

## MINUTES

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

9:30 a.m., Thursday, October 13, 1994

Port of Oakland Board Room, 530 Water Street, Oakland, CA

1. The public meeting was called to order by Chair, Arthur Thomas, 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; Roger Peters, Port of San Francisco; Margot Brown, National Boating Federation; Geoff Landon (alternate for Maurice Croce) Chevron Shipping Company; Joan Lundstrom, San Francisco Bay Conservation and Development Commission; Rich Smith (alternate for Dwight Koops) SeaRiver Maritime; James Mes (alternate for Michael Nerney), Transmarine Navigation Corp.; Robert Clinton (alternate for Ron Duckhorn), Crowley Maritime; federal government representative from the U. S. Coast Guard, Captain Donald Montoro and Lt. Rick Nacarra (MSO); and Robert Mattson, U. S. Navy. 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, 10-13-94.** J. Lundstrom noted that on page 4 under the Reportable Events Sub-Committee report, "the Washington *State* Office of Marine Safety has received no *voluntary* reports." The minutes were approved as amended, without objection.
4. In opening remarks, A. Thomas thanked Captain Montoro and MSO for hosting a welcome reception on 10-12-94 for Tom Jordan, U.S.C.G. Headquarters in Washington, D.C., who is the civilian charged with the details of federal tug escort regulations for Prince William and Puget Sounds and Valdez. A. Thomas reported that he, B. Leland, R. Peters and T. Jordan had a three hour lunch meeting that same day. T. Jordan fully agreed that this committee and the State of California should continue the development of local regulations, working with D. Montoro or Jordan himself directly. The regulations coming from this local process are likely to be more stringent than the federal regulations currently under consideration. In addition, the federal regulations may not include the San Francisco Bay Region. The American Society for Testing and Materials (ASTM) Vessel Escort Task Group is meeting this morning. The group includes HSC members M. Glazer and M. Croce and the HSC will expect a report on the group's work at the next HSC meeting. The Chair noted that, even before the completion of the Glostun Study, the State of California is ahead of federal efforts to develop tug escort regulations.
5. **COAST GUARD REPORT.** D. Montoro reported that the reception for T. Jordan was well attended and thanked the Marine Exchange for their help. He concurred with the statements of the Chair and applauded the position and work of the HSC. 18 cases of reported spills were investigated in September, with 9 resulting in civil penalties being levied. 43 vessels were boarded under the provisions of the sub-standard vessel inspection program, with one vessel subject to SOLAS intervention. The written reports are made a part of these minutes along with a report on significant port safety events, the most significant of which was a spill at Unocal on 10-9-94. 90 gallons of Cook Inlet crude spilled into San Pablo Bay when the tide cycle changed, causing the vessel to shift and a hose to tear. Clean Bay, Riedel Environmental Services, Allwaste and Unocal personnel responded. Most of the product dissipated over night with 32 gallons being recovered. Steve Ricks of Clean Bay met with Unocal personnel for a debriefing to learn from the event. At the last HSC meeting, there was discussion regarding CasRisk application to pollution events. In response, D. Montoro reported on the Spears program, which gets trajectories and can do modeling. Pollution cases have been downloaded into this system for analysis.

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**6. CLEARINGHOUSE REPORT, A. Steinbrugge.** The report, with statistics for the month of September and the year-to-date, is made a part of these minutes. There were two violations during the last month involving failure to notify the CH prior to movement. In each case, the tugs were in place and the violation was one of procedure. The January and February reports have been corrected and are available from the CH for anyone interested. J. Faber asked what happens when there is a violation of procedures. B. Leland responded that, when a violation occurs, the CH notifies the State and wardens investigate. To date, warnings have been issued but there have been no fines levied. R. Peters asked if the cause of these most recent violations can provide a lesson to be learned. A. Steinbrugge responded that these events involved regular players and the problem was no more than "forgetfulness". T. Hunter added that many companies now have checklists which include reporting into the CH.

**7. OSPR REPORT, B. Leland.** (1) B. Leland thanked D. Montoro for hosting the 10-12-94 meeting with T. Jordan. The Administrator, P. Bontadelli, with members of his staff, is at the ASTM meeting referred to earlier. (2) The Coastal Protection Review to the legislature is due 1-5-95, as part of contingency plan provisions. Workshops have been set up in seven sections of California. The SF workshop is scheduled for 12-1-94, with time and place to be announced. Dates for other areas are available upon request. (3) The National Academy of Science report "Minding the Helm", which addresses guidelines for pilotage nationwide, is available. Requests can be directed to 800-624-6242. (4) Yesterday concluded a two day shallow water symposium at Fort Mason to address capabilities for response to spills. The Administrator participated. (4) Any members or alternates to HSC who have not yet been sworn in should do so after today's meeting. Letters establishing headquarters for the purpose of reimbursement of expenses will be in next week's mail. (5) G. Landon asked about the stationing of a response vessel 1/2 mile from bunkering and lightering operations in Anchorage 9. He referred to requests that the response vessel be positioned at a greater distance. B. Leland responded that this is being handled by the enforcement branch of OSPR. R. Smith offered himself and S. Ricks, Clean Bay, as sources for information regarding situations that occurred. (6) J. Faber asked the status of OSPR's investigation of HSC members and liability considerations. B. Leland responded that the decision is waiting for the Administrator to sign off on it. In light of a threat to OSPR from federal entities yesterday, A. Thomas asked B. Leland to carry a message to P. Bontadelli that HSC appreciates his attention to this important issue (7) The Administrator has agreed to OSPR's limited financial participation the initial PORTS demo project. Prospects for installation of equipment in the near future are encouraging and NOAA had wanted State participation. OSPR will fund the telephonic communications required. T. Hunter added that inception of the project is getting closer and it will be a few months at the most before initial steps are taken. C. Bowler reported that a two year mini-project has been put together with the help of NOAA's Oil Spill Trajectory Office in Seattle and Coastal Geodetic Survey Office in Palo Alto. Data gathering equipment will be located in the Oakland area, Richmond, the Golden Gate Bridge and Carquinez Strait. The stated purpose of this mini-project is to model currents in the bay and develop oil spill trajectory paths as well as to introduce the technology to various users to demonstrate the benefits to them. It is hoped that, at the end of two years, the political support will be there to keep and expand the project. As reported earlier, OSPR will fund the communications aspect of the project, i.e., telephone lines. J. Lundstrom asked if, during this trial period, commercial users and/or pilots would have telephone access to the data being collected and, if so, would there be a cost. C. Bowler responded that it is anticipated that access will be available during the trial period at no cost, due to OSPR's support.

**8. TUG ESCORT SUB-COMMITTEE REPORT, R. Peters.** The Glosten Study is not available for public distribution yet. Work is still being done to improve the work on SF geographic zones 5 and 6. Plans have not been developed for a method for bringing this important body of work to the public and the

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TES is working with the TAG and Chair to this end. The major themes are well enough developed to be discussed generally and TES/TAG will conduct a briefing 10-14-94 at the Port of San Francisco at 2:00. Discussion will include (1) review of statistical approach restraints; (2) traffic routing; (3) combining geographic zones to arrive at a new regulatory scheme; (4) reviewing propulsion steering systems; (5) timing the tethering process; and (6) how the study might be processed into a regulatory scheme. R. Peters stated that, regarding the business of OP '90 and the federal effort relative to tug escorting, it is his view that the HSC is on the right track to the development of the best area specific regulations possible. OSPR has liaised with Coast Guard efforts and HSC members should not despair over conflicts. The process is best served by moving forward with the program. He noted that J. Lundstrom has done background work comparing characteristics for three west coast areas, looking for similarities and differences. Her memo of 10-3-94 is made a part of these minutes. W. Capasso asked about agenda items for the 10-14-94 TES meeting. R. Peters responded that the Glosten report has not been finalized and approved - the agenda is based on general themes. R. Clinton asked when the report will be complete for distribution. R. Peters responded that M. Croce had received the report and sent it back for more work. G. Landon added that M. Croce will be at the 10-14-94 meeting to answer questions. The meat of the study will be used to develop a strawman approach taking an escort through the process. R. Peters asked B. Leland if the HSC can ask OSPR to look at the Lundstrom list questions and if Marion Ashe could work on various issues that will help SF tug escort regulations share commonality with other California ports wherever appropriate. B. Leland responded that both ideas sounded good and he would take them to the Administrator. He added that standardization will benefit safety and industry.

**9. PLAN SUB-COMMITTEE REPORT.** No report. J. Lundstrom suggested that, with the National Academy of Science report on pilotage now available, the Pilotage Sub-Committee should schedule a meeting.

**10. REPORTABLE EVENTS SUB-COMMITTEE REPORT.** J. Lundstrom reported that she and R. Clinton attended a meeting in Los Angeles with representatives from all five HSCs, USCG MSO Los Angeles, the Los Angeles Marine Exchange and three OSPR staff members. The group was looking for a definition of "near miss" to the end goal of a better system of reporting to integrate with casualty reports, working with the Coast Guard to analyze the data. The group focused and agreed on one definition of near miss for usage at the state level. The proposed definition is based on VTS's broad definition, "a close quarters situation". Consensus was that the new term "reportable event" be used. Washington State language was reworked. The Reportable Events Sub-Committee will address this material and report to the SF HSC. Participants are looking to develop a voluntary system for reporting to the CG. R. Smith noted that Washington State regulations have been in effect over a year and to maintain consistency for operators in more than one state it would be beneficial to incorporate that language. R. Clinton responded that the proposed change will be very minor. P. Moloney is currently developing a proposed voluntary reporting system. P. Moloney reported that a sub-committee of the RES had met to review CG CasRisk data. Of reports reviewed, there was one reportable event, eleven instances of mechanical malfunction and three incidents involving small boats. D. Montoro stated that issue of small boats is a priority and the CG is aggressively seeking civil penalties. The CG is looking to put the essence of Rule 9 into regulations. D. Montoro has asked VTS to broadcast Rule 9 provisions during regattas. M. Brown suggested that the Pacific Inter-Club Yacht Association be brought into the loop. If provided with CF#'s or vessel log entries demonstrating poor seamanship or dangerous practices on the part of small boat operators, PIYA can publish this information in its publication of 10-20-94. PIYA fully supports taking action against inappropriate behavior. P. Moloney submitted a pamphlet published in Portland, Maine, titled "Big Ships - Little Boats", which shows vessel routes and where Rule 9 applies and gives common sense advisories. It will be forwarded to the Marine Exchange for distribution. J. Lundstrom pointed out that the value of

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CasRisk is the possibility of seeing clusters of events which indicate continued problems. When these patterns are observed, marinas and publications serving the subject area can be advised and provided with information to disseminate. G. Landon suggested that it may be a failure of the HSC procedure to learn only from navigational issues. At the next RES meeting he will address the appropriateness of focusing solely on navigational events.

**11. UNFINISHED BUSINESS:** R. Mattson, US Navy representative, reported that he presented a letter to the Chair before the meeting, a signed copy to follow by mail, which states the Navy's position regarding tug escort regulations applicability to MSC ships. A. Thomas read the letter and observed that it means that the Navy plans not to comply with California tug escort regulations. Chuck Raesbrook, OSPR, has been handling liaison with the Navy. A. Krygsman asked if the Navy will issue a report on their findings and position and, if so, when. R. Mattson responded that a report would be forthcoming in a couple of months. R. Peters requested that a copy of the letter be distributed to all HSC members.

**12. NEW BUSINESS:** None.

**13. NEXT MEETING** will be held 11-17-94 at 10:00 the Port of San Francisco Commissioners' Board Room.

**14.** Discussion regarding possible cancellation of December's meeting. R. Peters noted that the TES will not be in a position to put out revised guidelines in December as originally planned. B. Leland stated that he would like to check with the Administrator regarding an OSPR supported social event that day (12-8-94).

**15.** Discussion of Brown Act as it applies to HSC regular and sub-committee meetings. Meetings must be noticed in writing (postmarked) seven days prior to the scheduled meeting. Special meetings can be called with 72 hours notice; such notice to include an agenda. T. Hunter reported that the MS has requested a definition of "special". The legal department advises that, if there is a doubt, use the more stringent time frame. J. Lundstrom requested that the relevant regulations be distributed to all members. R. Peters asked that the definition of "special" be included with the regulations. J. Faber asked if, in the instance of a special meeting, issues addressed cannot go beyond the distributed agendas. T. Hunter responded yes and added that OAL is still looking at the question. J. Lundstrom stated that HSC was first seen as a state appointed committee covered by the Bagley-Keene Act. Now it is viewed as a local board governed by the provisions of the Brown Act. To add to the agenda the committee or sub-committee would have to first vote by a 4/5 majority to declare an emergency situation and then vote to put the matter on the agenda. At this point the committee or sub-committee can go into closed session. T. Hunter and B. Leland will develop a paper for HSC members.

**16. MOTION** to adjourn by M. Brown, seconded by J. Lundstrom. Meeting adjourned at 1115 without objection.

Respectfully submitted,



Terry Hunter  
Executive Secretary