

<p>Meeting Date: February 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>BOARD MEETING MINUTES</p>	<p>Page 1 of 19</p>
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Board Members Present

Dave Connolly, President, Public Member
 Joanne Hayes-White, Vice President, Public Member (left the meeting at 11:30 a.m.)
 Captain Robert Carr, Pilot Member
 David Hoppes, Dry Cargo Industry Member
 Captain Einar Nyborg, Pilot Member
 Captain Oscar Prada, Tanker Company Industry Member
 Stephanie Dougherty, Designee of the Secretary of the California State Transportation Agency (CalSTA)

Board Members Absent

Vacant, Public Member

Board Staff Present

Allen Garfinkle, Executive Director
 Roma Cristia-Plant, Assistant Director
 Dennis Eagan, Board Counsel

Public Present

Knute Michael Miller, Past Board President; Jennifer Schmid, Past Board President; Captain Joseph Long, Port Agent and San Francisco Bar Pilots (SFBP) President; Captain Anne McIntyre, SFBP Business Director; Ray Paetzold, SFBP General Counsel; Captains Steven Teague and Gregory Tylawsky, SFBP; Captains Art Thomas and Nancy Wagner, BOPC-licensees, retired; Gileen Thomas; Sheri Tonn and Jamie Bever, Washington State Board of Pilotage Commissioners; Eric Osen, Chevron Corporation; Captain Dennis Plant, Chevron Corporation and BOPC-licensee, retired; Eusebio Fabia, California State Lands Commission; and Kevin Baldwin, Bullivant Houser.

OPEN MEETING

Call to Order and Roll Call (President Connolly)

President Connolly called the meeting to order at 9:33 a.m. Assistant Director Cristia-Plant called the roll and confirmed a quorum.

2. Review and approval of Board meeting minutes (President Connolly)

Board action to approve the minutes from the Board meeting held on January 23, 2020.

Board members were presented with the draft minutes from the meeting held on January 23, 2020. There was no discussion of the minutes.

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MOTION: Commissioner Prada moved to approve the draft minutes of the meeting held on January 23, 2020. Commissioner Hoppes seconded the motion.

VOTE: YES: Connolly, Carr, Hayes-White, Hoppes, Nyborg, Prada.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

3. President Announcements and Activities (President Connolly)

President Connolly acknowledged a letter dated February 25, 2020, from Governor Newsom that recognized the 170th anniversary of the Board. He stated the letter noted, among other things, the Board was established on February 25, 1850, the Board is the oldest state commission, and the Board is a steward of California’s economy while preserving the environment. He thanked everyone present and past for their dedication to the Board, and noted that the Board has a history second to none.

President Connolly briefly reviewed a letter dated February 20, 2020, that he sent to all Board members outlining the prohibition against the use of state resources for campaign activities and initiative campaigns.

Lastly, he noted that Commissioner Nyborg resigned from the Pension Committee, and that he named Commissioner Carr as his replacement.

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 January 23, 2020.

- On January 27, 2020, Board staff received *Marine Safety Information Bulletin* (MSIB) 01-20, dated January 24, 2020, titled, “Novel Coronavirus Precautions.”
- Also on January 27, 2020, Board staff received a *Tokyo MOU Safety Bulletin* dated January 2020, titled, “Safety of pilots boarding ships with pilot transfer arrangements that use non-approved methods to secure pilot ladders.”
- On January 28, 2020, Board staff received a copy of the January 2020 *PMSA West Coast Trade Report*.
- On January 30, 2020, Board staff received *Congressional Research Service* publication titled, “Shipping Under the Jones Act: Legislative and Regulatory Background.” He noted that he found the publication to be a good primer on the Jones Act and the role it plays in the United States maritime sector.

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- On February 7, 2020, Board staff received a *GCaptain* article titled, “IMO Urged to Crack Down on Dangerous Ladder Arrangements After Pilot’s Death.”
- Also on February 7, 2020, Board staff received a *Marine Accident Investigation Branch (MAIB) Accident Report* dated May 8, 2019, titled, “Grounding of the ro-ro freight ferry SEATRUCK PERFORMANCE in Carlingford Lough, Northern Ireland,” and noted that the report stated the master was navigating by eye in a narrow, buoyed channel and failed to account for squat when computing the under-keel clearance.
- Also on February 7, 2020, Board staff received an Australian Government Department of Health *Information Sheet for Marine Pilots* dated February 6, 2020, titled, “Novel Coronavirus Information Sheet,” and a second MSIB Number 02-20 dated February 2, 2020, titled “Novel Coronavirus,” which canceled MSIB 01-20, and included more updated information on the virus.
- On February 12, 2020, Board staff received a bulletin from the U.S. Centers for Disease Control and Prevention dated February 12, 2020, titled “Interim Guidance for Seaport Partners with Ships Arriving at US Port of Entry: for Management of Sick Travelers if COVID-19 is Suspected.”
- Also on February 12, 2020, Board staff received a *Maritime Executive* article dated February 11, 2020, titled, “Wearable Technology Could Aid in Fatigue Management.” He stated the article noted the Shipowners Club, partnering with Sleep and Fatigue Research, LTD, identified sleepiness and long-term fatigue as major factors in accidents at sea, and were working to determine if wearable technology is suitable to the marine environment to mitigate the risks of fatigue.
- On February 20, 2020, Board staff received a *GCaptain* article dated February 19, 2020, written by Captain George Livingstone titled, “All Person Errors,” and noted the article describes the OODA Loop theory (continuous observation, orientation, decision and action, used in combat), and compare this theory to the myriad of maritime regulations and checklist culture designed to prevent marine transportation accidents.
- On February 20, 2020, Board staff received a letter from the American Pilots’ Association that attached a letter from the association titled, “A Request from the American Pilots’ Association to State Pilotage Authorities Regarding Pilot Safety” along with International Maritime Organization Regulation 23 – Pilot transfer arrangements.
- On February 21, 2020, Board staff received an email from Katharine Newman, Esq. of Conoco Phillips, inquiring if the Commissioners might be willing to share pilot human element perspectives that could advance human element improvements on the bridge as a collaborative work group with Polar Tankers.
- On February 25, 2020, Board staff received the February 2020 PMSA *West Coast Trade Report*.
- On February 26, 2020, Board staff received a copy of a letter sent to Board President Dave Connolly from PMSA Vice President Mike Jacob requesting that the Board

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refrain from taking any action to increase current San Francisco Pilot Pension Plan beneficiary target pension amounts for lack of cause and evidence.

B) Report on pilot licensing matters since the Board meeting held on January 23, 2020.

Since the January Board meeting, the Board renewed the licenses of Captains Lingo, Stultz, and Hirschfeld.

C) Report on Board surcharges.

Executive Director Garfinkle reported that for January 2020, the Board received a check from SFBP in the amount of \$156,093.50, itemized as follows:

- Board Operations Surcharge: \$84,633.50
- Trainee Surcharge: \$49,690.00
- Continuing Education Surcharge \$21,770.00

D) Report on legislative activities and contractual matters.

Assistant Director Cristia-Plant stated that there were no legislative activities to report.

Assistant Director Cristia-Plant reported the following on contractual matters:

- Board staff were notified by the San Francisco Bar Pilots that they may not be able to conduct trainee random drug testing. Board staff intend to meet with the SFBP's Business Director to determine if the issues can be resolved.
- The current commission investigator contracts expire April 30, 2020, and each contract contains a provision allowing the contract to be extended twice for up to a year each time. Contract extensions have been sent to each commission investigator, and the amendments should be executed in the next month or so.
- She reported that a significant number of contracts are expiring and will require new contracts in place this year. Board staff have commenced working on new contracts with the Department of Transportation for information technology services, and on two contracts with the California State University Maritime Academy for services to both the Pilot Continuing Education Program and the Pilot Trainee Training Program. Work on other contracts expiring this year will commence as time permits.

Assistant Director Cristia-Plant also reported that she met with consultants from the California Department of Human Resources (CalHR) late last month and again in February, that she commenced working on a Succession Plan for the Board, and that the CalHR staff are recommended incorporating a Workforce Development Plan into the Succession Plan. She said both plans are required of all state entities.

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The Board discussed the APA article about pilot ladders. Port Agent Long stated that the pilots have had much success in working with shipping companies to address pilot ladder safety issues, and he specifically mentioned Evergreen Marine Corp.

Past President Miller commented on the article about the Jones Act, and stated that the act is very important to the United States. President Connolly stated that the act is the foundation of U.S. maritime industry.

Commissioners Hoppes, Carr and Prada commented that the coronavirus (aka COVID-19) is causing alarm, and stated that there is information now available about how pilots can take precautionary measures to protect themselves against the virus. Port Agent Long commented that there are several measures in the works regarding pilot protection.

6. Port Agent's Report (Port Agent Long)

Port Agent Long reported the following pilots have been absent for medical reasons (AFMR) and their initial absence date:

- Captain Coppo – August 13, 2019
- Captain Carlier – September 11, 2019
- Captain Kirk – November 27, 2019
- Captain Boriolo – January 6, 2020
- Captain Slack – February 12, 2020. He stated that he anticipated that Captain Slack would be back to work by the March Board meeting.

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

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 less than 10 hours, mitigating measures are employed by the SFBP. He reported that the mitigation measures include, but are not limited to, suspending continuing professional development protocols, canceling scheduled meetings, canceling previously granted compensated time off requests, suspending SFBP internal working rules, and calling in off-watch pilots.

He reported that there are currently 55 licensed pilots, that there were nineteen MRP exceptions in January, and that the shortest rest period was 9 hours.

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B) Monthly report for January 2020 on SFBP ship piloting business activity.

He reported that the P/V SAN FRANCISCO was out of service on February 5-6, 2020, due to a starboard generator alternator fire caused by a bearing failure. He added that the pilots may modify pilot vessels to remove alternators all together.

Port Agent Long reported that the billed vessel moves for January 2020 were as follows:

- Bar Crossings: 537 moves
- Bay Moves: 165 moves
- River Moves: 38 moves
- Total Moves: 740 moves
- Gross Registered Tons (GRT): 30.9 million

He also reported that when comparing 2020 year-to-date vessel move data with the same period in 2019, total moves were down 4.9% and GRT was down 4.6%.

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) meeting held on February 19, 2020.

PEC Chair Captain Teague reported the following:

- The PEC met on February 19, 2020, and in attendance were Committee members Captains Boriolo, Carlier, Robinson, and Teague.
- At the request of the Committee, Executive Director Garfinkle initially joined the Committee so that they could provide him with an overview of last month’s activity.
- All trainees were interviewed and counseled individually in closed session by the PEC members on their progress in the Pilot Trainee Training Program.
- The eight current trainees include Captains Adams, Benedict, Burchard, Deisher, Nelson, Pyne Mercier, Rogers, and Stevens. The range of time in the program for these trainees spans 5 to 31 months.

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- Captains Burchard, Nelson, Pyne Mercier, and Stevens have their full unlimited federal pilotage endorsement with the U.S. Coast Guard. Captain Pyne Mercier is in the evaluation stage of the Pilot Trainee Training Program. These four trainees are handling vessels as much as possible, with an occasional observation trip to watch a licensed pilot perform their duties.
- The remaining four trainees—Captains Adams, Benedict, Deischer and Rogers are acquiring route trips, are testing with the U.S. Coast Guard for their pilotage endorsements, and are handling vessels in areas where they have their endorsements.
- All trainees are presently meeting the recommended benchmarks in the program and are progressing at their own rate.
- The next PEC meeting is scheduled for March 18, 2020, 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.

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 state-licensed pilot.

There was no recommendation.

PEC Chair Teague confirmed for Commissioner Hoppes that the one trainee who was pulled from the evaluation stage of the program is still in the training program.

PEC Chair Teague reported that Captain Robinson's term ended on February 25, 2020, and that the Board, per statutes, selects the PEC members. Board Counsel Eagan suggested that the President could conditionally extend Captain Robinson's term until the next Board meeting at which Captain Robinson's term could be voted on by the Board. President

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Connolly then extended Captain Robinson's PEC term conditioned on Board consideration of a PEC appointment at the March Board meeting.

**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 Garfinkle reported that he received a Pilot Boarding Arrangements Deficiency Report prepared by Captain Carl Martin for the M/V VITTORIA, and stated that the report indicated the accommodation ladder was too low and rigged incorrectly, and that Captain Martin provided pictures. Executive Director Garfinkle stated he forwarded the report to Port State Control, who inspected the vessel, determined that the ladder was indeed poorly rigged, but was subsequently appropriately rigged for the next pilot to board the vessel, and that the crew had received additional ladder rigging training. He also stated Port State Control confirmed that the vessel ordered magnetic devices to further secure the ladder.

Commissioner Nyborg commented that the Board's reporting of pilot ladder deficiencies to Port State Control has had a positive impact to pilot safety.

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

A) Status report on the event involving the P/V STAR PRINCESS wherein a tugboat made fast to the P/V STAR PRINCESS made unintended contact with Pier 23 in San Francisco on October 2, 2019. Possible Board action to grant the Incident Review Committee an extension to present the P/V STAR PRINCESS report at the Board meeting to be held on March 26, 2020.

Executive Director Garfinkle reported that on October 2, 2019, the P/V STAR PRINCESS was mooring at Pier 27, San Francisco, (SFO 27), and the assist tug, DELTA CATHRYN, made unintended contact with Pier 23 during the mooring process that resulted in damage to the pier structure. He reported that the 90-day statutory deadline for the report was on December 30, 2019, and that the incident is still under investigation. He stated that the Investigation Review Committee (IRC) is having difficulty obtaining evidence for this incident, and requested an extension to present the IRC report at the March 2020 Board meeting.

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MOTION: Vice President Hayes-White moved that the Board grant an extension to the Incident Review Committee to present its report on the P/V STAR PRINCESS at the Board meeting to be held on March 26, 2020. Commissioner Nyborg seconded the motion.

VOTE: YES: Connolly, Carr, Hayes-White, Hoppes, Nyborg, and Prada.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

B) Status report on the event involving the allision between the T/V POLAR DISCOVERY with the T/V TORM RESILIENCE that was previously moored at the Richmond Long Wharf in Richmond on November 24, 2019. Possible Board action to grant the Incident Review Committee an extension to present the T/V POLAR DISCOVERY report at the Board meeting to be held on March 26, 2020.

Executive Director Garfinkle reported that on November 24, 2019, the T/V POLAR DISCOVERY allided with the T/V TORM RESILIENCE that was previously moored at the Chevron Long Wharf in Richmond. He reported that there was damage to both ships, to the pier, and to the landing arms that were connected to the T/V TORM RESILIENCE. He stated that oil was released, but it was contained on the deck of the T/V TORM RESILIENCE, and that no oil went into the water. He stated the investigation is ongoing, that the 90-day statutory deadline date was February 21, 2020, and requested an extension to present the IRC report at the March 2020 Board meeting.

Executive Director Garfinkle also reported that the pilot involved in this event is currently Not Fit for Duty, and undergoing a medical assessment by the Board's physicians. Mr. Osen commented that that the event is significant to Chevron, and that the company will endeavor to be as supportive as possible to the IRC and the Board regarding this event. Mr. Fabia commented that the California State Lands Commission (SLC) is very interested in this event, and stated that the SLC could consider amending its regulations, such as a requirement for active berths to suspend cargo operations during approach maneuvers to the Richmond Long Wharf, to mitigate similar incidents in the future.

MOTION: Commissioner Hoppes moved that the Board grant an extension to the Incident Review Committee to present its report on the T/V POLAR DISCOVERY at the Board meeting to be held on March 26, 2020. Commissioner Prada seconded the motion.

VOTE: YES: Connolly, Carr, Hayes-White, Hoppes, Nyborg, and Prada.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

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C) Status report on the event involving unintended contact of the M/V VINCENT GENESIS with Levin’s Terminal (RCH 20) in Richmond on December 13, 2019. Possible Board action to grant the Incident Review Committee an extension to present the M/V VINCENT GENESIS report at the Board meeting to be held on March 26, 2020.

Executive Director Garfinkle reported that on December 13, 2019, the M/V VINCENT GENESIS made unintended contact with the corner of Levin Terminal in Richmond (RCH20), and caused damage to the wooden structure of the pier. He reported that the investigation is still ongoing, that the 90-day statutory deadline is March 11, 2020, and requested an extension to present the IRC report at the March Board meeting.

MOTION: Commissioner Nyborg moved that the Board grant an extension to the Incident Review Committee to present its report on the M/V VINCENT GENESIS at the Board meeting to be held on March 26, 2020.

Commissioner Prada seconded the motion.

VOTE: YES: Connolly, Carr, Hayes-White, Hoppes, Nyborg, and Prada.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

10. Significant Port Safety and Security Cases Report (Executive Director Garfinkle)

Report on marine casualties, navigational safety and significant incident management cases relevant to the Board as reported by the U.S. Coast Guard in its Prevention / Response – San Francisco Harbor Safety Statistics report for January 2020.

Executive Director Garfinkle reported on the January 2020 Prevention/Response – San Francisco Harbor Safety Statistics report, and noted that there were six loss of propulsion events.

11. Pilot Fitness Committee (Committee Chair Miller)

A) Report on the Pilot Fitness Committee meetings held on January 27, 2020, and February 12, 2020.

Chair Miller reported that the Committee met on January 27 and February 12, 2020, and finalized the development of policy recommendations to the Board regarding pilot fatigue. He also stated that the Committee reviewed draft regulatory language in connection with amendments to the Board’s fitness determination regulations that had been presented to the Board a year and a half ago. He noted the Committee determined

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that the draft regulatory amendments will require further refinement, and in some cases will need to be expanded, and that the Committee will continue its work on amending these regulations and report to the Board at a later date.

B) Report on the Committee’s review and discussion of the recommendations contained in the July 2018 San Francisco Bar Pilot Fatigue Study produced by San Jose State University Research Foundation and the National Aeronautics and Space Administration, the identification of recommendations appropriate for incorporation into regulations, and the development of a fatigue risk management policy. Possible Board action to accept the Committee’s recommendations for the development of a fatigue risk management policy from which fatigue regulations will be drafted, and to direct one or more Committees and Board staff to commence draft regulation writing.

Chair Miller stated that he was very happy to report to the Board that the Committee thoroughly reviewed the July 2018 San Francisco Bar Pilot Fatigue Study (Study) produced by San Jose State University Research Foundation and the National Aeronautics and Space Administration and developed pilot fatigue management policies for Board consideration. He noted that the policies will result in regulations pursuant to SB 1408 (2013). He stated that the Committee’s recommendations are not regulations, but policies, and that the Committee stands ready to work on regulation development from Board-approved pilot fatigue mitigation policies at the Board’s request.

Chair Miller explained the lengthy time line that lead up to the Committee’s pilot fatigue management policy recommendations to the Board, and stated that after the enactment of SB 1408, which became effective on January 1, 2013, the Committee conducted extensive research into employment fatigue and information related to fatigue of pilots, circadian rhythms and sleep issues, and other medical and technical information related to fatigue in the workplace, to develop sufficient knowledge so that a scope of work could be developed for a competitive procurement to select an independent researcher as required by the legislation. He noted that it took about two years to develop the scope of work for a Request for Proposal document.

Chair Miller also stated that the State’s contracting requirements imposed certain requirements that led to other contracting delays, and that the Board ultimately was able to select a proposal from among governmental sleep researchers that resulted in a contract in 2016 with San Jose State University Research Foundation in collaboration with the National Aeronautics and Space Administration’s Ames Fatigue Countermeasures Laboratory. He stated the Board was very fortunate to contract with these researchers for a pilot fatigue study, and that the Board owes a debt of gratitude to Drs. Alan Hobbs and Erin Flynn-Evans and their team for the final study that was completed in 2018.

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Chair Miller noted that the Committee’s policy recommendations to the Board provided a background of the Board’s legislative mandate and the Committee’s global intentions for its policy recommendations. He then summarized the Committee’s pilot fatigue management policy recommendations stemming from each Study recommendation as follows:

Recommendation 1: BOPC, by regulation, would require the Port Agent to establish, document, and maintain a Fatigue Risk Management System (FRMS), some elements of which are already in place, and submit it to BOPC for review and approval.

Chair Miller stated that a key element of the Committee’s fatigue management policy recommendations to the Board is the development of a FRMS by the Port Agent, that the FRMS is flexible enough to be amended from time to time without the lengthy process of amending regulations, and that from a management perspective, the BOPC-licensees through the Port Agent would “own” the FRMS which generally would encourage adherence to its strictures.

Recommendation #2: Maximum work period—soft stop at 12 hours and hard stop at 14 hours.

Recommendation #3: Maximum night-work period—soft stop at 10 hours and hard stop at 12 hours.

Recommendation #4: Consecutive night shifts—hard stop at 18 night-time hours in any 72-hour period and no soft stop.

Recommendation #8: Maximum consecutive days on-call—hard stop at 15 days and no soft stop.

Recommendation #10: Minimum rest period—soft stop at 12 hours, hard stop at 10 hours, with minimum rest period exception reporting.

Chair Miller stated that the above Committee policy recommendations contain both “soft stops” and “hard stops” that address various limitations on hours of service or rest. He stated the general structure of this set of Committee policy recommendations requires that if a pilot exceeds the soft stop, the Port Agent must monthly report the event in writing to the Board. Further, he stated the Port Agent is prohibited from assigning pilots to jobs that would exceed the hard stop limit unless, in the opinion of the Port Agent, there is reasonable cause to believe that the risk to the safety of persons, property, vessels, or the marine environment exceeds the risks associated with a pilot exceeding the hard stop limit, and that the Port Agent would also report monthly in writing if he authorized an exception to the hard stop. He also stated the Committee is recommending to allow the FRMS

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to establish more conservative soft and hard stops than those specified in the Committee's policy recommendations.

Recommendation #9: Advancing shift rotation.

Recommendation #14: Appropriate recovery period after awakening.

Recommendation #18: Effective use of caffeine.

Recommendation #19: How families can contribute to pilot rest and alertness.

Chairman Miller stated the Committee determined that the Study recommendations for the above items are best effectuated by including the substance of these recommendations in the Pilot Continuing Education combination course training provided by the Board pursuant to Title 7, California Code of Regulations, § 215.

Chair Miller stated that the Committee determined that the remaining Study recommendations can either be addressed in the FRMS, or require no regulatory action, and that the Committee's recommendations to the Board on these Study recommendations are as outlined in its written report to the Board.

Chair Miller then stated that the Committee is making three additional fatigue management policy recommendations to the Board above and beyond the Study recommendations:

Recommendation #20: Pilot trainees should not be subject to pilot fatigue regulations since their training schedule is self-determined and is more flexible than a pilot's work schedule. He stated that the Committee determined that trainees should nonetheless be educated about fatigue issues, and that this responsibility falls on the Pilot Evaluation Committee.

Recommendation #21: Pilots traveling long distances to mandated training should be required to travel in a transportation mode that minimizes travel time and maximizes the opportunity for rest during travel.

Recommendation #22: IRC regulations would be amended to require that the IRC assess whether fatigue contributed to an incident and include that assessment in its report concerning the incident.

Chair Miller thanked his colleagues on the Pilot Fitness Committee, including Commissioners Nyborg and Hayes-White, President Connolly, Brig. Gen. Chester Ward, MD (US Army Ret.), and Medical Review officer, Bob Kosnik, MD of the UC San Francisco Medical Center, then-Commissioner, now-Port Agent, Joe Long, and stakeholders and Board staff for their important and constructive efforts developing the Committee's pilot fatigue management policies.

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President Connolly commented that the FRMS is the key to the Committee's recommendations to the Board, and that he is certain that there will be unintended consequences that will need to be further addressed by the Board. Port Agent Long stated that there is still much more work to do to develop the FRMS, that there will be additional tracking and reporting on his part, and that he is grateful that the pilots were proactive in determining fatigue issues and implementing mitigation measures over the last several years.

Board Counsel Eagan confirmed for Commissioner Hoppes that the FRMS and regulations are not yet drafted, and that at today's meeting, the Committee is seeking the Board's review and approval on the policies that would drive the required pilot fatigue management regulations. Executive Director Garfinkle assured Commissioner Hoppes that the Legislature is annually informed as to the Board progress meeting the requirements of SB 1408.

MOTION: Commissioner Nyborg moved that the Board accept the Pilot Fitness Committee's Recommendations With Respect to Fatigue Management, Markup worksheet V. 4.8 dated February 14, 2020, as presented to the Board. Vice President Hayes-White seconded the motion.

VOTE: YES: Connolly, Carr, Hayes-White, Hoppes, Nyborg, and Prada.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

MOTION: Vice President Hayes-White moved that the Board direct the Pilot Fitness Committee to develop pilot fatigue management regulations based upon Pilot Fitness Committee's Recommendations With Respect to Fatigue Management, Markup worksheet V. 4.8 dated February 14, 2020, for Board consideration. Commissioner Prada seconded the motion.

VOTE: YES: Connolly, Carr, Hayes-White, Hoppes, Nyborg, and Prada.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

C) Report on the Committee's review and discussion of modifications to the Board's pilot and trainee fitness regulations in Title 7, California Code of Regulations sections 217-217.45 previously approved by the Board, and the status of the rulemaking process.

Previously discussed by Chair Miller in agenda item 11.A.

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President Connolly then called for a short recess.

RECESS STARTED: 11:17 a.m.
RETURN TO OPEN SESSION: 11:35 a.m.

12. Pilot Power Committee (Committee Chair Carr)

A) Report on the Pilot Power Committee meeting held on February 12, 2020.

Commissioner Carr reported that the Pilot Power Committee met on February 12, 2020, and reviewed the results of a Pilot Retirement Survey that was conducted in January 2020, and discussed the report submitted to the Board by the San Francisco Bar Pilots that contained information required in Title 7, California Code of Regulations, §237(d).

B) Report on the Committee’s review and discussion of the Pilot Retirement Survey conducted in January 2020, its review of the most recent data required in Title 7, California Code of Regulations, §237(d), the adequacy of the current number of pilots and pilot trainees, and projected pilot and trainee needs through 2022.

C) Report on the Committee’s review and discussion of the content of the Pilot Retirement Survey.

Chair Carr stated both agenda items were reviewed together by the Pilot Power Committee, and reported to the Board that there are 55 active pilots, with 14 pilots eligible to retire in the next three years, and 9 pilots projecting to retire over the same period. He stated that there are currently 8 trainees in the Pilot Trainee Training Program, and that the Committee determined that the Board’s previous direction to staff to keep the training program full at 8 trainees is still appropriate, and that there was no need for Board action on this agenda item. He also noted that the Committee determined that given the need for newly-licensed pilots, the training program should remain as full as possible for the foreseeable future, which may mean contracting with one trainee at a time instead of two at a time, which has been done in the past to maintain a buddy system among new trainees.

Chair Carr also said that the Committee decided that the third question on the Pilot Retirement Survey should be amended, and that he will work with staff to revise the question in order to obtain more useful information to the Committee and the Board as to what issues impact a pilot’s decision to retire.

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13. Pilot Pension Committee (Committee Chair Connolly)

A) Report on the Committee meeting held on February 25, 2020.

Pilot Pension Committee Chair Connolly reported to the Board that the Committee met on February 25, 2020, and discussed issues of concern to the San Francisco Pilot Pension Plan Fiduciary (Plan Fiduciary) and the completed actuarial report for the pension plan. The Committee reviewed cost of living increase data for pension plan beneficiaries, and the Committee is ready to make a cost-of-living increase recommendation to the Board.

He stated the Plan Fiduciary, Executive Director Garfinkle, discussed issues related to the use of cash receipts versus billing data to calculate the monthly pension allocations, and the potential for the Plan Fiduciary to annually contact pension plan beneficiaries to confirm contact information, and in some cases, to determine continued eligibility. He explained that the Committee meeting allowed the Plan Fiduciary to obtain input from pension beneficiaries at the meeting.

B) Report on the Committee’s review and discussion of the *Pension Valuation Report Measured as of January 1, 2019*, prepared by Precision Actuarial Inc., dated February 5, 2020.

Chair Connolly reported that the Committee reviewed and discussed the *Pension Valuation Report Measured as of January 1, 2019*, prepared by Precision Actuarial Inc., dated February 5, 2020, and noted that the actuarial valuation of the San Francisco Bar Pilot Pension Plan was calculated using the assumptions approved by the Board, including three different amortization options. He stated that the report identified the change in Total Pension Liability changes from \$161,724,000 as of January 1, 2009, to \$270,433,019 as of January 1, 2019.

Commissioner Hoppes stated that the costs to vessels of the pension plan are increasing, and are about \$4,500 one-way for a large vessel crossing the bar, and that the costs are becoming increasingly expensive to the shipping industry, who would like to keep all shipping costs down.

C) Report on the Committee’s review and consideration of a cost-of-living calculation and potential percentage increase to the target monthly pension amount received by retired pilots and other recipients of pension benefits from the San Francisco Pilot Pension Plan pursuant to Harbors and Navigation Code Section 1167, to be effective April 1, 2020. Possible Board action on a percentage increase to the target monthly pension benefits received by retired pilots and other recipients of pension benefits from the San Francisco Pilot Pension Plan pursuant to Harbors and Navigation Code Section 1167, to be effective April 1, 2020.

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Chair Connolly stated the Board received several letters from interested parties related to the issue of a pension cost-of-living increase, including a letter dated February 26, 2020, from PMSA written by Mike Jacob requesting the Board to refrain from taking any action to increase current target pension amounts for lack of cause and evidence, a memo dated February 27, 2020, from Board Counsel Eagan responding to PMSA's letter, and letters dated February 27, 2020, from plan beneficiaries Captains Nancy Wagner and Arthur Thomas. Mr. Thomas also read a short statement from Mrs. Gjevik who was not in attendance but wanted to apprise the Board that there is a high cost to obtaining actuarial reports, which should be done every two years, and that this cost is one of the reasons companies no longer offer defined benefit pension plans.

Chair Connolly stated the Committee discussed the cost-of-living increase report prepared by Board staff, which included the historical point-to-point method of calculating an increase, and also included a cost of living increase calculation based upon annual average Consumer Price Increase (CPI).

Chair Connolly stated the Committee reviewed data and recommended to the Board to use the point-to-point CPI calculation that has historically be used to calculate increases, and that this method resulted in a Committee-recommended maximum cost-of-living increase of 5.107%.

Executive Director Garfinkle stated that the cost-of-living increase formula in the Harbors and Navigation Code does not keep up with inflationary costs since the formula allows only half of the maximum increase in CPI.

MOTION: Commissioner Hoppes moved that the Board accept the Pension Committee's recommendation for a 5.107% percentage increase to the target monthly pension benefits received by retired pilots and other recipients of pension benefits from the San Francisco Pilot Pension Plan pursuant to Harbors and Navigation Code Section 1167, to be effective April 1, 2020. Commissioner Carr seconded the motion.

VOTE: YES: Connolly, Carr, Hoppes, Nyborg, and Prada.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

D) Report regarding the accounting system used by the Primary Fiduciary to calculate the Pilot Pension Plan Surcharge revenues and the timing of monthly payments paid to San Francisco Pilot Pension Plan beneficiaries pursuant to Harbors and Navigation Code §1166. (Primary Fiduciary Garfinkle)

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Discussed under 13. A. above.

E) Report regarding the development of a process by the San Francisco Pilot Pension Plan Primary Fiduciary to annually contact plan beneficiaries to determine eligibility, and to confirm contact information. (Primary Fiduciary Garfinkle)

Discussed under 13. A. above.

14. Navigation Technology Equipment and Software Acquisition Update (SFBP Business Director McIntyre)

Status report on the SFBP's navigation technology equipment and software implementation.

Captain McIntyre stated that she had nothing to report.

Before going into closed session, President Connolly took items agenda 17 and 18 out of order.

17. Public comment on matters not on the agenda.

Captains Thomas and Wagner, and Mrs. Thomas thanked the Board for approving a cost of living increase to pension beneficiaries.

18. Proposals for the next Board meeting agenda.

There were no proposals for the next Board meeting.

President Connolly then announced that the Board would go into closed session to consider Agenda items 15 and 16.

15. Presentation and discussion of a request for reasonable accommodation by Captain Carl Martin regarding a medical condition in connection with required manned-model training (Executive Director Garfinkle)

Possible Board deliberation and decision on:

A) Captain Martin's medical condition.

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B) Whether that condition requires a reasonable accommodation in connection with attendance at mandated manned-model training at Port Revel, France.

C) What reasonable accommodation should be accorded Captain Martin.

The Board may go into closed session to discuss Captain Martin’s confidential medical reports as authorized by Harbors and Navigation Code section 1157.1.

16. Performance Evaluation of the Executive Director (President Connolly)

Annual Performance Evaluation of Executive Director. The Board may go into closed session pursuant to 11126(a)(1) of the Bagley-Keene Open Meeting Act to discuss the evaluation.

CLOSED SESSION: 12:00 p.m.
RESUME OPEN SESSION: 1:10 p.m.

President Connolly announced that the Board considered agenda item 15, and completed its annual performance evaluation of the Executive Director in closed session.

17. Adjournment.

MOTION: Commissioner Carr moved to adjourn the meeting. Commissioner Prada seconded the motion.

VOTE: YES: Connolly, Carr, Hoppes, Nyborg, and Prada.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved, and the meeting adjourned at 1:11 p.m.

Submitted by:



Allen Garfinkle
Executive Director