

Harbor Safety Committee

of the San Francisco Bay Region

*Mandated by the California Oil Spill
Prevention and Response Act of 1990*

April 17, 2008

The Honorable Diane Feinstein
United States Senate
Senate Hart Office Building
Washington, D.C. 20510

Subject: S.2430: Maritime Emergency Prevention Act of 2007

Dear Senator Feinstein:

On behalf of the Harbor Safety Committee of the San Francisco Bay Region, I am writing to comment on a provision of Senate Bill 2430 which would authorize Coast Guard Vessel Traffic Service to command the pilot of a large vessel to modify the speed or direction of a vessel in an emergency or in hazardous conditions.

The Harbor Safety Committee (HSC) was established by the California State Legislature over fifteen years ago to promote harbor safety by making recommendations to prevent maritime accidents in the Bay Region. By law the twenty-one member committee is comprised of four port authorities; cargo, tanker, tug, barge and ferry operators; labor bar pilots; recreational boaters; commercial fishing; environmental organizations; the San Francisco Bay Conservation and Development Commission; NOAA; the Coast Guard Captain of the Port; and the Corps of Engineers.

In response to the Cosco Busan oil spill incident, Governor Schwarzenegger directed a state investigation into the causes of and response to the oil spill. The Directive outlined a number of navigational safety-related issues that the California Office of Spill Prevention and Response directed the San Francisco Harbor Safety Committee to analyze. The Harbor Safety Committee recently concluded its analysis and recommendation concerning the question, "Should the Coast Guard Vessel Traffic Service (VTS) have expanded authority to direct vessel movements?" a question addressed in S. 2430.

The HSC held five public discussions, reviewed VTS San Francisco operations and training, federal VTS authority, and navigation in the 548-square mile Bay, recognizing the Bay is a series of microclimates with differing wind, current and fog conditions. The Harbor Safety Committee unanimously adopted the finding that adequate Coast Guard authority to control vessel movements already exists in

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the current Federal Ports and Waterways Safety Act of 1972 (33USC 1223) and 33CFR161.11 (b). The latter states: “During conditions of vessel congestion, restricted visibility, adverse weather, or other hazardous circumstances, a VTS may control, supervise, or otherwise manage traffic, by specifying times of entry, movement, or departure to, from, or within a VTS area.”

In coming to this conclusion, the Committee noted that:

- VTS operators cannot know the specific handling characteristics of the vessels they may be directing and the dynamics on the bridge of the vessel (which might be ten or fifteen miles away).
- VTS operators will not have information about hazards undetected by VTS sensors such as smaller pleasure craft, swimmers, debris, etc.
- VTS operators will not have the instantaneous knowledge of the many forces (wind, current, tide, etc.) acting on the vessel, as would the vessel’s master or pilot.
- The ultimate responsibility for safe navigation lies with the vessel master as per 33CFR161.11 and International Regulations for Prevention of Collisions at Sea (72 COLREGS).
- Coast Guard VTS is not equivalent to Air Traffic Control, which might best be compared to a Class A, controlled airspace. Class A operations are conducted under Instrument Flight Rules; air traffic controllers regularly direct the movement of aircraft with specific directional and speed commands. As stated above, VTS cannot know the handling characteristics of the many types of vessels in the Bay, other watercraft over which VTS has no control, or the microclimates of the region.

Nevertheless, the Harbor Safety Committee asked the Coast Guard what steps are being taken to improve VTS processes. The Coast Guard has taken a number of steps to enhance prevention efforts such as encouraging more proactive prevention through training, modifying its communication processes and adding an additional operator position when fog limits visibility to less than a mile. Also the Coast Guard, the San Francisco Bay Pilots and the Harbor Safety Committee adopted guidelines for large vessels navigating in reduced visibility, defining operational procedures and areas of high risk in the Bay. The Harbor Safety Committee is now in the process of developing similar guidelines for commute ferries and tugs and barges operating in reduced visibility.

The Harbor Safety Committee is actively working to prevent maritime accidents to protect the Bay’s natural resources –an estuary of international significance as a migratory bird refuge. However, the Committee does not believe that expanding

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the authority of the Vessel Traffic Service to micromanage vessel traffic would enhance safety in the Bay.

Should you or your staff wish to discuss the findings of the Committee, please contact me at (415) 461-4566.

Sincerely,

Joan Lundstrom, Chair
Harbor Safety Committee
San Francisco Bay Region

Cc: San Francisco Harbor Safety Committee
Captain Paul Gugg