

MINUTES

HARBOR SAFETY COMMITTEE OF THE SAN FRANCISCO BAY REGION

9:30 a.m., Thursday, September 8, 1994

Port of San Francisco, World Trade Center, San Francisco, CA

1. The public meeting was called to order by Vice-Chair, Joan Lundstrom, at 9:30. The following committee members or alternates were in attendance: David Adams, Port of Oakland; James Faber, Port of Richmond; Alexander Krygsman, Port of Stockton; Dwight Koops, SeaRiver Maritime; John Gosling, Matson Navigation Company; Robert Clinton Crowley Maritime; Marci Glazer, Center for Marine Conservation; Carl Bowler (alternate for Arthur Thomas), San Francisco Bar Pilots; federal government representative from the U. S. Coast Guard, Cmdr. Commander Dennis Sobeck (VTS) and Captain Donald Montoro (MSO); and Robert Mattson, U. S. Navy. Also in attendance Bud Leland, OSPR.
2. T. Hunter, Marine Exchange, confirmed that a quorum was present.
3. B. Leland, OSPR, reported on new and returning members and alternates as a new three year term begins, and administered the oath of office to all members and alternates present.
4. MINUTES OF PREVIOUS MEETING, 8-11-94, were approved without objection.
5. In opening remarks, J. Lundstrom, thanked former Vice-Chair Ann Nothoff for her work and addressed the continuing work to be done on elements of the Harbor Safety Plan, especially Tug Escort Regulations.
6. COAST GUARD REPORT, D. Montoro. There were 51 pollution incidents in the past month, with 14 resulting in civil penalties. The complete report is attached to and made a part of these minutes. 47 vessels were boarded during the month as part of the sub-standard vessel inspection program. D. Montoro reported that as the program continues, vessels that were previously found to have SOLAS deficiencies are returning to San Francisco with those problems corrected. There were no vessels subjected to SOLAS intervention in the past month. The complete report is attached and made a part of these minutes. Also attached and made a part of these minutes is the report of significant port safety events. All cases investigated were minor and have been closed.
7. Lt. Jr. Grade Dave Pugh of the Investigations Office, MSO, reported on the CasRisk Program. Last year the Coast Guard asked MSO to develop a better system for reporting incidents/casualties because the system in place did not allow for the retrieval of data by group, type, etc. MSO has created a database using Coast Guard software which is IBM compatible for use by other users. MSO personnel went through the last four years' reports manually to determine which were reportable marine casualties. There were 650 cases between 1-90 and 12-93, which have been entered into the database with information regarding vessel type (14 categories), location by geographical area and longitude/latitude, flag, over/under 1600 gross tons, presence of a pilot, type of casualty (10 categories), and the primary and secondary reasons for the incident. This data can be sorted by any of these fields. It is agreed that the term "near misses" is a vague and subjective term. In order to respond to an HSC request to look at this issue, MSO went to VTS and reviewed all incident reports over the last four years and determined which were incidents that involved the compromising of safety in some way. In the future the decision must be made as to whether these incidents should be included in the CasRisk system.
8. The data in the CasRisk system can be reported on a charting system, i.e., grounds of San Francisco Bay. The problem with data from previous years is specifying the location; a report may read "grounding between Alcatraz and Treasure Island". Current reports are much more accurate, with the use of satellite and GPS. In addition, data is now being entered into the system as reports are completed. John Roberts, Marin Co., asked if a similar system has been considered for addressing pollution incidents. D. Pugh responded that, to date the system is only used for casualties. A. Nothoff asked if any other ports have systems similar to the CasRisk system. D. Pugh and D. Montoro both reported that the information is getting out and each has been asked to send information on what is being done in San Francisco

Harbor Safety Committee of the San Francisco Bay Region
Thursday, September 8, 1994

to other areas. J. Lundstrom noted that, in 1992, HSC recommended the Coast Guard implement a system like CasRisk and then take it statewide and coastwise. D. Montoro responded that it would be difficult to get high level support for expansion of CasRisk because there is a similar federal program in existence (MSIS). MSIS is the same type of system as CasRisk, but is not as user friendly and cannot retrieve information by the variety of fields or in such a timely manner. While MSIS data is available to the public on request, sorting data may require specialized programs and take months.

9. D. Adams asked if MSO is going to use CasRisk to prepare an analysis or wait for inquiries. D. Montoro responded that he has asked for participation from members of the HSC to meet and analyze the data to look for trends. J. Lundstrom added that the Chair of HSC has appointed a Reportable Events Sub-Committee (M. Croce, Chair; C. Bowler, P. Moloney and J. Lundstrom) to develop a definition of "near miss", analyze data and make recommendations. D. Montoro stated his understanding that USCG remain the lead group for this effort.

10. CLEARINGHOUSE REPORT, A. Steinbrugge. The report, with statistics for the month of August and the year-to-date, is made a part of these minutes. There was one failure to report in to the Clearing House prior to escort and this was reported to OSPR. Tanker traffic in the San Francisco Bay Area has remained stable over the past year.

11. OSPR REPORT, B. Leland. (a) OSPR is currently involved in a recovery effort requiring the participation of 25 staff members in Guadalupe (UnoCal). (b) The Administrator has received a letter on behalf of escort vessel personnel challenging the process used to commission the Glosten Study and peer reviewer. The OSPR response is in draft form, to be issued soon. (c) The minutes of the last HSC meeting refer to statements by C. Raesbrook, OSPR, regarding changes in California's open meeting regulations that may affect HSC and its sub-committees. OSPR has sent a package to the State Attorney General's office asking the question and requesting clarification. When the Attorney General's response and pamphlet on the changes are available, OSPR will fill in the gaps in procedures with written direction rather than regulations. J. Lundstrom added that changes in the Brown Act address policy decisions made in executive session.

12. A. Nothoff asked the status of the Coastal Protection Review. B. Leland responded that the gap analysis is complete and OSPR has approved the capability in submitted contingency plans. The response capabilities for each area has been gauged, including Coast Guard and Navy capabilities. OSPR looked at four scenarios and assessed response capabilities. A draft report should be ready in two to three weeks. A question from the floor addressed the possibility that OSPR might be looking into regulations changes regarding lightering in Anchorage 9. Current regulations require the boom vessel be within 1/2 mile of the vessel and this creates problems. B. Leland noted that this is the first time he has been advised of the issue. D. Koops stated that this problem has been addressed by SeaRiver, Clean Bay I and II and the pilots and he believed the matter was settled. The questioner responded that new regulations have reversed earlier procedures. D. Koops stated that SeaRiver will work with the Pilots rather than look to the regulatory process for a solution.

13. TUG ESCORT SUB-COMMITTEE, J. Faber. (1) A public meeting was held 8-30-94. The revised "Lundstrom List" was reviewed and updated. Written comments are requested by the end of September. (2) The sub-committee reviewed a letter from concerned tug boat workers addressing the choice of Glosten and the peer reviewer. P. Bontadelli, Administrator, will respond. (3) In the absence of M. Croce, no update on the Glosten Study is available at this time. (4) A question from the floor addressed the interweaving of OPA 90 and state tug escort regulations. D. Montoro expressed a lack of understanding as to the sub-committee's goal and the degree in which movement of vessels will be managed under state regulations. J. Faber added that it is his understanding that the Coast Guard is awaiting TES input to develop standards. D. Montoro suggested a meeting to determine if federal and state regulations are on the same wavelength. (5) The next TES is scheduled for 10-11-94.

Harbor Safety Committee of the San Francisco Bay Region
Thursday, September 8, 1994

14. D. Montoro stated that a notice of proposed rule making (NPRM) addressing tug escorts is expected next spring, with proposed regulations for San Francisco to mirror Puget Sound. The goal is to determine the optimum and safest way to conduct transits after analyzing traffic patterns. D. Montoro sees the federal objective as "don't ground or hit anything." He expressed approval of the ASTM standards and added that regulations/standards may include maximum speeds, etc. He favors vessel specific transit plans based on the characteristics of each vessel. M. Glazer noted that TES has looked at requesting a project manager from Washington, D. C., attend an HSC meeting to explain federal thinking. She added that the problem is who will perform the analysis and set standards. D. Montoro responded that the federal government is waiting and watching the evolution in Seattle and Valdez. M. Glazer asked if HSC and the Coast Guard could get together to make a joint request for a Washington representative to visit San Francisco - the key is to have coordinated state and federal regulations. J. Lundstrom added that HSC needs a calendar of the critical dates for the federal process in order to intertwine the development of state regulations. D. Montoro responded that the process will take approximately one and a half years. The regulations for Prince William and Puget Sounds gives some performance standards but includes no enforcement mechanism. The Coast Guard does not want to take responsibility for enforcement, leaving it up to the vessel operators to make the final determinations. D. Koops added that the federal regulations for these two areas include strict criteria, leaving people in Prince William and Puget Sound scrambling to comply. He sees a multi-faceted and uncoordinated effort. D. Montoro stated the NPRM which will include San Francisco is expected in April, with a 90 day comment period to follow. J. Lundstrom requested D. Montoro to provide HSC with a written time line estimate for the federal rule making process. W. Capasso asked if federal regulations will include an additional certification process. D. Montoro responded that the federal process is waiting to see how things evolve in Seattle and Valdez. J. Lundstrom suggested the HSC chair might appoint a steering committee to work with the Coast Guard to address the interweaving of federal and state regulations.

15. J. Lundstrom suggested it is the sense of the committee that a request go out ASAP from the HSC chair asking that Washington staff member Tom Jordan visit the SF HSC in the next two to three months to exchange views. D. Montoro responded that T. Jordan first needs an idea of the objectives of the HSC regarding tug escort regulations and standards. He suggested representative of TES, OSPR and the Coast Guard meet to discuss these issues first. T. Hunter stated that state regulations are and have been in effect. He asked if the Coast Guard is interested in meeting with the state to deal with possible conflicts between state and proposed federal regulations. He reported that the Administrator has sent a letter to the Commandant of the Coast Guard stating that the local expertise and work that has gone into state tug escort regulations should stand. The letter was an invitation to open dialogue between the Administrator and Coast Guard. J. Faber stated the Coast Guard is writing a cookbook, while the state has recognized that you can't match tugs to vessels in every instance and is looking for broad parameters. D. Montoro stated that the state can be more stringent than the federal government, but can't pre-empt federal regulations. A. Nothoff responded that OPA 90 has provisions that allow states to regulate tug escorts. M. Glazer stated that she would like OSPR to request Tom Jordan come to San Francisco. D. Montoro expressed the opinion that such a request would be premature prior to the Commandant responding the Administrator's request to remove San Francisco from the federal regulations. D. Adams stated that Thompsen Publications offers information to help see the coordination between OPA 90 and the Ports and Waterways Safety Act as they apply to tug escorts.

16. PLAN SUB-COMMITTEE, J. Lundstrom. The annual review has been completed and forwarded to the Administrator. It includes the only available summary of the COE underwater rock study, the status of earlier HSC recommendations and follow-up/implementation, a summary of the CasRisk System and a full update on tug escorting and the direction thereof by R. Peters. Also included is a review of the three new HSC sub-committees, a USCG summary of MSO reported pollution events, OSPR's record of tug escort violations to date and the most recent bollard pull results. J. Lundstrom emphasized that the HSC recommendations exist to be available in this forum for review and amendment.

17. REPORTABLE EVENTS SUB-COMMITTEE, P. Moloney. The sub-committee hasn't met since its first meeting. Work is proceeding on a form based on FAA's near miss form, the task being to gear up and simplify the

Harbor Safety Committee of the San Francisco Bay Region
Thursday, September 8, 1994

form for the professional mariner. J. Lundstrom noted that several years ago Washington State mandated that pilots report near misses. In response to her request for a progress report, J. Lundstrom was informed that MSO in Washington has received no reports and has no system to integrate with the Coast Guard on a federal level. Both LA/LB and Washington State are interested in developing language for a consistent definition of "near miss." Suzanne Roglan, LA/LB HSC, reported that OSPR is funding a meeting in LA/LB on 10-4-94 for representatives of all HSCs, the Coast Guard 11th District and OSPR to coordinate a definition.

18. **PORTS SUB-COMMITTEE.** No report.

19. **UNFINISHED BUSINESS:** (1) B. Leland distributed blank oath forms to be completed by those taking the oath of office earlier in the meeting. (2) J. Faber asked the status of requests that the Navy voluntarily comply with tug escort regulations. R. Mattson, US Navy representative, responded that the question is in the Office of the Chief of Naval Operations for review. The chair noted that the matter should be on the agenda for the November HSC meeting if no response has been received by then.

20. **NEW BUSINESS:** (1) D. Montoro introduced the new CO of VTS, Dennis Sobeck, who briefly discussed the use of VTS becoming mandatory 10-13-94, as recommended by the HSC. He noted that changes on the Bay will be minimal; reporting and operational procedures will remain the same. In response to a question as to enforcement procedures, he responded that, for the time being, USCG will not be writing violations, but instead issuing warning letters until everyone has had time to get the word. He has met with the San Francisco Bar Pilots and ferry operators. A new user's guide is in draft form and should be ready for distribution mid-October. T. Hunter stated that the Marine Exchange can assist in distributing a notice that VTS is mandatory effective 10-13-94, with an executive summary of the regulations. (2) D. Koops asked D. Sobeck if VTS is looking at mandatory one-way traffic northeast of Alcatraz in the deep water traffic lane. D. Sobeck responded that traffic may be designated one-way when a vessel with hazardous cargo is in that zone, i.e., it would be a regulated navigational area. This is in the draft stage and will come out in an NPRM, followed by public comment and final rule. Pinole Shoal Channel between light 7 and light 15 will be included in the same regulation.

21. The next meeting will be held 10-11-94 at 9:30 a.m. at the Port of Oakland. The November meeting date has been changed to the third Thursday, 11-17-94, 10:00, at the Port of San Francisco.

22. A. Nothoff noted that the TES meeting scheduled for 10-11-94 is in conflict with an OSPR workshop on shallow water recovery, scheduled for 10-11 and 10-12.

23. **MOTION** to adjourn by D. Adams, seconded by A. Krygsman. Meeting adjourned at 11:40.

Respectfully submitted,

Terry Hunter
Executive Secretary