

Effective: April 1, 2024

7 CCR § 218.1

## § 218.1. Fatigue Risk Management.

- (a) This section implements section 1196.5 of the Code, which requires the Board to evaluate factors that contribute to pilot fatigue and to adopt regulations that will prevent pilot fatigue and thereby ensure the safe operation of vessels.
- (b) The Port Agent shall prepare and submit to the Board for review and approval a fatigue risk management system. The FRMS proposed by the Port Agent shall be developed to ensure that the operations of the pilots support effective rest opportunities and fatigue mitigation measures. The FRMS shall include the specific restrictions on work hours and rest periods mandated by this section. The FRMS shall also include the additional elements specified in this section. Subject to Board approval, the content of these elements is committed in the first instance to the Port Agent. Requiring initial development of the FRMS by the Port Agent is based on the premise that the Port Agent is most familiar with the day-to-day operations of the pilots and is well situated to evaluate what fatigue-management measures will or won't work in the context of what the pilots do and how they do it.
- (c) Pilots are limited to a maximum work period of 14 hours. A work period starts at the time a pilot would need to report to San Francisco Bar Pilots headquarters to begin an assignment and ends at the time a pilot, having completed the last of one or more assignments, would arrive back at San Francisco Bar Pilots headquarters. The Port Agent may include in the FRMS a maximum work period less than 14 hours, stating the rationale for the shorter work period. The Port Agent shall report monthly in writing to the Board instances of work periods in excess of 12 hours.
- (d) Pilots are limited to a maximum night work period of 12 hours without a rest opportunity on the offshore station boat between assignments. The FRMS shall set forth the definition of rest opportunity, which shall be subject to Board approval. In reviewing the FRMS under subsection (j), the Board shall approve this definition if it determines that the definition is reasonably designed to contribute to the prevention of pilot fatigue. A night work period is any work period that includes all or any portion of the hours between 0000 and 0600. The Port Agent may include in the FRMS a maximum night work period less than 12 hours, stating the rationale for the shorter night work period. The Port Agent shall report monthly in writing to the Board instances of night work periods in excess of 10 hours without a rest opportunity on the offshore station boat between assignments.
- (e) Pilots are limited to a maximum of 18 night-time hours worked in any 72-hour period. A night-time hour is any whole or partial hour worked between 0000 and 0600. If a pilot has reached the 18-hour limit, the Port Agent shall not assign that pilot to work in any night work period that would include a night-time hour worked prior to 0800 of the calendar day next following the calendar day on which the 18-hour limit was reached. The Port Agent may include in the FRMS a limit lower than 18 hours of night-time hours worked in any 72-hour period, stating the rationale for the lower limit. The Port Agent shall report monthly in writing to the Board the number of assignments made in which a pilot was assigned to work in a night work period that included a night-time hour worked prior 0800 of the calendar day next following the calendar day on which the 18-hour limit was reached.
- (f) Pilots are limited to a maximum of 15 consecutive days of being available for assignment. The Port Agent may include in the FRMS a protocol for providing pilots who are available for assignment for 14 or 15 consecutive days an extended rest period greater than the minimum 10-hour rest period required by subsection (g) at or around the midpoint of the 14- or 15-day period, stating the rationale for the protocol.
- (g) A rest period is the period between work periods, as defined in subsection (c). The minimum rest period for pilots between work periods is 10 hours. The Port Agent shall report monthly in writing to the Board the number and duration of rest periods of less than 12 hours.

(h) Concerning each of the requirements set forth in subsections (c) through (g), circumstances may arise upon or adjacent to waters under the Board's jurisdiction that pose an immediate threat of harm to persons, property, vessels, or the marine environment. When, in the opinion of the Port Agent, there is reasonable cause to believe that the risk of harm to persons, property, vessels, or the marine environment exceeds the risks associated with (1) extending work periods, (2) making assignments exceeding the limits on night-time hours, (3) extending the number of consecutive days pilots are available for assignment, or (4) authorizing exceptions to the minimum rest period, the Port Agent may depart from the limitations set forth in subsections (c) through (g). For each such departure, the Port Agent shall report monthly in writing to the Board the fact of the departure and the circumstances and reasons therefor.

(i) The Port Agent shall include the following elements in the FRMS:

- (1) A plan regarding assignment of pilots that minimizes disruption of their recovery rest periods.
- (2) Minimum advance notice to the Port Agent by those ordering pilot services, thereby increasing the predictability of pilot schedules.
- (3) A plan to use various measures to increase the number of pilots available to provide pilotage at any given time.
- (4) A plan to educate pilots on the importance of reporting fatigue and pausing their availability for assignment when they are significantly fatigued.
- (5) Measures to mitigate pilot fatigue occasioned by long-distance travel to and from mandated training. The Port Agent shall consider:
  - (A) Delaying a pilot's return to piloting assignments following travel.
  - (B) A travel mode that would minimize the number of travel segments, minimize total travel time, and enhance rest opportunities.
- (6) Any other elements that the Port Agent believes will further the objective of preventing pilot fatigue and thereby ensuring the safe operation of vessels.

(j) The Port Agent shall submit the FRMS to the Board for review and approval not later than 60 days after the effective date of this section. The Port Agent shall submit the FRMS to the Board for review and reapproval one year after the initial approval, every 24 months thereafter, and whenever the Port Agent makes substantive changes to the FRMS. If the Board determines that the FRMS complies with the provisions of this section, it shall approve the FRMS. Concerning the mandatory elements required by subsection (i), the Board shall approve each element if it determines that the element is reasonably designed to contribute to the prevention of pilot fatigue. Any future proposed change in the FRMS shall be approved by the Board if the Board determines that the proposed change is reasonably designed to contribute to the prevention of pilot fatigue.

**NOTE:** Authority cited: Section 1154, Harbors and Navigation Code. Reference: Sections 1100, 1101(c), 1101(f), 1130, 1171.5, 1176, 1176.5, 1177(c), 1181(f) and 1196.5, Harbors and Navigation Code; Title 46, Code of Federal Regulations, Section 4.03-2 and Part 16; and Title 49, Code of Federal Regulations, Part 40.