

MINUTES

HARBOR SAFETY COMMITTEE OF THE SAN FRANCISCO BAY REGION

9:30 a.m., Thursday, March 10, 1994

Port of Richmond, Marina Bay Boathouse, 2580 Spinnaker Way, Richmond, CA

Prior to the meeting being called to order E. D. Melvin of the San Francisco Bar Pilots explained the presence of a film crew. The San Francisco Bar pilots are producing an educational film to demonstrate the training and work of Pilots, including participation at meetings of groups like the Harbor Safety Committee, where problems and issues are addressed. He requested a show of hands by those not wanting to appear in the film. There were none. He requested that attendees sign a release giving permission to use them on camera which would be available after the meeting.

1. The meeting was called to order by Chair Arthur Thomas, San Francisco Bar Pilots, at 9:45. The following committee members or alternates were in attendance: David Adams, Port of Oakland; James Faber, Port of Richmond; Roger Peters, Port of San Francisco; Alexander Krygsman, Port of Stockton; Joseph Gaidstick, Benicia Industries; Margo Brown, National Boating Federation; Dwight Koops, SeaRiver Maritime; Joan Lundstrom, San Francisco Bay Conservation and Development Commission; Mary McMillan, Westar Marine Services; and federal government representatives from the U. S. Coast Guard, J. M. MacDonald, Thomas P. Dolan, Mike Dobravec and Steve Attaway. Also in attendance Bud Leland, Larry Kirsch and Marian Ashe, OSPR.
2. T. Hunter, Marine Exchange, confirmed that a quorum was present.
3. MINUTES OF PREVIOUS MEETING. MOTION by J. Lundstrom, seconded by A. Krygsman to adopt the minutes as written Motion passed without objection.
4. OPENING REMARKS. The Chair reported that the Harbor Safety Plan includes good tug escort guidelines and that the time has arrived for the annual update of the plan. Each sub-committee should seriously look their area of responsibility for any possible improvements to the plan. He commended and thanked A. Nothoff for her considerable work as Vice-Chair and Chair of the Plan Sub-Committee. J. Lundstrom will take over as Chair of the Plan Sub-Committee.
5. COAST GUARD REPORT, M. Dobravec, Chief of Port Operations. There were no significant discharges from vessels in the past two months. Reported and investigated: January - 64, February - 52. Deep draft vessels: January - 1, February - 2. Transfer operations: January - 4, February - 5. Military: January - 4, February - 4. There were 23 actions for civil penalty during the two month period and 33 investigations that resulted in no source or discovery of a spill resulted. There were five significant spills resulting from pipelines. On 1-13 a tanker lost main engine power for approximately two minutes. 1-16 a tanker suffered a power loss near the pilot station and again later in transit which was caused by a clogged fuel line that was successfully cleared. A January collision between the M/V SURFWIND and the fishing vessel "St. Francis" resulted in one death and one lost at sea. The results/report of a Coast Guard investigation is pending. A 1-25 main engine propulsion casualty resulted from water in the fuel. 1-29, near collision with a fishing vessel. 2-16, a 3" crack in bottom hold plating was discovered on an inbound vessel, repairs were completed successfully. On 2-18 a tanker "sniffed the bottom" off Pt. Molate dock with no breach of the hold. The Chair commented on the quality of the report and the informational content and requested that a written copy of this and future reports be submitted for the record. R. Peters asked if there was more to report or if it just seemed so because the report encompassed a two month period. J. MacDonald responded that it was a combination of the longer period covered and the fact that the reporting is evolving to address navigational and operational concerns, changing the actual content of the report.
6. CLEARINGHOUSE REPORT, A. Steinbrugge. Nothing irregular or extraordinary to report for the months of January/February. Four incidents were reported to OSPR, three of which involved not reporting - one tug and barge

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and two tank vessels. The fourth incident occurred when a tanker moved from Martinez up river to Anchorage 21 without reporting its escort and it is not clear yet whether or not it was in fact escorted.

7. OSPR REPORT, L. Kirsch. At the last HSC meeting OSPR was requested to give an update on violations since the tug escort regulations went into effect. Information on the most recent incidents is not available yet. There have been eight investigations. 6-7-93, the EXXON NORTH SLOPE entered the eight mile arc without an escort. 6-19-93, the PALM STAR CHERRY was without escort for one half hour after its escort suffered engine failure while it awaited a second tug. Marin Horizon Barge left Shell wharf with an escort that had too few crewmembers. 11-19-93, GEORGE WASHINGTON entered the bay without an escort, in ballast. 11-19-93, a Crowley 450 barge reported unescorted to Anchorage 9. Sealift ANARTIC, 183,000 ton JP8 (Navy), voluntary compliance. 1-10-94, PRESIDENT was escorted from Anchorage 23 to Exxon but didn't report in. 1-16-94, YODAGAWA failed to report; its escort tug did. It does not appear that OSPR will go criminal on the investigations noted above.

8. Chuck Raesbrook, OSPR, is working with the Navy for voluntary compliance. J. Lundstrom requested that the HSC be kept informed on progress. A. Thomas stated that there has been a problem since federal and state regulations began developing, with California, Oregon, Alaska, Washington and Hawaii all passing oil spill prevention/response regulations. Coordinating all these developing regulations with the help of the Coast Guard would make it more effective for each state to go to the Navy and ask for voluntary compliance. C. Raesbrook, retired Navy, has contacts within the Navy. The problem for the Navy as they present it, is budgetary. M. McMillan noted that all the Navy tugs here are single screw. A. Thomas responded that the Navy tankers calling at San Francisco are so small that these tugs are adequate for escorting. J. Faber asked if J. MacDonald has been working on this issue. J. MacDonald responded that the Yost memo he reported on at an earlier meeting was not published DOT and has been appealed within the Department of Transportation. MARAD joined with the Navy and the opinion that the Navy vessels should comply may be reversed at a higher level. There is nothing in writing to date. A. Nothoff stated that there is a difference between "voluntary " and voluntary and stated that the HSC could address legislators on a federal level to get action. A. Thomas added that as the Coast Guard considers further development of OPA 90 he expects them to track state regulations and hopes they will closely parallel regulations developed here and in Puget Sound.

9. J. MacDonald noted that the exclusion for public vessels comes at a basic authority level; one federal agency cannot regulate another federal agency. A. Krygsman stated that the HSC could adopt a strongly worded recommendation that Navy vessels take escorts voluntarily and put this recommendation in the Harbor Safety Plan. J. Lundstrom added that the one year anniversary of tug escort regulations comes in May and suggested that, in the event informal routes being used to get voluntary compliance by Navy vessels hasn't produced results by then, the HSC could go on record formally as making such a request. A. Thomas stated that the Fleet Guide for San Francisco Bay is updated every two years and the regulations therein are followed closely by every vessel. He called on Patrick Buttner, San Francisco Bar Pilots, and Patrick Moloney, California State Pilot Commission, who are both in the naval reserve, to draft wording for the Harbor Safety Committee to forward to the Fleet Guide publishers and J. Lundstrom for inclusion in the Harbor Safety Plan. P. Moloney noted that Navy tankers come in different sizes, from the very small to larger vessels having maximum systems redundancy and large crews. A. Thomas asked P. Moloney to report back at the next HSC meeting regarding any progress on naval vessel voluntary compliance and proposed language for the Fleet Guide and the Harbor Safety Plan.

10. Sandy Jones, APL, asked the status of emergency regulations for bunkering operations. B. Leland, OSPR, responded that they went into effect 2-17-94 on an emergency basis. The comment period begins in mid-March and ends 6-17-94. The emergency regulations will be replaced by what comes out of the comment period in the form of final regulations. B. Leland reported that OSPR has received inquiries about the emergency regulations concerning whether the deckhands both have to be awake. The answer, supported by customs, usage and law is yes.

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11. B. Leland reported that the second draft of the pilotage evaluation study was submitted to the Administrator a few days ago. His review should be completed next month and then P. Bontadelli will report in person to the HSC. Yet another round of public workshops will take place. OSPR has received a letter from the Chair of the Harbor Safety Committee regarding committee members questions about their liability, legal exposure and entitlement to state support and legal defense. The question has been referred to the Attorney General and a prompt response is expected. A. Krygsman, Chair of the HSC Pilotage Sub-Committee, noted that he will be in Washington, D. C., on the date of the next scheduled HSC meeting and requested that the Administrator, Peter Bontadelli, schedule his report to the HSC for the May meeting.

12. TUG ESCORT SUB-COMMITTEE, R. Peters. The sub-committee held a well attended workshop on 2-17-94, with invited panelists representing twelve various hands-on functions performed during the flow of events involved in performing a tug escort. The group reviewed the interactions between the parties. Comprehensive notes were taken and they have been reviewed with the parties involved. Interested parties can request a copy of the notes from the Marine Exchange when the sub-committee has signed off on them. The TES is tasked with monitoring the Glosten study and continuing the public process. TES has drafted a memo outlining how TES would like to be involved and how the public should be involved. The Tug Advisory Group will provide TES with a series of briefings and written reports. The peer reviewer will also provide written reports on a regularized basis. Meetings will be scheduled in mid-March, early April and late April to mid-May. TAG will provide TES with agendas for their meetings and minutes or a report on each meeting. The purpose is to identify policies or issues that are not purely technical. TES is looking at the first public briefing by the TAG the week following 3-24-94, probably the first week of April.

13. The balance of the work of TES is contained in a list compiled by J. Lundstrom which is a compilation of areas/sources of concern. The TES has tentatively scheduled a meeting 3-18-94, followed by an executive session where work will be allocated and a plan will be developed to proceed with the balance of the work to be completed within the timeline necessary to make recommendations. The full HSC will be updated at its next meeting. R. Peters stated that he would like to raise to this body concerns from several sources concerning the Glosten study including two tug trials and two tug simulations. He asked B. Leland for an update on the Administrator's feelings on the subject. B. Leland stated that, as part of the Glosten study, the Administrator would like to look at a study and evaluation of the use of at least two tugs in escort scenarios. Because of the cost and technical work involved, the issue is being brought forth now. As a layman, B. Leland reported that the Administrator did not see this as precluded in the scope of the Glosten study, if it is then the Administrator will address the issue later. He (the Administrator) believes that to draft sound regulations will require testing of some sort. D. Koops stated that SeaRiver has been asked to provide data and will also provide tugs and vessels in ballast and loaded for testing. J. Faber noted that it had been agreed earlier to do this testing phase with two tugs and then the TAG decided not to contract Glosten to conduct the tests. B. Leland stated that the Administrator can look for funds for this testing in the 1994/1995 budget. G. Skarich, a member of the TAG, stated that the program/software can do whatever the committee wants to see. The TAG hasn't gotten into sea trials and has cut down on tests, focusing on tests to prove that the program is accurate. She will be attending a meeting in Seattle on 3-24-94 and the Chair requested she report on that meeting at the next HSC meeting. A. Thomas discussed two areas of physical testing prior to finalization of the Glosten study report. After the peer review is complete, the tugs and vessels offered by SeaRiver will be used to test the validity of the Glosten Study. G. Skarich stated that it is taking the tug companies a lot of time to gather the required data and it is very expensive for the tug companies. A. Nothoff commended R. Peters on his work with the TES.

14. FEDERAL REGULATIONS REVIEW SUB-COMMITTEE, A. Krygsman. The sub-committee has held one public hearing and two public workshops and has found that the workshop forum is better. He reported that the Coast Guard had a fair and cooperative posture towards comments and input. The sub-committee agrees with the current version of the proposed regulations and recommends that the Harbor Safety Plan include support of these proposed regulations to 33 CFR:

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"Section 16x.xxx San Francisco Bay and Approaches. The San Francisco main ship channels from the COLREGS Demarcation Line to and between the southern tip of Bay Farm Island and the Souther Pacific Railroad Bridge use, administration and navigation. (1) Maximum Speed. (i) The maximum speed for all power driven vessels of 1600 or more gross tons shall not exceed 15 knots through the water from the COLREGS Demarcation Line to and between the southern tip of Bay Farm Island and Southern Pacific Railroad Bridge. (ii) Power driven vessels of 1600 or more gross tons shall in any case have their engines ready for immediate maneuver and shall not operate in control modes or with fuels that prevent an immediate response to any engine order ahead or astern or preclude stopping their engines for an extended period of time. (2) Draft. Power driven vessels of 1600 or more gross tons carrying cargoes of oil (as defined in the Oil Pollution Act of 1990, Sec. 1001 (23) in quantities greater than 5,000 metric tons shall maintain a minimum underkeel clearance of 10% of ship draft of 5 feet, whichever is greater, when underway west of the Golden Gate Bridge, and a minimum underkeel clearance of 2 feet when underway east of the Golden Gate Bridge."

15. A. Krygsman noted that this corresponds with recommendations already in the Harbor Safety Plan. He reported that a discussion was held this morning regarding a definition of what underkeel means. It is agreed that underkeel means "the minimum clearance between the deepest point on the vessel and the bottom in still water conditions." C. Bowler, San Francisco Bar Pilots stated the need to establish what is the absolute for underkeel clearance, i.e., "that the vessel is at rest and that the latest published government soundings be used to determine water depth." MOTION by A. Krygsman, seconded by J. Lundstrom "that the full HSC accept the recommendation of the Federal Regulations Review Sub-Committee and support the Coast Guard proposed regulations as submitted and that they be included in the Harbor Safety Plan with the amended language regarding underkeel clearance."

16. A. Nothoff asked how it was determined to increase speed limits from the 12 kts. in the original proposed regulations to 15 kts. A. Krygsman responded that there was lengthy discussion at all three public meetings addressing issues of safety and vessel maneuverability. The 15 kts. is acceptable to Coast Guard VTS, but not quite acceptable to the San Francisco Bar Pilots. C. Bowler is collecting data on maneuvering speeds and control of vessels calling at San Francisco, addressing the range of critical speeds, in an effort to increase the limit by one knot. A. Krygsman stated his understanding that the Harbor Safety Plan is a living document, and as such, can be changed as needed. A. Nothoff addressed the need for consistency in all ports. J. MacDonald responded that the speed limit in San Pedro is 12 kts., but the navigational characteristics are very different, as are the currents and vessels calling. The limits in Puget Sound are based on the very narrow areas to be transitted and the trade off is maneuverability. J. MacDonald noted that the proposed regulations got from six pages to one page, because nationally mandated VTS gives the Captain of the Port's authority over to VTS in times of reduced visibility and bad weather. The result is that, rather than putting policy into hard fast regulations, situations will be dealt with as they happen as part of mandatory VTS rules. There is no rulemaking process at the guideline level and the Coast Guard and Pilots will work together with this committee.

17. M. Brown asked the difference between speed through the water and over the bottom. A. Thomas responded that the only enforceable method for measuring speed is with VTS radar which can only measure speed relative to a stationary point. He added that the one additional knot has caused a lot of problems and may still be addressed by the Coast Guard. S. Jones noted that 33 CFR covers all vessels while the Harbor Safety Plan only covers regulated vessels. E. Melvin, San Francisco Bar Pilots, stated that the best measure of speed is the vessel's log. J. Lundstrom added that, regarding regulated vessels versus non-regulated vessels, the whole plan addresses all vessels, while the tug escort provisions apply only to regulated vessels. R. Peters asked if there is a compelling reason to act on the motion on the floor at this meeting. If a speed limit of 15 kts. rather than 16 kts. reflects a step backwards in safety and there are unanswered questions regarding maneuverability, perhaps action should be tabled until the results of C. Bowler's study are available. C. Bowler noted that the Coast Guard has indicated that they are willing to take the results of the information gathered by him into consideration and it may alter their position. A. Krygsman stated that a loaded ship takes its engine through speed steps so there is no over heating. This also avoids vibration damage. C. Bowler added that each shipping company knows the critical range for each of its vessels. D. Koops added that a vessel does not/should not go into a range where you cannot immediately control the vessel. J. MacDonald stated that time is of the

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essence in linking speed limits with the process of the notice of proposed rulemaking and added that the process provides for a comment period.

18. R. Peters offered clarification that the recommendation be to the federal process and not involve inclusion in the Harbor Safety Plan. J. Lundstrom suggested that the motion be bifurcated such that the HSC support the proposed federal regulation now and come back to the issue of inclusion in the Harbor Safety Plan when the additional data based on engineering information that is being gathered by C. Bowler is available. The Chair concurred and suggested that this committee support the sub-committee's recommendation with the proviso that further information will be forthcoming and will be forwarded to the Coast Guard. A. Krygsman called for the question as originally made with the amended language on underkeel clearance. The second agreed to the amended language. The motion passed with 2 opposed and 8 in favor. The Chair dismissed the Sub-Committee with the thanks of the HSC. The Chair reviewed the process regarding comment periods on draft and final proposed regulations and asked that the Coast Guard copy the HSC on all comments received, to keep the committee informed.

19. **UNFINISHED BUSINESS:** Wake damage from water taxi companies on the bay was discussed in light of a recent incident described by M. McMillan. It was agreed that the Coast Guard VTS and Captain of the Port might be able to contact ferry boat operators concerning the problem. J. MacDonald stated that he wants to investigate the incident and perhaps report on it in the MSO newsletter. E. Melvin expressed the opinion that the rules and regulations that hold the individual responsible need to be beefed up rather than imposing speed limits on the bay.

20. A. Nothoff asked about the status of the "near misses" analysis. J. MacDonald responded that he has done a data search and consolidation and can offer this for review. He needs one more week and can show the sub-committee what is available to try to come up with a common definition of "near miss" or patterns. A. Krygsman noted that state law uses the term "near accident". J. MacDonald is translating "near miss" and incident to "near accident". The Chair suggested the legal definition of "in extremis" be used. J. Lundstrom noted that the VTS Sub-Committee, chaired by M. Croce, had looked at this and recommended finding a better definition. The Chair called for volunteers to assist in this task. C. Bowler and P. Moloney volunteered and the Chair will advise M. Croce of this action. S. Jones asked if the term "near miss" is only directed to navigational safety and not spills. The Chair noted that the term "near accident" included navigational and operational events. S. Jones stated that the focus should include operational spills as well as navigational incidents. D. Koops added that "near accident" covers the whole spectrum and is used corporate wide. J. MacDonald stated that he doesn't want to have to create a new data base by second guessing what the committee wants and would like to look at the data that is routinely kept.

21. **NEW BUSINESS:** D. Koops reported that M. Goebel is being transferred and Richard Smith has come to the area to take his place. He requested that R. Smith be designated his alternate. A. Nothoff reported that the EIR for Unocal expansion is available and includes a broad comprehensive oil spill scenarios study with information useful to the content of the Harbor Safety Plan and the work of this committee. A public hearing will be held in Pinole on 4-16-94. The Chair suggested the Terminals and Facilities Sub-Committee review the report and report back to the HSC regarding this committee's input. P. Buttner reported that the SFBP and Coast Guard VTS have completed the planning phase of joint on-going training at VTS headquarters, the pilot station and at the CMA radar facility to improve methods of communication. P. Moloney reported that in investigating a recent pilotage incident it came to his attention that the racon on the SP Railroad Bridge, installed as recommended by the HSC, is not being used because of calibration problems and FCC regulations. He also reported that significant shoaling problems in the Pinole Shoal Channel have raised the bottom 3' and that a ship with 26.5' draft grounded at Pt. Molate where charts show 30' depth. The Corps of Engineers is surveying. P. Buttner added that these situations highlight the problems caused by lack of maintenance dredging.

22. The Chair recommended that the next HSC meeting scheduled for 4-14-94, 9:30 - 12:00, be held at the Port of Oakland as planned. He reported that his attendance at the American Pilots Association meeting in Puerto Rico on the

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same date as the last HSC meeting served to provide significant data for use by this committee. The laws in Puerto Rico are much more slack than those in California, which may have contributed to the two recent incidents of serious pollution there. It is good to see California moving in a safe direction.

23. MOTION by R. Peters, seconded by D. Koops to adjourn. Meeting adjourned at 11:50.

Respectfully submitted,

T. Hunter