

ITEM 11 – February 2026 Board of Pilot Commissioners Meeting

Incident Review Committee's (IRC) Responses to Capt. Carr's 10/29/25 Letter

Pilot/Subject Matter Expert Report Review

- Harbors and Navigation Code (H&N) section 1180.3 is clear that the IRC is responsible for the report, along with an investigator, if necessary
- Senate Bill (SB0 540, in 1993, intentionally established the IRC as composed of the Executive Director and one Public Member, after removing potential inclusion of an industry representative or pilot representative

Add a Licensed Pilot to the IRC

- Would be a significant legislative change, and would subject IRC to Bagley-Keene Open Meeting Act
- SB 540 specifically left out pilot representatives, although the reasons are not immediately clear

Work on Multiple IRC Reports Simultaneously

- During the investigation stage, if there are more than one incident being investigated, information is collected simultaneously
- This is important for the evidence gathering and preservation process
- When drafting the final IRC report, it is more practical to focus on one IRC report at a time

Waiting for Freedom of Information Act (FOIA) Response/Voyage Data Recorder (VDR) Data/Portable Pilot Unit (PPU)

- Waiting for the FOIA response enhances the report, as often the USCG's evidence contains interview and insights not apparent to the Board's investigator
- VDR data can add value to the investigation, as opposed to the PPU's single microphone and location, because the VDR generally contains voice recordings from multiple microphones throughout the bridge deck and wings
- The VDR also provides a wider range of ship data, such as the bell logger data

Level of Detail in IRC Reports

- Recitation of statutory and regulatory authority is included to support the basis for recommendations and conclusions in the report
- The IRC assumes the reader is not familiar with advanced maritime concepts, such as Bridge Resource Management (BRM), and drafts the reports to be read by both maritime experts and those that have little or no experience with maritime concepts
- Board turnover also encourages detailed explanations and citations in the report

Fatigue References

- Regulation section 210(c)(12) requires the IRC to include "an assessment of whether fatigue contributed to the incident" in its report

- The IRC will commit to being more clear in the report when it believes that fatigue was not a contributing factor, and will cite to the fatigue regulations and Fatigue Risk Management System (FRMS) guidelines when discussing fatigue as a possible contributing factor
- Because the Board adopted section 218.1 recently, which highlights the dangers of fatigue and its prevention, the IRC believes it is important to discuss fatigue and whether it may have been a contributing factor

Minor Pilot Error v. Negligence/Misconduct

- There is no statutory basis for finding “minor pilot error”
- Pilot error is only referenced in two sentences in Regulation section 210, where the IRC can discontinue the investigation early in the process if it “finds there is clearly no pilot error” and when considering corrective actions, the IRC and the Board are to factor in “the number and frequency of prior incidents involving pilot error”
- The statutes do not reference or define “pilot error” and specifically, H&N section 1180.3 tasks the IRC with reviewing all reports of misconduct and navigational incidents, and falls under H&N Article 2 which pertains to suspension or revocation of pilot licenses for misconduct
- H&N section 1181(g) discusses incidents involving damage to ships, and provides that such incidents of misconduct being done “negligently, ignorantly, or willfully,” and most incidents fall under negligence

Specialized Training for IRC Members

- The Executive Director has attended and completed courses on marine accident investigations offered by the NTSB

Reliance on Investigator

- The investigator is mainly tasked with investigating as soon as possible, and collecting transient or ephemeral evidence, photos, and witness statements
- The investigator sometimes assists with follow up evidence collection, but typically the IRC handles those tasks after the initial investigation

Punitive v. Rehabilitative Nature of IRC Reports

- The entire purpose of the IRC is to determine whether misconduct occurred, per H&N section 1180.3(a), and “navigational incidents” must be read to involve those that could result in revocation or suspension of pilot licenses
- An analysis of SB 540, creating the IRC, also stated that the IRC “is given the responsibility of creating procedures and administering disciplinary action as appropriate”
- The IRC hopes that its report and recommendations will help rehabilitate the involved licensee, educate that licensee and other licensed pilots, and provide transparency to the public as well
- The IRC does not always recommend punishment, but may recommend to the Board any of the actions in H&N section 1180.6