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VIA U.S. MAIL

President Karen Tynan
Board of Pilot Commissioners
660 Davis Street,
San Francisco, CA, 94111

Re: Incident Review Committee

Dear President Tynan:

I submit these comments on behalf of the San Francisco Bar Pilots regarding the operation of the Incident Review Committee (IRC), particularly in relation to the incident involving the M/V KONA TRADER. Our goal is to promote a fair, timely, and evidence-based review process that supports the prevention of future incidents, while minimizing the detrimental effect on pilots involved.

1. **Timeliness** – State law requires IRC reports within 90 days, yet delays are common and often extend for many months. Such delays cause unnecessary costs, stress, and uncertainty for the pilots involved. At best this is unfair to the pilots involved, and at worst it could be detrimental to their performance on the job. The IRC should adhere as much as possible to statutory deadlines, and the Board should more stringently enforce them.
2. **Evidence-Based Findings** – Reports should avoid speculation and base conclusions solely on verifiable evidence. Allegations made in IRC reports regarding causal factors of the incident, (such as those relating to fatigue or bridge resource management), should be supported by clear factual findings and empirical evidence, rather than conjecture or speculation.
3. **Use of Best Available Data** – Investigations should use the most accurate evidence available, (such as Portable Pilot Unit data, rather than data generated by AIS). Reliance on incomplete or less accurate data undermines the conclusions made in the reports.
4. **Clarity in Standards** – Reports should more clearly define a standard for what constitutes “errors in judgment”, which do not merit a finding of pilot error, versus what is attributable to something else (such as “loss of situational awareness”), which does merit a finding of pilot error, to ensure findings are consistent and fair.

5. **Procedural Consistency** – Finally, the hearing process itself should be reviewed to ensure consistency of process and procedure, so that pilots, stakeholders, and the public can anticipate and prepare for those proceedings accordingly.

SFBP suggests a review of the IRC process to improve timeliness, structure, and objectivity, ensuring fair treatment of all parties and more reliable outcomes.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Baldwin", written in a cursive style.

Kevin M. Baldwin, Esq.
Attorney for the San Francisco Bar Pilots