

## BOARD OF PILOT COMMISSIONERS

### Minutes February 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 9:35 a.m. on Thursday, February 26, 2004 Commissioner Falaschi presiding. A quorum was present, including Commissioners Bayer, Lundeberg, Rosequist, Wagner, Welch and Winn. Also in attendance were Acting Port Agent David Wainwright, Board Counsel Ray Paetzold, Executive Director Patrick Moloney and Secretary Alice Evans and various members of the public.

Request approval of Minutes of the January 22, 2004 regular Board meeting. The minutes were unanimously approved as amended: Page 2, item 1. a., first paragraph, third line change ~~Captain~~ to "Commissioner" Falaschi...

#### Correspondence and Activities since the January meeting--Executive Director Moloney

1. The Board received a letter dated February 3, 2004 from Captain Pete McIsaac, SFBP Port Agent, requesting Board review of BOPC Regulation Section 218(c)(1) Duties of Port Agent.

Executive Director reported that there are various factors (including larger vessels and Oakland Estuary deepened) that may warrant changes to Section 218(c)(1) regarding the Continuing Professional Development Program. Commission Welch noted that preliminary discussion has begun with the Pilot Evaluation Committee. Commissioner Falaschi requested that this request be reviewed by the Pilot Evaluation Committee to develop recommendation to the Board. Executive Director will contact the PEC.

2. The Board received a thank you letter dated February 4, 2004 from Glen M. Paine MITAGS.
2. The Board forwarded letters dated February 10, 2004 to Captains Atthowe, Kenyon, Melvin, Miller, Simenstad and Inland Pilot Capt. Slough notifying them of the BST and/or BRM training February 20-27, 2004.
3. The Board forwarded a letter dated February 10, 2004 to Peter Siggins, Legal Affairs Secretary, regarding compliance with Executive Order S-2-03 and submission of the Board's Regulatory Review Report.
4. The Board received a request dated February 10, 2004 from Secretary of State Kevin Shelley to update the BOPC's information for the California Roster 2004.
5. The Board received a letter dated February 19, 2004 from Captain Pete McIsaac, Port Agent SFBP, that Captain David Wainwright will give the Port Agent's report at the February 26 Board meeting.

#### Other Pilot Matters--Executive Director Moloney

1. The Board issued license renewals to Captains Atthowe, Cota, Greig, Hartshorn, Lobo, O'Laughlin, Roberts, Vilas and Wagner during the month of February.

2. The Board has received the manpower reports and statements for pilotage fees and surcharges collected from SFBP and Inland Pilot Slough through December 2003. Copies are available in the Board office.

Port Agent's Report -- Port Agent Captain McIsaac -- possible request for changes in Continuing Professional Development Program (Reg. Section 218(c)(1)) Acting Port Agent SFBP Captain Wainwright gave the following report.

1. There are currently four pilots NFFD;
  - Captain J. Weiss is recovering from a non work-related condition;
  - Captain Hoburg is recovering from a knee injury and is expected back to work in early March
  - Captain Larwood's knee injury required surgery. He is expected to remain NFFD for 2-3 months.
  - Captain Rhodes has been NFFD since February 4 for a condition not related to work -- return date unknown at this time.
2. On February 17 there were three 12-hr MRP violations with the shortest rest period being 10.5 hours. Five pilots were off the board, one NFFD, two on pilot business, one on bereavement leave and one on comp time.
3. Through January 2003: Compared to 3-yr Daily Average:

Bar Crossings	- 2.2%
Bay Moves	- 8.0%
River Moves	-29.0%
Total Moves	- 4.0%
Gross Tons	+ 6.2%

#### Unfinished Business

1. Open Incidents --Executive Director Moloney
  - a. S/S MAUI, grounding, entrance to Oakland Estuary, January 28, 2003 SFBP Captain J. Weiss; hearing scheduled for March 15, 2004 (through March 18, if necessary); update as necessary

Executive Director referred to Board Counsel Paetzold who reported the following: Captain Weiss' attorney notified the ALJ that an unforeseen conflict had arisen with the March 15 hearing date. The ALJ ordered the hearing date continued to June 14 or to such later date as a quorum of the board is available. Following today's meeting Board Counsel will check with all Commissioners for availability and inform the parties and the ALJ.

- b. M/V NEW HORIZON, allision with North Channel Buoy "1", December 6, 2003 -- SFBP Capt. S. Hartshorn

On the afternoon of 6 December 2003, Capt Hartshorn boarded the bulk freighter M/V NEW HORIZON to pilot it to the US Steel/Posco Terminal in Pittsburg. Capt Hartshorn boarded the vessel inside the Golden Gate Bridge to relieve Capt Gans. The transfer was made between the Golden Gate Bridge and Alcatraz. Capt Hartshorn considered there to have been ample time for the turnover. Capt Gans disembarked at about 1400 as the vessel was passing south of Alcatraz.

Capt Hartshorn had altered course to port to about 075° and had ordered the engine to maneuvering full ahead. Due to the vessel's emission control system, the speed was coming up very slowly, which is routine with that class of vessel.

At about 1404 with the vessel clear of Alcatraz, Capt Hartshorn ordered a change of course to port to 005°. When the vessel steadied up Capt Hartshorn realized it was setting to port onto North Channel Buoy #1. He estimated the vessel's speed to be about 8 knots and the current to be about 4 knots. He ordered right full rudder to try to clear the buoy, but saw that the vessel was not going to clear. He then ordered left full rudder to try and lift the stern around it but was unable to clear the buoy.

At 1407 the vessel allided with the buoy near #4 hatch and overrode it. The buoy surfaced on the starboard quarter. There was no damage to the vessel and minor cosmetic damage to the buoy. Capt Hartshorn reported the allision to the Coast Guard. The vessel proceeded to Pittsburg and docked uneventfully.

## OPINIONS

1. The pilot change off the San Francisco city front was routine.
2. Environmental conditions for the transit were favorable, however, recent rains had caused significant river runoff, increasing the ebb current in the bay.
3. Capt Hartshorn identified the leeway problem with the vessel as it steadied up on the ordered course, but was unable to compensate for the unpredicted current within the basic voyage plan. He misjudged the amount of leeway the vessel was carrying.

## RECOMMENDATIONS

1. Close this case, pilot in error. Capt Hartshorn misjudged the effect of the ebb current on the vessel as it slowly increased speed. This resulted in a set to port which caused an allision with North Channel Buoy #1, despite maneuvers to prevent it. The vessel sustained no damage or delay. The buoy sustained minimal damage and stayed in position and watching.
2. Capt Hartshorn was issued a Letter of Warning by USCG Marine Safety Office on 29 Dec 2003. A copy of that letter is attached to this report. The IRC considers this a "lessons learned" report and the Letter of Warning to be appropriate diligence in this incident.

It was moved and seconded to accept the IRC report. Commissioner Falaschi asked for discussion. Commissioner Rosequist asked if Captain Hartshorn's incident history was taken into consideration. Executive Director Moloney noted that it is included in Encl 12 to the complete report, and provided a brief summary. The catalytic converter configuration and the fact that the vessels in this class are operated by three different management companies were discussed in detail. There being no further discussion, the motion passed unanimously.

2. Pilot Ladder reportable incidents--Executive Director Moloney said there were no reportable incidents.

3. Rules and Regulations Committee--Commissioner Welch referred to the report made earlier regarding the letter sent to Peter Siggins, Legal Affairs Secretary, regarding the Board's compliance with Executive Order S-2-03, and that there was no further action required at this time.
4. Finance Committee--Commissioner Winn -- report on February 26, 2004 meeting -- Commissioner Winn reported that the Committee met today and reviewed the SFBP variance report. It was noted that 2003 was a very good year and that 2004 has been somewhat slower. The expense line is higher due to extra boat maintenance and increased administrative expenses. The P/V Surcharge reserve is \$68,000. The Committee will continue to monitor the reserve. The BOPC Fund Status report was reviewed and continues to be in good shape. The next Committee meeting is scheduled for April 22, prior to the regular scheduled Board meeting.
5. Pilot Training Curriculum Committee--Commissioner Wagner - results of February 3, 2004 meeting; possible recommendation to authorize contract with Maritime Institute of Technology & Graduate Studies (MITAGS) to provide 7-day training course to include AZIPOD and KAMEWA propulsion control systems, fatigue/sleep/medication seminar and all elements of training required by Title 7, Calif. Code of Regulation §215(b)(2) for next 3-year training cycle for all Board licensed pilots and the one inland pilot, not to exceed \$100,000 per fiscal year for FYs 04/05, 05/06 and 06/07, and to amend existing contract with SFBP to provide associated round trip air transportation to Baltimore/Washington International Airport at lowest available coach class fare, not to exceed \$15,000 per fiscal year for FYs 04/05, 05/06 and 06/07, authorize Board President and/or Executive Director to prepare and sign all necessary documents associated therewith; **possible Board action re same**

Commissioner Wagner reported the following: As required by regulation 215(b)(2), the SFBP must attend a course at least five days in length completed at least once every three years covering at least the following topics: (A) Bridge resource management for pilots; (B) Shiphandling on a computer driven ship's bridge simulator including emergency maneuvering and shiphandling in close quarters; (C) Emergency medical response; (D) Advanced electronic navigation systems; and (E) Regulatory review. At the last Board meeting the Committee recommended that the curriculum for the next three year training cycle required by regulation 215(b)(2) include AZIPOD and KAMEWA propulsion control systems training. The Board unanimously accepted that recommendation.

The Training and Curriculum Committee met on February 3 and reviewed written proposals from California Maritime Academy (CMA), Marine Safety International (MSI), Maritime Institute of Technology & Graduate Studies (MITAGS) and Star Center. Representatives from CMA, MSI and MITAGS were present to give a brief review of the training offered and to discuss the cost per pilot. Star Center could not attend the meeting. The price per pilot ranged from \$2,200 at CMA including lunch, to \$3,886 at MITAGS including room and board, to \$4,081 at MSI including room and board, to \$5,539 at Star Center including room and board. After discussion, the Committee agreed that the pilots should have the best training available for the best price. The Committee agreed that MITAGS offered the most comprehensive and highest quality training, had more experience with providing the AZIPOD and KAMEWA training than CMA or MSI, plus operates a 360 degree state-of-the-art ship's bridge simulator. MITAGS also offered a fatigue/sleep/medication seminar at no additional cost.

The Committee recommends in the form of a motion to authorize contracting with Maritime Institute of Technology & Graduate Studies (MITAGS) to provide 7-day training course to

include AZIPOD and KAMEWA propulsion control systems, fatigue/sleep/medication seminar and all elements of training required by Title 7, Calif. Code of Regulation §215(b)(2) for next 3-year training cycle for all Board licensed pilots and the one inland pilot, not to exceed \$100,000 per fiscal year for FYs 04/05, 05/06 and 06/07; and to amend existing contract with SFBP to provide associated round trip air transportation to Baltimore/Washington International Airport at lowest available coach class fare, not to exceed \$15,000 per fiscal year for FYs 04/05, 05/06 and 06/07; and to authorize the Board President and/or Executive Director to prepare and sign all necessary documents associated therewith. The motion was seconded.

Commissioner Falaschi asked for discussion. The Board discussed past training experience and expenses and concluded that the cost was justified by the quality of training that the pilots will receive from MITAGS. Commissioners Bayer and Winn noted that there is nothing comparable at this time and that it is unfortunate not to be able to support CMA, but that, at the present time, CMA cannot provide the level of training that the pilots require. Commissioner Rosequist noted that the Board's primary responsibility is safety and qualified training is part of that process and also noted that it is unfortunate the Board cannot support CMA. There being no further discussion the motion passed unanimously.

6. Ad Hoc Committee on Trainee Selection--Commissioner Bayer -- Status report on review of trainee selection process -- Board Counsel Paetzold reported that HZ Assessments met with the Pilot Evaluation Committee February 18 to review the completed occupational analysis questionnaires. HZ Assessments will forward the report to the Ad Hoc Committee to develop recommendation to be presented to the Board at the March or April meeting. This should allow sufficient time to complete any regulatory changes necessary to incorporate the lessons learned from the 2002 selection process before commencing the next selection in the spring of 2005.
7. Pilot Evaluation Committee--Capt. Melvin -- Report on trainees' progress in training program; report on February 18, 2004 Committee meeting with HZ Assessments to review results of Occupational Analysis Questionnaires to develop recommendation for Ad Hoc Committee's consideration -- Captain Melvin reported that the trainees are progressing well and will begin hands-on training as they have completed most of the pilotage exams. He concurred with the Ad hoc Committee report and included that the PEC is scheduled to meet at CMA March 31 to work on the simulator exercise. The next trainee (Captain Spencer) is scheduled to begin March 15. (The remainder of this item was covered under item 6 above.)
8. Vessel Interactions--Review incident frequency, Board's role in addressing the problem-- Commissioner Falaschi/Executive Director Moloney

Commissioner Falaschi noted that items 8 and 9 are on the agenda as place holders and that he has no report at this time. Commissioner Bayer did refer to item 9.

9. Pilot Security -- Commissioner Falaschi

Commissioner Bayer noted that his company is requesting an official list of San Francisco Bar Pilots and trainees, Inland Pilot and Chevron pilots to permit entry onto its terminal. Commissioner Falaschi directed Board staff to provide such list.

10. Authorize Board President and/or Executive Director to sign FY04/05 contracts as follows: The Paetzold Law Firm, up to \$300,000 and secondary legal firm Farbstein & Blackman, APC up to \$12,500; and miscellaneous office contracts (internet provider, web site

provider, Department of Consumer Affairs and equipment repair). Investigators Barton, Figari and Smith 3-year contracts (FY04/05, 05/06 and 06/07 up to \$7,000.00 each per year.) **possible Board action re same**

Executive Director Moloney noted that this is routine office procedures to request authorization for the upcoming fiscal year. It was moved and seconded to authorize Board President and/or Executive Director to sign FY04/05 contracts and supporting documentation as follows: The Paetzold Law Firm, up to \$300,000 and secondary legal firm Farbstein & Blackman, APC up to \$12,500; and miscellaneous office contracts (internet provider, web site provider, Department of Consumer Affairs and equipment repair). Investigators Barton, Figari and Smith 3-year contracts (FY04/05, 05/06 and 06/07 up to \$7,000.00 each per year.) Commissioner Falaschi asked for discussion. There was none. The motion passed unanimously.

Authorize Board President and/or Executive Director to amend FY 03/04 contract #000-0789-3 with secondary legal firm, Farbstein & Blackman, APC, to increase authorized contract amount from \$12,500 to up to \$30,000. **Possible Board action re same**

Board Counsel Paetzold noted that the increase in the contract amount is for the anticipated legal expenses for the upcoming hearing on the accusation following the grounding of the S/S MAUI (item 1(a) under "unfinished business" above.) It was moved and seconded to authorize the Board President and/or Executive Director to amend FY 03/04 contract #000-0789-3 with secondary legal firm, Farbstein & Blackman, APC, to increase the authorized contract amount from \$12,500 to up to \$30,000. Commissioner Falaschi asked for discussion. There was none. The motion passed unanimously.

#### New Business

1. Public Comment on matters not on the agenda – there was none.
2. Proposals for additions to next month's agenda – Commissioner Falaschi noted that by statute, the Board is tasked with prescribing standards to ensure that each pilot and inland pilot is fit to perform his or her duties. (HNC Section 1176) Those standards are regularly used by the Board's physicians to determine a pilot's fitness, whether in conjunction with a pilot's routine license renewal or when that fitness has been called into question. It has been over 25 years since those standards and the process for their enforcement were adopted and a review to ensure that they continue to meet the needs of the Board, the pilots, industry and the public is in order. He will therefore appoint an advisory committee to conduct such a review and to develop any recommendations that may be appropriate for the Board's consideration and will inform the Board of the Committee's makeup at the next meeting.

Schedule next regular meeting – the next regular Board meeting is scheduled for Thursday, March 25, 2004 at 9:30 a.m.

Adjournment – the meeting was adjourned at 10:30.

Respectfully submitted,



Alice A. Evans  
Secretary