

## **Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun**

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### **BOARD OF PILOT COMMISSIONERS - OVERVIEW**

The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board or BOPC) – sometimes called the "the Pilot Commission" – licenses and regulates up to 60 pilots who guide ships of 750 gross tons or greater in the Bays of San Francisco and Monterey and tributaries to ports in Stockton and Sacramento. The Pilots are organized for business operational purposes as the "San Francisco Bar Pilots." The following provides an overview of the Board's history, structure, jurisdiction and functions.

#### **History**

The Board was created by the first legislative session of the new state of California in 1850 and has been serving continuously ever since. Statutory references to the Board can be found in the Harbors and Navigation Code § 1100 *et seq.* Board regulations can be found in California Code of Regulations, Title 7, § 201 *et seq.*

#### **Jurisdiction**

Geographically, the Board's jurisdiction and the "pilotage grounds" of its licensees includes the various bays in the San Francisco Bay Area, the tributaries all the way to Stockton and Sacramento, and Monterey Bay, with 70 separate terminals in ten counties. The Board is the only state-level pilot commission in California limited to the pilotage grounds previously described. Pilots on other California waters operate under the authority of their federal pilot's license and typically perform under the direction of a local government authority.

#### **Economic and Environmental Impacts**

The licensed pilots facilitate over 8,000 ship movements annually. According to recent studies, maritime trade in the San Francisco Bay has an overall economic value of more than \$1.2 billion per day. This trade supports tens of thousands of California workers and helps deliver goods throughout the state and much of the nation. More than \$35 billion in imports and \$15 billion in exports each year can be attributed directly to ports served by the pilots licensed by the Board.

The Board's pilotage grounds include more than 1,000 miles of coastline and 90 percent of the state's marshlands. The region is home to fishing, tourism, and recreational opportunities serving tens of millions of visitors annually. The Board's focus on safety ensures the region's environment is preserved and protected.

#### **Government Hierarchy**

The Board originally existed as a state commission without having been included in the Governor's cabinet structure. It became a constituent department of the California Transportation Agency (formerly the Business, Transportation and Housing Agency) on January 1, 2009. The Agency Secretary, a cabinet member of the Governor, exercises general oversight and

supervision over the Board. The Commission's expenses are paid for by industry through surcharges on pilotage fees and not by state or local taxes.

### **Current Structure**

The Board consists of seven members appointed by the Governor (also known as Commissioner) and one ex-officio member as follows:

- Two are pilots licensed by the Board;
- Two are "industry members" - one from the tanker industry and one from the dry cargo industry;
- Three are public members who are neither pilots nor work for companies that use pilots; and,
- The Secretary of the California Transportation Agency, who serves as an ex officio non-voting member.

All members except the Agency Secretary are appointed subject to confirmation by the Senate. Board members serve four-year terms and may be reappointed for one additional term. The public members come from varying backgrounds, usually having considerable business, government or financial expertise. In matters in which the industry and pilots have differing viewpoints, it is often the public members who cast the deciding votes.

### **Staff**

The Board employs four full time employees: an Executive Director appointed by the Board, an Assistant Director selected by the Agency Secretary, a Staff Services Analyst, and an Office Technician. The Board contracts for "commission investigators," all of whom are retired shipmasters to investigate maritime incidents involving pilots, and medical doctors that act as Board-appointed physicians to conduct pilot medical fitness examinations and determinations. The Board also contracts with the California Highway Patrol for administrative support, and the Department of Justice for legal support.

### **Committees**

The Board does much of its work through a variety of committees that often include non-Board members as well as Commissioners. The committees develop their own subject matter expertise. Committees hold public meetings or workshops to gather evidence, develop consensus, and make recommendations to the Board. The work of each committee is advisory. The Board has the ultimate authority to decide matters that come before it.

### **Meetings**

The Board itself meets regularly once a month in San Francisco, and holds special meetings as necessary on specific topics. All meetings are noticed and are open to the public with agendas available on the Board's web site at: [www.bopc.ca.gov](http://www.bopc.ca.gov). During public meetings, the Board may go into closed sessions to deal with specific agenda items that must be kept confidential.

## **Pilot Licensing and License Discipline**

The main function of the Board is **pilot licensing** involving the selection and training of new pilots, and the issuance of original (first time) and renewed pilot licenses under the following conditions:

- As a prerequisite, licensed pilots must hold a federal first-class pilot license with various endorsements issued by the U.S. Coast Guard (USCG).
- Pilot trainee training program entrants must be seasoned mariners with specific levels and duration of maritime experience.
- Pilot license applicants must successfully complete a pilot trainee training program administered by the Board.
- Licensed pilots and trainees must be physically fit to conduct piloting activities. Physical fitness is checked and certified by Board-appointed physicians. The Board's regulations were amended in 2014 to include updated rigorous pilot fitness requirements.
- The number of pilot licenses issued is limited to a maximum of 60, which limit is set by the Board.
- Pilot licenses are issued for one year only, and are subject to an annual renewal process.
- The Board continuously monitors licensed pilots, and provides statutorily-required ongoing periodic training to licensed pilots.

**License discipline** is an essential part of the Board's monitoring and supervision of the licensed pilots and pilot trainees. The license discipline system operates as follows:

- Navigational incidents involving the possibility of pilot error and other claims of pilot misconduct are the most common causes triggering discipline.
- Investigations are performed by the Executive Director and contracted marine investigators.
- The investigation is overseen by the Incident Review Committee of the Board that is comprised of one public member of the Board and the Executive Director.
- The outcome of the investigation is presented to the Board by the Incident Review Committee in a written report.
- The Board determines and imposes discipline such as reprimand, counseling, corrective action, or suspension or revocation of a license through a formal administrative action under the Administrative Procedure Act.

## **Pilot Trainees**

All pilots must be selected for and successfully complete a Board-administered pilot trainee training program that can last a minimum of one year and up to three years before the trainee is eligible for licensing. Candidates for the pilot trainee training program must have a USCG master's license, one year command experience on deep draft vessels or two years on tugs, and pass both a written exam and simulator exercise. Evaluation of the training program candidates' performance in the simulator is performed by a panel comprised of existing pilots, pilots from another state jurisdiction, and former or current shipmasters. Both the written and simulator portions of the exam are devised in conjunction with, and supervised by, a professional psychometrician contracted with the Board.

The trainees who are selected and admitted into the pilot trainee training program are required to be available full time for up to three years, and receive a small monthly stipend from the Board while in the program. Trainees ride on ships with each of the 60 pilots, initially as observer, and eventually pilot the vessels under the supervision of a licensed pilot. By the time a trainee completes the training program, each trainee will have received training on every type of vessel that comes into the Board's pilotage grounds, and will have navigated ships into and out of virtually every facility multiple times.

The pilot trainee training program training is supervised by a five-member Pilot Evaluation Committee made up of senior San Francisco Bar Pilots. That committee tracks each trainee's progress and, based on written criteria, determines when the trainee has successfully completed the training and recommends to the Board when the trainee is ready to be licensed.

### **Pilot Continuing Education**

The Board administers a Pilot Continuing Education Program that provides statutorily-required periodic training to licensed pilots to ensure that pilots have updated piloting knowledge and skills. There are two separate five-year training cycles which each licensed pilot must complete— a five-day manned scaled model ship handling course , and a five-day combination course that includes components covering bridge resource management, simulated ship handling, emergency medical response, advanced electronic navigation with an emphasis on maneuvering in restricted visibility, fatigue management, and regulatory review. The Board contracts with outside training providers, and all training is overseen by the Pilot Continuing Education Committee.

### **Pilot Safety**

The safety of pilot hoists, pilot ladders, or the proper rigging of pilot hoists is critical to pilot safety. For that reason, the Board has a role in ensuring pilot safety. The Board is empowered to investigate pilot ladder and boarding equipment safety violations reported by the pilots. The Executive Director or a marine investigator performs an investigation of each reported safety violation. Following the investigation, the Executive Director reports on the issue of compliance to the Board. Although the Board has no jurisdiction to compel remedying the safety issues, the reports are forwarded to the USCG, which is empowered to take enforcement action.

The reports of safety violations are published in the Board's monthly minutes, which receive considerable distribution among those concerned with pilotage in the Bay Area. These reports also show up on the vessel's incident and casualty history maintained by the USCG and can impact a ship's likelihood of being boarded by the USCG in the future.

### **Pilot Rates Regulation**

Pursuant to statute, most vessels calling at the ports and terminals located in the Board's pilotage jurisdiction are subject to pay compulsory pilotage fees. Accordingly, there are state regulated rates that the pilots charge for the provision of pilotage services. Pilotage rates are set by the Legislature upon the recommendation of the Board. The Board makes its rate recommendations after a formal public hearing requested by any party directly affected by pilotage rates.

## **Pilot Pension Plan Oversight**

A San Francisco Bar Pilot Pension Plan (Pension Plan) was established in 1974 to provide benefits to pilots who have been licensed by the Board for more than 10 years. The Pension Plan is not an obligation of the State of California. It is non-funded, with pensioner payments made on a current cash basis through a surcharge on pilotage fees charged by the pilots. The benefits are computed based on a statutory formula, and the Pension Plan is administered by Board-appointed fiduciaries.

## **Coast Guard and Industry Relations**

The working relationship between and among the San Francisco Bar Pilots, the Board, the shipping industry and the USCG has been described as one of the best in the country. Senior representatives of USCG Sector Command (San Francisco) and the Vessel Traffic Service (VTS) routinely attend the Board's monthly meetings and periodically address the Board on issues of mutual interest. The Board's Incident Review Committee and the USCG's Senior Investigating Officer work closely together. Board representatives routinely attend harbor safety and maritime security meetings as well as the periodic change of command ceremonies at USCG commands responsible for marine safety issues.

Shipping industry representatives are active participants in virtually all of the Board's functions and have representative members on the Board and on most of its committees.

The Board recognizes that its past successes have been due to the efforts of no one person or entity. It has been the desire to cooperate and participate in finding mutually acceptable solutions on the part of the licensed pilots - both as an organization and individually - as well as the industry, the Coast Guard and other government entities, and the Board. This effort has resulted in the good working relationship that exists today. With the leadership in charge of each of those entities, the Board fully anticipates that cooperation to continue.

## **Pilot Fatigue Study**

Senate Bill 1408 (Chapter 794, Statutes of 2012) requires the Board to fund an independent study of the effects of work and rest periods on the psychological ability and safety of licensed pilots. The legislation also requires the Board to promulgate regulations for pilots establishing requirements for adequate rest periods intended to prevent pilot fatigue. The Board has identified several renowned governmental sleep study research experts and is moving forward to let a contract for the study in 2015 using existing resources.