

BOARD OF PILOT COMMISSIONERS
Minutes January 24, 2002

The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun regular meeting was held in the Port of San Francisco, Bayside Room #1, Pier One, San Francisco, CA, commencing at 9:30 a.m. on Thursday January 24, 2002, Commissioner Falaschi presiding. A quorum was present, including Commissioners Bayer, Lundeberg, Rosequist, Wagner, Welch and Winn. Also in attendance were Port Agent Captain McIsaac, Board Counsel Ray Paetzold, BOPC Executive Director Patrick Moloney, and Secretary Alice Evans and various members of the public.

The Minutes of the December 20, 2001, meeting were unanimously approved as written.

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

1. The Board received a letter dated December 27, 2001, from San Francisco Bar Pilots, Jeannie Gjevik, Plan Fiduciary regarding calculations of benefits for retired pilots Charlesworth and Going.
2. The Board received a letter dated December 28, 2001, from SFBP Captain Miller regarding the pilot trainee entrance examination in 2002.
3. The Board received a letter dated December 10, 2001, from State of California Health and Human Services Agency, regarding the Health Insurance Portability and Accountability Act.
4. The Board received a letter dated January 4, 2002, from Mr. Norman R. Hertz, Ph.D., notifying the BOPC of his retirement.
5. The Board received a letter dated January 5, 2002, from Douglas MacPherson, regarding the pilot training program start date. This letter has been forwarded to the Pilot Evaluation Committee.

Other Pilot Matters -- Executive Director Moloney

1. The Board issued license renewals to SFBP Captains Anderson, Carlier, Carlson, Coppo, Crowell, Gates, Gjevik, Hand, Kelso, Keon, MacLachlan, McIsaac, Plant, Rioux, Rhodes, Shanower, Teague and Waugh during the month of January.
2. The Board has received the manpower reports and statements for pilotage fees and surcharges collected from SFBP through September 2001 and Inland Pilot Slough through October 2001. Copies are available in the Board office.

Port Agent's Report -- Port Agent Captain McIsaac

1. Captain Rosen will be off the board until March 1, 2002, recovering from back surgery. Captain Wells re-injured his shoulder on January 4, 2002, that was originally injured when he was thrown to the deck of the pilot boat on November 29, 2001. Captain Alden broke three ribs on November 20 and returned to work on January 7. Captain J. Weiss injured his ribs while disembarking December 20 and returned to work on the 29th. Captain Atthowe was out with a back strain from December 19 through December 28.

2. There were four MRP violations on January 4. The shortest rest period was 10.5 hours. Five pilots were off the board with three of those NFFD and two on comp time. There were two MRP violations on January 9. The shortest rest period was 11.25 hours. There was one pilot off the board on pilot business.
3. There was a seven-foot tidal range starting on January 9, resulting in an excessive amount of debris in the water. Since the P/V GOLDEN GATE has a semi-planing hull which makes the wheels and rudder more susceptible to damage, the Port Agent McIsaac ordered it taken out of service for four consecutive days during hours of darkness.
4. Through December 2001 Bar Crossings - 2.04%
 Bay Moves -19.01%
 River Moves - 2.7 %
 Total Moves - 5.81%

Compared to same time last year

5. There seems to be two major causes for the large drop in the number of Bay Moves; the terminals at the Port of Oakland are experiencing less congestion. In the recent past it was not unusual to have a ship at the berth upon arrival. This resulted in the inbound ship going to anchor and shifting to the berth when it was available. SeaRiver Maritime has ceased lightering operations in the Bay and taken the two dedicated ships out of lightering service.

Unfinished Business

1. Open Incidents -- Executive Director Moloney reported that a. and b. are still being investigated and will be reported at the next Board meeting.
 - a. M/V ORIENTAL HOPE, allision at Parr 5B, Richmond, August 27, 2001, Pilot Captain D. Keon
 - b. M/V JULIA OLDENDORFF, Tug grounding Islais Creek Pier 80, October 15, 2001, Pilot Captain W. Lemke
 - c. M/V SOUTHERN BELLE, allision with M/V MANUKAI, in the vicinity of Richmond Inner Harbor RCIP 6, November 15, 2001, Pilot Captain J. Carlier

Executive Director Moloney distributed copies of the findings of facts.

PROBABLE CAUSE

Capt Carlier boarded the bulk wood chip carrier SOUTHERN BELLE in the evening of 15 November 2001 at Berth Parr 5A in the port of Richmond. The vessel was moored starboard side to the berth and would have to be backed out from the berth to Santa Fe Channel, turned to the Harbor Channel, backed down that waterway and turned at Point Potrero turn, then depart Richmond.

The tugs for the job were the Andrew Foss, a cycloidal drive tractor tug and the Enterprise, a twin screw conventional tug. The Andrew was placed at the stern and the Enterprise at the bow, both with single lines. The vessel was lifted off the berth and towed out with the tugs. The tugs were utilized to control the direction of the vessel and it proceeded toward Pt. Potrero uneventfully. As the vessel came abeam of the MANUKAI, moored at berth 6/7 in layup status, the vessel's stern took a sheer toward The MANUKAI. Capt Carlier gave the appropriate orders to counter the sheer; tug on the stern to pull to starboard at full power and the ship to put the rudder hard left and slow ahead to lift the stern. The vessel's watch officer accidentally placed the engine order telegraph slow astern instead of slow ahead. The resulting backing of the engine torqued the stern to port. Capt Carlier and Capt Batapa saw the tachometer indicate the astern direction and promptly. The correction did not take effect fast enough to prevent a gentle allision between the vessels which bent three feet of railing and fishplate on the SOUTHERN BELLE. There was no damage noted on the MANUKAI. The vessel was subsequently turned, proceeded to Anchorage 8 for inspection by the Coast Guard and was allowed to proceed early the next morning.

OPINIONS

1. Environmental conditions were routine and were not a factor.
2. Tug placement was effective and took advantage of their maneuvering characteristics.
3. When the vessel's stern sheered toward the MANUKAI, Capt Carlier's orders were appropriate to correct the situation.
4. The 4th Mate accidentally ordered the engine to slow astern, resulting in an increase in the sheer. Corrective measures were taken when pilot and master noted the error. The correction was not able to prevent a minor allision.
5. Post incident communications by Capt Carlier were timely and effective.

RECOMMENDATIONS

1. Close this case. No pilot error. Capt Carlier's engine order was reversed. If properly carried out it should have corrected the sheer; instead the astern order aggravated it, causing the allision. Capt Carlier's response was prompt and correct.

It was moved and seconded to accept the IRC report. Commissioner Falaschi asked for discussion. Executive Director explained the term 3sheer2. It was noted that when a vessel is going astern it will sometimes take a sheer as in this case, especially in confined waters. There being no further discussion, the motion passed unanimously.

Executive Director continued to G. 2.

MV GENERAL VILLA, grounding near UNOCAL dock, Sacramento Cut, January 9, 2002 -- he reported that the IRC found this to be a non-incident and noted that the USCG reached the same determination. He then distributed copies of the chart of the Port of Sacramento and briefly described the situation where the VILLA had to anchor just outside of Sacramento in the channel due to fog and the vessel less than three miles ahead also having to anchor in the channel.

2. Security -- Commissioner Rosequist --Report status on Pilot I.D. cards, contingency planning and other security matters; report on status of pending federal legislation, Port Maritime and Rail Security Act of 2001, Hollings S.B. 1214

Executive Director said the camera is on-line for the I.D. cards and that he would coordinate with the USCG regarding its requirements.

It was noted and agreed that pending adoption of federal legislation, including the Port Maritime and Rail Security Act of 2001, this item does not need to remain on the agenda, but will be monitored and addressed as needed. Commissioner Lundeberg reported that Oakland is hosting a security forum the week of February 19, 2002, time and place is to be announced at a later date.

3. Pilot Ladder reportable incidents -- Executive Director Moloney -- reported that there were no new pilot ladder incidents since the last report.
4. Rules and Regulations Committee -- Commissioner Welch -- report on results of January 18 Committee meeting -- possible report on additional comments received regarding modifications to proposed Board regulations Section 237 -- Hearing Procedures to Determine Number of Licensed Pilots -- **possible Board action re same**

Commissioner Welch reported that the Committee met January 18 and that there is significant progress on all items. The proposed changes generated by SB 637 are ready to be sent out in draft form to the Monterey community for study and comment. He proposed to schedule a Rules and Regulations Committee meeting in the Monterey area in order to solicit public comment on the draft proposed changes; with a target date of early March. The Board concurred.

As to the on-going sunset review of all Board regulations, the regulated community has been queried for input regarding any regulations that impose an unnecessary burden or cost. No comments have been received to date. The clean-up review has been completed and is ready to proceed to rulemaking. With the Board's concurrence the Committee will withhold its rulemaking proposal as to both the Sunset and Clean-up reviews until after the proposed draft changes concerning Monterey have been commented on by the Monterey stakeholders. At that time the Committee will present the combined package to the Board for its consideration at one public hearing. The combined rulemaking should be ready for presentation to the Board at the March Board meeting, depending on the number and character of changes generated at the Monterey venue. The Board concurred.

Status of Proposed Regulation 237. The additional public comment period regarding changes made by the Board at its last meeting closed January 23. No additional comments were received. It was moved and seconded to instruct Board staff to prepare the regulatory package as required and submitted to the Office of Administrative Law for review and processing. The motion included authority for the Board president and/or Executive Director to execute the Order of Adoption and all other documents necessary to conclude this Rulemaking. Commissioner Falaschi asked for discussion. There being no further discussion the motion passed unanimously.

John Berge, PMSA, who was in the audience, requested the Rules and Regulations Committee to also contact the International Consortium of Cruise Lines to participate in the Monterey Rules and Regulations Committee meeting regarding Monterey pilotage.

5. Finance Committee -- Commissioner Winn -- report on results of January 17 Committee meeting -- possible recommendation of revised scope/focus of independent audit of SFBP and B&P financial statements for 1998 – 2000 by CPA selected by the Board -- **possible Board action re same**

Commissioner Winn reported that the Committee met January 17 and again just before today's Board meeting. The Committee reviewed the SFBP variance report and noted that the gross tonnage is up 5.4%. The Committee discussed the recommendation from PMSA regarding a revised scope/focus of an independent audit of SFBP and B&P financial statements. The Committee feels that additional information is necessary before it could complete its recommendation regarding the scope of an independent audit. This item will remain on the agenda. SFBP indicated that many of the questions posed by PMSA in its recommendations regarding the audit can be answered directly by SFBP and offered to do so.

Commissioner Winn reported that the Committee reviewed the New SFBP Pilot Boat Surcharge and noted that the surplus starting 2002 was \$727,000. With an average estimated shortfall of \$30,000, per month, the time to bring the surplus to zero is 24 months. The Committee recommended no change to the current mil rate of \$5.13 and to continue its review monthly. It was reported at the Committee meeting that SFBP received a quote of 8.25% to refinance the boat construction loan. The present combined rate with Cat Finance is 7.33%.

The Committee reviewed the BOPC monthly status report and found no unusual items.

Commissioner Winn reported that Industry-Pilot Rate Negotiations Committee is scheduled to begin meeting February 13, 2002, at SFBP office Pier 9. The time will be determined at a later date.

The next Committee meeting is scheduled for 11:00 a.m., February 20, 2002, at the office of Heafey, Roach & May 1999 Harrison St. 22nd Floor Conference Room 22-A, Oakland, CA.

6. Pilot Training Curriculum Committee -- Commissioner Wagner -- report on results of January 24 Committee meeting -- possible recommendation for pilot training in advanced security measures in light of potential threats from terrorists -- **possible Board action re same**

From: Kenny Levin <k.levin@sfbarpilots.com>
To: Alice Evans <pilots@earthlink.net>
Date: Friday, March 22, 2002 7:29
Subject: BOPC Minutes of January 24, 2002

Alice:

I found one small error in the BOPC minutes of 1/24. Page 5, Section 5, second paragraph, third line, third word: "tonnage" should be "revenue".

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Commissioner Wagner reported that the Committee met today (January 24) and reviewed potential need for pilot training in advanced security measures in light of potential threats from terrorists and current bridge team training provided by Maritime Institute of Technology (MITAGS) entitled "Anti-Terrorism Awareness Seminar." The Committee reviewed MITAGS' course for SFBP and agreed to revisit this proposal at a later date. Commissioner Lundeberg is attending the Marine Seminar in Washington, D.C. and the Oakland security forum the week of February 19, 2002. He will report to the Committee regarding security training following the seminar and forum. This item will remain on the Committee agenda. The next Committee meeting will be determined at a later date.

7. Ad Hoc Pilot Power Committee -- Commissioner Wagner -- report on results of January 15 Committee meeting -- Hearing to Determine Number of Pilots immediately following the Board meeting (The hearing will be transcribed.)
8. Pilot Evaluation Committee -- SFBP Captain Melvin -- status report re simulator examination portion of Trainee Selection Process

Executive Director Moloney reported that the Committee met January 7, 14 and 17 and continued determination of grading parameters for the simulator portion of the exam. Office of Examination Resources will then review the grading parameters. The next Committee meeting is scheduled for February 6 at 1:00 p.m., at the SFBP office Pier 9.

9. Trainee Selection Process -- Executive Director Moloney -- status report

Executive Director Moloney reported that over 300 applications have been sent out to prospective trainees. The potential reopening of the board's pilot trainee training program has been well publicized. The office is contacted daily by phone for applications.

10. Union Pacific Railroad Bridge report -- Commissioner Rosequist -- report on results of January 23 meeting

Commissioner Rosequist reported that the natural working group met January 23. The Committee listened to VTS audiotapes of communications between the bridge and pilots. It was discussed that the Board has been proactive in attending these meetings and would participate on an as-needed basis in the future. This item will be taken off the agenda. Commissioner Falaschi thanked Commissioner Rosequist and Board staff for their participation.

New Business

1. M/V CEFALONIA, grounding San Joaquin River, light 56, January 8, 2002 -- this incident is under investigation.
2. MV GENERAL VILLA, grounding near UNOCAL dock, Sacramento Cut, January 9, 2002 -- this incident was reported on earlier under open incidents as it was determined to be a non-incident.
3. Board Website -- Executive Director Moloney -- **possible Board action** to authorize agreement with Association of Bay Area Government (ABAG) to provide website for Board meeting notices and other public information

Executive Director reported that the Board is required by recent legislation to post Board meeting notices and other public information on the Internet and gave a description of a proposed agreement with the Association of Bay Area Governments (ABAG). It was moved and seconded to authorize Board staff to prepare, and Board president and or executive director, to sign such an agreement with ABAG at a cost of up to \$5,000 per year. (The monthly service fee is expected to be \$60.00.) Commissioner Falaschi asked for discussion. There being no further discussion the motion passed unanimously.

4. Public Comment on matters not on the agenda -- there were no comments.
5. Proposals for additions to next month's agenda -- Commissioner Wagner reported that at the Pilot Power Committee meeting January 15, the Committee agreed to recommend to the Board to update the 1986 San Francisco Pilots Manpower Model. This item will be placed on next month's agenda.

Schedule next regular meeting -- the next regular Board meeting is scheduled for February 28, 2001, at the Port of San Francisco, Bay side room #1, San Francisco, CA.

Adjournment -- the meeting was adjourned at 10:48 a.m.

Respectfully submitted,

Alice A. Evans
Secretary