

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



2022

Annual Legislative Report

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

**Commissioners
(as of December 31, 2022)**

Joanne Hayes-White, President, Public Member
Jennifer Ferrera Schmid, Vice President, Public Member
Karen Tynan, Public Member
Captain Einar Nyborg, Pilot Member
Captain Robert Carr, Pilot Member
Toks Omishakin, Secretary of the California State Transportation Agency

Board Staff

Allen Garfinkle, Executive Director
Roma Cristia-Plant, Acting Assistant Director
Alethea Wong, Staff Services Manager I
Charles Louie, Administrative Assistant II

Report Date: April 15, 2023

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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.*

Board-licensees charge pilotage fees (tariffs) for the delivery of pilotage services. In 2022, the Legislature transitioned the authority to set pilotage tariffs from itself to the Board. Board-licensees also charge, collect, and remit or expend various surcharges as set and directed by the Board. These surcharges provide funds the Board’s operations and programs, pilot boats and other assets 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); the number of vessel movements 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 2022

Below is a summary of major Board activities in calendar year 2022.

1. COVID-19 Pandemic Impacts—Public Meetings

The novel coronavirus — also known as COVID-19 — became a declared pandemic in early 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 pandemic. Governor Newsom subsequently signed a proclamation on February 29, 2023, ending the COVID-19 emergency proclamation he signed on March 20, 2020, and terminated any previous Executive Orders related to the State of Emergency that he previously declared.

Since the onset of the COVID-19 pandemic, Governor Newsom signed several Executive Orders that included amendments to the Bagley-Keene Open Meeting Act provisions allowing public bodies to hold virtual public meetings via audio or video teleconference without members being physically present or advertising the members' location in the meeting agenda. In light of the surge in cases due to the Omicron variant, and to protect the public health and safety, Governor Newsom signed Executive Order N-1-22 on January 5, 2022, to temporarily extend the option of conducting public meetings remotely until April 1, 2022. Subsequently, Governor Newsom signed Senate Bill 189 (chaptered June 30, 2022) that allowed state public bodies to hold virtual meetings through June 30, 2023.

In April 2022, the Board elected to return to in-person meetings at the Board office and allowed Board members and the public to participate telephonically without having to include in the meeting notice and agenda the location of a Board member. Board staff nimbly and capably carried out all mission critical duties during the year at either virtual public meetings or in-person public meetings at the Board office. Also in 2022, several committee meetings were held virtually based upon the needs of the committee members.

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 Board promulgated several amendments to update the pilot fitness regulations in October 2021, and those regulations were fully implemented in 2022. The updated fitness regulations further enhanced the rigorousness of the Board's oversight of pilot and pilot trainee fitness. The amended regulations accomplished the following: clarified the timetable to complete a fitness evaluation; allowed for a fitness determination by

Board-appointed physicians for a period of less than one year; mandated periodic re-evaluation of pilots on not fit for duty leave, amended the minimum qualifications for a Board-appointed examining physician to ensure the sufficient availability of physicians; and, updated various terms and forms. The Board was able to add additional qualified physicians to its approved physician list in 2022 due to the new regulations.

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 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 study assistance from researchers at the Ames Fatigue Countermeasures Laboratory of the National Aeronautics 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 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 as guidance to the development of regulations. One Board-approved regulation is the requirement for BOPC-licensees to develop a Fatigue Risk Management System for Board review and approval.

The Pilot Fitness Committee proceeded with the development of pilot fatigue mitigation regulations in 2021. The draft pilot fatigue mitigation regulations propose to add: limits on the maximum work period, minimum rest periods between jobs, an item in the Incident Review Committee's written report which describes the assessment of whether or not fatigue contributed to an incident; fatigue related topics in the Pilot Trainee Training Program and the Pilot Continuing Education Program; a fatigue risk management system (FRMS) to ensure the operations of the San Francisco Bar Pilots support effective rest opportunities and fatigue mitigation measures; and, a description of the duties of pilot trainees to comply with work-hour limitations and rest-period requirements set forth for the pilots.

In February 2022, the Pilot Fitness Committee's draft pilot fatigue mitigation regulations were approved by the Board and the Board requested staff to commence the rulemaking process. The preparation of regulations and related rulemaking documents took place in 2022, with regulations projected to be operational in 2023.

4. Pilotage Rates, the Rate Setting Process and Legislation

Global supply chain impacts due to the COVID-19 pandemic-related supply chain disruptions continued to have a negative effect to trade and shipping volumes in 2022, which in turn negatively impacted pilotage revenues in the Board's jurisdiction. In response, pilotage rate legislation was passed in both 2021 and 2022 to address pilotage revenue and also amended the pilotage rate setting process.

Effective September 2021, Assembly Bill (AB) 807 amended Harbor Navigation Code (HNC) Section 1190 and authorized the Board to approve temporary surcharges for the pilots to recover costs associated with catastrophic events. The legislation also imposed, until January 1, 2023, a vessel movement fee (surcharge) as authorized by the Board for the pilots to recover costs for the purchase of a new pilot dispatch system incurred in 2021, and imposed, until January 1, 2024, an additional vessel movement fee as authorized by the Board for the pilots to recover deferred and current pilot vessel maintenance costs incurred between January 1, 2021, and October 1, 2023.

In 2021 and 2022, the Board authorized a total of \$275,000 in recovery costs for the pilot dispatch system, and a total of \$1.2 million in recovery costs for deferred and current pilot boat maintenance work. The Board-authorized surcharges for both these projects were levied in 2021 and 2022, and both surcharges were fully collected and ended in 2022.

The Board's Ad Hoc Committee to Review the Pilotage Rate Setting Process met at several public meetings in 2021 and 2022 to evaluate the efficiency and effectiveness of the current legislative pilotage rate setting process in California, and to review the rate setting processes in other state pilotage commissions to determine whether changes to the current pilotage rate setting process would be beneficial to the State, Board-licensees and the shipping industry.

In February 2022, after twelve months of Committee deliberations, conducted with significant stakeholder input, the Committee presented a final report on pilotage rate setting with the following recommendations to the Board to: move the pilotage rate setting process from the Legislature to the Board; for the Board to facilitate pilotage rate hearings to be conducted by an impartial Administrative Law Judge (ALJ); require the Board to review the ALJ's decision and either adopt the rate recommendation, adopt the recommendation with minor changes, reject the recommendation and refer it back to the ALJ, or reject the recommendation with a written explanation; add the Secretary of the California State Transportation Agency (CalSTA) as a final approver of the pilotage rate adjustment; and, require the Board to adopt a rate-setting formula that is based upon meeting quantifiable revenue requirements. The Board approved the final report and in

March 2022, the final report was delivered to both the Assembly and Senate Transportation Committee Chairpersons, the Secretary of CalSTA and the Governor.

On September 29, 2022, AB 2056 was enacted to respond to the impacts of the ongoing COVID-19 pandemic-related disruptions to trade that continued to result in depressed business and shipping conditions in the Bay Area and negative fiscal impacts to pilotage revenue. The legislation enacted increases certain pilotage fees set some temporary pilotage fees, made changes to the funding of pilot boats, and made changes to the pilotage rate setting process to achieve a more efficient rate setting mechanism.

In regards to pilotage revenue, AB 2056 established three annual increases to the minimum charge for bar pilotage through the Golden Gate Bridge beginning January 1, 2022, with the last increase effective on January 1, 2024, set minimum pilotage charges for bay and river moves, with one annual increase for each type of minimum charge in January 1, 2024, increased rates for events involving pilot stand by time, cancellations, and pilot carried away, and created temporary transit fees that are to remain in effect until the Board publishes its first pilotage tariff.

AB 2056 authorized eligible pilot boat costs to include preliminary design and engineering costs, and the repowering of existing pilot boats or the acquisition of new pilot boats to meet the requirements of any rule governing the emissions of commercial harbor craft, authorized pilot boat surcharges to be collected prospectively before the imposition of certain eligible costs, created a Pilot Boat Surcharge Account in the State Treasury, and required all Board-set pilot boat surcharge rate revenues charged and collected by pilots to be paid monthly to the Board and deposited into the new account. The legislation also included maximum budgetary expenditure amounts from the account in fiscal years 2022-23 through 2035-36.

AB 2056 also transitioned the pilotage rate setting process from the Legislature to the Board, and adopted many of the recommendations made by the Board's Ad Hoc Committee to Review the Pilotage Rate Setting Process. However, AB 2056 did not include the recommendation to include the CalSTA Secretary in the rate setting process, and instead specified a detailed pilotage tariff setting procedure for the Board to follow that mirrored the Board's ad hoc committee recommendations.

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 Pilot Trainee Training Program Selection Exam to establish a ranked list of eligible candidates from which to select qualified Training Program participants. Candidates on the eligibility list are offered a spot in the Training Program as space becomes available.

In July 2021, an Ad Hoc Committee on Pilot Diversity was convened to review and evaluate training candidate eligibility and testing requirements and determine if changes in requirements might serve to broaden the diversity of the candidate pool while still maintaining experience requirements necessary for success in the Training Program.

The Committee proposed the following changes to the Training Program Selection Exam applicant requirements: demonstrating two years' experience sailing in the capacity of Chief Mate of self-propelled vessels not less than 1600 gross tons and holding an Unlimited Masters License; experience as a commercial pilot in another jurisdiction; and relaxed eligibility requirements for previous towing experience. The Committee also recommended amending the regulations to include an oral interview as a fourth component to the exam.

The Committee's recommendations were approved by the Board, and Board staff submitted the regulation changes to the Office of Administrative Law (OAL). The amended regulations were approved by OAL and filed with the Secretary of State in March 2022, and effective for the June 2022 Pilot Trainee Training Selection Examination process.

The Training Program selection exam process consists of assessing the candidates professional experience, for which points are awarded, a scored written exam component, and for candidates who pass the written exam, a simulator exam component. Candidates who pass the simulator exam have passed the exam and are given an oral interview with a point score that is added to their scores from the application review, and written and simulator test components to determine final score and placement on the ranked eligibility list.

The Board conducted a Training Program selection exam in June 2022 that resulted in a proposed eligibility list of 10 candidates. As of the date of this report, the Board has not yet approved the proposed eligibility list.

A trainee can be in the Training Program for a minimum of one year to no more than three years. Trainees are paid a \$8,000 stipend per month to participate in the Training 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 part-time 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 2022, Governor Newsom re-appointed a public Board member and re-appointed a pilot Board member both in December. All three public and two pilot Board member positions were filled for the entire year. The dry cargo shipping industry member position was vacant all year, and the tanker company operations shipping industry member position was vacated on October 27, 2022. As of the date of this report, both shipping industry board member positions remain vacant.

The Board has four full-time staff positions. Two positions were vacant for portion of 2022, with one position filled permanently and the other position filled temporarily by a retired annuitant during the year.

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
- Department of General Services
- San Jose State University Research Foundation
- Commission Investigators
- San Francisco Bar Pilots
- Artelia

7. Litigation Involving the Board in 2022

There was no litigation or potential litigation involving the Board in 2022.

III. Number of Vessel Movements in 2022

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 2022 vessel movement¹ statistics:

Number of vessel movements across the San Francisco Bar	4,886
Number of vessel movements within the Bays of San Francisco, San Pablo and Suisun	1,468
Number of vessel movements on the Sacramento and San Joaquin Rivers	640
Total Moves	6,994

¹ Billing data as reported by the San Francisco Bar Pilots to the Board.

IV. Status of Board-Licensees and Trainees in 2022

1. Status of Board-Licensees as of December 31, 2022

#	Pilot ²	Original License Date	Last Date Licensed	Licensed and Fit for Duty Dates	Licensed and Not Fit for Duty Dates ³	Licensed and on Authorized Manned Model Training Dates	Licensed and on Authorized Combination Course Training Dates
1	Alden, Bruce	7/2/1993	3/31/2022	1/1/2022-03/14/2022	3/15/2022-3/31/2022		
2	Alfers, Douglas	9/28/2017		1/1/2022-12/31/2022			
3	Aune, Drew	4/1/2009		1/1/2022-12/31/2022		6/27/2022-7/1/2022	
4	Benedict, William	1/29/2021		1/1/2022-12/31/2022			
5	Barnum, Mark	12/8/2022		12/8/2022-12/31/2022		6/27/2022-7/1/2022	
6	Billingsley, Neil	4/28/2016		1/1/2022-12/31/2022		5/23/2022-5/27/2022	12/5/2022-12/9/2022
7	Bridgman, Daniel	4/1/2010		1/1/2022-12/31/2022		6/27/2022-7/1/2022	
8	Carlier, John	1/20/1989		1/1/2022-12/31/2022			
9	Carr, Robert	6/27/2013		1/1/2022-12/31/2022			
10	Corbett, David	4/25/2019		1/1/2022-12/31/2022			
11	Crowl, Casey	7/25/2019		1/1/2022-12/31/2022			11/14/2022-11/18/2022
12	Cvitanovic, David	6/22/2017		1/1/2022-12/31/2022			
13	D'Aloisio, Samuel	7/1/2014		1/1/2022-12/31/2022			
14	Deisher, Nicholas	5/28/2021		1/1/2022-12/31/2022			
15	Epperson, Dylan	12/15/2016		1/1/2022-12/31/2022			
16	Favro, Orrin	12/14/2012		1/1/2022-12/31/2022			
17	Fawcett, Erik	6/23/2011		1/1/2022-12/31/2022			
18	Freese, Kevin	11/15/2018		1/1/2022-12/31/2022			
19	Greger, Ronald	1/24/2019		1/1/2022-12/31/2022			
20	Haggerty, Mark	7/1/1998		1/1/2022-12/31/2022			
21	Hirschfeld, Jubal	2/25/2016		1/1/2022-12/31/2022		5/23/2022-5/27/2022	11/14/2022-11/18/2022
22	Johnson, Eric	12/13/2012		1/1/2022-12/31/2022			

² Captain Roger Kirk was listed as an active pilot in 2021. However, he was reported as not fit for duty the first half of 2021, and on suspension the second half of 2021. The Board subsequently approved a disability pension retroactive to 1/29/2021 for Captain Kirk at its meeting on 4/21/2022, which is his recorded last day licensed. As such, he is not included in the listing of Board-licensees for 2022.

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

#	Pilot ²	Original License Date	Last Date Licensed	Licensed and Fit for Duty Dates	Licensed and Not Fit for Duty Dates ³	Licensed and on Authorized Manned Model Training Dates	Licensed and on Authorized Combination Course Training Dates
23	Kasper, Drue	3/22/2016		4/27/2022-12/31/2022	1/1/2022-4/26/2022		11/14/2022-11/18/2022
24	Kellerman, Zachary	1/28/2011		1/1/2022-12/31/2022			
25	Laakso, Kristopher	8/26/2011		1/1/2022-12/31/2022			12/5/2022-12/9/2022
26	Larwood, Dan	7/1/1998		1/1/2022-12/31/2022		6/27/2022-7/1/2022	
27	LeSieur, Cevan	9/26/2014		1/1/2022-12/31/2022			
28	Lingo, Matthew	2/22/2013		1/1/2022-12/31/2022			
29	Long, Joe	7/1/2008		1/1/2022-12/31/2022			
30	Lowe, Jeremy	11/21/2016		1/1/2022-12/31/2022		6/27/2022-7/1/2022	
31	Manes, Mark	6/28/2012		1/1/2022-12/31/2022		6/27/2022-7/1/2022	11/14/2022-11/18/2022
32	McCloy, David	6/1/2008		1/1/2022-12/31/2022			
33	Merritt, David	8/26/2010		1/1/2022-12/31/2022			
34	Murney, James	9/24/2021		1/1/2022-12/31/2022		5/23/2022-5/27/2022	11/14/2022-11/18/2022
35	Murray, Andrew	4/28/2016		1/1/2022-12/31/2022		5/23/2022-5/27/2022	12/5/2022-12/9/2022
36	Nyborg, Einar	7/1/1995		1/1/2022-12/31/2022			
37	Pullin, Jesse	1/24/2019		1/1/2022-12/31/2022			
38	Pyne Mercier, Christopher	3/26/2020		1/1/2022-12/31/2022			
39	Ridens, Raymond	1/1/2007		1/1/2022-12/31/2022			
40	Robinson, Eric	1/1/2004		1/1/2022-12/31/2022			
41	Rocci, Reuben	1/1/2008	12/31/2022	1/1/2022-12/31/2022			
42	Rogers, Nicholas	1/29/2021		1/1/2022-12/31/2022			
43	Rubino, Michael	3/22/2017		1/1/2022-12/31/2022		5/23/2022-5/27/2022	12/5/2022-12/9/2022
44	Ruff, Paul	1/27/2011		1/1/2022-12/31/2022			
45	Slack, Dustin	7/1/2008		1/1/2022-12/31/2022			
46	Starnitzky, Maximilian	8/22/2019		1/1/2022-12/31/2022			
47	Stevens, Matthew	1/29/2021		1/1/2022-12/31/2022			
48	Stultz, Joshua	2/24/2012		1/1/2022-12/31/2022			12/5/2022-12/9/2022
48	Teague, Steve	1/1/2007		1/1/2022-12/31/2022			
50	Vogel, Jason	11/16/2017		1/1/2022-12/31/2022			
51	Weber, Eric	12/10/2021		1/1/2022-12/31/2022		5/23/2022-5/27/2022	12/5/2022-12/9/2022
52	Wehr, Shane	6/1/2008		1/1/2022-12/31/2022			
52	Weiss, David	9/10/1993		1/1/2022-12/31/2022			11/14/2022-11/18/2022

	Active Pilots During the Year:	53
	Pilots No Longer Licensed During the Year:	2

No pilots passed away during the year.
 There were no licensed pilots on active military duty during 2022.
 There were no licensed pilots on leave of absence during 2022.
 There was no licensed pilot suspended during 2022.

2. Status of Pilot Trainees as of December 31, 2022

Name of Trainee	Training Program Entrance Date	Status on 12/31/2022
Adams, Scott	10/1/2019	Resigned 11/7/2022
Jonathan Olmsted	10/1/2020	In Training
Mark Barnum	3/15/2021	Graduated 12/8/2022
Spencer Snapp	3/15/2021	In Training ⁴
Bart Sappington	3/15/2021	In Training
James Pascucci	5/10/2021	In Training
Mathew Burns	11/2/2021	In Training
John Meyer	4/22/2022	In Training

⁴ Graduated 1/26/2023.

V. Summary of Reports of Navigational Incidents Acted on or In Progress in 2022

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.

There were no reportable navigational incidents in 2022. The following summary reports are for incidents that occurred in prior years with ensuing investigations that concluded in 2022.

1. M/V HYUNDAI NEPTUNE and the M/V THALASSA AVRA

Pilot	Captains Drew Aune and George Livingstone
Incident Description	The passing of the M/V HYUNDAI NEPTUNE, conned by Captain Aune, and the M/V HANOVER EXPRESS, conned by Captain Livingstone, caused interactions 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	<input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct <p>The Incident Review Committee found that Captain Aune was using his best judgment navigating the vessel to prevent damage to his own ship while attempting to ameliorate the effects of his speed on the moored M/V THALASSA AVRA, and that while there was some damage from parted lines and damage to a container crane, there was no pilot misconduct. The Committee also recommend to the Board to that the San Francisco Bar Pilots (SFBP) work with Everport Terminal Services and the individual ships (through their agents) for vessels moored at Berths 35/37 to provide notification of when to expect passing vessels, and that the SFBP develop a mechanism to disseminate the information contained in the Coast and Harbor Engineering Studies to their membership.</p>

	<p>The Incident Review Committee determined that the M/V HANOVER EXPRESS passed the M/V THALASSA AVRA after M/V HYUNDAI NEPTUNE did, was traveling at 3.2 knots, and in spite of the lower speed, and three tugs pushing on the moored M/V THALASSA AVRA, the moored vessel suffered a single parted headline. The Incident Review Committee determined, with respect to the M/V HANOVER EXPRESS and the single parted headline, that there was clearly no pilot error and discontinued this portion of the investigation.</p>
<p>Board Action/Date</p>	<p><input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct</p> <p>On March 24, 2022, the Board found for no pilot misconduct on the part of Captain Aune, and approved an order that he prepare a written report explaining the interaction and how such interactions at Oakland Berth 37 involving inbound ultra large container vessels on an ebb current can be avoided in the future. The order further called for the report to be approved by the Port Agent and within 60 days of the order (by May 23, 2022), be presented to pilots in written form and discussed with all pilots orally in an online meeting or meetings. Captain Aune was also to report back to the Executive Director that the foregoing requirements were met. The Port Agent was also ordered to distribute to all existing and future pilots the two studies by Coast and Harbor Engineering and all similar studies in the future.</p>
<p>Reportable Incidents of Prior Pilot Error/Misconduct</p>	<p>None.</p>

2. M/V GLOBE PEGASUS

Pilot	Captain Zackary Kellerman supervising Pilot Trainee Nicholas Deischer
Incident Description	The M/V GLOBE PEGASUS, conned by Pilot Trainee Captain Deischer, departed Levin Terminal in Richmond and made unintended contact with several pilings, with an unconfirmed damage estimate of \$15,000.
Location	Richmond, CA
Date of Event	April 8, 2021
Incident Review Committee Finding	<input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct The Incident Review Committee determined that, based on the challenges provided by the narrow channel, the fact that both a tug operator and the pilot were in-training, and the specious nature of the damage estimate, that Captain Kellerman exercised the diligence and care that any other similarly situated pilot would have exercised, and recommended that the Board find no misconduct on the part of the pilot, and to close the case without further action.
Board Action/Date	<input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct On July 28, 2022, the Board accepted the Incident Review Committee's recommendation, found no pilot error, and closed the case without further action.
Reportable Incidents of Prior Pilot Error/Misconduct	None.

3. M/V CHARLIE

Pilot	Captain Sam D'Aloisio
Incident Description	The M/V CHARLIE, conned by Captain D'Aloisio, interacted with the moored M/V EVA SHANGHAI in the Port of Stockton. The damage was limited to the M/V EVA SHANGHAI's gangway and to the Port of Stockton's bull rail on the dock. Cost estimate for the gangway in the Port of Stockton's incident report as \$20,000.
Location	Port of Stockton.
Date of Event	October 17, 2021
Incident Review Committee Finding	<input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct The Incident Review Committee found both that the M/V CHARLIE was passing carefully and prudently and that the M/V EVA SHANGHAI did not meet the duty to be properly moored. The Incident Review Committee recommended that the Board find for no misconduct on the part of the pilot, and to close the case without further action.
Board Action/Date	<input checked="" type="checkbox"/> No Pilot Error/Misconduct <input type="checkbox"/> Pilot Error/Misconduct On May 26, 2022, the Board accepted the recommendations of the Incident Review Committee, found for no pilot misconduct and closed the case without further action.
Reportable Incidents of Prior Pilot Error/Misconduct	None.