. He had the fore and aft tugs increase power to half ahead to pin the vessel to the pier. As the stern resumed contact with the fender it compressed to its full length of travel, allowing the overhang of the vessel's stern to contact the wharf.

Capt Sweeney and Holman were unaware that the vessel had landed with the after fender about 25 feet behind the parallel midbody and the fender was riding the vessel's side at an angle. The vessel and fender rebounded and lay along the pier. Once the springlines were run, power on the fore and aft tugs was reduced and the current pushed the vessel slowly into position about 150 feet down the pier where it was moored uneventfully. Capt Sweeney left the vessel at 0218, unaware that there had been any problem with the after fender.

At 0820 the vessel was advised that there had been damage to the fendering system. Capt Sweeney was also advised and later that day he returned to find out what had happened. He requested to have a marine surveyor inspect the fendering on his behalf but was denied by the terminal. Later after the vessel had departed and repairs were in progress he was invited to the terminal to see the repairs but was not allowed to take photographs. He again

requested to have the marine surveyor take a look and was denied. He was provided a copy of the divers report on the dolphins of the pier but nothing on the fendering.

## OPINIONS

1. Weather and tide/current conditions were favorable for this job.
2. Master/pilot exchange were very thorough. Capt Sweeney noted the attention to detail in both the vessel's transit and berthing plans.
3. Tug use in turning and docking the vessel were appropriate.
4. Capt Sweeney addressed Capt Holman's concerns on the proximity of Buoys 2 and 3 marking the Benicia/Martinez Bridge by planning to land the vessel on the wharf well ahead of the berthing position, then let the current push the vessel into position.
5. The vessel was landed about 150 ahead of docking position with no way on over the ground. As soon as the vessel landed, spring lines were passed ashore (0103). At that time Capt Sweeney observed that the vessel was drifting off the fenders in the current and had the fore and aft tugs increase speed to half ahead.
6. As the tugs came up to speed the vessel closed on the fenders. The second landing was more forceful than the first. The position of the vessel was such that the after fender contacted the hull about 25 feet aft of the parallel midbody in an area of curvature in the hull as it faired into the stern. This caused an uneven loading of the fender, compressing the inboard side more than the outboard side. Due to the flare of the hull, the shell plating contacted the edge of the wharf and displaced some light dock edge plating. The dock and fender rebounded and the vessel settled alongside.
7. A combination of the uneven loading of the fender in contact with a curved part of hull and the increase to half power by the tugs at the ends of the vessel caused the compression of the fender. Capt Holman noted later to Capt Sweeney that the vessel was at an unusually light draft and that had it been at the normal draft, it would have landed on the parallel midbody.

## RECOMMENDATIONS

1. Close this case, minor pilot error. Capt Sweeney was purposely landing the vessel short to allay the Master's concerns about the proximity of buoys near the stern. He was unable to see where the parallel midbody ended and was under the impression he was landing on the flat hull side. It is noteworthy that the tugs were only increasing to half power. It is sometimes necessary to use full power to hold a vessel alongside
2. Incident report serves as a "lessons learned". If the vessel had been landed another 25-30 feet aft, this probably would not have happened.

Commissioner Welch moved to accept the IRC Report. Commissioner Wagner seconded. Commissioner Falaschi asked for discussion. Commissioner Bayer recused himself. Commissioner Bayer reported that the repair/replacement cost was \$120,000. The landing was discussed in detail. SFBP Captain Sweeney, who was in the audience stated that he disagreed with the IRC's determination of pilot error and offered to explain the docking in greater detail. Commissioner Falaschi asked Captain Sweeney to provide a written report of the additional information to the IRC for further review and consideration, subject to withdrawal of the motion. Commissioners Welch and Wagner withdrew the motion. The incident will remain open until the IRC reviews and considers the additional information to be provided by Capt. Sweeney.

- c. M/V PACIFIC HIGHWAY allision with fendering W. Span, Richmond-San Rafael Bridge following maneuver to avoid sailboat July 11, 2004

Executive Director Moloney reported that this incident remains under investigation.

2. Pilot Ladder reportable incidents -- Executive Director Moloney

VESSEL	DATE	PILOT	DEFICIENCY
S/S KENAI	9/7/04	Coney	Vessel unable to rig combination ladder. The report was forwarded to Agent and USCG

3. Rules and Regulations Committee--Commissioner Welch -- report on status of proposed rulemaking re amendments to Continuing Professional Development Program and Pilot Trainee Selection Procedures -- public comment hearing immediately following Board meeting

Commissioner Welch reported that no written comments on the proposed rulemaking have been received to date. The hearing to receive oral comments is scheduled immediately following today's meeting.

4. Finance Committee -- Commissioner Winn said there is 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 August 25, 2004 Committee meeting -- this was reported on under Port Agent report.
7. Vessel Interactions--Review incident frequency, Board's role in addressing the problem-- Commissioner Falaschi/Executive Director Moloney said there were no vessel interactions reported.
8. Pilot Security -- Commissioner Falaschi reported that this item remains as a placeholder and that there is no report.
9. Ad hoc Committee for Pilot Fitness -- Commissioner Falaschi -- status of appointments of committee members -- Commissioner Falaschi reported he is waiting for the third member confirmation to the Committee and that there is no further report at this time.

10. SFBP Retirement Survey Report -- Executive Director Moloney -- report results of survey, projection for pilot vacancies

Executive Director Moloney reported that survey has been completed and that the findings will be forwarded to the ad hoc Pilot Power Committee. He gave a brief synopsis of the survey.

11. SB 1303 - Torlakson -- Executive Director Moloney -- review status of proposed legislation re prerequisites for industry Board members and re adjustments to pilotage rates annually beginning January 1, 2007 to reflect changes in CPI -- Commissioner Falaschi noted that this was reported on in the SFBP Port Agent report and that there is no further action required.

#### New Business

1. Request for disability determination by Capt. J. Weiss pursuant to Harbors & Navigation Code Sect. 1164(b) -- Executive Director Moloney -- **possible Board action re same**

Commissioner Falaschi reported that Captain J. Weiss' request has been assigned to the Pension Committee to develop a recommendation to the Board in time for the Board to act on it at its September 23, 2004 meeting. Meeting of that Committee has been scheduled for September 8, 2004.

2. California Performance Review -- recommendations re Pilot Commission -- Executive Director Moloney

Commissioner Falaschi noted that there is no report at this time. Commissioner Wagner emphasized the importance of the potential impact of CPR's recommendations on the Board's functions and requested that the Board discuss it and consider taking a position at the next Board meeting. Commissioner Falaschi directed that this item remain on the agenda for the September meeting.

3. Public Comment on matters not on the agenda

Commissioner Bayer reported that the Pension Committee has had three meetings since the July Board meeting. The focus of these meetings has been to review the statutory pension plan and to develop recommendations for the plan's interpretation and implementation taking into consideration past practices of the Board and its fiduciary.

The Committee is also developing proposed procedures for submitting and handling requests for disability determination under the pension plan.

The Committee will meet again September 1 and 8 at 1:00 p.m. at the law offices of Commissioner Rosequist. The Pension Committee anticipates presenting its recommendations to the Board at the September 23 Board meeting.

4. Proposals for additions to next month's agenda -- possible Board action on recommendations by the Ad Hoc Committee on Pilot Power regarding the number of additional trainees to enter the training program (and their timing) and on the recommendations of the Pension Committee regarding possible rulemaking relative to the pension plan including procedures for considering disability requests for disability determination and regarding Captain John Weiss' request for disability determination.

Schedule next regular meeting – the next regular meeting is scheduled for September 23, 2004 at 9:30 a.m. and the Finance Committee meeting scheduled for 8:45 a.m. that same day.

Adjournment – the meeting was adjourned at 10:10 a.m.

Respectfully submitted,

Alice A. Evans  
Secretary