

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



2020

Annual Legislative Report

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

**Commissioners
(as of December 31, 2020)**

Dave Connolly, President, Public Member
Joanne Hayes-White, Vice President, Public Member
Captain Robert Carr, Pilot Member
David Hoppes, Dry Cargo Industry Member
Captain Einar Nyborg, Pilot Member
Captain Oscar Prada, Tanker Industry Member
David S. Kim, Secretary of the California State Transportation Agency

Board Staff

Allen Garfinkle, Executive Director
Roma Cristia-Plant, Assistant Director
Alethea Wong, Administrative Assistant II

Report Date: April 15, 2021

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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 (pilots or Board-licensees) 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 shipping 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.
- 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. The current Board is a part-time board that meets monthly. The Board also has many committees that assist it with the review of important matters. Committees are made up of Board members and volunteers who may provide expertise on a specific subject. Committees meet at varying times during the year at public meetings and make recommendations to the Board. The Board is the decision-making body.

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 a recommendation 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, pilot boats and navigation technology owned and used by Board-licensees, and the San Francisco Bar Pilot Pension Plan.

Section 1157.5 of the Harbors and Navigation Code was added 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 15th of each year describing the Board's activities for the preceding calendar year, and providing certain specified information.

The statutory annual reporting requirements include the following data: the number of vessel movements across the bar (a sand bar approximately 11 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 2020

Below is a summary of major Board activities in calendar year 2020.

1. COVID-19 Pandemic and the Board

The novel coronavirus — also known as COVID-19 — became a declared pandemic in 2020, causing businesses and residents of the state to alter their daily lives. Since the maritime pilots licensed and regulated by the Board are essential workers, the work of the Board was also essential and continued throughout the year.

Early in the pandemic, Governor Newsom signed two Executive Orders that specifically impacted the Board. Executive Order N-20-20 was signed on March 17, 2020, in which certain provisions of the Bagley-Keene Open Meeting Act were suspended or waived during the State of Emergency that was declared by the Governor on March 4, 2020. This Executive Order allowed the Board to continue to hold public meetings without members being physically present or advertising the members' location in the meeting agenda.

Subsequently, on April 16, 2020, Governor Newsom signed Executive Order N-52-20 to mitigate the impact of the lack of the availability of in-office pilot and trainee medical evaluations by the Board's physicians. This Executive Order authorized, among other things, a temporary waiver for the requirements in Harbors and Navigation Code § 1176 and in title 7, California Code of Regulations, sections 217.5 and 217.10 that a pilot be found fit-for-duty as a condition of having his or her license renewed, and that a pilot trainee be found fit-for-duty to be allowed to continue in the pilot training program. The temporary waiver of a fit-for-duty determination applied to pilots whose Board license expired between April 1, 2020, and July 31, 2020, and to trainees whose anniversary of admission to the training program fell between those same dates. The Executive Order required that the regulatory fit-for-duty requirements must have been satisfied by December 31, 2020.

Executive Order N-52-20 also temporarily waived the training requirements specified in title 7, California Code of Regulations, § 215 relating to continuing education for BOPC-licensees required to complete training in 2020 until June 30, 2021. Due to the pandemic, no pilot continuing education was conducted in 2020. The Board subsequently made a determination at its meeting in December 2020, that it would not suspend or revoke a pilot license due to the Board's inability to provide any required training because of the COVID-19 pandemic, and directed the Executive Director to provide pilots with the required training as soon as feasible given contractual and budgetary constraints.

Lastly, Executive Order N-52-20 also extended the three-year maximum length of the training program for pilot trainees specified in Harbors and Navigation Code section 1171 .5 (c) and California Code of Regulations, title 7, section 214 (c) by one year for trainees who have been unable to train on vessels due to the pandemic.

Board staff nimbly and capably carried out all mission critical duties during the year. To ensure the safety of Board staff, Executive Director Garfinkle instituted office safety protocols, obtained computer equipment to enable Board staff to telecommute as much as possible during the year, and Board staff digitized many day-to-day processes and procedures so work could be completed remotely. With the exception of monthly Pilot Evaluation Committee meetings that are not conducive to be conducted remotely, and beginning with the Finance Committee meeting that was held on March 18, 2020, Board staff also adeptly conducted all scheduled committee and monthly Board meetings during the year by teleconference or virtually online.

2. Pilot Fitness

The Board, under a contract with the Regents of the University of California on behalf of the San Francisco Department 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 refinements needed 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 instructed staff in October 2018 to update the fitness regulations consistent with the committee recommendations. The Board subsequently reviewed and approved additional proposed fitness regulatory changes in September 2020, and updated its request to Board staff to commence the rulemaking process.

Regulation amendments in four broad areas are expected to be promulgated in 2021 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 the sufficient availability of physicians; and, update various terms and forms. The proposed updated fitness regulations are anticipated to further enhance the rigorousness of the Board's oversight of pilot and pilot trainee fitness.

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

In 2018 and 2019, the Board's Pilot Fitness Committee commenced a thorough review of the study and all study recommendations. In February 2020, the Board subsequently approved the Pilot Fitness Committee's pilot fatigue mitigation policies that will guide the development of regulations, one of which was to require the BOPC-licensees to develop a Fatigue Risk Management System for Board review and approval. It is anticipated that the Pilot Fitness Committee will proceed with the development of pilot fatigue mitigation regulations in 2021.

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 moneys 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 and its affiliate the San Francisco Bar Pilots Benevolent and Protective Association 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, bank loan interest and taxes. In December 2018, the Board increased the approved final authorized navigation technology costs to \$1,125,036.

In July 2020, the Board approved a third increase to the final authorized navigation technology costs to \$1.2 million, subject to Board's previous authorization to the Finance Committee to review an approval of the pilots recovery of final Navigation Technology expenditures for hardware, software license fees and bank loan interest. In December 2020, the Finance Committee issued a final approval of navigation technology costs and bank loan interest, setting the final authorized amount at \$1,197,480.

To finance the Board-authorized navigation technology costs, the Board authorized the establishment and implementation of a Navigation Technology Surcharge in June 2017, at \$40/ship move, commencing on July 1, 2017. The surcharge moneys were used by the San Francisco Bar Pilots and its affiliate San Francisco Bar Pilots Benevolent & Protective Association to reimburse Board-authorized navigation technology and bank loan interest costs. The Board increased the Navigation Technology Surcharge rate to \$50/ship move on July 1, 2020, and again increased the rate to \$90/ship move on October 1, 2020. The Navigation Technology surcharge was ended on November 20, 2020, for a total amount billed of \$1,197,480, consistent with the final costs reviewed and approved by the Finance Committee.

As of the end of 2020, nearly \$1,196,180 in Navigation Technology Surcharges billings were collected by the San Francisco Bar Pilots from its customers, leaving \$1,300 in billings to be collected in 2021.

The new state-of-the-art Board-approved navigation technology has been acquired by BOPC-licensees and put in service. The BOPC-licensees reported to the Board that the new technology has contributed immensely to increased safety involving navigation in restricted visibility conditions, such as night and fog transits, and the safe navigation of ultra large container vessels.

5. Pilot Trainee Program

The Board administers a Pilot Trainee Training Program (Training Program) for qualifying mariners who wish to obtain the knowledge, skills, and abilities to be licensed as a pilot by the Board. 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 Training Program selection exam consists of a written exam component, and for candidates who pass the written exam, a simulator exam component. Applicants who pass the selection exam are placed on an eligibility list in rank order, and are offered a spot in the Training Program as space becomes available.

A Training Program selection exam was conducted in June 2017, and two candidates remained on the eligibility list at the beginning of 2020. Both candidates had repeatedly requested deferral to the bottom of the list when an offer was made to participate in the Training Program.¹ Eventually, one candidate requested to be permanently removed from the list prior to the list expiration on June 22, 2020, and the other candidate requested repeated deferrals to the bottom of the list, but was not subsequently selected prior to the expiration of the list.

The Board conducted the last Training Program selection exam in June 2019. The 2019 selection exam resulted in an eligibility list of 19 candidates. Four candidates on this list entered the Training Program in 2019, and three more entered the program in

¹ Board regulations allow candidates to defer to the bottom of the list if an offer is made to participate in the Training Program and the candidate is not ready to enter the program.

2020. The June 2019 eligibility list will expire on June 27, 2022. The Board anticipates conducting the next Training Program selection exam in June 2022.

A trainee can be in the Training Program for a minimum of one year to no more than three years. Trainees are paid a \$7,000 stipend per month to participate in the program. Board-licensed pilots provide on-the-job training to trainees on ships transiting waters 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-approved 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 reviews a semi-annual confidential pilot retirement survey along with pilot work and minimum rest period violation data, and recommends to the Board the timing and the number of new trainees from the available eligibility lists to induct into the Training Program.

6. Personnel Matters

All Board members are Governor appointees. The Board consists of two pilots licensed by the Board, two members representing the shipping industry, and three members of the public, along with the Secretary of the Transportation Agency, who is a non-voting member.

During calendar year 2020, one public Board member position was vacant for most of the year, and subsequently filled by Governor Newsom in December 2020. As of the date of this report, the Governor re-appointed a pilot member, appointed a new public member to fill a public member position that ended the end of 2020, and one industry member position is vacant.

The Board has four full-time staff positions. One position was vacant all of 2020. Board staff completed a five-year Workforce and Succession Plan in 2020, and per that plan, the Board reclassified the vacant position in 2020. The vacant position was advertised in late 2020 and subsequently filled in March 2021.

Due to the small number of Board staff, the Board receives necessary administrative, program and technical support through agreements with other governmental entities and private contractors including:

- The Department of Justice.
- California Highway Patrol.
- Department of Transportation.
- California Department of Human Resources.
- State Controller's Office.
- Department of Technology.
- California State University Maritime Academy.
- Regents of the University of California.

- Commission Investigators.
- San Francisco Bar Pilots.

7. Litigation Involving the Board in 2020

There was no outstanding litigation involving the Board in 2020.

III. Number of Vessel Movements in 2020

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 2020 vessel movement² statistics:

Number of vessel movements across the San Francisco Bar <i>(Includes 2 movements to Monterey Bay)</i>	5,500
Number of vessel movements within the Bays of San Francisco, San Pablo and Suisun	1,512
Number of vessel movements on the Sacramento and San Joaquin Rivers	584
Total Moves	7,596

² Billing data as reported by the San Francisco Bar Pilots to the Board.

IV. Status of Pilot Licensees and Trainees in 2020

1. Status of Pilot Licensees as of December 31, 2020

Pilot	Original License Date	Last Date Licensed	Licensed and Fit for Duty Dates	Licensed and Not Fit for Duty Dates ³
Alden, Bruce	7/2/1993		1/1/2020-12/31/2020	
Alfers, Douglas	9/28/2017		1/1/2020-12/31/2020	
Aune, Drew	4/1/2009		1/1/2020-12/31/2020	
Billingsley, Neil	4/28/2016		1/1/2020-12/31/2020	
Boriolo, Dan	10/1/1995		1/1/2020-1/5/2020; 7/1/2020-12/31/2020	1/6/2020-7/1/2020
Bridgman, Daniel	4/1/2010		1/1/2020-12/31/2020	
Carlier, John	1/20/1989		11/9/2020-12/31/2020	1/1/2020-11/9/2020
Carr, Robert	6/27/2013		1/1/2020-12/31/2020	
Coppo, George	1/1/1992	9/30/2020	3/20/2020-9/30/2020	1/1/2020-3/19/2020
Corbett, David	4/25/2019		1/1/2020-12/31/2020	
Crowl, Casey	7/25/2019		1/1/2020-12/31/2020	
Cvitanovic, David	6/22/2017		1/1/2020-12/31/2020	
D'Aloisio, Samuel	7/1/2014		1/1/2020-12/31/2020	
Epperson, Dylan	12/15/2016		1/1/2020-12/31/2020	
Favro, Orrin	12/14/2012		1/1/2020-12/31/2020	
Fawcett, Erik	6/23/2011		1/1/2020-12/31/2020	
Freese, Kevin	11/15/2018		1/1/2020-12/31/2020	
Greger, Ronald	1/24/2019		1/1/2020-3/6/2020; 3/30/2020-11/30/2020	3/7/2020-3/29/2020; 12/1/2020-12/31/2020
Haggerty, Mark	7/1/1998		1/1/2020-1/26/2020; 2/24/2020-12/8/2020	1/27/2020-2/23/2020; 12/9/2020-12/31/2020
Hirschfeld, Jubal	2/25/2016		1/1/2020-12/31/2020	
Horton, Bruce	5/8/1991		1/1/2020-12/31/2020	
Johnson, Eric	12/13/2012		1/1/2020-12/31/2020	
Kasper, Drue	3/22/2016		1/1/2020-6/10/2020	6/11/2020-12/31/2020
Kellerman, Zachary	1/28/2011		1/1/2020-12/31/2020	

³ These dates include both absences for medical reasons reported to the Port Agent and longer absences reported to the Board's physicians.

Pilot	Original License Date	Last Date Licensed	Licensed and Fit for Duty Dates	Licensed and Not Fit for Duty Dates ³
Kirk, Roger	4/1/2007		11/4/2020-12/1/2020	1/1/2020-11/3/2020; 12/2/2020-12/31/2020
Kleess, Guy	11/1/2005	6/30/2020	1/1/2020-3/18/2020	3/19/2020-6/30/2020
Laakso, Kristopher	8/26/2011		1/1/2020-12/31/2020	
Larwood, Dan	7/1/1998		1/1/2020-12/31/2020	
LeSieur, Cevan	9/26/2014		1/1/2020-12/31/2020	
Lingo, Matthew	2/22/2013		1/1/2020-12/31/2020	
Livingstone, George	4/24/2008		1/1/2020-10/21/2020; 11/29/2020-12/31/2020	10/22/2020-11/28/2020
Long, Joe	7/1/2008		1/15/2020-11/10/2020	1/1/2020-1/14/2020; 11/11/2020-12/31/2020
Lowe, Jeremy	11/21/2016		1/1/2020-12/31/2020	
Manes, Mark	6/28/2012		1/1/2020-12/31/2020	
Martin Jr., Carl	4/1/2010	9/30/2020	1/1/2020-4/13/2020	4/14/2020-9/30/2020
McCloy, David	6/1/2008		1/1/2020-12/31/2020	
Merritt, David	8/26/2010		1/1/2020-12/31/2020	
Miller, Thomas	7/1/1987	6/30/2020	1/1/2020 - 6/2/2020	6/3/2020-6/30/2020
Murray, Andrew	4/28/2016		1/1/2020-12/31/2020	
Nyborg, Einar	7/1/1995		1/1/2020-12/31/2020	
Pate, David	4/1/2007		1/1/2020-5/25/2020; 8/31/2020-12/31/2020	5/26/2020-8/30/2020
Pullin, Jesse	1/24/2019		1/1/2020-12/31/2020	
Pyne Mercier, Christopher	3/26/2020		3/26/2020-12/31/2020	
Ridens, Raymond	1/1/2007		1/1/2020-12/31/2020	
Robinson, Eric	1/1/2004		1/1/2020-12/31/2020	
Rocci, Reuben	1/1/2008		1/1/2020-12/31/2020	
Rubino, Michael	3/22/2017		1/1/2020-3/26/2020; 4/6/2020-12/31/2020	3/27/2020-4/5/2020
Ruff, Paul	1/27/2011		1/1/2020-12/31/2020	
Slack, Dustin	7/1/2008		1/1/2020-2/11/2020; 2/17/2020-3/17/2020; 3/28/2020-12/31/2020	2/12/2020-2/16/2020; 3/18/2020-3/27/2020
Starnitzky, Maximilian	8/22/2019		1/1/2020-12/31/2020	
Stultz, Joshua	2/24/2012		1/1/2020-12/31/2020	
Teague, Steve	1/1/2007		1/1/2020-12/31/2020	
Tylawsky, Greg	5/27/2010	12/1/2020	1/1/2020-6/14/2020	6/15/2020-12/1/2020
Vogel, Jason	11/16/2017		1/1/2020-12/31/2020	

Pilot	Original License Date	Last Date Licensed	Licensed and Fit for Duty Dates	Licensed and Not Fit for Duty Dates ³
Wehr, Shane	6/1/2008		1/1/2020-12/31/2020	
Weiss, David	9/10/1993		1/1/2020-12/31/2020	

Active Pilots During the Year: 56

Pilots No Longer Licensed During the Year: 5

No pilots passed away during the year.

Due to the COVID-19 pandemic and the closure of training facilities in Vallejo, California and France, pilots did not attend any training in 2020.

There were no licensed pilots on active military duty during 2020.

There were no licensed pilots on leave of absence during 2020.

There were no licensed pilots suspended during 2020.

2. Status of Pilot Trainees as of December 31, 2020

Name of Trainee	Training Program Entrance Date	Status on 12/31/2020
Burchard, David	7/17/2017	Training term ended 7/16/2020
Nelson, Brett	1/14/2019	Resigned effective 10/26/2020
Stevens, Matthew	1/14/2019	In Training
Benedict, William	8/12/2019	In Training
Rogers, Nicholas	8/12/2019	In Training
Adams, Scott	10/1/2019	In Training
Deisher, Nicholas	10/1/2019	In Training
James Murney	5/1/2020	In Training
Eric Weber	8/5/2020	In Training
Jonathan Olmsted	10/1/2020	In Training

V. Summary of Reports of Navigational Incidents Acted on or In Progress in 2020

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 WASHINGTON

Pilot	Captain Daniel Larwood supervising trainee Captain Matthew Stevens, who was conning the ship
Incident Description	The M/V WASHINGTON landed hard at the Valero pier (BNC4), resulting in minor damage to the pier structure.
Location	Benicia, CA
Date of Event	August 12, 2019
Incident Review Committee Finding	<input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct The Incident Review Committee determined that the trainee landed the vessel at a slight two-degree angle to the pier, and that the force on the pier was within the rated capacity of the pier fendering system. However, due to a design anomaly with a catwalk on the pier, there was minor damage to the catwalk. The Incident Review Committee recommended to the Board that there be a finding of no pilot misconduct, and that the investigation be closed with no further action.
Board Action/Date	<input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct On January 23, 2020, the Board accepted the recommendation of the Incident Review Committee on the finding of no pilot error/misconduct, and the investigation was closed with no further action.
Prior Pilot Error Reportable Incidents	None.

2. P/V STAR PRINCESS

Pilot	Captain Orrin Favro
Incident Description	The P/V STAR PRINCESS was berthing at Pier 27 in San Francisco, and the assist tug DELTA CATHRYN made fast on the starboard quarter made unintended contact with Pier 23 during the docking process resulting in damage to the pier structure. Damages were projected to be in excess of \$1 million.
Location	San Francisco, CA
Date of Event	October 2, 2019
Incident Review Committee Finding	<p><input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct</p> <p>The Incident Review Committee determined that there was ineffective communication between the pilot and the tug operator which led to a loss of situational awareness. The Incident Review Committee found that, based on weighing the evidence, that the pilot was negligent by failing to exercise proper bridge resource management. The Incident Review Committee also found that the tug operator was independently equally negligent.</p> <p>In assessing whether there was pilot misconduct by assessing the standard of care, which is the degree of skill commonly possessed by others in the same employment, the Incident Review Committee determined that the pilot was not negligent since the evidence showed that the pilot had to rely on communication and critical information from the tug operator that was determined lacking.</p> <p>The Incident Review Committee recommended to the Board that the Board find for no misconduct on the part of the pilot, that the report serve as a lesson learned, and that the case be closed with no further action.</p>

Board Action/Date	<input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct <p>On October 22, 2020, the Board issued a written decision that it agreed with the Incident Review Committee’s finding of no pilot misconduct. The Board also determined that the Incident Review Committee report should serve as a “lesson learned,” and required the Port Agent to place the Incident Review Committee report on the San Francisco Bar Pilot’s website with a direction to all pilots read it. Captain Favro was also required to make an oral presentation to pilots about the incident, and the Board closed the case without further action. All Board requirements were subsequently met.</p>
Prior Pilot Error Reportable Incidents	<p>Captain Favro had two prior incidents, both in 2017, which were presented to the Board in May of 2018. Both incidents were minor in nature, but the Board found that there was misconduct on the part of Captain Favro, in that in both events he failed to notify the Port Agent of the incidents, in violation of section 219, subdivision (g) of title 7 of the California Code of Regulations. Captain Favro’s license was suspended for 60 days, but the decision stated that if he stipulated to the Board’s decision, and attended combination course training offered by the Board, his suspension would be reduced to 30 days, to which he agreed.</p>

3. M/V POLAR DISCOVERY

Pilot	Captain Roger Kirk
Incident Description	The T/V POLAR DISCOVERY was docking at the Richmond Long Wharf, and on approach allided with the previously moored T/V TORM RESILIENCE. The allision resulted in damage to the pier, loading arms on the pier, and to both the hulls of the T/V POLAR DISCOVERY and the T/V TORM RESILIENCE. Total estimated damage was greater than \$6 million.
Location	Richmond, CA
Date of Event	November 24, 2019
Incident Review Committee Finding	<p><input type="checkbox"/> No Pilot Error/Misconduct <input checked="" type="checkbox"/> Pilot Error/Misconduct</p> <p>The Incident Review Committee determined that Captain Kirk lost situational awareness as evidenced by the pilot appearing to lose track of the both the geographic position of the ship in the turning basin and the rate of turn of the ship, that there was excessive speed that ultimately reduced the effectiveness of the tugs in use, and that the incident was compounded by the pilot's lapses in effective bridge resource management, as evidenced by the failure to utilize the ship engines, rudders, bridge personnel, and tugs. The Incident Review Committee also determined that the pilot failed to build contingencies into the transit plan, and that fatigue could have been a contributing factor.</p> <p>The Incident Review Committee recommended to the Board to find for pilot misconduct, and that the Board file an accusation for suspension of Captain Kirk's license for a period of three months.</p>

Board Action/Date	<input type="checkbox"/> No Pilot Error/Misconduct <input checked="" type="checkbox"/> Pilot Error/Misconduct <p>On January 28, 2021, the Board issued a written decision that agreed with the Incident Review Committee’s finding of pilot misconduct, and accepted the recommendation that an accusation should be filed to suspend the Captain Kirk’s license. However, the Board determined the suspension period should be for twelve months instead of the three months recommended by the Incident Review Committee. Furthermore, separate from the license suspension, the Board’s decision required the pilot to obtain training at his own cost before his license could be restored. The Board specified that the training was to include manned model training, bridge resource management training, and training on reducing or avoiding fatigue. The Board delegated to Board staff the selection of the training providers.</p> <p>On March 15, 2021, an Accusation was filed against Captain Kirk. At the writing of this report, the accusation process has commenced and is not yet complete.</p>
Prior Pilot Error Reportable Incidents	None.

4. M/V VINCENT GENESIS

Pilot	Captain Drew Aune supervising trainee Captain Brett Nelson, who was conning the ship
Incident Description	The M/V VINCENT GENESIS was departing Richmond with the trainee conning, and due to the restricted confines of the channel, the trainee's uncertainty, and communication issues with one of the tugs, Captain Aune took the conn after the ship had moved astern approximately 20 feet. Shortly after Captain Aune took the conn, the midsection of the vessel made unintended contact with the corner of the Levin Terminal (RCH20). There was minor damage to the wooden pier structure, and a scraped vessel hull, totaling less than \$10,000 in damages.
Location	Richmond, CA
Date of Event	December 13, 2019
Incident Review Committee Finding	<input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct The Incident Review Committee recommended to the Board that the Board find for no pilot error or misconduct due to the pilot affording the trainee an opportunity to train on a difficult maneuver, that the pilot took over the conn as soon as was practicable, and that the damages were minor. The Incident Review Committee also recommended to the Board that the case be closed with no further action.
Board Action/Date	<input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct On February 25, 2021, the Board determined that there was no misconduct on the part of the pilot, and closed the case with no further action.
Prior Pilot Error Reportable Incidents	None.

5. M/V S.G. FRIENDSHIP

Pilot	Captain Eric Robinson
Incident Description	The M/V S.G. FRIENDSHIP temporarily grounded after experiencing a loss of propulsion near the Port of Stockton, and made contact with the riverbank in the process of anchoring.
Location	On the San Joaquin River in the vicinity of Windmill Cove near the Port of Stockton.
Date of Event	January 12, 2020
Incident Review Committee Finding	<input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct The Incident Review Committee determined that the ship was able to get underway under its own power and without further incident, that there was clearly no pilot error, and reported to the Board at the January 23, 2020, Board meeting that the investigation was closed pursuant to title 7, California Code of Regulations, §210(b)(3).
Board Action/Date	None
Prior Pilot Error/Misconduct Reportable Incidents	N/A

6. M/V MCS ANNA

Pilot	Captain George Livingstone
Incident Description	The M/V MSC ANNA, the largest containership to call on the Port of Oakland, made contact with and caused damage to the dock fendering system during mooring.
Location	Port of Oakland at Berth 57, Oakland Inner Harbor.
Date of Event	April 16, 2020
Incident Review Committee Finding	<input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct <p>The Incident Review Committee obtained confirmation from the Port of Oakland that the fendering at this berth was old, was not sufficient to handle a vessel of this size, and needed to be upgraded before allowing similar large vessels to dock at the berth in the future. The port did not pursue a claim for damages. The Incident Review Committee determined that there was clearly no pilot error, and reported to the Board at the May 28, 2020, Board meeting that the investigation was closed pursuant to title 7, California Code of Regulations, §210(b)(3).</p>
Board Action/Date	None.
Prior Pilot Error/Misconduct Reportable Incidents	N/A

7. M/V CHAMPION CONCEPT

Pilot	Captain Samuel D'Aloisio
Incident Description	The M/V CHAMPION CONCEPT made unintended contact with the corner of the dock while shifting between two berths. The vessel's shell plating was deflected, and there was concrete damage to the corner of the dock.
Location	Shifting from Berth 8 (SCK 8) to Berth 9 (SCK 9) in Stockton, California.
Date of Event	April 28, 2020
Incident Review Committee Finding	INVESTIGATION PENDING Estimated Completion Date—April 2021
Board Action/Date	INVESTIGATION PENDING
Prior Pilot Error/Misconduct Reportable Incidents	INVESTIGATION PENDING

8. M/V HYUNDAI NEPTUNE and the M/V HANOVER EXPRESS

Pilot	Captains Drew Aune and George Livingstone
Incident Description	The passing of the M/V HYUNDAI NEPTUNE and the M/V HANOVER EXPRESS caused an interaction and damage to the moored M/V THALASSA AVRA. The damage to the M/V THALASSA AVRA consisted of parted lines, and possible damage to a container crane.
Location	Berth 37, Oakland, California.
Date of Event	May 21, 2020
Incident Review Committee Finding	INVESTIGATION PENDING Estimated Completion Date—May 2021
Board Action/Date	INVESTIGATION PENDING
Prior Pilot Error/Misconduct Reportable Incidents	INVESTIGATION PENDING

9. M/V JIANGMEN TRADER

Pilot	Captain Kristopher Laasko
Incident Description	The M/V JIANGMEN TRADER interacted with the moored M/V STRATEGIC ALLIANCE causing the M/V STRATEGIC ALLIANCE to have two parted spring lines.
Location	Berth 6, Pittsburg, California.
Date of Event	July 23, 2020
Incident Review Committee Finding	INVESTIGATION PENDING Estimated Completion Date—June 2021
Board Action/Date	INVESTIGATION PENDING
Prior Pilot Error/Misconduct Reportable Incidents	INVESTIGATION PENDING