

<p><b>Meeting Date:</b></p> <p><b>July 26, 2018</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 1 of 12</b></p>
---------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------

**Board Members Present**

Jennifer Ferrera Schmid, President, Public Member  
David Hoppes, Dry Cargo Industry Member  
Captain George Livingstone, Pilot Member  
Captain Einar Nyborg, Pilot Member  
Marlon Flournoy, Deputy Secretary for Transportation Planning, Representing the Secretary of  
the California State Transportation Agency

**Board Members Absent**

Dave Connolly, Vice President, Public Member  
John Schneider, Wet Cargo Industry Member  
Vacant, Public Member

**Staff Present**

Allen Garfinkle, Executive Director  
Dennis Eagan, Board Counsel  
Luis Cruz, Associate Governmental Program Analyst

**Public Present**

Past Board President Knute Michael Miller; Captain Joseph Long, San Francisco Bar Pilots (SFBP) President and Port Agent; Ray Paetzold, SFBP Business Director-General Counsel; Mike Jacob, Pacific Merchant Shipping Association (PMSA) Vice President; Brigadier General (Ret.) Chester L. Ward, MD; Dr. Alan Hobbs and Kevin Gregory, San Jose State University Research Foundation; Dr. Erin Flynn-Evans, NASA Ames Research Center

**OPEN MEETING**

**1. Call to Order and Roll Call – President Schmid**

President Schmid called the meeting to order at 9:34 a.m. Associate Governmental Program Analyst Cruz called the roll and confirmed a quorum.

**2. Review and approval of Board meeting minutes – President Schmid**

**Board action to approve meeting minutes from the Board meeting held on June 28, 2018.**

Board members were presented with the draft minutes from the Board meeting held on June 28, 2018. There were no edits requested or further discussion.

<p><b>Meeting Date:</b>  <b>July 26, 2018</b></p>	<p align="center"><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p align="center"><b>BOARD MEETING MINUTES</b></p>	<p align="center"><b>Page 2 of 12</b></p>
-----------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------

- MOTION:** Commissioner Nyborg moved to approve the draft minutes of the meeting held June 28, 2018. President Schmid seconded the motion.
- VOTE:** YES: Schmid, Hoppes, Livingstone, and Nyborg.  
NO: None.  
ABSTAIN: None.
- ACTION:** The motion was approved.

### **3. President Announcements and Activities – President Schmid**

President Schmid announced that she has appointed Vice President Connolly to the Board’s Pilot Fitness Committee. There were no further announcements.

### **4. Board Member Announcements and Activities – Board Members**

There were no announcements.

### **5. Directors’ Report – Executive Director Garfinkle/Assistant Director Cristia-Plant**

#### **A) Correspondence and activities since the Board meeting held on June 28, 2018.**

Executive Director Garfinkle reported on the correspondence and activities since the June Board meeting as follows:

- On June 29, 2018, Board staff received a letter from the Department of Finance authorizing the Board to lower the Operations Surcharge from 3% to 2.75% of all pilot revenue, effective July 1, 2018.
- Also on June 29, 2018, he and Assistant Director Cristia-Plant met with PMSA Vice President and General Counsel Mike Jacob for a luncheon and discussed various topics.
- Also on June 29, 2018, Board staff received a copy of the Annual Report from the Board of Commissioners of Pilots of the State of New York for the 2017 calendar year. The report describes the composition of each pilotage district and pilotage rates for regulated vessels arriving or departing in New York, New Jersey, Long Island, Block Island Sound and the Hudson River.
- On July 2, 2018, he hosted a site visit with Amanda Martin, Principal Program Budget Analyst, and Kathy McCloud, Finance Budget Analyst from the Department of Finance. Both analysts were oriented to the Board’s programs and their visit included a tour of the SFBP offices.
- On July 11, 2018, Board staff met with Board President Schmid and reviewed various items of business.
- On July 16, 2018, Board staff received a site visit from Captain Aristotle Wolfe from the California Highway Patrol (CHP), San Francisco office, assigned to state

<p><b>Meeting Date:</b></p> <p><b>July 26, 2018</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 3 of 12</b></p>
---------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------

facilities. Board staff were provided information on the CHP facilities program and updated contact information.

- On June 26, 2018, Board staff received a copy of the PMSA *West Coast Trade Report* for the month of July 2018. The report contains the May 2018 loaded twenty-foot equivalent unit (TEU) numbers and several other articles.

**B) Report on pilot licensing matters in the past month and current month.**

- Between the May and June Board meetings, staff renewed the licenses of Captains Wehr, Hurt, Cvitanovic, Fawcett, Cloes, Carr, Manes, Alden, D’Aloisio, Haggerty, Larwood, Long, Miller, Nyborg, and Slack.
- No licenses were issued between the June and July Board meetings.

**C) Report on Board surcharges.**

Executive Director Garfinkle reported that the Board received a check from the SFBP in the amount of \$188,809.64, itemized as follows:

- Board Operations Surcharge: \$91,129.64
- Continuing Education Surcharge: \$ 2,960.00
- Trainee Training Surcharge: \$94,720.00

**D) Report on legislative activities and contractual matters.**

Associate Governmental Program Analyst Cruz stated there were no legislative activities to report.

For contractual matters, Associate Governmental Program Analyst Cruz reported the following:

- The contract amendment with the San Jose State University Research Foundation that the Board approved at its April 2018 Board meeting was approved by the Department of General Services (DGS) on July 6, 2018.
- The new 3-year contract with UCSF is currently at DGS for review and Board staff anticipate the new contract will be approved soon. Board staff have submitted a request for DGS to allow the contract effective date to be prior to the Department of General Services approval date. If this request is not approved by DGS, however, Board staff will create a short-term contract to cover pilot and trainee medical costs in July, and until the new contract is in place. The new contract will total nearly \$446,000.
- Due to workload, Board staff has not completed any work on the interagency agreement for trainee random drug testing services with the California Department of

<p><b>Meeting Date:</b>  <b>July 26, 2018</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 4 of 12</b></p>
-----------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------

Human Resources (CalHR), the procurement paperwork necessary to select and contract with a CPA firm for pension calculation services, or the procurement paperwork for the pension actuary services. Work is anticipated to commence in August.

## **6. Port Agent's Report – Captain Joseph Long**

### **A) Monthly report on San Francisco Bar Pilots (SFBP) pilot availability and absences.**

Port Agent Long reported that Captain Dowdle has been NFFD since September 23, 2017.

He reported that the SFBP continually monitors the dispatch list for possible 12-hour minimum rest period (MRP) exceptions, and if the potential exception is likely to result in a rest period of less than 10 hours, mitigating measures are employed by the SFBP. He reported that the mitigating measures include, but are not limited to, suspending continuing professional development protocols, cancelling scheduled meetings, cancelling previously granted compensating-time-off requests, suspending SFBP internal working rules, and calling in off-watch pilots. He reported that there are currently 56 licensed pilots. He reported that there were 21 MRP exceptions in June 2018, and that the shortest rest period was 9.1 hours.

### **B) Monthly report on SFBP ship-piloting business activity.**

Port Agent Long reported the following:

- The P/V GOLDEN GATE was out of service for half a day on June 28, 2018, due to a breaker issue in the main electrical panel.
- The P/V DRAKE has been out of service since June 22, 2018, for reduction gear and main engine repairs, and normal dry docking.

Port Agent Long reported the billed vessel moves for June 2018 as follows:

- Bar Crossings: 557 Moves
- Bay Moves: 143 Moves
- River Moves: 58 Moves
- Total Moves: 758 Moves
- Gross Registered Tons (GRT): 31.7 Million

Port Agent Long also reported that the SFBP has conducted 10 peer reviews since the June Board meeting. Commissioner Nyborg thanked Captain Dowdle for performing the duties of the Operations Pilot.

<p><b>Meeting Date:</b>  <b>July 26, 2018</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 5 of 12</b></p>
-----------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------

**C) Monthly confidential written report of SFBP pilots who have been absent for medical reasons (AFMR). The Board may go into closed session to discuss contents of the Port Agent’s confidential report as authorized by Harbors and Navigation Code § 1157.1.**

There was no discussion of the confidential written report of pilots who have been absent for medical reasons. There was no closed session discussion of this item.

**7. Pilot Evaluation Committee – Captain Teague**

**A) Report on the Pilot Evaluation Committee (PEC) meetings held on July 18, 2018.**

Captain Teague was unable to attend the meeting. Executive Director Garfinkle read Captain Teague’s submitted report.

- The PEC met on July 18, 2018, and Captains Teague, Boriolo, Carlier, and Haggerty were present.
- In closed session, all trainees were interviewed and counseled individually on their progress in the Pilot Trainee Training Program.
- The eight current trainees are Burchard, Crowl, Corbett, Freese, Greger, Pullin, Pyne Mercier, and Starnitzky. The range of time in the program for these trainees spans 7 to 19 months.
- Seven of the eight trainees have completed all their testing for federal pilotage endorsements with the U.S Coast Guard. The one trainee that is still testing has only the Stockton and Sacramento routes remaining and anticipates completion by the middle of August 2018.
- All trainees are handling vessels as much as possible.
- All trainees are presently meeting the recommended benchmarks in the training program and are progressing at their individual rates.
- The next PEC meeting is scheduled for August 15, 2018, at 7:30 a.m. at the Board office.

**B) Possible PEC recommendation to place one or more Pilot Trainee Training Program trainees on probation, or dismiss one or more trainees from the program. Possible Board action to place one or more Pilot Trainee Training Program trainees on probation, or dismiss one or more trainees from the program.**

There was no recommendation.

<p><b>Meeting Date:</b>  <b>July 26, 2018</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 6 of 12</b></p>
-----------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------

- C) Possible PEC recommendation for a determination that a trainee has or trainees have completed the Pilot Trainee Training Program. Possible Board action to award a Certificate of Completion to a trainee who has completed the Pilot Trainee Training Program.**

There was no recommendation.

- D) Possible recommendation from the Executive Director for the appointment of a new pilot or pilots. Possible Board action to accept a recommendation from the Executive Director that a trainee holding a Certificate of Completion from the Pilot Trainee Training Program be licensed as a pilot.**

There was no recommendation.

- 8. Reported Safety-Standard Violations – Executive Director Garfinkle (Reported safety-standard violations occurring up to the start of the meeting will be reported on.)**

Executive Director reported that on July 24, 2018, he received a Pilot Boarding Arrangement Deficiency Report from Captain Burger concerning the M/V TEQUILA SUNRISE. Captain Burger reported that while boarding the M/V TEQUILA SUNRISE he noticed that the pilot ladder was in very poor condition with limited ability to support a pilot's weight. He was informed by the ship's master that they had a new ladder and would deploy it as soon as possible. Executive Director Garfinkle stated that he reported the issue to the U.S. Coast Guard Port State Control, Sector San Francisco. There was no further discussion.

- 9. Reportable Piloting Events – Executive Director Garfinkle (Reportable piloting events occurring up to the start of the meeting will be reported on.)**

**Progress report on the allision of the M/V ALAM SEJAHTERA with the POSCO Steel dock (PBG 4) in Pittsburg, California, on March 25, 2018. Possible Board action to grant an extension to present the M/V ALAM SEJAHTERA report at the Board meeting to be held on August 23, 2018. If an extension is requested, it is due to the investigation being incomplete.**

Executive Director Garfinkle reported that on March 25, 2018, while outbound from the Dow Chemical dock (Pittsburg #6), the M/V ALAM SEJAHTERA allided with the dock face at USS-POSCO Industries (Pittsburg #4). Following the contact, the ship proceeded to Anchorage #9. He reported that the Incident Review Committee (IRC) respectfully requests an extension to present the IRC report at the August 2018 Board meeting. He stated the extension is requested due to evidence from the investigation still being collected.

<p><b>Meeting Date:</b>  <b>July 26, 2018</b></p>	<p align="center"><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p align="center"><b>BOARD MEETING MINUTES</b></p>	<p align="center"><b>Page 7 of 12</b></p>
-----------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------

**MOTION:** President Schmid moved that the Board grant an extension to the Incident Review Committee to present the report on the M/V ALAM SEJAHTERA at the August 23, 2018, Board meeting. Commissioner Livingstone seconded the motion.

**VOTE:** YES: Schmid, Hoppes, Livingstone, and Nyborg.  
NO: None.  
ABSTAIN: None.

**ACTION:** The motion was approved.

**10. Loss-of-Propulsion/Low-Sulfur-Fuel Report – Executive Director Garfinkle**

**Report on loss-of-propulsion events arising in June 2018, as reported by the U.S. Coast Guard, including those events suspected to be due to low-sulfur-fuel issues.**

Executive Director Garfinkle stated that there were no reports for loss-of-propulsion events due to fuel switching to report on. He confirmed for Commissioner Hoppes that the report prepared by the U.S. Coast Guard accounts for all marine casualties, including those in which there was no pilot aboard.

**President Schmid informed the Board she was going to depart from the agenda order and address agenda items 12 through 17.**

**12. Navigation Technology Equipment and Software Acquisition Update – SFBP Business Director-General Counsel Paetzold**

**Status report on the SFBP’s implementation of navigation technology equipment and software.**

Mr. Paetzold reported that the SFBP awaits the completion of the Rosepoint software upgrade for the route-piloting systems. He stated that the SFBP has received the invoice for the annual software license fee for the precision-docking equipment and has arranged for payment. He stated that the Rosepoint software upgrade, the annual software license fee, and the California Use Tax paid earlier this year were approved by the Board in response to the SFBP’s Final Authorization request in 2017, and are subject to the Finance Committee’s review once the expenditure is made.

**13. Fee and Surcharge Recovery Actions Involving Hanjin Shipping Company – SFBP Business Director-General Counsel Paetzold**

**Status report on the SFBP’s fee and surcharge recovery actions involving pilotage services provided to vessels operated by Hanjin Shipping Company.**

<p><b>Meeting Date:</b>  <b>July 26, 2018</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 8 of 12</b></p>
-----------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------

Mr. Paetzold reported that there was nothing new to report and that the remaining balance is pending before the Korean Bankruptcy Court proceedings.

**14. San Francisco Bar Pilot Pension Plan Litigation – Board Counsel Eagan**

**Status report on Craig E. Reeder vs. State Board of Pilot Commissioners litigation. The Board may go into closed session to discuss with Board Counsel any matters subject to attorney-client privilege as per Government Code §11126(e) of the Bagley-Keene Open Meeting Act.**

Board Counsel Eagan stated there was nothing new to report.

**15. Report on Pilot Retirement Survey – Associate Governmental Program Analyst Cruz**

**Report on the results of the most recent Pilot Retirement Survey.**

Associate Governmental Program Analyst Cruz reported the statistics of the most recent Board Pilot Retirement Survey as follows:

- As of July 23, 2018, the Board’s designated number of available pilot licenses is 60, and there are currently 56 licensed pilots.
- There are eight trainees in the program.
- None of the trainees are in evaluation status.
- The survey was distributed to all licensees on July 7, 2018, and 50 licensees completed the survey.
- Of the 50 licensees who responded, 8 are eligible for retirement in 2018, and 17 will be eligible by 2022.
- Of the 50 licensees who responded, none anticipate retiring in the remainder of 2018.
- Factors that may impact a licensee’s decision to retire include, but are not limited to, health status, age, financial security, family issues, job satisfaction, and amendments to the pilot pension plan.

Commissioner Nyborg noted the value of the next Pilot Retirement Survey having a 100% completion rate. Commissioner Livingstone noted that the Board may have lost a candidate from the current Pilot Trainee Training Program Eligibility List and requested that a Pilot Power Meeting be held prior to the August Board meeting.



<p><b>Meeting Date:</b>  <b>July 26, 2018</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 9 of 12</b></p>
-----------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------

**16. Board discussion of best practices in Maritime Safety – Vice President Connolly**

**A Board discussion of best practices in maritime safety and/or lessons learned from Incident Review Committee incident reports or other sources, and possible directions to staff to develop safety policies and procedures. Possible Board action to direct staff to develop maritime safety policies and procedures.**

This agenda item was deferred to the next Board meeting.

**17. Incident Review Committee incident report on the M/V ALAM SEJAHTERA - President Schmid**

**A presentation of the Incident Review Committee report on the event involving the M/V ALAM SEJAHTERA making unintended contact with the pier structure at the USS-POSCO Industries (PBG4) in Pittsburg on March 25, 2018. Board deliberation and decision with respect to possible pilot error. Board determination with respect to further actions, if appropriate. The Board may go into closed session for the deliberation of the incident report presented under this item pursuant to Harbors and Navigation Code §1180.6(a) and Government Code §11126(c)(3).**

This agenda item was deferred to the next Board meeting.

**11. Pilot Fitness Committee – Knute Michael Miller**

**a. Report on the Pilot Fitness Committee meeting held on July 20, 2018.**

Pilot Fitness Committee (PFC) Chairman Miller stated that the Committee met on July 20, 2018. It reviewed the *San Francisco Bar Fatigue Study* (hereinafter “study”) with Dr. Alan Hobbs and Dr. Erin Flynn Evans. It also reviewed the Board’s fitness determination protocols with UCSF. He stated the report was highly informative and that he was pleased to learn that current SFBP fatigue mitigation strategies were validated by the researchers.

**b. Review and discuss Pilot Fatigue Study prepared under contract by researchers at the San Jose State University Research Foundation, with the assistance from researchers at the National Aeronautics and Space Administration. Possible Committee recommendation to Board to accept the Pilot Fatigue Study. Possible Board action to accept Pilot Fatigue Study and assign to Committee(s) for further action. (Chairman Miller and Dr. Alan Hobbs)**

Dr. Hobbs introduced Dr. Erin Flynn-Evans and Kevin Gregory and provided an overview of the study and study tasks performed by the researchers. He stated that the study was conducted in various stages, including researchers participating in “ride alongs” with the

<p><b>Meeting Date:</b>  <b>July 26, 2018</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 10 of 12</b></p>
-----------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------

SFBP, a task analysis of jobs comparable to the work of the SFBP, pilot self-assessment surveys, and analysis of the SFBP dispatch records. He noted that the study relied heavily upon the data from the pilot self-assessment surveys and that it may be valuable for future studies to collect objective data, including a task measuring motor performance.

Dr. Hobbs stated that from the study’s findings, there seem to be no compelling fatigue issues in the SFBP operation, although certain jobs may present elevated risks for fatigue. Some areas of elevated risk are occasions where a pilot is assigned a string of consecutive night jobs, or work during a circadian low. He suggested that increasing work schedule predictability might increase a pilot’s potential to rest.

Dr. Hobbs stated that the current SFBP policy of minimum rest periods of 12 hours appears appropriate and that researchers suggest increasing the rest period for night work. He detailed the concerns around consecutive night shifts. He addressed the value of implementing a system to enable pilots who feel fatigued to remove themselves from the roster without consequence, but noted that cultural barriers may prevent such a system from working.

Dr. Hobbs reviewed the main recommendations and addressed questions from the Board members and the public.

Dr. Hobbs confirmed for President Schmid that the researchers have not yet formally presented their report to the SFBP, and see value in doing so. Port Agent Long stated that the study has been distributed to all pilots and SFBP committees.

Port Agent Long explained the SFBP rotating roster system to the Board and stated that the SFBP is working on further development of their automated dispatch system. He stated that the SFBP is cautious with implementing fatigue mitigation rules, as they have the potential for unintended consequences. He stated that when the roster rotation speed increases due to vessel traffic, the possibility for a Minimum Rest Period (MRP) exception increases. He stated the SFBP anticipates the further use of automated systems to help counter the risk of pilots working consecutive night assignments. Commissioner Livingstone stated that the risks associated with pilots working consecutive nights are “low probability, high consequence,” and that the Board has to acknowledge a balance between fatigue and efficiency. Commissioner Nyborg stated that the flexibility within the study’s recommendation provides the SFBP the opportunity to address areas where they can improve.

Dr. Flynn-Evans reiterated that the implementation of Fatigue Risk Management System (FRMS) rules may seem logical at first, but in practice may have a cascade of unintended consequences. She stated that in the aviation industry, periods of elevated risk are identified as they occur and addressed individually.

<p><b>Meeting Date:</b>  <b>July 26, 2018</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>BOARD MEETING MINUTES</b></p>	<p><b>Page 11 of 12</b></p>
-----------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------

Commissioner Hoppes inquired if it was possible for a person’s circadian rhythm to adapt to varying shift work. Dr. Flynn-Evans responded stating that it was possible, although difficult to maintain naturally. She stated that partial adaptation may occur, but that sunlight triggers a normal circadian rhythm.

Board members briefly discussed technological ship-tracking applications and how they might aid with predicting ship arrivals and departures. Commissioner Nyborg explained that the technology exists and is in use by the SFBP, and that ship arrivals have a higher predictability, but that ship departure times are highly variable due to multiple factors that may cause delay.

Commissioner Nyborg addressed MRP exceptions, stated that most pilots are typically unaware when a MRP exception occurs, and that a pilot is going to work whenever dispatched. He stated that there is no lack of awareness between pilots on how to be properly rested.

Mr. Jacob thanked Dr. Hobbs and the researchers for the report. He gave the historical basis for the report and stated that the report will help create accountability, transparency, and provide foundation for future regulations. He referred to the number of pilots who work 14 days on, 14 days off and questioned the more general adherence to one-week-on, one-week-off work rotations.

Chairman Miller stated that the Pilot Fitness Committee recommends to the Board that they refer the San Francisco Bar Pilot Fatigue Study back to the Pilot Fitness Committee for further review and to identify key areas suitable for future regulation writing.

**MOTION:** Commissioner Nyborg moved that the Board accept the Pilot Fitness Committee’s recommendation to refer the San Francisco Bar Pilot Fatigue Study back to the Pilot Fitness Committee for further review. President Schmid seconded the motion.

**VOTE:** YES: Schmid, Hoppes, Livingstone, and Nyborg.  
NO: None.  
ABSTAIN: None.

**ACTION:** The motion was approved.

Dr. Hobbs noted that researchers would provide an updated version of the report to Board staff that includes minor corrections. Executive Director Garfinkle stated that the corrected study will be available for download on the Board website.

<b>Meeting Date:</b>  <b>July 26, 2018</b>	<b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b>  <b>BOARD MEETING MINUTES</b>	<b>Page 12 of 12</b>
--------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------

**18. Public comment on matters not on the agenda.**

There were no comments from the public.

**19. Proposals for the next Board meeting agenda.**

There were no proposals for the next Board meeting agenda.

**20. Adjournment.**

**MOTION:** President Schmid moved to adjourn the meeting. Commissioner Hoppes seconded the motion.

**VOTE:** YES: Schmid, Hoppes, Livingstone, and Nyborg.

NO: None.

ABSTAIN: None.

**ACTION:** The motion was approved and the meeting adjourned at 11:24 a.m.

Submitted by:



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