

**Board of Pilot Commissioners for the Bays of San Francisco,
San Pablo and Suisun**

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**Board of Pilot Commissioners – Overview**

The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board or BOPC) – locally known as “the Pilot Commission” – licenses and regulates up to 60 maritime pilots who are organized as the “San Francisco Bar Pilots.” The following provides an overview of the BOPC’s history, structure, jurisdiction, and functions.

History

The Board was created by the first legislative session of the new state of California in 1850 and has been serving continuously ever since.

Government Hierarchy

Originally an independent state agency, on January 1, 2009, the Board became a department of the Business, Transportation, and Housing Agency (now known as the California Transportation Agency), which has responsibility for the movement of goods and people throughout the state of California. The BOPC’s expenses are paid for by the shipping industry through surcharges on pilotage fees and not by state or local taxes.

Statutes/Regulations

The Board’s statutes are found in the Harbor and Navigation Code (HNC) §1100 *et. seq.*

The Board’s regulations are found in Title 7, California Code of Regulations, Division 2, §§201-237.

Current Structure

The Board consists of seven members appointed by the Governor and one ex-officio member as follows:

- Two members are pilots licensed by the Board;
- Two members are shipping industry members - one from the tanker industry and one from the dry cargo industry;
- Three members are from the public who are neither pilots nor work for companies that use pilots; and
- The Secretary of the California Transportation Agency, who serves as an ex officio non-voting member.

All voting Board members are appointed subject to confirmation by the Senate.

Voting Board members serve four-year terms and may be reappointed for one additional term. The public members come from varying backgrounds, should have no association with the marine or marine shipping industry, and usually have considerable business, government or financial experience. In matters in which the industry and pilots have differing viewpoints, it is often the public members who will cast the deciding votes.

Staffing/Staff Support

The Board employs four full-time employees: an Executive Director appointed by the Board, an Assistant Director (Career Executive Assignment) appointed by the Agency Secretary, an Associate Governmental Program Analyst, and an Administrative Assistant II.

The Board contracts for specified support from the following governmental agencies and consultants:

- Administrative support (accounting, budgets, procurement, contracts and personnel) from the California Highway Patrol.
- Pilot fitness determinations from the University of California, San Francisco School of Occupational Medicine (Board-appointed physicians).
- Pilot Continuing Education Program support from the California State University Maritime Academy and private sector training facilities.
- Pilot Trainee Training Program support from the California Department of Human Resources and California State University Maritime Academy.
- Information technology support from the California Department of Technology and the California Department of Transportation.
- Audit support from the State Controller's Office.
- Incident investigation support from private sector marine investigators (Commission Investigators).

Committees

The Board does much of its work through a variety of committees that often include non-Board members as well as Board members. The committees develop their own subject matter expertise. They hold public meetings or workshops to gather evidence, develop consensus, and make recommendations to the Board. All committee recommendations are advisory. The Board has the ultimate authority to decide matters that come before it.

Meetings

The Board itself conducts meetings once a month at its office in San Francisco, and holds special meetings as necessary on specific topics. All meetings are noticed and are open to the public with agendas available on the Board's website at: www.bopc.ca.gov. During public meetings, the Board may go into closed sessions to deal with specific agenda items that must be kept confidential.

Committee meetings are held on an as needed basis, and are also noticed and open to the public. Public meeting agendas are available at the Board office and on the Board website at: www.bopc.ca.gov.

Jurisdiction

Geographically, the Board's "pilotage grounds" consists of from the high seas just beyond a sand bar approximately 12 miles west of the Golden Gate Bridge, and include navigable waters in the San Francisco Bay area, tributaries to Stockton and Sacramento, and Monterey Bay. The pilotage grounds cover over a 100 square miles, and 70 separate marine terminals in ten counties. Ports and berths in the Board's pilotage grounds are located in the cities of San Francisco,

Oakland, Redwood City, Martinez, Richmond, Benicia, Pittsburgh, Vallejo, Rodeo, Antioch, Alameda, Stockton, Sacramento and Monterey.

The Board is the only state level pilot commission in California. Pilots navigating on other California waters operate under the authority of their federal pilot's license and typically are regulated by a local government authority.

Licensees

Board-licensees¹ are individual maritime pilots who organize themselves as the San Francisco Bar Pilots (SFBP). The SFBP has exclusive rights, to the extent not otherwise provided by federal law, to pilot vessels that are 750 tons or greater within the Board's jurisdiction. Board-licensed pilots must also maintain a federal first-class pilot license, and necessary endorsements that allow them to pilot on the high seas and on the waters in the Board's jurisdiction.

Pilots board a ship when the vessel approaches the "SF" buoy several miles west of the Golden Gate Bridge and take navigational control of the vessel. (Pilots are also called "Bar Pilots" because they board and disembark ships just beyond a treacherous sand bar which provides a natural obstacle to shipping.) It becomes the pilot's responsibility to guide the ship to its berth. The pilots provide service to all types of vessels, from 100-foot tugs to 1,000-foot supertankers and cruise ships.

Port Agent

A majority of the Board-licensed pilots appoint one pilot to act as the Port Agent to carry out the orders of the Board and other applicable laws. The Port Agent selection is subject to the confirmation of the Board. The Port Agent must also immediately notify the Board's Executive Director of any suspected violation, navigational incident, misconduct or other rules violation involving a pilot that is reported to him or which he has witnessed.

Pilot Licensing and License Discipline

The main function of the Board is pilot licensing involving the issuance of original (first time) and annual renewals of a pilot license under the following conditions:

- Applicants to the Board's Pilot Trainee Training Program and pilots requesting annual license renewals must hold a federal first-class pilot license with various endorsements issued by the U.S. Coast Guard.
- Applicants to the Pilot Trainee Training Program must be seasoned mariners with specific levels and duration of maritime experience.
- Applicants to the Pilot Trainee Training Program must successfully complete a selection examination, and complete the Pilot Trainee Training Program administered by the Board.
- Trainees and pilots must be physically fit for conducting piloting activities. Physical fitness is checked and certified by Board-appointed physicians.
- The number of pilot licenses issued has been capped by the Board at a maximum of 60.

¹ HNC §1114 contains the definition of a pilot licensed by the Board. HNC §1113 includes a definition for "Inland pilot." There are no more inland pilots, and as such, the term is now defunct.

- Licenses are issued for one year only, and are subject to an annual renewal process.
- The licensing activity also involves a continuous monitoring of licensees, including the requirement to obtain Board-provided periodic training on specified topics.

“License discipline” is an essential part of the Board’s monitoring and supervision of the licensed pilots and pilot trainees. The license discipline system operates as follows:

- Navigational incidents involving the possibility of pilot error and other claims of pilot misconduct are the most common causes triggering discipline.
- The investigation is overseen by the Incident Review Committee of the Board. The Incident Review Committee is comprised of one public member of the Board (currently, the Board President) and the Executive Director.
- Investigations are performed by the Executive Director, and/or by a contracted Commission Investigator.
- Upon completion of an incident investigation, the Incident Review Committee presents its findings and pilot discipline recommendation, if any, in a written report to the Board at a public Board meeting.
- The Board determines and imposes pilot discipline through a formal administrative action under the Administrative Procedure Act that can include a reprimand, counseling, corrective action, suspension or revocation of a license.

Pilot Trainee Training Program

All pilots must be selected for, and successfully complete the Pilot Trainee Training Program (Pilot Training Program) administered by the Board. The Pilot Training Program can last from one to three years, and trainees enter the program on an as-needed basis. Trainees that the Board determines to have successfully completed the Pilot Training Program are eligible to be licensed by the Board, also on an as-needed basis.

Successful applicants to the Pilot Training Program must meet minimum licensing and industry experience requirements including holding a master's license, have two years command experience on tugs or deep draft vessels, and pass a rigorous written examination and simulator exercise administered by the Board. Evaluation of an applicant’s qualifications and selection examination performance is conducted by Board staff and contracted consultants. Board-licensed pilots contribute significant Pilot Training Program selection examination subject matter expertise at no cost to the Board.

Successful applicants to the Pilot Training Program are placed on an eligibility list, and the list can last for up to three years. The trainees are selected and admitted into the Pilot Training Program when determined there is a need for more Board-licensed pilots, and are required to be available full-time for up to three years in the program. Trainees train with virtually each of the 60 pilots, initially as observer, and then handle vessels under the supervision of a pilot. By the time a trainee finishes the Pilot Training Program, a trainee will have handled every type of vessel that comes into the Board’s jurisdiction and will have been into and out of every marine facility multiple times.

The Pilot Training Program is administered by the Board and a five-member Pilot Evaluation Committee made up of five senior Board-licensees. The committee tracks each trainee's progress and, based on specified criteria, determines when the trainee has successfully completed the training. The committee recommends to the Board when the trainee has satisfactorily completed the program and is ready to be licensed. The Board determines if and when a trainee graduates from the Pilot Training Program, and when to issue the graduate a license.

The Board pays a \$6,000 monthly stipend to trainees participating in the Pilot Training Program.

Pilot Continuing Education Program

The Board also administers a Pilot Continuing Education Program, which requires Board-licensed pilots to periodically update their knowledge and skills. Pilots must complete a five-day manned scaled model ship handling course every five years. Pilots also must complete a five-day course covering a combination of maritime training topics every five years. Training topics include: bridge resource management; simulated ship handling; emergency medical response; advanced electronic navigation; fatigue management; restricted visibility navigation; and, regulatory review. The Board contracts with training providers (both public and private), and course content and performance is overseen by the Pilot Continuing Education Committee.

Pilot Safety

Pilots use pilot hoists or pilot ladders to board a ship, and the reliability of proper rigging of pilot hoist or ladder is critical to pilot safety. For this reason, and among other things, the Board has a role in ensuring pilot safety. The Board is empowered to investigate pilot ladder and boarding equipment safety violations reported by pilots. The Executive Director or a marine investigator performs an investigation of a reported safety violation. Following the investigation, the Executive Director reports on the issue of safety compliance to the Board. Although the Board has no jurisdiction to compel remedying a particular safety issue, reports to the Board of pilot safety issues are forwarded to the U.S. Coast Guard, who is empowered to take enforcement action.

The Board keeps track of reported safety violations by each vessel, and includes that history in its reports. The reports are also published in the Board's monthly minutes, which receive considerable distribution among those concerned with pilotage in the Bay Area. These reports also appear on the vessel's incident and casualty history maintained by the U.S. Coast Guard, and could impact the likelihood of a vessel being boarded by a pilot in the future.

Pilotage Rates

Pursuant to statute, most vessels calling at the ports and terminals located in the Board's jurisdiction are subject to compulsory pilotage. Accordingly, there are state regulated rates that the pilots charge for their services that are set by the Legislature upon the recommendation of the Board. The Board makes a rate recommendation to the Legislature after a formal public hearing requested by any party directly affected by pilotage rates (e.g., shipping companies or Board-licensed pilots).

Pilot Pension Plan

There is a San Francisco Pilot Pension Plan (Pension Plan) that was established in statutes in 1974. It benefits the pilots who have been licensed by the Board for more than 10 years and then

retire, or who are 62 years old or older upon retirement. The Pension Plan is administered by the Board, but is not an obligation of the State of California. The Pension Plan is non-funded, meaning that payments are made on a current cash basis through a surcharge on pilotage fees charged by the pilots and paid by the ship owner who engages a pilot. The Pension Plan benefits are computed based on a statutory formula. The Board has appointed fiduciaries to administer the Pension Plan. Currently, the Executive Director is the primary fiduciary, the SFBP is the fiduciary for Plan receipts and disbursements, and the Board has contracted in the past with a CPA firm for Pension Plan calculations.

Board Budget/Funding

The Board’s budget consists of two components—operations and training. The training component includes two sub-components--the Pilot Training Program and the Pilot Continuing Education Program.

The Board and its programs are funded by various surcharges on all piloting activities. The following chart briefly lists the formula for each type of revenue and the related statutory authority contained in the HNC:

Type of Revenue	Revenue Formula	HNC Section
Board Operations Surcharge	A percentage of the Pilotage Rates ² fee.	1159.1
Pilot Continuing Education Surcharge	A specified dollar amount per ship move.	1196
Pilot Training Surcharge	A specified dollar amount per trainee per ship move.	1195.
Pilot Boat Surcharge	Specified mills per high gross registered ton for each vessel subject to the Pilotage Rates.	1190(a)(1)(B)
Navigation Technology Surcharge	A specified dollar amount per ship move.	1190.4
Pilot Pension Plan Surcharge	Specified mills per vessel high gross registered ton for each vessel subject to the Pilotage Rates.	1165

Each surcharge is designated to be spent on a specified activity or program; however, the Board Operations Surcharge may be expended for any Board activity.

² “Pilotage Rates” are the rates set by the Legislature that are charged by pilots for provided piloting services. Pilotage rates include a charge for piloting vessels to and from the high seas (Bar crossings) that includes a charge calculated as mills per a vessel’s high gross registered ton plus a specified dollar amount per draft foot of a vessel’s deepest draft and fractions of a foot pro rata, with a minimum charge of \$662.00 for each vessel piloted. (A “mill” is one-thousandth of a currency unit. For example one mill is equivalent to one-tenth of a cent or \$0.001.) Additionally, pilotage rates include Other Service Charges (known as “Blue Card Rates”) that are assessed for certain ship movements that are other than Bar crossings. Pilotage Rates are found in the Harbors and Navigation Code §§1190 and 1191.

The Board Operation, Pilot Continuing Education Program, and Pilot Training Program Surcharges are charged and collected on behalf of the Board by the SFBP, and monthly remitted to the Board. The Board deposits these revenues in the State Treasury.

The Pilot Boat Surcharge and the Navigation Technology Surcharge are charged, collected and expended by the SFBP for Board-approved pilot boat and navigation technology expenses, respectively.

The Pilot Pension Plan Surcharge is charged, collected and disbursed to Pension Plan recipients by the SFBP upon direction of the Pension Plan Primary Fiduciary.

The Board's Finance Committee meets quarterly to review the Board's fund condition statements, and to determine the surcharge rates necessary to meet projected budgeted expenditures and fund balance targets. The Board, with a recommendation from the Finance Committee, reviews the Board's fiscal needs, quarterly sets all surcharge rates, except the Pilot Pension Plan Surcharge. The Pension Plan Primary Fiduciary reviews the plan's fiscal needs, and quarterly sets the Pilot Pension Plan surcharge rate.

Economic and Environmental Impacts

The Board-licensed pilots facilitate nearly 9,000 ship movements annually. According to recent studies, maritime trade in the San Francisco Bay has an overall economic value of more than \$1.2 billion per day. This trade supports tens of thousands of California workers and helps deliver goods throughout the state and much of the nation. More than \$35 billion in imports and \$15 billion in exports each year can be attributed directly to ports served by the pilots licensed by the Board.

The Board's pilotage grounds include more than 1,000 miles of coastline and 90 percent of the state's marshlands. The region is home to fishing, tourism, and recreational opportunities serving tens of millions of visitors annually. The Board's focus on safety ensures the region's environment is preserved and protected.

Coast Guard and Industry Relations

The working relationship between and among the San Francisco Bar Pilots, the Board, the shipping industry and the Coast Guard has been described as one of the best in the country. Senior representatives of the U.S. Coast Guard Sector Command (San Francisco) and the Vessel Traffic Service (VTS) routinely attend the Board's monthly meetings, and periodically address the Board on issues of mutual interest. The Board's Incident Review Committee and the U. S Coast Guard's Senior Investigating Officer work closely together and endeavor to conduct joint training of marine investigators. Board representatives routinely attend harbor safety and maritime security meetings, as well as the periodic change of command ceremonies at Coast Guard commands responsible for marine safety issues.

Shipping industry representatives are active participants in virtually all of the Board's functions, and have representative members on the Board and on most of its committees.

The Board recognizes that its past successes have been due to the efforts of no one person or entity. It has been the desire of the Board to cooperate and participate in finding mutually

acceptable solutions with Board-licensed pilots—both as an organization and individually—as well as the shipping industry, the U.S. Coast Guard and other government entities. The efforts of the Board and stakeholders has resulted in the good working relationship that exists today.

Pilot Fatigue Study

Senate Bill 1408 (Chapter 794, Statutes of 2012) required the Board to fund an independent study of the effects of work and rest periods on the psychological ability and safety of licensed pilots. The legislation also requires the Board to promulgate regulations for pilots establishing requirements for adequate work and rest periods intended to prevent pilot fatigue. The Board contracted with researchers at the San Jose State University Research Foundation in 2016 to conduct the study. Experts from the National Aeronautics and Space Administration are also participating in the study no cost to the Board. The study was completed in July 2018, and the Board has commenced promulgating pilot and trainee fatigue mitigation regulations.