

## **MINUTES**

### **HARBOR SAFETY COMMITTEE OF THE SAN FRANCISCO BAY REGION**

9:30 a.m., Thursday, March 9, 1995

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

- 1.** The public meeting was called to order by Chair, Arthur Thomas, San Francisco Bar Pilots, at 9:50. The following committee members or alternates were in attendance: Dave Adams, Port of Oakland; James Faber, Port of Richmond; Roger Peters, Port of San Francisco; Margot Brown, National Boating Federation; Maurice Croce, Chevron Shipping Company; Marci Glazer, Center for Marine Conservation; Joan Lundstrom, San Francisco Bay Conservation and Development Commission; Dwight Koops, SeaRiver Maritime; John Gosling, Matson Navigation Company; James Mes (alternate for Michael Nerney), Transmarine Navigation Corp.; Bob Clinton (alternate for Ron Duckhorn), Crowley Maritime; federal government representatives from the U. S. Navy, Robert Mattson; and U. S. Coast Guard, Captain Donald Montoro (MSO) and Commander Dennis Sobeck (VTS). Also in attendance Bud Leland and Marian Ashe, OSPR.
- 2.** T. Hunter, Marine Exchange, confirmed that a quorum was present.
- 3. MINUTES OF PREVIOUS MEETING.** MOTION by M. Brown, seconded by D. Koops, "to approve the minutes as written." Motion passed without objection.
- 4.** In opening remarks, A. Thomas relinquished the floor to Gregg Waugh, San Francisco Bar Pilots, to address effects of storm conditions. G. Waugh reported 50 kts. winds over the bar with gusts of 65 kts. It is anticipated that the bar will have to be closed on the ebb tide sometime this morning. The Chair noted that the TES will hold a working meeting at 1:00 today, after the conclusion of this meeting and a lunch break.
- 5. COAST GUARD REPORT,** D. Montoro. (1) Written reports of pollution statistics and significant port safety events will be forwarded to the recording secretary later today and will be available upon request. (2) February was a relatively light month for incidents, with the exception of a few minor events involving pleasure boats. The one notable event involved a priority vessel that was determined to have problems backing on a stern bell. It waited for escort tugs before proceeding to dock.
- 6. CLEARINGHOUSE REPORT,** A. Steinbrugge. (1) There were three events reported to OSPR in February. The first involved a regulated tanker dragging anchor in anchorage 9. The second, a tug and barge unit checked in initially with an untested tug. A qualified vessel was on hand for the transit. In the third instance, a regulated vessel piloted by the master didn't check in until it reached the Golden Gate Bridge. The CH was unable to contact the master, however, the appropriate escort vessel was on hand. This violation was of the letter, not one of intent. (2) One SeaLift tanker transited in and out of Martinez with required escort. (3) The voluntary marine safety reporting forms are available for all interested.
- 7. OSPR REPORT,** B. Leland. (1) Carl Moore, Staff Counsel, OSPR Regulations, was unable to attend today's meeting and will address Brown Act and committee member liability issues at the April HSC meeting. Procedures in effect for HSC and sub-committee meetings are in accordance with Brown Act requirements. (2) OSPR is close to releasing the report on marine pilotage. The two main issues addressed in the recommendations are (a) a mandatory requirement for pilots aboard vessels in foreign trade, including port specific standards and the establishment of certification process; and (b) the Board of Pilot Commissioners should continue as it is and OSPR endorses that process. The report should be out within 3-4 weeks. To meet mandated objectives and bring public input to the process the HSCs of Port Hueneme, LA/LB and San Diego will be deputized to proceed with the process locally. (3) OSPR's scientific branch is working with NOS to develop contracts regarding support of the communication portion of the mini-PORTS project.
- 8. VEHICULAR BRIDGE MANAGEMENT SUB-COMMITTEE,** D. Koops. The sub-committee met three times since the last HSC meeting and all were well-attended by members of the public and representatives of the Coast Guard, Marine Exchange, Industry and the Pilots. The minutes of those meetings are available on request.

The primary purpose of these meetings was to look at sections of the Harbor Safety Plan related to vehicular bridges and review the recommendations. Issues related to recreational boaters, board sailors and fishing vessels were also addressed. Jerry Olms will review those elements directly related to bridges for the June update, including recommendations regarding the glare of the floodlights on the Bay Bridge, racons for the Golden Gate Bridge and fendering for bridges.

9. Discussion of plans for restructuring under the Department of Transportation which would put areas of USCG control of bridge management under an Intermodal Transportation Administration sub-committee. The Vehicular Bridge Management Sub-Committee (VBMS) recommends that the HSC write a letter urging that this oversight stays with the Coast Guard. D. Montoro reported that the sense of the sub-committee meetings was that to move away from the Coast Guard would cause the maritime facet to be slighted. M. Brown agreed that it would not be in the best interest of recreational boaters or any navigational interests if maritime issues are handled by highway administrators. MOTION by D. Koops "that the HSC write a letter to OSPR encouraging them in turn to write to DOT urging that management of bridges remain with the Coast Guard." Motion seconded by M. Brown. J. Lundstrom recommended that information regarding this recommendation be forwarded to all other HSCs, i.e, that it is the consensus of this committee that the long tenure of Coast Guard management of bridges and marine traffic has been effective. The Chair called the question, which passed unanimously.

10. The VBMS suggests that the name of this sub-committee be changed to the Vehicular Bridge Management/Small Boat Sub-Committee. The Chair concurred. D. Koops reported that, over the past three and a half years, boater education has increased through DMV distribution of pamphlets with license renewals. The sub-committee recommends encouraging DMV to check with the California Department of Boating and Waterways for information to update these pamphlets. A. Thomas noted for the record that M. Brown has recently been installed as Commodore of the Pacific Inter-Club Yachting Association.

11. Discussion of issues related to the certification of small boat operators. D. Koops stated that this HSC has chosen to look in the direction of education rather than licensing. HSCs in LA/LB and San Diego are turning their attention to this issue. D. Koops reported that the state of Alabama has focused on enforcement rather than certification. M. Brown added that states with mandatory licensing found no reduction in fatalities or accidents. The National Boating Federation believes any money spent should be directed to enforcement on the water of laws currently on the books rather than licensing procedures. Recreational boater education should be part of middle school education, sponsored by manufacturers and distributors as part of driver education. Legislation may be needed to achieve this. The Department of Boating and Waterways is willing to get involved but needs a request from the schools.

12. The next sub-committee meeting to be held on 3-24-95 at 10:00 at SeaRiver Maritime's offices will address recommendations to the HSC.

13. The situation with fishing vessels has gotten better. The primary problem is non-English speaking crews in the 11th District.

14. The St. Francis Yacht Club has created a special class of membership for board sailors, bringing in 145 members to date. Safety information can also be distributed to board sailors and jet ski operators through the several magazines directed to personal watercraft operators. D. Koops noted that the publication and distribution of racing schedules has helped in planning. D. Montoro emphasized that currently there is no clear designation of authority over recreational boaters in the bay, while this authority is clear in Southern California. In San Francisco Bay the problem is multi-port jurisdictions. A. Thomas suggested that this problem might best be addressed by OSPR. D. Montoro recommends that the main ship channel be off limits to sail boarders. G. Waugh noted that the conditions in that area are perfect for board sailors and so they are drawn there. J. Lundstrom reported 6,000

jet ski rentals out of Sausalito last year, in an area near the shipping channels. G. Waugh stated that the problem is significant up-river and D. Adams added that the Oakland estuary has the same problem

**15. BAR CLOSING.** G. Waugh reported that the bar was closed at 10:20 a.m. due to high winds and 20' waves. One pilot remains on the station boat and will attempt to board the PRESIDENT EISENHOWER. G. Waugh reviewed the process for closing the bar. The last pilot over the bar, in or out, or the Captain of the station boat make the recommendation for closure to the SFBP dispatcher, who relays it to the SFBP Operations Pilot and/or Port Agent, who relay it to VTS and the Captain of the Port, MSO, at which time the bay is officially closed.

**16. REPORTABLE EVENTS SUB-COMMITTEE,** J. Lundstrom. (1) All HSCs are now in agreement with the definition for reportable event/near miss incident which was adopted by this HSC at its last meeting. (2) A joint meeting of representatives from all HSCs will be held to address procedures for follow-up regarding forms, etc. (3) On 3-1-95 the sub-committee met to look at trends appearing from information gathered to date. P. Moloney reported that no clear trends have been identified, other than the rapid and unexpected shoaling on the other side of the SP Bridge. The COE has dredged since the most recent grounding. More frequent soundings are recommended. (4) The sub-committee reviewed five years of data. The first few years' records are sparse on detail. It was only in 1994, with tightened reporting requirements, that needed data began to be cataloged. The sub-committee has no recommendations at this time.

**17. PILOTAGE SUB-COMMITTEE,** J. Gosling. The sub-committee held a meeting on 2-17-95 at the Port of Stockton. Agenda items included federal/state licensing requirements; training in connection with initial license and renewals; discipline proceedings; and review of assignment procedures. The sub-committee: (1) recommends tightening language in H&N Code, Section 1126; (2) supports the training program in place as administered by the State Pilot Commission; (3) finds the current disciplinary procedures to be adequate; and (4) the sub-committee will wait for the TES to complete its work to address related issues.

**18. MOTION** by J. Gosling that "Harbors and Navigation Code, Section 1126, be amended as follows: (A) Every person who does not hold a license as pilot or as an inland pilot issued pursuant to this division, and who pilots any vessel into or out of any harbor or port of the Bays of San Francisco, San Pablo, and Suisun, or who acts as a pilot for ship movements or special operations upon the waters of those bays, is guilty of a misdemeanor. (B) If a vessel refuses or neglects to take and employ a pilot, the vessel, its master, owner/operator, charterer, consignee or agent shall: (1) forfeit and pay to a pilot suing for same a sum equal to the pilotage of the vessel, recoverable by an action in the courts of this state or the pilot may pursue his or her remedy by filing an action in admiralty in a United States court, either in personam or in rem, to enforce the lien given him on the vessel, as the pilot may see fit and proper to do; (2) be liable to pay a civil penalty of up to twenty-five thousand dollars, which penalty shall be payable to the general fund of the State of California; and (3) be liable to the pilot for all costs and attorney fees incurred in bringing the action. (C) Any person unlicensed as pilot or inland pilot may also be enjoined from engaging in any act of piloting by a court of competent jurisdiction. (D) this section does not apply to any of the following persons: (1) persons piloting vessels pursuant to the valid regulatory authority of the ports of Sacramento and Stockton; (2) persons piloting vessels sailing under an enrollment as specified in section 1127; and (3) persons piloting vessels pursuant to section 1179." J. Lundstrom suggested that the usual procedure for including language in the plan would result in the HSC accepting, for the record, the language contained in J. Gosling's motion and voting on its inclusion in the plan at a later meeting. J. Gosling withdrew the motion. **MOTION** by J. Gosling, seconded by J. Lundstrom, that "the HSC accept for the record and for discussion the language contained in his previous motion." M. Glazer requested that, both versions, current and recommended language, be distributed to committee members. The Chair called the question, which passed unanimously. J. Lundstrom asked if the sub-committee intends to comment on the Administrator's report on pilotage. J. Gosling responded yes.

3-9-95

**19. PORTS STEERING SUB-COMMITTEE, D. Adams.** The steering sub-committee held its second meeting on 2-22-95, which was fairly well attended. It was agreed that the task at hand was to identify the myriad of needs and suggest a delivery system to meet these need and that this could best be accomplished by designing a developmental matrix. A Matrix Development Sub-Sub-Committee was formed of volunteers. This sub-sub-committee met at the Port of Oakland on 3-2-95 and developed a two-dimensional preliminary model, with the understanding that a multi-dimensional model would be required. The recessed meeting of 3-2-95 will re-convene on 3-10-95 at 10:00 in the Port of Oakland's Courtyard Conference Room. Representatives of user groups, including commercial shipping, pilots, recreational boaters and government/academia will look at products including tide, current, salinity and weather data. Funding possibilities for on-going maintenance will also be discussed. Department of Commerce grant funds have been identified and a draft letter has been crafted. This draft letter was discussed at the 2-22-95 PORTS Sub-Committee meeting and the sub-committee voted to forward the draft to the HSC for transmittal over the Chair's signature, subject to the language and concept being reviewed by NOAA. That review has not taken place yet. C. Bowler would like to see representatives from tug companies and fishing boats at the 3-10-95 meeting. J. Lundstrom asked if there might be time constraints connected with the EDA application to the Department of Commerce and suggested that, in the interest of moving forward, this committee should indicate support of the idea. MOTION by J. Lundstrom that "the HSC adopt in principle support for seeking grant funding for PORTS from the Department of Commerce; said proposal to be developed by the PORTS Sub-Committee in concert with NOAA representatives." Motion seconded by R. Peters and passed unanimously.

**20. PLAN REVIEW SUB-COMMITTEE, J. Lundstrom.** Progress is being made on the update and it is anticipated that the 1995 Plan Review, including recommendations and updated language, will come to the full committee for a vote. J. Lundstrom would like to set a 5-1-95 deadline for submission of committee reviews of plan sections relevant to their task, including the status of prior recommendations and new recommendations.

**21. NAVY REPRESENTATIVE, R. Mattson.** Pt. Molate will be closed. SeaLift tankers will call only at Ozol. The Chair conveyed the committee's pleasure with the Navy's cooperation with the escort process.

**22. TUG ESCORT SUB-COMMITTEE REPORT, R. Peters.** The sub-committee has met four times since the last HSC meeting to develop draft recommendations. A workshop for public comment will be held after this HSC meeting. The process remains on schedule. Working meetings are scheduled for 3-15-95 and 3-29-95 at the Pier 9 Pilot Station. The sub-committee's intent is to bring a presentation of recommended regulations to the full committee on 4-13-95, seeking HSC adoption of recommended regulations at the 5-11-95 HSC meeting.

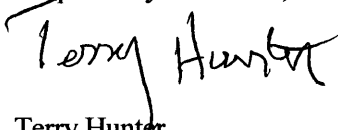
**23. UNFINISHED BUSINESS:** None.

**24. NEW BUSINESS:** None.

**25. NEXT MEETING.** The next meeting will be held on Thursday, 4-13-95, at 10:0 a.m. in the Port of Oakland Board Room.

**26. MOTION to adjourn** by D. Koops, seconded by R. Peters. Meeting adjourned at 1115 without objection.

Respectfully submitted,



Terry Hunter  
Executive Director