

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



**2018**

**Annual Legislative Report**

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

**Commissioners  
(as of December 31, 2018)**

Jennifer Ferrera Schmid, President, Public Member  
Dave Connolly, Vice President, Public Member  
Matt Brooks, Public Member  
David Hoppes, Dry Cargo Industry Member  
Captain George Livingstone, Pilot Member  
Captain Einar Nyborg, Pilot Member  
John Schneider, Tanker Industry Member  
Brian C. Annis, Secretary of the California State Transportation Agency

**Board Staff**

Allen Garfinkle, Executive Director  
Roma Cristia-Plant, Assistant Director  
Luis Cruz, Associate Governmental Program Analyst  
Alethea Wong, Administrative Assistant II

Report Date: April 15, 2019

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## I. Introduction

The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board) – also known as the “BOPC” or “Pilot Commission” – licenses, trains, and regulates up to 60 maritime pilots who guide ships of 750 gross tons or greater on the Bays of San Francisco and Monterey, and tributaries to ports in Stockton and Sacramento. The pilots are organized for private business operational purposes as the “San Francisco Bar Pilots.”

The Board consists of eight members (also known as Commissioners), seven of whom are appointed by the Governor with the consent of the Senate, and one ex officio, non-voting member who is also a Governor appointee in a full-time state position as follows:

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

The Board was created by the first legislative session of the new state of California in 1850, and has been serving continuously ever since. Statutory references to the Board can be found in the Harbors and Navigation Code §1100 *et seq.* Board regulations can be found in California Code of Regulations, Title 7, §201 *et seq.*

The Legislature, based upon recommendations by the Board, sets pilotage rates that are charged by the Board-licensees for the delivery of pilotage services. Board-licensees also charge, collect, and remit or expend various surcharges as set and directed by the Board. These surcharges fund the Board’s operations and programs, boats and navigation technology owned and used by the Board-licensees, and the San Francisco Bar Pilot Pension Plan.

Section 1157.5 of the Harbors and Navigation Code was added to the code by Senate Bill 1217 (2008), and mandates that the Board annually submit a report to the Secretary of the Senate, the Chief Clerk of the Assembly, and the Secretary of the California Transportation Agency on or before April 15<sup>th</sup> of each year describing the Board’s activities for the preceding calendar year, and providing certain specified information.

The statutory reporting requirements include the following data: the number of vessel movements across the bar (a sand bar approximately 8 miles west of the Golden Gate Bridge), on the bays, and on the rivers within the Board's jurisdiction; the names of pilots and trainees and license status; and, summaries of closed and open navigational incident or misconduct reports involving a pilot or pilot trainee. The following report is hereby submitted in compliance with the statutory requirements.

## **II. Summary of Major Board Activities in Calendar Year 2018**

Below is a summary of major Board activities in calendar year 2018.

### **1. Pilot Fitness**

The Board, under a contract with the Regents of the University of California, on behalf of the San Francisco Campus and its Division of Occupational and Environmental Medicine, continues to administer the most comprehensive and advanced pilot and pilot trainee medical assessment program in the nation, with requirements that exceed the U.S. Coast Guard's medical guidelines for maritime pilots.

The current pilot and trainee fitness regulations became effective in April, 2014. After several years of implementation, it became apparent that additional edits need to be made to the fitness regulations. Committees of the Board met extensively in 2018 to review the fitness regulations, made recommendations to the Board, and the Board subsequently instructed staff to update the fitness regulations consistent with the recommendations of the committees. Regulation amendments in four broad areas are expected to be promulgated in 2019 to do the following: clarify the timetable to complete a fitness evaluation; allow for a fitness determination by Board-appointed physicians for a period of less than one year; amend the minimum qualifications for a Board-appointed examining physician to potentially ensure a sufficient availability of physicians; and, update various terms and forms. The updated regulations are anticipated to further enhance the rigorousness of the Board's oversight of pilot and trainee fitness.

### **2. Personnel Matters**

During calendar year 2018, there was one vacant position on the Board until Governor Brown appointed Matt Brooks as a public member on December 13, 2018. Also, the terms of three board member ended on December 31, 2018: Captain George Livingstone, pilot member; John Schneider, tanker industry member; and Jennifer Schmid, a public member<sup>1</sup>.

The Board has a staff of four full-time employees who receive administrative and program support through agreements with other governmental entities including: the Department of Justice; the California Highway Patrol, the Department of Transportation; the California Department of Human Resources; the State Controller's Office; the Department of Technology; the California State University Maritime Academy; and the Regents of the University of California. The Board also contracts with private-sector Commission Investigators who provide independent investigations of maritime incidents involving Board-licensees.

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<sup>1</sup> These three members continued to serve during a sixty (60) day grace period, and their terms officially ended February 28, 2019.

### **3. Progress Implementing Senate Bill 1408 (2012)—Pilot Fatigue Study**

The Board has been working diligently to meet the legislative mandate of Senate Bill 1408 (chaptered on September 29, 2012) to conduct a study of the effects of work and rest periods on the psychological ability and safety of pilots, and provide recommendations on how to prevent pilot fatigue and ensure the safe operation of vessels. As mandated by the legislation, the Board is to promulgate regulations establishing requirements for adequate pilot and trainee rest periods intended to prevent fatigue based on the study results and recommendations.

Integral to that effort, the Board issued a request for proposals in December 2014, and selected a proposal from the San Jose State University Research Foundation (Foundation) in March 2015, and subsequently approved clarifications to the study scope of work originally proposed by the Foundation in August 2015. The Board entered into a contract for the study in June 2016. The study officially commenced in August of 2016, and was completed in July 2018 with the assistance of researchers from the National Aeronautical and Space Administration at no additional cost to the Board. The study made nineteen recommendations, some of which are amenable to regulatory actions.

In 2018, the Board's Pilot Fitness Committee commenced a thorough review of the study and all study recommendations. The Board is anticipated to proceed with pilot and trainee fatigue mitigation regulations in 2019.

### **4. Progress Implementing Assembly Bill 1432 (2016)—Navigation Technology Surcharge**

Assembly Bill 1432 (2016) promulgated a ship movement fee (Navigation Technology Surcharge) to be authorized by the Board on or after January 1, 2017. The surcharge monies are to be used to recover a pilot's cost for the purchase, lease, or maintenance of navigation software, hardware, and ancillary equipment determined by the Board to be reasonable and necessary. The bill specified the cumulative amount of the Navigation Technology Surcharge shall not exceed \$1.2 million dollars, and that the surcharge sunsets on January 1, 2021.

In June 2017, the Board approved a final authorization to the San Francisco Bar Pilots in the amount of \$1,117,813 to cover reimbursement for both the navigation technology costs incurred, and to pay projected future costs involving software acquisition/updates and taxes. In December 2018, the Board increased the approved final authorized navigation technology costs to \$1,125,036.

In June 2017, the Board also authorized the establishment and implementation of a Navigation Technology Surcharge at \$40/ship move, effective July 1, 2017, which monies are to be used to reimburse the San Francisco Bar Pilots and its affiliated Benevolent and Protective Association for the technology acquisition costs and related financing costs approved by the Board. As of the end of 2018, nearly \$350,000 in Navigation Technology Surcharges were billed by the San Francisco Bar Pilots to its customers.

The new state-of-the-art navigation technology will assist Board-licensees to safely navigate ultra large container vessels, and to navigate all vessels in restricted visibility conditions, such as night and fog transits.

## **5. Trainee Program Selection Examination**

The Board administers a Pilot Trainee Training Program (Trainee Program) for qualifying mariners who wish to obtain the knowledge, skills and abilities to be licensed by the Board, and to have the opportunity to join the San Francisco Bar Pilots' association.

Approximately every two-to-three years, the Board conducts a rigorous Training Program selection exam to establish a ranked list of eligible candidates from which to select qualified Training Program participants. The last Trainee Program selection exam was conducted in June 2017. As of December 2018, the 2017 trainee eligibility list was nearly exhausted, with two trainees remaining on the list<sup>2</sup>. Due to the increasing number of actual and projected pilot retirements, the Board scheduled the next Trainee Program selection exam for June 2019. The Trainee Program selection exam consists of a written exam component, and for candidates who pass the written exam, a simulator exam component.

In 2018, the Board entered into a contract with the California Department of Human Resources (CalHR) for Trainee Program selection exam development and administration services, and work began on the written exam component. CalHR staff work jointly with Board-licensees, who are subject matter experts, to develop the contents of the written exam component, and during test administration to score the written exam.

In 2018, the Board also entered into a contract with the California State University Maritime Academy (CSUM) for the development of the simulator exam component of the Trainee Program selection exam, and for test administration services involving the use of the simulator equipment, simulator operators, and testing facilities. Board-licensees also work with the CSUM staff on the development and test administration of the simulator exam component. All Trainee Program selection exam services provided by Board-licensee are at no cost to the BOPC.

A trainee can be in the Training Program for a minimum of one year to no more than three years. Board-licensed pilots provide on-the-job training to trainees on ships transiting in the Board's jurisdiction. A trainee's progress in the Training Program is overseen by the Board's Pilot Evaluation Committee, which consists of five Board-licensed pilots who have been licensed for ten or more years.

To determine the number of trainees in the Training Program, the Board's Pilot Power Committee meets regularly, reviews a semi-annual confidential pilot retirement survey along with pilot work/rest data, and recommends to the Board the timing and the number of new trainees from the current eligibility list to induct into the Training Program.

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<sup>2</sup> Two candidates on the 2017 eligibility list accepted positions in the Training Program and started the program in January 2019, leaving two candidates on the 2017 eligibility list as of the end of December 2018.

## **6. Litigation Involving the Board in 2018**

### **Reeder v. Board of Pilot Commissioners**

Captain Reeder was formerly licensed by the Board as an inland pilot. He applied for an inland pilot's<sup>3</sup> pension from the San Francisco Bar Pilot Pension Plan in April 2009. The Board, as the administrative body of the pension plan, denied his application in February 2011 on the grounds that Captain Reeder failed to meet two of the eligibility requirements for a pension.

Captain Reeder filed a petition in December 2014 in San Francisco Superior Court seeking to overturn the Board's decision. The San Francisco Superior Court denied his petition after a hearing in September 2015, and Captain Reeder submitted an appeal in early 2016.

The California Court of Appeal subsequently affirmed the Superior Court's decision, and determined that the Board's conclusion denying Captain Reeder a pension from the San Francisco Bar Pilot Pension Plan was neither unsupported nor arbitrary, focusing specifically on Captain Reeder's failure, under section 1164(c)(4) of the Harbors and Navigation Code, to hold himself out as providing pilotage assistance to the entire shipping industry. The appellate court decision became final on December 2, 2018, since Captain Reeder did not seek a review of the decision.

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<sup>3</sup> "Inland pilot" means a person holding an inland pilot license prior to January 1, 2011. Inland pilots navigated vessels only in the San Francisco bays and tributaries to ports in Stockton and Sacramento. Inland pilots were amalgamated with pilots in 1984. References to inland pilots were deleted in statutes pursuant to AB 1025 (Skinner, Chapter 324, Statutes of 2011).



### III. Number of Vessel Movements in 2018

Subdivision (a) of Section 1157.5 of the Harbors and Navigation Code mandates that the Board report the number of vessel movements across the bar, on the bays, and on the rivers within the Board's jurisdiction. The following are the 2018 vessel movement<sup>4</sup> statistics:

Number of vessel movements across the San Francisco Bar <i>(Includes 26 movements to Monterey Bay)</i>	6,645
Number of vessel movements within the Bays of San Francisco, San Pablo and Suisun	1,592
Number of vessel movements on the Sacramento and San Joaquin Rivers	581
<b>Total Moves</b>	<b>8,818</b>

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<sup>4</sup> Statistics as reported by the San Francisco Bar Pilots, and are based upon accrual (billing) data.

## IV. List of Status of Pilot Licensees and Trainees in 2018

### 1. Status of Pilot Licensees

Pilot Name	Original Licensing Date	Date Retired	Licensed and Fit for Duty Dates	Licensed and Not Fit for Duty Dates	Licensed and on Authorized Manned Model Training Dates	Licensed and on Authorized Combination Course Training Dates	Licensed and on Active Military Duty Dates	Licensed and on Leave of Absence Dates	Licensed But Suspended Dates
Alden, Bruce	7/2/1993		1/1/18 - 12/31/18		9/10/18 - 9/14/18				
Alfers, Douglas	9/28/2017		1/1/18 - 12/31/18		6/25/18 - 6/29/18	12/2/18 - 12/7/18			
Aune, Drew	4/1/2009		1/1/18 - 12/31/18			11/4/18 - 11/9/18			
Billingsley, Neil	4/28/2016		1/1/18 - 12/31/18						
Boriolo, Dan	10/1/1995		1/1/18 - 12/31/18						
Bridgman, Daniel	4/1/2010		1/1/18 - 12/31/18						
Burger, Tom	9/4/1991	10/1/18	1/1/18 - 9/30/18						
Carlier, John	1/20/1989		1/1/18 - 12/31/18			3/19/18 - 3/24/18			
Carlson, Kenneth	1/1/1988		1/1/18 - 12/31/18						
Carr, Robert	6/28/2013		1/1/18 - 12/31/18		6/25/18 - 6/29/18	12/2/18 - 12/7/18			
Cloes, Don	6/26/2009		1/1/18 - 12/31/18			3/19/18 - 3/24/18			
Coney, Blake	9/1/1993	4/1/18	1/1/18 - 3/31/18						
Coppo, George	1/1/1992		1/1/18 - 12/31/18		9/10/18 - 9/14/18				
Cvitanovic, David	6/22/2017		1/1/18 - 9/3/18 9/30/18 - 12/31/18	9/4/18 - 9/29/18		11/4/18 - 11/9/18			
D'Aloisio, Samuel	7/1/2014		1/1/18 - 12/31/18			12/2/18 - 12/7/18			
Dowdle, George <sup>5</sup>	11/1/1993			1/1/18 - 12/31/18	9/10/18 - 9/14/18				
Epperson, Dylan	12/15/2016		1/1/18 - 12/31/18						
Favro, Orrin	12/14/2012		1/1/18 - 6/5/18 7/6/18 - 12/31/18		6/25/18 - 6/29/18 <sup>6</sup>	11/4/18 - 11/9/18			6/6/18-7/5/18
Fawcett, Erik	6/24/2011		1/1/18 - 12/31/18						

<sup>5</sup> Retired on 1/1/2019.

<sup>6</sup> Captain Favro's license was suspended when he attended manned model training. This training is required every five years, is conducted overseas, and is scheduled a year in advance.

<b>Pilot Name</b>	<b>Original Licensing Date</b>	<b>Date Retired</b>	<b>Licensed and Fit for Duty Dates</b>	<b>Licensed and Not Fit for Duty Dates</b>	<b>Licensed and on Authorized Manned Model Training Dates</b>	<b>Licensed and on Authorized Combination Course Training Dates</b>	<b>Licensed and on Active Military Duty Dates</b>	<b>Licensed and on Leave of Absence Dates</b>	<b>Licensed But Suspended Dates</b>
Freese, Kevin	11/15/2018		11/15/18 - 12/31/18						
Haggerty, Mark	7/1/1998		1/1/18 - 12/31/18						
Hirschfeld, Jubal	2/29/2016		1/1/18 - 12/31/18						
Horton, Bruce	5/8/1991		1/1/18 - 12/31/18						
Hurt, Richard	9/26/2003		1/1/18 - 12/31/18						
Johnson, Eric	12/14/2012		1/1/18 - 12/31/18		6/25/18 - 6/29/18	12/2/18 - 12/7/18			
Kasper, Drue	3/22/2016		1/1/18 - 12/31/18						
Kellerman, Zachary	1/28/2011		1/1/18 - 12/31/18						
Kenyon, Hugo	7/1/1998	4/1/18	1/1/18 - 3/31/18						
Kirk, Roger	4/1/2007		1/1/18 - 12/31/18						
Kleess, Guy	11/1/2005		1/1/18 - 11/25/18	11/26/18 - 12/31/18					
Laakso, Kristopher	8/26/2011		1/1/18 - 12/31/18						
Larwood, Dan	7/1/1998		1/1/18 - 12/31/18						
Lemke, William	4/1/1993	10/1/18	1/5/18; 1/16/18 – 9/30/18	1/1/18 - 1/4/18; 1/6/18 - 1/15/18					
LeSieur, Cevan	9/26/2014		1/1/18 - 12/31/18			11/4/18 - 11/9/18			
Lingo, Matthew	2/22/2013		1/1/18 - 12/31/18		6/25/18 - 6/29/18	3/19/18 - 3/24/18			
Livingstone, George	4/24/2008		1/1/18 - 12/31/18		9/10/18 - 9/14/18				
Long, Joe	7/1/2008		1/1/18 - 12/31/18		9/10/18 - 9/14/18	12/2/18 - 12/7/18			
Lowe, Jeremy	11/21/2016		1/1/18 - 12/31/18						
Manes, Mark	6/28/2012		1/1/18 - 12/31/18						
Martin Jr., Carl	4/1/2010		1/1/18 - 4/25/18 6/29/18-12/31/18	4/26/18 - 6/28/18					
McCloy, Dave	6/1/2008		1/1/18 - 12/31/18		9/10/18 - 9/14/18	3/19/18 - 3/24/18			
McIsaac, Peter	1/1/1994		1/1/18 - 12/31/18						
Melvin, Eddie	4/1/1988	4/1/18	1/1/18 - 3/31/18						
Merritt, David	8/27/2010		1/1/18 - 12/31/18			3/19/18 - 3/24/18			
Murray, Andrew	4/28/2016		1/1/18 - 12/31/18						

Pilot Name	Original Licensing Date	Date Retired	Licensed and Fit for Duty Dates	Licensed and Not Fit for Duty Dates	Licensed and on Authorized Manned Model Training Dates	Licensed and on Authorized Combination Course Training Dates	Licensed and on Active Military Duty Dates	Licensed and on Leave of Absence Dates	Licensed But Suspended Dates
Miller, Tom	7/1/1987		1/1/18 - 10/23/18 12/21/18 - 12/31/18	10/24/18 - 12/20/18					
Nyborg, Einar	7/1/1995		1/1/18 - 12/31/18						
Pate, David	4/1/2007		1/16/18 - 12/31/18	1/1/18 - 1/15/18					
Pinetti, Randall	2/1/2004	07/1/18		1/1/18 - 6/30/18					
Ridens, Ray	1/1/2007		1/1/18 - 12/31/18						
Robinson, Eric	1/1/2004		1/1/18 - 12/31/18						
Rocci, Reuben	1/1/2008		1/1/18 - 12/31/18		6/25/18 - 6/29/18				
Rubino, Michael	3/22/2017		1/1/18 - 12/31/18						
Ruff, Paul	1/28/2011		1/1/18 - 12/31/18						
Slack, Dustin	7/1/2008		1/1/18 - 12/31/18			3/19/18 - 3/24/18			
Stultz, Joshua	2/24/2012		1/1/18 - 12/31/18						
Teague, Steve	1/1/2007		1/1/18 - 12/31/18						
Tylawsky, Greg	5/28/2010		1/1/18 - 12/31/18			11/4/18 - 11/9/18			
Vogel, Jason	11/16/2017		1/1/18 - 12/31/18		6/25/18 - 6/29/18	12/2/18 - 12/7/18			
Wehr, Shane	6/1/2008		1/1/18 - 2/6/18 6/1/18-12/31/18	2/7/18 - 5/31/18	6/25/18 - 6/29/18				
Weiss, David	9/10/1993		1/1/18 - 12/31/18						

**Active Pilots**

**During the Year: 61**

**Pilots Retired**

**During the Year: 6**

## 2. Status of Pilot Trainees as of December 31, 2018

<b>Name of Trainee</b>	<b>Training Program Entrance Date</b>	<b>Status on 12/31/2017</b>
Greger, Ronald	1/4/2017	In Training
Burchard, David	7/17/2017	In Training
Freese, Kevin	8/14/2017	Graduated 11/15/2018
Pullin, Jesse	8/14/2017	In Training
Corbett, David	12/1/2017	In Training
Starnitzky, Maximilian	12/1/2017	In Training
Christopher Pyne Mercier	1/16/2018	In Training
Casey Crowl	1/16/2018	In Training

## IV. Summary of Reports of Navigational Incidents Acted On or In Progress in 2018

Subdivision (c) of Section 1157.5 of the Harbors and Navigation Code requires the Board to provide summaries of each report of misconduct or navigational incidents involving pilots, or other matters for which a license issued by the Board may be revoked or suspended. The summaries must provide a description of findings made by the Board’s Incident Review Committee, the resulting action taken by the Board, as well as a summary of any prior reportable incidents of which a finding of pilot error was made for the pilots involved. For those cases that are still under investigation, the summary shall include a description of the reported incident and an estimated completion date for the investigation.

### 1. M/V SALDANHA

<b>Pilot</b>	Captain Mark Haggerty
<b>Incident Description</b>	While approaching the berth in the Port of Stockton, the M/V SALDANHA made unintended contact with the pier support structure.
<b>Location</b>	Stockton, California
<b>Date of Event</b>	September 13, 2017
<b>Incident Review Committee Finding</b>	<input checked="" type="checkbox"/> No Pilot Error <input type="checkbox"/> Pilot Error Summary: The approach to Berth 12/13 in the Port of Stockton requires that the pilot turn the ship through an approximate 240 degree turn, during which the bow of the ship tracks along and very close to the pier. On a 738 foot ship, with the bridge located on the aft end, the pilot must rely on the ship’s officer stationed on the bow, and perhaps the tug boat operators, to inform him of the proximity of the ship’s bow to the dock.  As the vessel approached the berth, the pilot received information from both the tug operator and the ship’s Chief Officer regarding the closing distances between the ship’s bow and the pier. During a critical point in the maneuver, the Chief Officer left the bow to attend to an alternate task, leaving the pilot to rely solely on the tug operator for this information. Later, the pilot learned that the tug operator was only providing distance estimates, as his line of sight alongside the ship was not clear to the bulbous bow. <sup>7</sup> As a result, the pilot was not able to fully arrest the forward motion of the ship in an appropriate time frame, and the bulbous bow made contact with the support structure of the pier. While there apparently was damage to the pier, the extent of the damage or the cost of repairs was not disclosed to the Board.

<sup>7</sup> In most cases, a bulbous bow is below the waterline of the ship and generally extends forward some distance beyond the stem (front) of the ship.

	<p>The Incident Review Committee reviewed the evidence and found that both the maneuver and the approach to the dock were reasonable, and that the pilot's reliance on the tug and ship personnel for distance information was also reasonable, in spite of ultimately being provided unreliable information.</p> <p>In consideration of the uncertainty about the extent of the damage coupled with the reasonable behavior of the pilot, the Incident Review Committee recommended that there be a finding of no pilot error, and that the investigation be closed without further action.</p>
<b>Board Action/Date</b>	On February 22, 2018, the Board accepted the recommendation of the Incident Review Committee on the finding of no pilot error, and the investigation was closed with no further action.
<b>Prior Pilot Error Reportable Incidents</b>	None.

## 2. M/V SHEILA ANN

<b>Pilot</b>	Captain Orrin Favro
<b>Incident Description</b>	While enroute from the Port of Stockton to sea, the M/V SHEILA ANN temporarily grounded.
<b>Location</b>	San Joaquin River near Ward Cut, California
<b>Date of Event</b>	July 21, 2017
<b>Incident Review Committee Finding</b>	<input checked="" type="checkbox"/> No Pilot Error <input type="checkbox"/> Pilot Error Summary: (Note: This Incident Review Committee finding and recommendation was combined with the report on the next incident involving the M/V LEONORA VICTORY that occurred on October 27, 2017.)  The M/V SHEILA ANN ran aground in the vicinity of Ward Cut. The pilot was able to free the ship from the river bottom without assistance and continue the transit. There was no damage associated with the grounding.  The pilot reported the grounding to the United States Coast Guard, which classified it as a "bump and go" grounding. Such a grounding occurs when a ship runs aground, and through reversing the engines the vessel is freed on the first attempt, no assist vessel is needed to free the vessel, and the grounding did not result in damage to the vessel or any marine casualty,

	<p>such as pollution or injury. The Coast Guard informed the pilot that no other reporting was required, and the vessel was cleared to proceed to sea.</p> <p>While the pilot did report this incident to the United States Coast Guard, he did not report the incident to the Board as required by State law. The Board did not learn of this grounding until November 11, 2017, when the Executive Director received a report from the Port Agent that he was notified by another Board-licensee that Captain Favro was involved events involving the M/V SHEILA ANN and the M/V LEONORA VICTORY.</p> <p>The Incident Review Committee determined the pilot’s navigation actions appeared to have been reasonable. The Incident Review Committee concluded that Captain Favro was in violation of California Code of Regulations (CCR) § 219(g) of the Board’s regulations by not reporting the grounding of the M/V SHEILA ANN to the Port Agent and the Board as soon as possible, duties permitting, by the most rapid means possible. The Incident Review Committee recommended to the Board that: (1) Captain Favro’s license be suspended for a period of 60 days; (2) Captain Favro attend the next available Combination Course training module on the “Legal Aspects of Piloting” at his own expense; and (3) to close the investigation without further action.</p>
<b>Board Action/Date</b>	On May 24, 2018, the Board accepted the recommendation of the joint recommendation of the Incident Review Committee on the finding of no pilot error for the events involving the M/V SHEILA ANN and the M/V LEONORA VICTORY, that Captain Favro attend the training recommended by the Incident Review Committee, and offered a stipulation to a 30-day suspension to Captain Favro, which he accepted.
<b>Prior Pilot Error Reportable Incidents</b>	None.

### 3. M/V LEONORA VICTORY

<b>Pilot</b>	Captain Orrin Favro
<b>Incident Description</b>	While entering the Port of Stockton, the M/V LEONORA VICTORY interacted with a moored unmanned barge, causing the moored barge to break free of its moorings triggering damage to the pilings it was moored to.
<b>Location</b>	Stockton, California
<b>Date of Event</b>	October 23, 2017



<p><b>Incident Review Committee Finding</b></p>	<p><input checked="" type="checkbox"/> No Pilot Error                      <input type="checkbox"/> Pilot Error</p> <p>Summary:          (Note: This Incident Review Committee finding and recommendation was combined with the report on the prior incident involving the M/V SHEILA ANN that took place on July 21, 2017.)</p> <p>As the M/V LEONORA VICTORY approached the Port of Stockton to berth at Berth #8, an unmanned barge moored alongside the channel was pulled from its moorings triggering damage to the pilings it was moored to. A tug was called in by the Port of Stockton to retrieve the barge to moor it in an alternate location.</p> <p>According to the pilot, he did not learn of the “interaction” until a “later date.” The pilot did not report this event to the Board, and the Board did not learn of it until November 11, 2017, when the Executive Director received a report from the Port Agent that he was notified by another Board- licensee that Captain Favro was involved events involving the M/V SHEILA ANN and the M/V LEONORA VICTORY.</p> <p>The Incident Review Committee noted that there was weak evidence of perhaps a bit too much speed entering the port, resulting in minor damage to the barge moorings, and the Incident Review Committee concluded that the evidence did not support a clear finding of piloting negligence. The Incident Review Committee also determined that Captain Favro was unaware that there was wake damage at the time of the incident, that he was later informed of the possibility of damage, and that he discussed the event with the person who purported to have communicated with the personnel at the Port of Stockton whether “the situation with the barge” was reportable. The Incident Review Committee obtained a statement from Captain Favro that he chose to not report the M/V LEONORA VICTORY event when he learned third hand that the Port of Stockton considered the event non-reportable.</p> <p>The Incident Review Committee concluded that Captain Favro was in violation of CCR § 219(g) of the Board’s regulations by not reporting the M/V LEONORA VICTORY piling damage to the Port Agent and the Board as soon as possible, duties permitting, by the most rapid means possible. The Incident Review Committee recommended to the Board that: (1) Captain Favro’s license be suspended for a period of 60 days; (2) Captain Favro attend the next available Combination Course training module on the “Legal Aspects of Piloting,” at his own expense; and (3) to close the investigation without further action.</p>
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<b>Board Action/Date</b>	On May 24, 2018, the Board accepted the recommendation of the joint recommendation of the Incident Review Committee on the finding of no pilot error for the events involving the M/V SHEILA ANN and the M/V LEONORA VICTORY, that Captain Favro attend the training recommended by the Incident Review Committee, and offered a stipulation to a 30-day suspension to Captain Favro, which he accepted.
<b>Prior Pilot Error Reportable Incidents</b>	None.

#### 4. M/V ALAM SEJAHTERA

<b>Pilot</b>	Captain Bruce Horton
<b>Incident Description</b>	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).
<b>Location</b>	Pittsburg, California
<b>Date of Event</b>	March 25, 2018
<b>Incident Review Committee Finding</b>	<input checked="" type="checkbox"/> No Pilot Error <input type="checkbox"/> Pilot Error Summary: The M/V ALAM SEJAHTERA, a 580-foot-long bulk carrier departed a Dow Chemical dock (Pittsburgh #6) for Anchorage #9. Captain Bruce Horton was assigned the job. Board trainee, Captain David Burchard, was accompanying Captain Horton.  Captain Burchard was conning the ship through a routine undocking, a short passage to a location in the river wide enough to perform a turn, and performed a counter-clockwise turn to head back down stream. The Incident Review Committee determined that, once the ship re-entered New York Slough, Captain Burchard gave appropriate orders to check the swing to port. It was at this point that the evidence indicated the helmsman put the helm over in the opposite direction than Captain Burchard ordered. When Captain Burchard did not see the ship responding to the rudder command he had given, he increased the amount of rudder ordered, and the helmsman correspondingly increased the rudder in the wrong direction. When the ship did not respond to the commands as expected, both Captain Horton and Captain Burchard began to seek out the reason why, and by viewing the rudder angle indicator, discovered that the helmsman had gone the wrong way.  The Incident Review Committee concluded the evidence also indicated that both Captain Horton and Captain Burchard took immediate actions to

	<p>ameliorate the helmsman’s mistake, although none of the actions taken by Captain Horton or Captain Burchard were enough to prevent an allision with the USS-POSCO dock, and the ship made contact twice prior to the pilot regaining control and moving back into the channel. The ship’s crew inspected for hull breaches and/or flooding, and none was found. The ship then proceeded to Anchorage #9 without further incident.</p> <p>The Incident Review Committee found that Captain Burchard and Captain Hurt’s actions were reasonable, recommended that the Board find for no pilot error, and that the investigation be closed without further action.</p>
<b>Board Action/Date</b>	On 9/27/2019, the Board agreed with the Incident Review Committee’s recommendation, found for no pilot error, and closed the investigation.
<b>Prior Pilot Error Reportable Incidents</b>	None.

## 5. M/V XING ZUN HAI

<b>Pilot</b>	Captain Bruce Alden
<b>Incident Description</b>	Interaction between the M/V XING ZUN HAI while passing the mooring M/V WENCHE VICTORY that caused the M/V WENCHE VICTORY’s mooring lines to part.
<b>Location</b>	Stockton, California
<b>Date of Event</b>	October 4, 2018
<b>Incident Review Committee Finding</b>	<p>INVESTIGATION PENDING Estimated Completion Date—April 2019</p> <p>Summary: The M/V XING ZUN HAI was entering the Port of Stockton and passed the M/V WENCHE VICTORY, which was in the mooring process. As the M/V XING ZUN HAI passed the M/V WENCHE VICTORY, the M/V WENCHE VICTORY experienced some interaction that resulted in two mooring lines being parted. There were BOPC-licensees aboard both vessels.</p> <p>The Incident Review Committee was still investigating the incident at the end of the calendar year, and has yet to present a report to the Board at the time this report was prepared.</p>
<b>Board Action/Date</b>	Investigation pending.

<b>Prior Pilot Error Reportable Incidents</b>	Investigation pending.
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## 6. M/V ALYARMOUK

<b>Pilot</b>	Captain Matthew Lingo
<b>Incident Description</b>	Unintended contact between the M/V ALYARMOUK and a temporary buoy marking the Fleet Week parade boundaries.
<b>Location</b>	Central San Francisco Bay
<b>Date of Event</b>	October 7, 2018
<b>Incident Review Committee Finding</b>	<p>INVESTIGATION PENDING            Estimated Completion Date—April 2019</p> <p>Summary:            The M/V ALYARMOUK was inbound from the pilot station, and conducted a pilot change off the city front. Following the pilot change, the vessel allided with a temporary buoy that marked the Fleet Week “air show” box.</p> <p>The Incident Review Committee was still investigating the incident at the end of the calendar year, and has yet to present a report to the Board at the time this report was prepared.</p>
<b>Board Action/Date</b>	Investigation pending.
<b>Prior Pilot Error Reportable Incidents</b>	Investigation pending.

## 7. M/V ARCTIC

<b>Pilot</b>	Captain Paul Ruff
<b>Incident Description</b>	The M/V ARCTIC made unintended contact with the AMORCO dock (MRZ5).
<b>Location</b>	Martinez, California
<b>Date of Event</b>	December 2, 2018

<b>Incident Review Committee Finding</b>	<p>INVESTIGATION PENDING  Estimated Completion Date—May 2019</p> <p>Summary:  The M/V ARCTIC was mooring portside at the AMORCO dock (MRZ5) when the bow made unintended contact with the dock structure, resulting in minor damage to the structure.</p> <p>The Incident Review Committee was still investigating the incident at the end of the calendar year, and has yet to present a report to the Board at the time this report was prepared.</p>
<b>Board Action/Date</b>	Investigation pending.
<b>Prior Pilot Error Reportable Incidents</b>	Investigation pending.