

**Minutes
November 18, 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, November 18, 2004 Commissioner Falaschi presiding. A quorum was present, including Commissioners Lundeberg, Rosequist, Wagner, Welch and Winn. Also in attendance were Port Agent Bill Greig, Board Counsel Raymond Paetzold, Executive Director Moloney and Secretary Alice Evans and various members of the public.

Request approval of Minutes of the October 28, 2004 regular Board meeting. The minutes were unanimously approved.

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

1. The Board received a letter dated November 4, 2004 from the San Francisco Bar Pilots, notifying the election results of the new Port Agent Captain Bill Greig.

Other Pilot Matters--Secretary Executive Director Moloney

1. The Board issued license renewals to SFBP Captains Dowdle and Simenstad during the month of November.
2. The Board has received the manpower reports and statements for pilotage fees and surcharges collected from SFBP through September and Inland Pilot Slough through October 2004. Copies are available in the Board office.

Port Agent's Report

1. Approve Selection of New Port Agent (Board action required) – it was moved and seconded to approve SFBP Captain Bill Greig as Port Agent.
2. There are currently five pilots NFFD.
Captains Gans and Rhodes are being treated for non work related illnesses.
Captain Anderson is recovering from an injury sustained falling while boarding a tug.
Captain Dohm is caring for a terminally ill family member.
Captain Cota is being evaluated for fitness for duty.
3. There were 31 12-hr violations since the last BOPC meeting. This is an extraordinary number that was caused by several factors: an increased volume of traffic, labor shortages on the docks which caused scheduling problems, two pilots being used almost full time on the flat tow of the GOLDEN ARROW from San Francisco to Stockton, three pilots were at MITAGS for training, Captain McIsaac is still riding as observer only and the pilot roster is short one pilot due to a recent retirement.

Relief is anticipated in the near future as there is no further training scheduled until April 2005, two recently licensed pilots will pass the one year mark soon which will reduce the number of ship movements in which supervisory pilots are required. Captain McIsaac will soon be resuming his normal piloting duties and the GOLDEN ARROW flat tow will end soon.

The MRPs are as follows:

DATE:	#	MIN REST	#OFF BRD	NFFD	PILOT BUS	TRN	COMP
11/1	5	10h 08m	5	4			1
11/11	6	9h 05m	7	4		3	
11/13	11	6h 15m	7	4		3	
11/14	5	8h 20m	4	4			
11/17	4	9h 35m	5	2	1		2

Commissioner Rosequist expressed his concern at what appears to be a pattern of MRP violations if the traffic pattern remains the same. It was noted that the Port of LA is full and that there is a potential for more containers to arrive in Port of Oakland. However, this did not necessarily mean an increase in vessel movements. SFBP Port Agent will continue to monitor traffic with the Port of Oakland.

4. Vessel movement numbers through October 2004 compared to three-year daily average:
Bar Crossings +2.4%
Gross tons +9.33%
Bay moves -5.2%
River moves -4.2%
Total moves +0.7%
5. P/V DRAKE was out of service from October 18 through November 5 for scheduled dry-docking.
P/V SAN FRANCISCO was out of service on November 1 for unplanned mast repairs.
P/V CALIFORNIA will be out of service on November 22 for mast repairs.

Unfinished Business

1. Open Incidents --Commissioner Executive Director Moloney
 - a. M/V PACIFIC HIGHWAY allision with fendering W. Span, Richmond-San Rafael Bridge following maneuver to avoid sailboat July 11, 2004

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

PROBABLE CAUSE

At 1455 on July 11, 2004, Capt Carlson boarded the vehicle carrier PACIFIC HIGHWAY at the offshore pilot station. He was to pilot it to Benicia. During the inbound transit Capt Carlson called VTS to check the status of retrofit work on the Richmond-San Rafael Bridge and see whether a minimum wake zone was in effect. He was advised that the minimum wake request was not in effect but that there was a work barge anchored to the east of the channel on the approach to the bridge and there was an anchor buoy extending into the channel.

The inbound transit was uneventful. As the vessel entered San Francisco Bay it encountered numerous recreational craft. In the vicinity of Alcatraz Capt Carlson had a 30-40 second blast of the whistle sounded to attract the attention of a group of craft in the channel. They maneuvered to keep clear of the vessel.

As the vessel proceeded up the bay it encountered another group of recreational craft to the east of Angel Island. Another long blast was sounded to attract attention and again, the small craft maneuvered to stay clear of the vessel.

When the vessel reached Charlie Buoy it was turned to steer for the center of the western navigation span of the Richmond-San Rafael Bridge. Speed was maneuvering full ahead (12 knots) since there was no minimum wake request in effect at the bridge work area.

Capt Carlson used binoculars to look for the buoy intruding on the channel. He also noted a recreational craft under sail to the west of the channel, crossing the vessel's track. He determined that it had a constant bearing and had a long whistle blast sounded to attract the operator's attention. He saw the operator look toward the vessel. The boat was later identified as the sloop *Della Brown*.

The sailboat initially began a turn to the left, then came back to the right, steadied up and continued across the vessel's track. Capt Carlson had the danger signal sounded. He watched the boat's cockpit for a reaction and noted the operator bent over in the cockpit, head not in view and the boat's jib flapping out of control.

With the boat fine on the port bow and still crossing on a constant bearing, Capt Carlson observed that collision was imminent. He ordered hard left rudder to avoid a collision. As soon as he saw the boat was clear to starboard, he ordered hard right rudder, since the vessel was heading into the fendering system of the bridge tower. The vessel was turning back to the channel heading but the transfer from the turn caused it to strike the fendering a glancing blow at 1620.

Capt Carlson had the rudder placed hard left again to lift the stern away from the bridge. When the stern passed the tower Capt Carlson had the engine stopped. The vessel's master had the emergency alarm sounded, the crew mustered and had a repair party investigate the damage. Capt Carlson advised VTS what happened.

The *Della Brown* was identified by another small craft in the area and reported to the Coast Guard. The Coast Guard later intercepted the craft near Richmond.

Damage to the PACIFIC HIGHWAY was a long indentation of the hull, several small holes and a crack under a recessed hull bitt. All damage was well above the waterline. There was no flooding, propulsion and steering were not effected. Capt Carlson reported this to VTS and was cleared to proceed to Benicia.

Temporary repairs were effected later at San Francisco Drydock to enable the vessel to return to Asia.

OPINIONS

1. The *Della Brown* was in violation of Inland Rule 9(b) "A vessel of less than 20 meters in length or a sailing vessel shall not impede the passage of a vessel that can safely navigate only within a narrow channel or fairway" and Rule 9(d) "A vessel shall not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within that channel or fairway. The latter vessel shall use the danger signal prescribed in Rule 34(d) if in doubt as to the intention of the crossing vessel."
2. The whistle signals Capt Carlson used were appropriate. The use of the long blast to get attention is proper in that it cannot be mistaken for a maneuvering signal. When it became apparent that the *Della Brown* was not complying with the steering and sailing rules Capt Carlson sounded the danger signal.
3. The PACIFIC HIGHWAY was traveling at a safe speed. Maneuvering full ahead is 12 knots (sea speed is 20 knots). By the time it became apparent that the *Della Brown* was not complying with the steering and sailing rules and Capt Carlson was forced to maneuver to avoid

collision, a speed reduction was not feasible since it would have reduced the vessel's turning ability.

4. The *Della Brown* could have been turned to a safe course in a matter of seconds up until the time Capt Carlson was forced to maneuver.

RECOMMENDATIONS

1. Close this case. No pilot error. After sounding whistle signals to attract the attention of the operator of a recreational craft, then the danger signal when the craft failed to give way, Capt Carlson was forced to maneuver the vessel in a narrow channel. His action prevented a collision and probable loss of life with the recreational craft but the vessel's transfer in the turn caused an allision with the bridge fendering system. Subsequent action and reporting were proper.

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

Cdr. Cooke, VTS USCG, who was in the audience commented that the USCG and Pilots continue to reach the recreational boating community through the yacht clubs in the Bay and Delta area with pamphlets and video regarding Rule 9. The USCG will put out a press release. The amount of fine has not been determined. The maximum is \$6,500. Commissioner Falaschi thanked Cdr. Cooke for the information.

- b. M/V CMA-CGM YANTIAN, alleged violation of RNA speed restrictions, San Francisco Bay, September 19, 2004 – Executive Director reported that this incident is under investigation.
2. Pilot Ladder reportable incidents -- Executive Director Moloney said there are no reportable pilot ladder incidents.
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 – Commissioner Welch said there is no report, we are waiting for a response from the Office of Administrative Law.
4. Finance Committee -- Commissioner Winn said there is no report and that the next Committee meeting is scheduled prior the next Board meeting.
5. Pilot Training Curriculum Committee -- Commissioner Wagner - report on November 16, 2004 meeting -- **possible Board action** on Pilot Training and Pilot Trainee Curriculum matters in event that Board loses quorum after February 2005.

Commissioner Wagner reported that the Committee met on November 16 to review possible areas for Board action in the event it loses a quorum after February 2005. Contracts to provide currently mandated training are due to expire as follows: Port Revel June 30, 2006 and MITAGS June 30, 2007.

Current contracts appear to be sufficient to meet projected training needs for currently licensed pilots and trainees. The earliest date for potential Board action involving pilot training appears to be in the spring of 2006 to review, amend or renew the Port Revel contract. Therefore, the Committee recommends that no Board action is necessary at this time.

6. Pilot Evaluation Committee--Capt. Melvin -- Report on November 17 meeting and trainees' progress in training program

Executive Director Moloney reported that the Committee met November 17 and the three trainees are developing satisfactorily.

7. Pension Committee -- Commissioner Bayer -- Report on status of review of statutory pension plan recommendations for the plan's interpretation and implementation, developing proposed procedures for submitting and handling requests for disability determination under the pension plan, fiduciary oversight and pension matters in event that Board loses quorum after February 2005 -- report on November 10 and 16, 2004 meetings -- **possible Board action**

Commissioner Wagner reported that the Committee met November 16 to continue its work on each of the items listed on the agenda. That work is continuing with the next meeting scheduled for December 2 starting at 8:30 a.m. at Board counsel's office. A potential item to be added to the Committee's agenda is the triennial review of pension benefits mandated by Harbors and Navigation Code Section 1167.

8. Ad Hoc Pilot Power Committee -- Commissioner Wagner said there is no report.

Commissioner Falaschi said that the following items 9., 10., 11., and 12 remain on the agenda as place holders to provide a position to act as necessary. There are no reports to date on these items.

9. Vessel Interactions -- Review incident frequency, Board's role in addressing the problem-- Commissioner Falaschi/Executive Director Moloney -- report on 2-year summary, possible reasons for decline in frequency of incidents.
10. Pilot Security -- Commissioner Falaschi
11. Ad hoc Committee for Pilot Fitness -- Commissioner Falaschi -- status of appointments of committee members
12. California Performance Review -- recommendations re Pilot Commission -- Executive Director Moloney -- review status of CPR recommendations following public hearings -- **possible Board action re same**

New Business

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

Schedule next regular meeting – the next Board meeting is scheduled for December 16, 2004. The time will be announced at a later date.

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

Respectfully submitted,

Alice A. Evans
Secretary