

MINUTES *August 12, 1993*
HARBOR SAFETY COMMITTEE OF THE SAN FRANCISCO BAY REGION
9:30 a.m., Thursday, ~~June~~ 12, 1993
Port of San Francisco, Ferry Building, San Francisco, CA

1. The meeting was called to order by Chairman Arthur Thomas at 10:15. 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; Margot Brown, National Boating Federation; Dwight Kooops, Exxon Shipping; John Gosling, Matson Navigation; James Mes, Transmarine Navigation Corp.; Gunnar Lundeberg, Sailors Union of the Pacific; Bob Clinton, Harbor Tug and Barge Company; Mary McMillan, Westar Marine; Burr Heneman (alternate for Ann Notthoff), Center for Marine Conservation; Arthur Thomas, San Francisco Bar Pilots; Joan Lundstrom, San Francisco Bay Conservation and Development Commission; and federal government representatives, Captain J. M. MacDonald and Chief Attaway, U. S. Coast Guard. Also in attendance Bud Leland and Marian Ashe, OSPR; and Dale Wong, State Lands.
2. T. Hunter, Marine Exchange, confirmed that a quorum was present.
3. A. Thomas noted a correction to the minutes of the last meeting regarding the status of the two deckhands on an escort. In paragraph #11 both deckhands should be "awake on duty on watch readily available to respond to emergencies." MOTION by G. Lundeberg, seconded by J. Lundstrom, to adopt the minutes as corrected. Motion passed unanimously.
4. The Chair, in opening remarks, observed that the emergency tug escort guidelines are in place to and, while the permanent regulations are not yet in place, the recent arrival of two tractor tugs and the impending arrival of another demonstrates the impetus for providing more versatile towboats to the San Francisco Bay Area.
5. CAPTAIN OF THE PORT'S REPORT, J. M. MacDonald. There were 37 reports of incidents since the last HSC meeting. Of investigated cases, no source was found in 14 instances, no discharge/spill found in 10 instances and in four cases civil penalties were levied. There were six incidents involving the release of hazardous materials, the most significant being the release of approximately 3.5 tons of sulfur trioxide from a rail car during off loading in Richmond. The USCG is searching for derelict vessels when not actively involved in investigations.
6. Comments on recommendations #5 and #13 in the Harbor Safety Plan should be forwarded to J. Lundstrom and M. Brown so they can complete the part of the plan update related to statistics. A. Thomas suggested that Patrick Moloney, Executive Director of the State Pilot Commission, would be of considerable help to J. MacDonald and B. Leland in devising a more usable system of data collection. J. MacDonald added that the USCG is trying to be more proactive in assessing risks.
7. Fleet Week is scheduled for October 8 - 10. This annual celebration is a joint project of the City of San Francisco and the Navy and includes a waterborne parade and an airshow. The Coast Guard is looking at shutting off channels and/or establishing an exclusionary safety zone for the airshow on Friday and for the parade and airshow on Saturday. Sunday, channels south of Alcatraz will be cut off for a commercial activity which will raise money to offset the costs of the weekend celebration. A. Thomas noted that in the past state pilots have provided complimentary pilotage services for the event to add an extra measure of safety. F. Hoburg, speaking for the San Francisco Bar Pilots, agreed that the pilots would assist in vessel movements at no charge.
8. J. MacDonald reported that while President Clinton is in the East Bay Area this week there will be a security zone in the Oakland estuary. He stressed that the collision in Tampa Bay re-focuses attention on the importance of the work of this committee. Regarding incidents involving hazardous materials (such as Richmond), J. MacDonald cited the effects of speeded up time frames and the emotional and immediate health problems. There is currently no state focus on this problem, nor a link between the state and local authorities. A. Thomas relayed

Harbor Safety Committee of the San Francisco Bay Region
Thursday, June 12, 1993

information on the Tampa collision that he has received from the American Pilots Association. The incident involved a MARSAT tug and barge in excess of 10,000 tons, piloted by the master and a second barge with 9,200 tons of #6 fuel colliding with an inbound bulk carrier, which holed itself. Rescue efforts were conducted by the Tampa pilot boat and the USCG. Had these barges been in San Francisco Bay under the current guidelines, they would have been escorted. Tampa Bay currently has PORTS but no VTS. M. Glazer noted that the Tampa community wants VTS. M. Goebel stated that possibly adding escorts to the scenario would have only added more vessels to the Tampa Bay collision.

9. Captain Charles Viebrock, an active tanker master for West Coast Shipping, does a lot of his own piloting in the Bay. He recommended that inbound tank vessel be escorted after they pass under the Golden Gate Bridge. He further recommended that all escorted vessels use the deep water route. A representative of USCG VTS responded that it is no longer considered a contrary move to go south of Alcatraz and use the deep water channel inbound. The only caveat is that two vessels cannot meet in the deep water channel. He further noted that VTS channels 13 and 14 will be coming into effect in October. On 8-11-93 the USCG was given contract notice to proceed with the upgrade and expansion of VTS. The upgrades will be to console work stations at the center. The expansion will take service north through San Pablo Bay, with completion anticipated for one year. Pt. San Pablo will have radar; Mare Island will have radar and closed circuit television; and Ozol will have closed circuit television.

10. OSPR REPORT, B. Leland. The hearing process for the pilotage evaluation report is finished. The comment period is open through the end of August. On 8-10-93 OSPR requested a 120-day extension for the emergency tug escort guidelines, which would extend to 1-1-94.

11. CLEARINGHOUSE REPORT, A. Steinbrugge. Statistics on tug escorts are now reported by movement in each zone. All is going smoothly. J. Mes asked if there have been any violations and how they are treated. A. Steinbrugge responded that the Marine Exchange reports irregularities to OSPR and to the Harbor Safety Committee. There were none in the past month.

12. MOTION by R. Peters, seconded by B. Heneman "to hear the sub-committee reports as indicated on the agenda distributed at this meeting and take necessary action."
Motion passed unanimously.

13. TUG ESCORT SUB-COMMITTEE, R. Peters. The update of the tug escort section of the Harbor Safety Plan has been twofold in scope. An annotated chronology of events is being compiled. It describes the process gathering information and public comment and all documentation received during that process. This documentation is nearly compiled and will be transferred to the Plan Committee this week. This is being done to officially transfer all of the documentation to OSPR for the purpose of formally entering it into the public record so that it can be used to justify the guidelines that the committee has sent forth. Secondly, the sub-committee looked at the status of the emergency guidelines in conjunction with the Administrator's letter regarding the inadequacies of those guidelines. It is the recommendation of the Tug Escort Sub-Committee that the emergency guidelines be allowed to be enacted "as is" at OSPR's earliest practical convenience. The sub-committee further recommends that these existing regulations remain in effect for a period not to exceed one year from the date of adoption.

14. Regarding the permanent guidelines, the sub-committee recommends that the HSC and OSPR pursue a cooperative process over the next 180 days for the purpose of developing a revised set of permanent guidelines which would then be enacted at OSPR's earliest practical convenience. Items to be reviewed during this period would include issues raised in P. Bontadelli's letter of 7-30-93; new studies and data received since 2-93; public input to OSPR in May and July workshops; the sub-committee's plan updates; additional public comment; the federal OPA '90 process; input from one or more joint HSC/OSPR public hearings or workshops; and any additional information available regarding risk analysis and performance standards. The schedule for the sub-committee's work projects: (1) meeting with OSPR on 8/23/93, with the public meeting followed by an executive session to coordinate process, study needs and staff allocations and to develop a schedule; (2) interim report to HSC 11-93; (3) final report for HSC review 2-94; and (4) HSC adoption of permanent guidelines 3-94.

15. M. Goebel asked why the HSC would continue to endorse the interim product when there is a better product in the recommended permanent guidelines. R. Peters responded that the reason is the uncertain future of continuing

Harbor Safety Committee of the San Francisco Bay Region
Thursday, June 12, 1993

to meddle in the process of getting the interim guidelines enacted. If an amendment comes from the HSC, OSPR would have to respond as to the need for and scope of the proposed change(s). He would prefer to focus the attention of the HSC on the permanent guidelines in close conjunction with OSPR so the resultant guidelines are enactable.

16. B. Heneman complimented the sub-committee on its report and is enthusiastic about the recommendations for the permanent guidelines. He agrees that the emphasis should be on the development of permanent regulations. However, OSPR has indicated that HSC has until 9-1-93 to make changes to the interim guidelines. B. Heneman proposed that the HSC recommend the changes voted on in March so OSPR can incorporate them into the interim guidelines. M. Ashe responded that no recommendations can be made now which substantially change the existing interim recommendations and/or that would have significant impact on members of the regulated community if HSC wants the interim guidelines to be enacted in a timely manner. There are only 120 days for the entire process. R. Peters added that the process to amend the interim guidelines requires HSC to recommend that changes proposed are not significant and the record must be substantial enough to substantiate a reason for the proposed changes. The proposed changes would likely require added hearing process. M. Ashe stated that the required 45-day comment period for input on the proposed changes could put OSPR at the December 1 deadline without having the interim guidelines ready. B. Heneman responded that the Administrator had informed HSC that a deadline of 9-1-93 for changes allowed the process to be completed in the originally proposed time frame.
17. MOTION by R. Peters, seconded by J. Faber that "the emergency guidelines be allowed to be enacted 'as is' at OSPR's earliest practical convenience and that these existing regulations remain in effect for a period not to exceed one year from the date of adoption." MOTION by B. Heneman, seconded by J. Lundstrom that "R. Peters' motion be amended such that HSC recommend three modifications be added to the interim guidelines proposed and published by OSPR: (1) change the matching standard in the interim tank vessel escort regulations from ahead bollard pull to astern bollard pull (Sec. 851.7(a)); (2) add to proposed regulations a requirement that escort vessels must have a minimum of 109 long tons of astern bollard pull (not applicable to barges); and (3) add the following language to the proposed interim tank vessel escort regulations: Nothing in these regulations is intended to discourage the introduction and application of superior escort technologies as they become available in the San Francisco Bay Region."
18. D. Koops asked OSPR representatives to comment on whether these proposed changes are substantial and would require extensive review. M. Ashe responded that she is unable to predict what OAL will do. D. Koops stated that he appreciates where B. Heneman is coming from, but there is a need to be practical. The proposal to separate the two, interim and permanent guidelines, as presented by R. Peters is the most practical.
19. Bob Pinder, Keystone Shipping, stated that the best equipment is of no use without a crew that has local knowledge and knows the parameters for operations (where to place equipment and how to use it). Having a mediocre tug with a good operator is preferable to having the best tug and a poorly trained crew. The Chair noted that the proposals from the HSC for the permanent guidelines do address the qualifications of crews. John Nadalin, California Maritime Academy, added that CMA has developed a 10 day training program for deckhands and is working on courses for operators and mates. These programs include local knowledge components.
20. J. Lundstrom stated that HSC and OSPR are in agreement on a number of issues addressed in OSPR's letter of 7-30-93, for instance minimum qualifications for crews and a pre-move conference which includes discussion of course, etc. Tony Munoz, American Navigation, stated that best achievable technology is being equated with tractor tugs and this has not been proven. Why put language into the guidelines that is undefined? M. Goebel stated that it is clear to him that the interim guidelines are a prototype. You test the prototype, and work on developing a final product. He endorses marching forward with the prototype as it currently stands and work on the final product. Gail Skarich, Sanders Towboat Service, agreed with the previous speaker and added that everyone is working towards the best achievable protection and that does not necessarily equate with superior technology. The language suggested in the proposed amendment is not a good starting point for developing the best achievable protection. D. Adams noted that "best achievable" is defined in SB 2040. D. Koops added that, for a harbor safety plan to be effective, it must be evergreen. Regular updates to the plan should include a generic 'best achievable' statement.
21. R. Peters asked the Chair to call for the question on the Heneman amendment to his original motion. 4 Yes,

Harbor Safety Committee of the San Francisco Bay Region
Thursday, June 12, 1993

7 No. Amendment failed. Discussion returned to the issue of R. Peters' motion. J. Lundstrom expressed the opinion that the last Tug Escort Sub-Committee meeting was not noticed. The elements on which there has been agreement could easily be incorporated into the interim guidelines. She asked the Chair to consider including the areas of agreement with the Peters motion. R. Peters responded in the negative stating that this would bring HSC back to the original problem. While he agrees that there are a wide variety of things the HSC has agreed upon, there is considerable uncertainty as to whether or not tampering with the interim guidelines as they stand will compromise the possibility of them going into effect. Changes now may jeopardize that effort. J. Lundstrom responded that the letter from the Administrator that gave a 9-1-93 deadline for HSC recommendations did not express how much the HSC could tinker with the guidelines.

22. M. Brown asked the Chair to call for the question on the Peters motion. The vote was a unanimous Yes. MOTION by C. Adams, seconded by D. Koops to "accept the report of the Tug Escort Sub-Committee." Motion passed unanimously.

23. The Chair expressed the opinion that the process of enacting state regulations is time consuming and extremely frustrating. The state should look to streamline the process of drafting, enacting and publishing regulations to respond to the needs of the public and tax payers. The Tug Escort Sub-Committee has struck upon a course of action that will result in regulations that can be used. The emergency regulations are a learning tool that is in place and the interim regulations are another step forward. The Chair appointed B. Heneman to the Tug Escort Sub-Committee so the issues he has raised can be addressed within the sub-committee. R. Peters welcomed the appointment.

24. PLAN SUB-COMMITTEE REPORT, J. Lundstrom. SB 2040 mandates annual updating of the Harbor Safety Plan. The deadline has been extended to 10-1-93 and the work is 60% complete. On 9-9-93 it is anticipated that the HSC will vote on added recommendations that will include underkeel clearance, pilotage and surveys from NOAA. The proposed amendments will be distributed with the agenda for the September meeting. M. Glazer urged that copies of the updated plan go to the Boards of Supervisors and legislative representatives for the impacted areas. Bob Sands, OSPR, stated that OSPR needs to know the magnitude of the mailing in order to commit resources to it. T. Hunter, Marine Exchange, and OSPR can work together on it. J. Lundstrom noted that she has been impressed with the initiative of HSC members to move forward on updated recommendations. MOTION by D. Koops, seconded by M. Brown to "accept the report of the Plan Sub-Committee." Motion passed unanimously.

25. D. Koops relayed to J. Faber thanks from SeaRiver for the use of Port of Richmond facilities for bollard pull testing. J. Faber noted that all has gone smoothly with the exception of one incident.

26. UNFINISHED BUSINESS. J. Lundstrom reported on BCDC's work on a long term management strategy for dredge disposal. The Seaport Plan encompasses all ports and is now in the update phase for dredging for marine terminals and tanker operations. She suggested the HSC request a brief presentation.

27. M. McMillan asked if, when an escorted barge leaving zone 2 passes through zone 5 (where no escort is required) and then into zone 6 (where escort is required), the tug has to standby at zone 2 until the barge is picked up by its zone 6 escort. R. Peters responded that it is not a requirement of the interim guidelines. M. Goebel added that, if it has been agreed that an escort would be of no help in zone 5, why standby?

28. M. Goebel suggested that the capability of a tug going from full ahead to full astern in short order should probably be incorporated into tug testing during a speed run. A. Thomas responded that it fits into the principal of performance standards rather than specific equipment. A. Steinbrugge stated that he would not know how to test other than conventional operations; incorporating new functions will require familiarity.

29. T. Hunter asked for a clarification as to where the tug in zone 2 has to be for zone 6. G. Waitz stated that this is a commercial decision. T. Hunter responded that the point of the guidelines is not to leave this up to individual discretion. G. Waitz stressed the human element and the Chair concurred.

30. F. Hoburg suggested that HSC look at Navy and MSC tankers and oilers, which the Pilots feel have been overlooked in the escort guidelines. J. MacDonald responded that Navy vessels are public vessels and do not take

Harbor Safety Committee of the San Francisco Bay Region
Thursday, June 12, 1993

escorts. He noted the significant redundancy of manning (crew of 95) and systems on these vessels. R. Peters asked if OSPR intends to regulate these vessels since, as public vessels, they don't have to meet the standards. Ray Addicott stated that MSC entered into an agreement with the USCG to undergo inspections by the Coast Guard. He went on to describe an approach to best achievable technology that might parallel a concept called "figure of merit" used in mission related naval training. When judging the figure of merit to assign to a particular mission plan, factors such as the training of the participants, the equipment, whose in charge, weather and situational specifics are all taken into consideration to arrive at the final rating.

31. R. Peters stated that staff is needed to do what is required of the HSC. The committee should recognize where its role stops and OSPR's role begins. B. Sands agreed that recommendations addressing risk assessment will require the input of professional consultants.

32. J. Faber asked if an official request had gone to the Navy asking them to submit to tug escorts. A. Thomas responded that there had already been an unofficial request from T. Hunter of the Clearing House. J. MacDonald added that OPA '90 requires escorts in Prince William Sound and Puget Sound. C. Adam asked if public vessels would come under these regulations. J. MacDonald responded no. A. Thomas asked if the Coast Guard has looked into this issue and J. MacDonald responded yes. A. Thomas asked if the Coast Guard had made any determinations. J. MacDonald responded that the Coast Guard has determined that these vessels are commercial. B. Leland asked if this was a Vice Commandant's decision. J. MacDonald responded yes. B. Leland asked if a copy of the documentation is available and J. MacDonald responded that it would be provided to the Clearing House.

33. The next full committee meeting will be held at the Port of Richmond on 9-9-93, at 9:30. A. Thomas indicated that he would be attending an IMO Navigation Sub-Committee meeting and would not be present. A. Notthoff will chair or, in the event that she is unavailable, the chair will pass to J. Lundstrom. If 9-9-93 is a state holiday (Admission Day) the date will be changed.

34. MOTION to adjourn at 12:35 by D. Koops, seconded by R. Peters. Meeting adjourned by unanimous vote.

Respectfully submitted,

Terry Hunter

Terry Hunter

