

SPECIAL BOARD MEETING

MINUTES February 6, 2006

The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun Special Board meeting was held in the Board of Pilot Commissioners office, Pier 9, Suite 102, San Francisco, CA, commencing at 9:30 a.m. on Monday February 6, 2006, Commissioner Falaschi presiding. A quorum was present, including Commissioners Lundeborg, Miller, Sitts and Wagner.

Items of business scheduled for the meeting are listed below.

1. Special meeting in accordance with Title 7 Calif. Code of Regulations Section 203(e). Report of suspected safety standard violations involving pilot transfer arrangements on M/V PHOENIX. Develop possible recommendations. **Possible Board action re same**

Commissioner Falaschi provided an introduction. This special meeting was called to consider the request by the San Francisco Bar Pilots for the Board's support in a matter involving the pilot transfer arrangements on the M/V PHOENIX.

Commissioner Falaschi noted that a letter was received over the weekend from the attorneys for the owners of the M/V PHOENIX, Keesal, Young & Logan, Ms. Atlantis Tillman Langowski, requesting that the special meeting be postponed until the next regular Board meeting because the representative sent from Hamburg, Germany was required to return to Hamburg before today's meeting. Commissioner Falaschi noted that due to the nature of the safety concerns and the M/V PHOENIX's schedule, the request to postpone the meeting had been denied. He then requested Board Counsel Paetzold to address the Board's role.

Board Counsel Paetzold referred to the proposed outline for today's meeting. (Copies available in the Board office.)

1. The Legislature, in authorizing the Board to investigate suspected pilot ladder safety violations, has declared that:

"The individual physical safety and well-being of pilots is of vital importance in providing required pilot services." HNC 1101(h).
2. Whenever suspected safety standard violations concerning pilot transfer equipment are reported to the Board, the Board's Executive Director assigns an investigator to personally inspect the equipment for compliance with relevant safety standards promulgated by the USCG and the International Maritime Organization. If the equipment is found to be in violation of those standards, the Executive Director immediately alerts the Coast Guard Marine Safety Office (now part of the Sector Command).

The investigator submits a report to the Board's Incident Review Committee, which evaluates the information along with such other reports, information or statements from interested parties as it may receive and then reports its findings to the Board, along with a summary of the investigations of any prior such violation reports involving the same vessel, vessel owner or operator.

The Legislative mandate also includes the following provision:

"The record of the investigation and the Board's findings and recommendations, if any, shall be a public record maintained by the Board for 10 years." HNC 1156.6.

The Board's regulations do not elaborate on what "findings or recommendations" the Board may make following a pilot ladder violation report by the IRC.

Commissioner Falaschi asked for comments from Port Agent Captain Greig, who was in attendance. Captain Greig gave an overview of events:

On January 11 and 12, 2006 the M/V PHOENIX pilot ladder was found to be out of compliance with SOLAS regulations. These incidents were reported to the USCG. This vessel is constructed with a sponson that extends the length of the main deck and which projects 0.5 meters past the shell plating. The sponson tapers to meet the shell plating 2 meters below the main deck. A Yokohama Fender was placed between the shell plating and the pilot ladder in an attempt to give the pilot ladder some support. The Yokohama Fender allowed the pilot ladder to swing under the fender.

Port Agent Captain Greig reported that due to the unusually calm seas the pilot was able to board the ship. The following day the USCG reported that they instructed the crew that the ladder must rest firmly on the side of the ship and the ship agreed to do so. When the pilot sailed on January 12 the ladder was the same as on arrival. Captain Greig stated that, while the pilot was able to board off in calm seas, this ladder is dangerous and unacceptable for normal conditions at the offshore pilot boarding area. The Charterer's representative forwarded a drawing of a solution that was implemented in Seattle. The BC Coast Pilots were contacted and they said the ladder arrangement was unacceptable to them, but that they had the option to board from a different position. The SFBP does not have that option because in that position the ladder is so far forward that the bow wave from the ship makes it difficult to control the pilot boat which could result in contact between the stern of the boat and the forward end of the sponson. The Charterer's representative was again contacted and advised that SFBP would not board an unsafe ladder and that the only other interim solution would be to send a pilot to Long Beach to ride the vessel up the coast.

A pilot did ride the vessel from Long Beach last week and docked the ship uneventfully. Upon departure, the pilot was unable to disembark and rode the vessel to Seattle.

SFBP took the Charterer out to the ship last week to attempt boarding the vessel. The new ladder arrangement still does not meet SOLAS requirements.

Executive Director Moloney reported that he had boarded the ship once it was moored and examined the pilot ladder arrangement. He showed photos of the original pilot ladder and the new pilot ladder arrangement with vertical inflatable bladders to hold the ladder away from the vessel. He stated that this arrangement still does not meet SOLAS requirements and in his opinion does not provide a safe boarding arrangement because the ladder has no support against the side of the ship and the pilot's feet push the lower part inboard, away from vertical.

Commissioner Falaschi asked for comments from the USCG. USCG Cdr Gordon A. Loebl, who was in the audience, reviewed the SOLAS requirements and confirmed Capt. Uberti's desire that the SFBP and Vessel owner attempt to reach an agreement on pilot transfer arrangements. If that is not possible, the Coast Guard has the option of issuing a letter of deficiency and requiring the owner to provide documentation that the pilot ladder arrangement has been approved by the proper authorities. Even then, the Coast Guard is not required to accept that arrangement if it deems it to be unsafe.

Commissioner Falaschi asked for comments from ship owners' representative. Captain Gerhard Jacob, Manager for the ship's agent, stated that various different areas to safely board the vessel had been used in other ports but found unacceptable by the SFBP for this port. Attorney Langowski, Keesal, Young & Logan stated that the owners take this matter and the safety issue very seriously and requested additional time for the Owners and Members to consult with technical experts and arrange for a representative to report on any additional findings as part of their recommendations and presentation, that they were disappointed that the meeting was not postponed, but are willing to work with the SFBP to make alternative boarding arrangements until this matter was resolved.

There was extensive discussion of the safety concerns presented by the current pilot boarding arrangement and of the Coast Guard's role to date.

The vessel's agent reported that the vessel is now on a 3-week schedule and is scheduled to return to the Bay Area February 24, 2006, with a 2-day cushion that could push it up to as early as February 22. Several Board members expressed their concern that the vessel would be allowed to return to the Bay Area with the same boarding arrangements.

Mr. Mike Jacob, PMSA Vice President, who was in the audience, said that PMSA supported SFBP's efforts to work with the ship charterer to make other boarding arrangements until safety issues were resolved, and noted that the vessel's Charterer was a member of PMSA.

After further discussion it was moved (Commissioner Wagner) and seconded (Commissioner Lundeberg) to authorize the Board President and/or Executive Director to write a letter to the USCG requesting that the USCG investigate the pilot ladder arrangements on the M/V PHOENIX and determine whether they meet SOLAS and port state control safety requirements and to inform the Board of the result. Commissioner Falaschi asked for comments from the Board and the public and for discussion. After thorough discussion of the Coast Guard's role and authority, the motion passed unanimously.

The Board continued discussion of the vessel's return schedule of February 24 and the vessel owner's or Charterer's cooperation in reaching interim arrangements to fly a SFBP pilot to Long Beach, CA to board the vessel and that in the event sea conditions preclude safely disembarking, for the outbound pilot to ride the vessel to the next port and the vessel owner or Charterer to make arrangements to fly the pilot back to San Francisco as was done on the last trip. The Board further discussed their responsibilities regarding pilot safety under the Code.

It was moved (Commissioner Wagner) and seconded (Commissioner Sitts) to empower the Board President and or Executive Director to write a letter to M/V PHOENIX owner and/or Charterer to request that, pending a satisfactory resolution of this matter, the vessel not call on San Francisco unless prior arrangements have been made with a Board-licensed pilot to fly him or her to the ship's last port of call before coming to San Francisco. Commissioner Falaschi asked for comments from the public and for discussion.

Mr. Jacob and Ms. Langowski stated that they believed that these interim arrangements would be acceptable to the Charterer and owner while a permanent solution was being worked out, although they were not authorized to make that commitment. There were no further comments from the public and no further discussion. The motion passed unanimously.

Commissioner Falaschi thanked everyone for attending today's meeting and stated that this item will remain on the Board's agenda for further discussion and to hear the owner's presentation and the results of the USCG investigation. The next Board meeting is scheduled for February 23, 2006 at 9:30 a.m.

The meeting was adjourned at 10:35.

Respectfully submitted,

Alice A. Evans
Secretary