

**Minutes
HARBOR SAFETY COMMITTEE
of the San Francisco Bay Region**

**9:35 a.m., Thursday, March 12, 1992
Marina Bay Boathouse, 2580 Spinnaker Way, Richmond, CA**

1. The meeting was called to order by Chair, A. Thomas, at 0935. The following committee members or their alternates were in attendance: Dave Adams, Port of Oakland; Margo Brown, National Boating Federation; Morris Croce, Chevron Shipping Company; James Faber, Port of Richmond; John Gosling, Matson Navigation Company; Dwight Kooops, Exxon Shipping Company; Alexander Krygsman, Port of Stockton; Albert Groh (alternate for Gunnar Lundeberg), International Order of Masters, Mates and Pilots; James Macaulay, Harbor Tug and Barge Company; James Mes, Transmarine Navigation; Gail Skarich (alternate for Mary McMillan), Sanders Towboat Service; Ann Nothoff, Natural Resources Defense Council; Roger Peters, Port of Oakland; Thomas Rose, U. S. Navy Pilots; Joan Lundstrom, San Francisco Bay Conservation and Development Commission; alternate port member, Joseph Gadsick, Benicia Industries; and federal government member, J. MacDonald, U. S. Coast Guard. Also in attendance, R. Dunstan, OSPR. There were also many attendees from the general public, as reflected in the sign-in sheet.

2. The Chair welcomed committee members and those attending from the interested public. He thanked J. Faber of the Port of Richmond for providing a site and refreshments. The Secretary, T. Hunter confirmed that there was a quorum present so the committee could proceed to conduct its business.

3. The Chair set the deadline date for sub-committees, especially the Plan Sub-Committee, to have their assigned work completed. The deadline is May 14, for submission to the full committee at its meeting on that date. The recommendations in the form of a plan will then go to Sacramento to begin the hearing process. R. Dunstan reported that Fish and Game has entered into a contract with the California Maritime Academy to provide assistance in the organizing of information and necessary word processing. He introduced Charlie Bonham and Patrick Maloney of CMA.

4. PLAN SUB-COMMITTEE, A. Nothoff requested a change in the agenda to allow for her report at this stage as she was required to leave the meeting early. The sub-committee met two weeks ago and is now in the drafting stage of the background data for the plan. May appears to be a realistic deadline and the sub-committee plans to have a draft of the plan out to members of the committee by May 7. There are some general categories that the sub-committee feels cannot be addressed in the plan without some guidance and information from the state. These categories include enforcement, project funding, competitive aspects, and military ship traffic (volume and frequency). The sub-committee has already begun work with the Marine Exchange to arrange the word processing.

5. J. Lundstrom asked to address changes to minutes of the previous meeting. Roger Peters is with the Port of San Francisco, not Oakland. In page 3, paragraph 3, the second sentence from the bottom should include the addition "from the prospective of navigational safety." Jean Skarich noted that on page 4, paragraph 4, a statement made by her was erroneously charged to Mary McMillan. In page 3, paragraph 2, line 3, it should read Antioch and Pittsburg. R. Peters noted that the minutes, in page 2, paragraph 4 should read that a new bridge is being added, rather than that the existing bridge is being widened. MOTION by A. Krygsman, seconded by J. Lundstrom, to approve the minutes as corrected. Motion carries unanimously.

6. TERMINALS AND FACILITIES SUB-COMMITTEE, D. Adams. The sub-committee has no report at this time. They will act in concert with A. Nothoff's request for enhanced background information in connection with the sub-committee's recommendations.

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7. BRIDGE MANAGEMENT SUB-COMMITTEE, D. Koops. D. Koops thanked M. Goebel for the considerable amount he has done on behalf of the sub-committee. He reported that the work of the sub-committee is essentially done and the product (recommendations) ready for submission in connection with vehicle and bridge management and small vessel congestion. He noted that he had received a racing schedule from M. Brown. M. Brown made copies of the schedule available to those in attendance and to the industry as a whole. Warnings have gone out to racers concerning the dangers of crossing the paths of large vessels. The Pilots have agreed to cooperate in reporting unsafe behavior. The yacht racing schedule will be added to the final Harbor Safety Plan. D. Koops acknowledged the efforts of M. Goebel in directing the research and drafting the letter to CalTrans in connection with the Benicia-Martinez Bridge project. He further suggested that the matter of bridge-to-bridge communications would be better addressed by the VTS Committee than this one. J. Macaulay concurred.

8. J. MacDonald reported on the marine parade and regatta guide prepared by VTS. The rule of interference will be stressed more this season. The Captain of Port Notice of 1988 addresses Rule 9 and it is being "dusted off". The rule establishes the right of way of deep draft vessels constrained to restricted channels over that of a vessel that has maneuverability because of its limited draft. Civil penalties will be incurred in the event the rule is violated. The Captain of the Port Notice will be issued for Humboldt Bay. A. Thomas stated that this notice is the culmination of the combined efforts of the Coast Guard, the Pilots and Industry; if this committee so desires the Captain of the Port Notice regarding Rule 9 should be made a part of the Harbor Safety Plan. While it has been tradition that the sailboat has the right-of-way over a powered boat, the imposition of this rule will greatly enhance safety on the bay. P. Dolan, U. S. Coast Guard, reported that this rule is making its way into federal regulations. Currently the process has been slowed by President Bush's 90 day moratorium on federal rule making, which ends in April. At that time a generic right-of-way rule for the entire country with the specifics put out for public comment. Finalization should come some time in September. MOTION by M. Croce, seconded by D. Koops, that when the Captain of the Port's Notice on Rule 9 is republished it be included in the Harbor Safety Plan. There was no discussion and the motion passed unanimously.

8. TUG ESCORT SUB-COMMITTEE, R. Peters. The committee members held a public sub-committee meeting to address the interim report of February 13, 1992. The meeting was well attended and the interim report was submitted to further review and comment. Many of these comments are now included in the sub-committee's recommended guidelines. With regard to the issues of developing a formula to relate escorts to tankers and to specify minimum equipment to be aboard a tug escort the committee had been offered the services of a naval architect from APL. APL, however felt compelled to withdraw that offer. The sub-committee recommends that Fish and Game contract a naval architect to make a study of these issues -- see the report made a part of these minutes. The Chair noted that the report is clear and thanked the sub-committee and its Chair for the considerable amount of work they have done. He noted that the report makes three recommendations to the full committee and stated that they will be addressed in order.

9. The Tug Escort Sub-Committee recommends that the Harbor Safety Committee accept the report as written and presented and asks that it be forwarded to the Administrator as mandated by SB 2040. A. Krygsmann asked if the authority of these guidelines extend to the Antioch Bridge. The Chair responded that legislative intent of SB 2040 was that all navigable waters of the region be covered. R. Dunstan concurred, even if it is not specifically spelled out in SB 2040. J. Lundstrom asked if there is a procedural difference between acceptance and approval. The question being, does the sub-committee want "acceptance" or "approval". The Chair noted that the committee had previously agreed that reports which are "received" may not be fully endorsed, however, "acceptance" and "approval" are synonymous. It is the intent of the Tug Escort Sub-Committee and this committee to forward guidelines for tug escorting to Sacramento. A. Nothoff noted that this is the first sub-committee report that is required for interim emergency guidelines and that this committee is mandated to submit guidelines on tug escorts for emergency implementation.

10. M. Croce requested time to read the proposed guidelines. The Chair asked R. Peters to point out any changes or additions to the guidelines as presented to the full committee at its February meeting. R. Peters

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responded that (1) the guidelines now establish a formula for linking bollard pull and deadweight, which has come about through interaction with the Coast Guard; the basic guideline proposed is relatively conservative; and (2) the sub-committee had been misinformed regarding the presence of double hulled vessels in this area, so the report has been changed to acknowledge the importance of the fleet moving to double hulls and to encourage this. A. Nothoff asked if the Coast guard has done a study on the advantages of double hulls; is the result that they are safer and don't require escorts? J. MacDonald responded that the National Academy of Science has produced a report and analysis of the impact of double hulled vessels on environmental safety. The strength of the double hull resistance to impact in low energy situations is acknowledged but has not been quantified. They tried to look at the VALDEZ; 50% to 60% of the oil in the tanks would have stayed in the hull, but then the stresses on the second hull from the oil contained may have caused it to break. J. Faber noted that he has been told that the Coast Guard issues certificates through the authority of OPA 90 to every tanker considered to be double hulled. M. Croce stated that while the Coast Guard is trying to assess the contribution of double hulls to improved safety, industry has been forced to go to double hulls. J. MacDonald stated that the administration's position is that double hulls are safer than mid-deck and other configurations. J. Macaulay asked how many double hulled vessels there are now. J. MacDonald responded that they comprise 25% of the fleet. Asked if the actual number and ownership information is available, he responded yes.

11. Beherensen, Marin Tug and Barge, asked if the term "tanker" in the guidelines should be changed to "vessel" since there are double hulled barges. MOTION by M. Croce to wait until Monday or Tuesday to review and approve the guidelines for forwarding to Sacramento. The motion lacked a second. The Chair noted that the Administrator has already received a draft of the guidelines and there have been only minor changes since that draft. This committee is under the gun to forward recommended interim guidelines to the Administrator and approval should come at this meeting. J. Macaulay asked for an explanation of the formula relating tug escorts to deadweight, does it mean that an empty vessel is unregulated. R. Peters responded yes. Tom Escher stated that tugs for the geographic area 5 were discussed at the last meeting; the guidelines still do not require tugs in that area. R. Peters responded that most of the conversation has been on where it would be beneficial to have tug escorts, in the areas of bridges. This is a relatively narrow channel relatively free of obstructions, surrounded by mud; this area does not merit tug escort. He agrees that a pilot did raise the issue, but there has not been 100% agreement, and there are other pilots who do not think the area's conditions warrant tug escorts.

12.B. Capasso stated that since the guidelines give no minimum requirements for equipment to be on tug escorts, does the Marine Exchange made that decision. R. Peters stated that there are no minimum requirements outlined because no formula has been arrived at to date. B. Capasso asked if the Marine Exchange would begin its task if the guidelines are approved today. R. Peters responded yes. T. Hunter added that the American Bureau of Shipping will be the measuring agency; the Marine Exchange will organize the program; ABS will do the certifying of tugs and the Marine Exchange will have the responsibility of record keeping.

13. The question of speed capability of an escort being "hooked up" to that of a regulated vessel was raised from the floor. The Chair responded that it is the intent of this committee and the sub-committee that no firm relationship be defined. It should be the determination of the master of the regulated vessel, the pilot and the tug operator to make such arrangements. This committee cannot determine the speed of a vessel and tug when lines go aboard during an incident. The factors which are most important will be determined on-scene and should not be limited by regulatory factors. If this element of the guidelines needs to be corrected at a later date, that can be done. D. Koops stated that this committee has been as explicit as it can be. He noted that escort work is very different from assist work and this committee can not have a false sense of security that the problem is solved; it is a totally different game and you can not describe every scenario that is possible and make regulations to cover them. The Chair added that certification and education of crew members will be the most effective way of addressing this issue.

14.M. Croce expressed concern with putting people on and off barges around Alcatraz. J. Macaulay stated that most ocean going barges end up at Chevron and once they are inside, the way the water is, putting crew on off east of Alcatraz will not be a problem. He noted that the sub-committee no longer address putting crew on

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and off west of Alcatraz. John Voight, Marin Tug and Barge, agreed that education of crews is important and asked if the interim guidelines will supersede Coast Guard manning requirements. R. Peters responded that the authorities of SB 2040 allows this; the Coast Guard has no requirements concerning the manning of tugs, they are unregulated vessels. J. Voight asked how Fish and Game gets involved. R. Dunstan replied that, while he is not a lawyer, SB 2040 gives the state authority to issue tug escort regulations. The Chair stated the opinion that OPA 90 will cause the federal government to look to the state. R. Peters reiterated that the minimum regulations contained in the interim guidelines were selected because they are used elsewhere and are a good starting point. J. Skarich asked if there is an established formula for bollard pull. R. Peters responded that ABS has an established procedure. J. Skarich stated that she has a copy of the Navy procedure and will give a copy to the Tug Escort Sub-Committee. J. Faber asked R. Dunstan if it will take six weeks for the recommended guidelines to become emergency regulations and R. Dunstan stated that six weeks is a close estimate. J. Faber asked if it would be prudent to start testing bollard pull during this period and R. Peters responded yes. J. Faber asked if the committee would then have the authority to finance the process. The Chair responded that tug owners would want to be tested and prepared. R. Peters stated the opinion that the actual certification process would have to wait until the regulations were in place. B. Capasso stated that there are forty to fifty tugs here and ten to twenty of them have a measurable bollard pull of over 40 tons. He also stated that the manning requirements outlined are higher than the standards currently in effect; he asked what timeline would be in effect for vessels to comply with the emergency regulations. R. Peters responded that he would like to talk with the tug companies to determine what is reasonable. B. Capasso suggested that it would take thirty days.

15.M. Brown stated that she felt the discussion was drifting off the subject and that it should return to approval of the tug escort guidelines for forwarding to the Administrator, with concerns for implementation to be left to Fish and Game. The Chair stated the belief that the committee could approve the guidelines as written and pass them on to the Administrator. R. Peters explained that SB 2040 puts a high priority on establishing emergency regulations for tug escorts and that the interim guidelines should go to R. Dunstan who will take them and expeditiously turn them into emergency regulations, at which time implementation will be addressed.

16.D. Adams noted that he has an internal document from the Coast Guard which is an interpretation of OPA 90. The gist of the interpretation is that the federal oil pollution act gives states the authority to act; federal law does not intent to preempt the state; the question being, what can the federal government do if the state is more restrictive. It is already a given that there will be a memorandum of understanding between state and federal government.

17.Concerning the issue of bollard pull, J. Macaulay asked why these recommendations are half of that in Washington. R. Peters responded that the data is taken directly from 1979 Coast Guard recommendations, and again it establishes an absolute minimum that uses previous work because there is no available scientific data. That is the reason the expertise of a naval architect is needed. M. Croce asked to go back to the idea that, rather than waste more time, the committee accept minimum standards and work from there. J. Skarich stated the opinion that it is difficult to go back and make changes. The Chair stated that the committee should have no problem re-visiting the issue when the full plan is considered. This morning the task is to recommend guidelines on an emergency basis. J. Lundstrom recommended that, if the guidelines were approved today, the Administrator should be asked to bring the draft regulations back to this committee before they are adopted so the full committee can address possible ambiguities. Since the state agency drafting the regulations will be dealing with unfamiliar terms and concerns this review would insure sound and workable regulations. R. Dunstan stated that the draft regulations would automatically go to the committee and the public as part of the process and that there would be informal settings for discussion. Dave Luce stated that the bollard pull test and certification expense should be borne by the tug companies. J. Macaulay stated that ABS currently charges \$300 to issue certification plus the metering device charge; it would probably cost \$600 per tug.

18.The Chair asked J. Lundstrom if she was making a MOTION that the guidelines be approved and forwarded to the Administrator with the inclusion of her recommendation that the committee have an opportunity

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to review the draft regulations. J. Lundstrom responded yes and M. Croce seconded the motion. The motion was unanimously approved.

19. The Chair directed the committee's attention to the Tug Escort Sub-Committee's second request that OSPR endorse the need to prepare a formula linking bollard pull to deadweight tons and that OSPR contract for such services. R. Peters made a MOTION to that effect and J. Macaulay seconded it. The motion passed unanimously. Texaco's John J. McMullen did work on the subject for Texaco which was not specific to San Francisco Bay. M. Croce will provide it to the committee.

20. MOTION by D. Koops and seconded by M. Brown that the committee approve the Tug Escort Sub-Committee's third request to appoint the Marine Exchange of the San Francisco Bay Region as the Clearing House as defined in the guidelines. Motion passed unanimously.

21. CAPTAIN OF THE PORT'S REPORT: In connection with alcohol testing as discussed at last month's meeting, J. MacDonald reported that 33 CFR, Part 95, Chapter 7 stated that a .04 blood alcohol content level or apparent intoxicated behavior will lead to the determination of intoxication. The pilots are considered to be in a good position to observe behavior. There have been three situations in the recent past when masters were taken off vessels because they were believed to be intoxicated.

22. There have been no significant spills or sheens in the past month and only one small incident in Bodega. The grounding of the AMERICAN ALLIGATOR is under investigation; the master is charged regarding cracks. Cmdr. Dolan reported that the Port Needs Study is complete and available. It is an extensive work of four volumes. The information on how to order copies and a compilation of some answers to anticipate questions are made a part of these minutes. With spring boating season here Rule 9 has become more important and the use of civil penalties has been successful. See paragraph 8 above. It is the Coast Guard's position that the Benicia Bridge Risk Analysis was superficial; they have suggested the use of a model to study effects of pilings. The position of San Francisco Bay's VTS in a ranking by economic viability should not concern industry or the public; funding for two million dollars is available.

23. UNFINISHED BUSINESS: M. Brown asked if the funds requested for the initial PORTS study have been allocated. R. Dunstan replied that have not been allocated but it is being worked on.

24. NEW BUSINESS: J. Skarich distributed "Life Lines", a brochure from America's Inland and Coastal Tug and Barge Operators for recreational vessels concerning safety around tanker, tugs, etc. They are available to all members of industry and the public who are interested.

25. The next meeting is scheduled for April 9, 1992, at 9:30 a.m. at the Port of Oakland Board Room. The Chair will be in Spain representing the United States at the International Maritime Pilots Association Convention and A. Nothoff, Vice Chair will chair the meeting.

26. Meeting adjourned at 11:30 a.m.

Respectfully submitted,

Terry Hunter
Terry Hunter
Executive Secretary

