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JOINT COMMITTEE MEETING:
PILOT FITNESS AND RULES AND REGULATIONS COMMITTEES
October 20, 2011
MEETING MINUTES
9:00 a.m.

The Board of Pilot Commissioners Pilot Fitness Committee and Rules and Regulations Committee met jointly on October 20, 2011 at 9:16 a.m. at the Board of Pilot Commissioners office, 660 Davis Street, San Francisco, California. Commissioner Dave Wainwright presided over the meeting with Committee members Commissioner John Cronin, Commissioner Steve Roberts, Barbara Price, Brigadier General Chester Ward, MD, MPH, and University of California Associate Clinical Professor Dr. Robert Kosnik present. Members of staff present were Board Counsel Dennis Eagan, Staff Services Analyst Brian Vu and Office Technician Kelly Dolcini. Present in the audience was Board President Mike Miller, Port Agent Bruce Horton, San Francisco Bar Pilots (SFBP) Business Director John Cinderey and SFBP Counsel Ray Paetzold. Business, Transportation and Housing (BTH) Acting Secretary Traci Stevens was represented by BTH Deputy General Counsel Morocz telephonically from Sacramento. Associated Governmental Program Analyst Amanda Esquivias (AGPA) was also participating telephonically.

Open Meeting:

1. **Call to Order and Roll Call.**

   Chairman Wainwright called the meeting into order at 9:16 a.m. Commissioner Roberts, General Ward, and Barbara Price were present, establishing a quorum for the Pilot Fitness Committee and Commissioner Cronin and Chairman Wainwright established a quorum for the Rules and Regulations Committee. Dr. Kosnik arrived later in the meeting.

2. **Approval of Joint Rules and Regulations and Pilot Fitness Committee meeting minutes of October 4, 2011.**

   Chairman Wainwright requested approval of the October 4, 2011 minutes. General Ward moved approval of the minutes. Barbara Price seconded the motion, which passed unanimously on a voice vote.

3. **Review and edit as necessary Draft of Pilot Fitness Regulations, provided by BT&H Deputy Counsel Morocz titled "Board Initiated Physical Examination".**

   The Committee reviewed Deputy General Counsel Morocz' draft and made edits.

4. **Review and edit as necessary Draft of Pilot Fitness Regulations, provided by BT&H Deputy Counsel Morocz titled "Medical Disability Leave".**

   The Committee reviewed Deputy General Counsel Morocz' draft and made edits.

5. **Review and edit as necessary Draft of Pilot Fitness Regulations, provided by BT&H Deputy Counsel Morocz titled "Appeals of Fitness Determinations".**

   The Committee has yet to address this agenda item.

6. **Review and edit as necessary Draft of Pilot Fitness Regulations, provided by BT&H Deputy Counsel Morocz titled "Qualification Standards for Board Appointed Physicians; Duties of Physicians".**

   The Committee has yet to address this agenda item.

7. **Review and discuss Release and Authorization of medical information to individuals other than Board appointed physicians, such as medical specialists, Board members or Board staff".**

   The Committee has yet to address this agenda item.

8. **Review and discuss what should be included in the "physical examination" referred to item (c) of section titled "Description of Physical Exam" (page 2 of 8 of draft).**

   The Committee has yet to address this agenda item.

9. **Review and discuss definition for Physical Examination and Medical Assessment and where these terms should be included in draft regulations.**

   The Committee has yet to address this agenda item.

10. **Discuss the NTSB finding that would require local pilot oversight organizations that have not already done so to implement fatigue mitigation and prevent program that (1) regularly inform mariners of the hazards of fatigue and effect strategies to prevent it, and (2) promulgate hours of service rules that prevent fatigue resulting from extended hours of service, insufficient rest within a 24-hour period, and disruption of circadian rhythms.**

    Commissioner Roberts stated that this agenda item stemmed from Board President Miller attending a National Transportation Safety Board (NTSB) meeting in Washington D.C. pertaining to the collision of Tank Ship *EAGLE OTOME* with Cargo Vessel *GULL ARROW* and subsequent collision with the *DIXIE VENGEANCE*. He asked the Committee to review the synopsis produced by the NTSB on the accident, but recommend that the Committee await the release of the final report prior to acting on recommendations.

Referencing the NTSB recommendations number 7[1] and number 8[2] (contained in the synopsis), and addressed to governors of states and territories in which state and local pilots operate, Commissioner Roberts directed the Committee to review the Maritime Institute of Technology and Graduate Studies (MITAGS) curriculum for the SFBP, which dedicates 3.25 hours to fatigue and sleep management. In addition, he referenced the earlier Manalytics, Inc. study that incorporated the reference to 12 hours rest.

Board President Mike Miller recommended that the Committee seek creative solutions, as setting strict guidelines for SFBP may constrain their operations. There are ways to lessen the Minimum Rest Period (MRP) exceptions, but the most obvious, raising the number of licensee's, is not immediately feasible.

The Committee would discuss this agenda further at the next meeting, when NTSB produced a final report on the incident. Commissioner Roberts stated he would bring Section 237(d) data which summarizes the MRP exceptions over a period of time, typically six months.

11. Public Comments on Matters not on the agenda.

There were none.

10. Planning agenda items for next Committee meeting.

The next meeting is scheduled for November 3, 2011 at 9 a.m.

11. Adjournment.

This Committee adjourned at 12:35 p.m.

Respectfully submitted,

Brian Vu
Staff Services Analyst

[1] NTSB recommendation seven states: "Ensure that local pilot oversight organization effectively monitor and, through their rules and regulations, oversee the practices of their pilots to promote and ensure the highest level of safety".

[2] NTSB recommendation eight states: "Require local pilot oversight organizations that have not already done so to implement fatigue mitigation and prevention programs that (1) regularly inform mariners of the hazards of fatigue and effective strategies to prevent it, and (2) promulgate hours of service rules that prevent fatigue resulting from extended hours of service, insufficient rest within a 24-hour period, and disruption of circadian rhythms."