

<p>Meeting Date: January 27, 2020</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>PILOT FITNESS COMMITTEE MEETING MINUTES</p>	<p>Page 1 of 8</p>
--	---	---------------------------

Committee Members Present:

Knute Michael Miller, Committee Chair and Past Board President

Joanne Hayes-White, Commissioner (remotely attended at 128 Stonecrest Drive, San Francisco, CA 94132)

Captain Einar Nyborg, Commissioner and San Francisco Bar Pilot (SFBP)

Robert Kosnik, MD

Committee Members Absent:

Brigadier General (Ret.) Chester L. Ward, MD (remotely listened to the meeting)

Staff Present:

Allen Garfinkle, Executive Director

Roma Cristia-Plant, Assistant Director

Dennis Eagan, Board Counsel

Alethea Wong, Administrative Assistant II

Public Present:

Captain Joseph Long, SFBP President and Port Agent; Ray Paetzold, SFBP General Counsel; Captain Anne McIntyre, SFBP Business Director; Michael Shahbaz, University of California at San Francisco.

OPEN MEETING

1. Call to order and roll call. (Chair Miller)

Committee Chair Miller called the meeting to order at 9:30 a.m. Administrative Assistant II Wong called the roll and confirmed a quorum.

2. Approval of the minutes of Committee meetings held on November 19, 2019, and December 20, 2019. (Chair Miller)

Committee members were presented with the draft minutes from the Committee meetings held November 19, 2019, and December 20, 2019. There was no discussion.

MOTION: Commissioner Nyborg moved to approve the draft minutes of the meeting held on November 19, 2019. Dr. Kosnik seconded the motion.

VOTE: Yes: Miller, Hayes-White, Kosnik, and Nyborg.

No: None.

Abstain: None.

ACTION: The motion was approved.

<p>Meeting Date: January 27, 2020</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>PILOT FITNESS COMMITTEE MEETING MINUTES</p>	<p>Page 2 of 8</p>
--	---	---------------------------

MOTION: Commissioner Nyborg moved to approve the draft minutes of the meeting held on December 20, 2019. Commissioner Hayes-White seconded the motion.

VOTE: Yes: Miller, Hayes-White, Kosnik, and Nyborg.
No: None.
Abstain: None.

ACTION: The motion was approved.

3. **Continue the review and discussion of the July 2018 San Francisco Bar Pilot Fatigue Study produced by the San Jose State University Research Foundation and the National Aeronautics and Space Administration, the identification of key recommendations appropriate for incorporation into regulations, and the development of a fatigue risk management policy. Possible recommendation to the Board to approve recommendations for a fatigue risk management policy from the Committee from which fatigue mitigation regulations will be drafted, and to direct the Committee and Board staff to commence draft regulation writing. (Committee Members and Board staff)**

Chair Miller stated that the goal of the meeting was to review the changes to the Committee’s policy recommendations to the Board on fatigue management based upon the pilot fatigue study produced by the San Jose State University Research Foundation and the National Aeronautics and Space Administration. He noted that there were no changes to the Preamble since the last meeting. There was no further discussion of the preamble.

Study Recommendation #1: Interventions intended to prevent or manage fatigue should be introduced as part of an overall Fatigue Risk Management System (FRMS), some elements of which are already in place.

Chair Miller noted that there was only one clarifying edit to this Committee recommendation. There was no further discussion.

Study Recommendation #2: A limit on the duration of work periods is advisable. The current Bar Pilot Association policy (a limit of 12 hours) appears to be appropriate

Chair Miller noted that edits have been proposed to this and several other Committee recommendations to clarify that the Port Agent has the responsibility to the Board to act on a particular fatigue mitigation measure. Board Counsel Eagan noted that the proposed edits also remove the passive voice and make clear the action is by the Port Agent. Commissioner Nyborg noted that pilots target a maximum work period duration of 12 hours, and that this recommendation calls for a maximum work period duration of 14 hours that he believes is appropriate. There was no further discussion.

<p>Meeting Date: January 27, 2020</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>PILOT FITNESS COMMITTEE MEETING MINUTES</p>	<p>Page 3 of 8</p>
--	---	---------------------------

Study Recommendation #3: The maximum duration of a night work period without a rest opportunity should be less than the allowable duration of a daytime work period.

Chair Miller noted the edit to make clear the Port Agent is responsible for night period work duration limitation. Commissioner Nyborg noted that the key part of the Committee’s proposed recommendation is, “without a rest opportunity on the offshore station boat.” He noted that sitting in a car at the dock waiting for the next bay move is not a rest opportunity. He also noted that the station boat is not a rest opportunity for all pilots, since some pilots do not rest on the boat while at sea. Committee Chair Miller and Commissioner Hayes-White agreed that some pilots will not obtain satisfactory rest on the pilot station boat.

Board Counsel Eagan noted that this recommendation called for an “opportunity” to rest, not necessarily that a pilot will obtain adequate rest on the station boat. Port Agent Long stated that he believes the Committee recommendation, as written, is appropriate and that the FRMS will provide sufficient flexibility regarding pilot night work scheduling.

Study Recommendation #4: A limit to the number of consecutive night shifts is advisable. A limit of two consecutive night shifts would be most desirable; however, a limit of three consecutive night shifts may be more practical.

The Committee discussed the proposed recommendation of a proposed limitation of 18 hours maximum of night-time work hours in any 72-hour period. Dr. Kosnik questioned the amount of time in between night-time work intervals. Port Agent Long stated that the intent is to provide a rest period in between three continuous nights of work. Commissioner Nyborg noted that a pilot could end the third night of work, have twelve hours off, and pick up a late evening job that did not extend past midnight, and not go into a fourth night of night-time work.

Later in the meeting, Mr. Paetzold suggested a proposed edit to the Committee recommendation that would clarify that the Port Agent could not assign a pilot to additional night-time work without a night-time rest opportunity after the third night of night-time work. It was agreed that Board Counsel Eagan would draft further edits to this Committee recommendation in line with Mr. Paetzold’s suggestion. There was no further discussion of this recommendation.

Study Recommendation #5: The BOPC should explore the reasons for the early morning peak in arrivals and consider options to distribute arrivals more evenly thought the 24-hour day.

There was no discussion concerning this recommendation.

Study Recommendation #6: The BOPC should consider whether a change to the minimum advance notice required when ordering a pilot would help to increase the predictability of pilot

<p>Meeting Date: January 27, 2020</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>PILOT FITNESS COMMITTEE MEETING MINUTES</p>	<p>Page 4 of 8</p>
--	---	---------------------------

schedules.

There was no discussion concerning this recommendation.

Study Recommendation #7: The BOPC should consider whether technological solutions (such as software applications) could enable the timing of piloting assignments to be predicted with accuracy.

Commissioner Nyborg stated that he is in agreement that there are no technological solutions to refine the timing of piloting assignments above and beyond pilots' current efforts. There was no further discussion concerning this recommendation.

Study Recommendation #8: The BOPC should consider whether pilots who are on-call for 14 days should be provided with a rest break at or around the mid-point of the 14-day period. A midpoint break of at least 24 hours may be appropriate. If such a break does not occur naturally due to the movement of the board, it may be feasible to delay the pilot's BoB [bottom of the board] time to achieve this.

Board Counsel Eagan noted that Mr. Jacob had commented in prior Committee meetings about lack of definitions for the terms "service," "on-call" and "off-call." Captain McIntyre noted that the Federal Aviation Administration (FAA) uses the terms "on duty" and "off duty." Chair Miller stated that the definitions will be clarified during the regulation writing process. There was no further discussion concerning this recommendation.

Study Recommendation #9: The BOPC should consider ways to minimize advancing shift rotation. An advancing shift rotation occurs when each work period in a series has a start time earlier than that of the preceding work period.

There was no discussion concerning this recommendation.

Study Recommendation #10: There should be a Minimum Rest Period (MRP) between work periods. The current Bar Pilot Association policy (12-hour MRP) appears to be appropriate.

Commissioner Nyborg stated that this Committee recommendation is the most important of all the recommendations. He stated that some pilots believe that eight hours of sleep is sufficient, and that 10 hours for a minimum rest period is appropriate. He noted that a "target rest period" of 12 hours is advisable, but that 10 hours should be the minimum allowable rest period. There was no further discussion of this recommendation.

Study Recommendation #11: Minimum Rest Period (MRP) exceptions should be monitored to ensure that no individual pilot is disproportionately burdened with MRP exceptions.

<p>Meeting Date: January 27, 2020</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>PILOT FITNESS COMMITTEE MEETING MINUTES</p>	<p>Page 5 of 8</p>
--	---	---------------------------

There was no discussion concerning this recommendation.

Study Recommendation #12: The Committee should consider whether an extended rest period is needed following an MRP exception.

There was no discussion concerning this recommendation.

Study Recommendation #13: Recalls of pilots from an off-call period should be managed to minimize disruption of their recovery rest prior to the start of their next on-call.

Board Counsel Eagan noted the Committee’s edit to this recommendation uses the term “off-call.” Assistant Director Cristia-Plant commented that the Committee might want to consider Captain McIntyre’s previous comment about using the FAA term “off duty.” Port Agent Long stated that “off-call,” “off-watch,” and “not on the board,” all mean “off duty.” There was no further discussion of this recommendation.

Study Recommendation #14: Pilots should receive an appropriate recovery period after awakening, before boarding a ship. A longer recovery period will be needed when the awakening occurs during the circadian low, or when the pilot has been asleep for more than 30 minutes.

There was no discussion concerning this recommendation.

Study Recommendation #15: The BOPC should receive information on the number of Bar Pilots available on the Board.

Committee Chair Miller noted that Mr. Jacob had commented at a previous Committee meeting that possibly the Board should seek information on pilots “available for assignment” rather than available on the Board, and the current Committee recommendation was amended to use this terminology. Port Agent Long noted that the he can derive the average number of pilots available for assignment and report this statistic to the Board monthly, but that that number would be an average of an average, and would contain an error factor of 5-10%. Both Dr. Kosnik and Assistant Director Cristia-Plant questioned the usefulness of a monthly average pilots available to work number.

Port Agent Long responded to Assistant Director Cristia-Plant and explained the difficulties of deriving a daily pilots available for assignment figure. He suggested that minimum rest period exceptions may be a more valid piece of data for the Board to weigh the need for more pilots. He also confirmed for Assistant Director Cristia-Plant that he does not keep track of how many times he calls in off-watch pilots, but that it is not more than once or twice a month.

<p>Meeting Date: January 27, 2020</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>PILOT FITNESS COMMITTEE MEETING MINUTES</p>	<p>Page 6 of 8</p>
--	---	---------------------------

Chair Miller stated that there appears to be no need for a monthly reporting by the Port Agent of the average number of pilots available for assignment. He requested Board Counsel Eagan to redraft this Committee recommendation to note that the Board already receives minimum rest period violation data monthly from the Port Agent, and the pilots submit Title 7, California Code of Regulations, §237(d) data annually on daily pilot assignments.

Study Recommendation #16: Implement solutions to increase the number of Bar Pilots available on the board at any given time. Approaches could include reducing the amount of “other duties” performed by Bar Pilots, or increasing the number of Bar Pilot Licensees.

There was no discussion concerning this recommendation.

Study Recommendation #17: Implement a system to enable pilots to report fatigue and remove themselves from the roster without consequences when they are significantly fatigued. It will be necessary to address the cultural barriers that could prevent such a system from working.

Commissioner Nyborg stated that he would like the term “without consequences” to be removed from the Committee’s policy recommendation because there are always consequences, especially to other pilots, when a pilot is removed from rotation. He cited an example of a pilot removing himself from the board every Friday night if there are no consequences, and that he does not want a pilot to use the FMRS as a crutch to have extra time off. Commissioner Hayes-White stated that there should be a tracking mechanism when pilots remove themselves from the board due to fatigue.

Board Counsel Eagan noted that “without consequences” is to be narrowly interpreted to mean without consequence to the pilot who is requesting to be removed from the board due to being too fatigued to work. He also noted that the Board is moving to more of a safety culture with this policy recommendation, and that the Port Agent can always cancel a request for leave if he sees a pattern of abuse.

Port Agent Long stated that it is difficult to regulate behavior, and that he likely would not disapprove a request to be removed from the board if a pilot claimed to be fatigued.

Dr. Kosnik suggested to amend this Committee recommendation to read, “BOPC, by regulation, would require that Port Agent include in the FRMS a plan to enable and support pilots to report fatigue and remove themselves from the roster when they are significantly fatigued.” Executive Director Garfinkle noted that it will be difficult to overcome inherent cultural barriers on this issue.

Chair Miller stated that given the many comments on this Committee recommendation, he requested Board Counsel Eagan to propose a redraft of this Committee recommendation for

<p>Meeting Date: January 27, 2020</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>PILOT FITNESS COMMITTEE MEETING MINUTES</p>	<p>Page 7 of 8</p>
--	---	---------------------------

consideration at the next Committee meeting. There was no further discussion of this recommendation.

Study Recommendation #18: Provide pilots with educational material on the effective use of caffeine, and other aspects of good sleep hygiene.

There was no discussion concerning this recommendation.

Study Recommendation #19: Provide advice to pilots on how to improve their home sleeping environments. This could include educational material for families on how they can contribute to Bar Pilot rest and alertness.

There was no discussion concerning this recommendation.

Additional Recommendation #20. Pilot Trainees should, when handling vessels, be subject to the same duration of service and other limitations as those imposed on serving pilots.

There was no discussion concerning this recommendation.

Additional Recommendation #21. To ensure that pilots traveling to or from mandated training at facilities distant from the waters under the jurisdiction of BOPC arrive able to pursue their studies or their piloting duties upon return in rested and alert condition, pilots traveling in excess of eight hours and at BOPC expense for training mandated by statutes, regulation, or BOPC action, would be required to travel in a transportation mode that allowed for 180-degree horizontal seating.

Chair Miller noted that Mr. Jacob, at a prior Committee meeting, noted that paying for business class airfare for pilots to attend training should be considered by the Finance Committee. He also noted that lowest cost airfare rates can typically be obtained when purchasing tickets far in advance of travel.

Commissioner Hayes-White stated that people have different travel recovery times, and wanted more information on real-time scheduling issues when sending pilots long distances to attend training. Port Agent Long stated that not in all instances is there a scheduling problem with pilots returning from Port Revel. He stated it depends on whether or not the returning pilot is on the board upon return, and that some pilots return from France on a Sunday evening, and immediately go back on the board, but may not have an assignment right away. He also noted that maybe returning pilots should be afforded more time off before returning to the board.

Captain McIntyre noted that travel to the East Coast could end up being longer than eight hours if connecting flights are involved. Chair Miller confirmed for Assistant Director Cristia-Plant the policy recommendation is for eight hours of total air travel time, not travel segments.

Meeting Date: January 27, 2020	Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111 PILOT FITNESS COMMITTEE MEETING MINUTES	Page 8 of 8
---	--	--------------------

Chair Miller requested that Board Counsel Eagan amend this Committee recommendation to include regulation that requires the Port Agent to include in the FRMS the identification of mitigating measures to address fatigue of pilots returning from long distance training. There was no further discussion of this recommendation.

Additional Recommendation #22. Incident Review Committee assessment of whether fatigue contributed to an incident.

There was no discussion concerning this recommendation.

4. Public comments on matters not on the agenda.

There were no comments from the public on matters not on the agenda.

5. Schedule the next Committee meeting, and proposals for items on the next meeting agenda.

Committee Chair Miller announced that the next Committee meeting is already scheduled for February 12, 2020, at 9:30 a.m. Committee Chair Miller obtained input from Committee members, and announced that following the February meeting, the next Committee is scheduled for March 18, 2020, at 1:00 p.m.

Port Agent Long announced that he will not be able to attend the Committee meeting on February 12, 2020.

6. Adjournment.

Committee Chair Miller, without objection, adjourned the meeting at 12:00 p.m.

Submitted by:



Allen Garfinkle, Executive Director