

BOARD OF COMMISSIONERS OF PILOTS OF THE STATE OF NEW YORK
Minutes of the Meeting of 16 November 2021

The following Commissioners were present:

James Mercante, President
Lucienne Bulow
Richard Hendrick
Joseph Ahlstrom
William Rowland
Jeffrey Loechner

UPON MOTION DULY MADE, SECONDED AND UNANIMOUSLY VOTED UPON, (EXCEPT AS OTHERWISE MINUTED) IN A PUBLIC MEETING, WHICH CONVENED AT 9:40 A.M., THE BOARD CONDUCTED THE FOLLOWING BUSINESS:

1. The President called the meeting to order at 9:40 a.m.
2. Appearances in Public Session: None.
3. The Draft Minutes of the 9 November 2021 meeting were reviewed and approved.
4. Renewed, for a period of one year (unless otherwise noted), the following New York State pilot license(s) following a personal interview and review of work performance data, training, and medical/health records: None.
5. Other Pilot/Personnel Matters: Continued on the docket.
6. Sandy Hook Pilots Association:
 - 6a. At the 13 April 2020 meeting, the Board discussed the SHPA's Supplementary Pilotage Fees proposal. At the 20 April 2021 meeting, the Board voted to begin the NYS rulemaking process to implement the proposal. At the 4 May 2021 meeting, the Board reviewed the rulemaking documentation. At the 18 May 2021 meeting, the Board was provided with a status update. At the 15 June 2021 meeting, the Board was advised that the proposal was published in the New York State Register for public comment. At the 31 August 2021 meeting, the Board was advised that the public comment period has expired and that the proposed rule will be submitted for adoption. At the 19 October 2021 meeting, the Board was advised that the new supplementary pilotage fees have been adopted. Continued on the docket.
 - 6b. At the 27 October 2020 meeting, the Board reviewed the SHPA grant request for a shipboard pilot ladder training program. At the 3 November 2020 meeting, the Board discussed the program with SHPA President Captain John DeCruz and Director of Operations Chris Maglin. At the 24 November 2020 meeting, the Board noted Captain DeCruz's attendance at the climbing facility to assess the pilot ladder training equipment. At the 12 January 2021 meeting, the Board was advised that the first group of apprentices were scheduled for training at the climbing facility on 28 January 2021. At the 2 February 2021 meeting, the Executive Director reported on the 28 January 2021 training session. At the 9 February 2021 meeting, the Board continued to discuss training at the climbing facility. At the 2 March 2021 meeting, the Board was updated on the training program by Chris Maglin. At the 16 March 2021 meeting, the Board reviewed comments submitted by apprentices regarding a training session they attended on 4 March 2021. At the 8 June 2021 meeting, Captain DeCruz advised the Board that additional training sessions were being scheduled. Continued on the docket.
 - 6c. At the 28 January 2020 meeting, the Board discussed and reviewed the SHPA procedures for communicating Pilot Boarding Deficiency Reports to its pilots. At the 24 March 2020 meeting, the Board approved a letter to the SHPA, LIS/BIS Pilots, and the HRPB regarding distribution of the Reports to pilots. At the 7 April 2020 meeting, the Board reviewed a response to its letter from the SHPA. At the 19 May 2020 meeting, the Board was advised that the Executive Director of the LIS/BIS Pilots sent a request to all LIS/BIS pilots to utilize Pilot Boarding Deficiency Reports to track and resolve any deficiencies that are found. Similarly, at the 23 June 2020 meeting, Hudson River Pilot Association President Ian Corcoran advised the Board that all Hudson River Pilots have been provided with Pilot Boarding Deficiency Report forms for use when a deficiency is found. The Board has continued to review additional Pilot Boarding

Deficiency Reports as received from the New York State Pilot Associations (See 9, Pilot Boarding Deficiency Reports, below). The minutes of the 26 October 2021 minutes on this issue are incorporated herein by reference. Continued on the docket.

6d. **Apprentice Selection Regulations:** At the 5 May 2020 meeting, the Board discussed possible revisions to the regulations. At the 22 September 2020 meeting, and after discussions with the New Jersey Maritime Pilots and Docking Pilot Commission and legislative counsel, the Board agreed to move forward with revisions to the regulations including changes to the application age range, updating the current website address, and changing the terminology regarding U.S. Coast Guard credentials. At the 16 March 2021 meeting, the Board was advised that documentation supporting the proposed rule change had been filed. At the 3 August 2021 meeting, the Board reviewed the revised rules published in the New York Code, Rules and Regulations. At the 31 August 2021 meeting, the Board was advised that the rulemaking process has also been completed in New Jersey. The Minutes of the 28 September 2021 Board Meeting on this issue are incorporated herein by reference. Continued on the docket.

6e. **State Licensed Pilot Security Training and Communications/FEMA Port Security Grants:** At the 10 December 2019 meeting, the Board granted a Training and Education expenditure to the SHPA to defray the cost for development of a pilot security training and communications course with the assistance of the Maritime Institute of Technology and Graduate Studies (MITAGS). Pilots began attending training sessions on 10 February 2020. The Board was subsequently informed that the training sessions were suspended due to the COVID-19 emergency.

On 1 July 2020, the Board was advised that its 2020 Port Security Grant (PSG) application to provide state licensed pilots with advanced security training was approved. At the 6 October 2020 meeting and subsequent meetings, the Board reviewed the current MITAGS security training curriculum and discussed additional steps in the reimplementation of the security training program. At the 20 July 2021 meeting, the Board was informed that its 2021 Grant application to provide CCTV cameras for the Sandy Hook Pilot Association's new pilot vessel NEW YORK was approved. At the 2 November 2021 meeting, the Board reviewed the invoice from GMT Electronics for the installation of the CCTV cameras on the P/B NEW YORK. The Minutes of the 30 June 2020 and 28 September 2021 meeting on these issues are incorporated herein by reference. Continued on the docket.

7. **Hudson River Pilots Association:**

7a. At the 3 March 2020 meeting, the Board was advised that pilotage rate legislation proposed by the HRPAA would be introduced in the NY State Legislature. The Board was subsequently updated on developments regarding the legislation including passage in the NY State Senate. At the 5 January 2021 meeting, the Board was advised that the legislation did not pass in the NY State Assembly during the 2019-2020 legislative session. At the 12 January 2021 meeting, the Board was advised that the legislation was reintroduced in the NY State Assembly. At the 18 May 2021 meeting, the Board was advised that the legislation, which was also introduced in the State Senate, was placed on the Senate Agenda. At the 8 June 2021 meeting, the Board was advised that the legislation was passed in both the NYS Senate and Assembly and was awaiting delivery to the Governor. At the 19 October 2021 meeting, the Board was advised that the legislation is being reviewed by the Governor's Transportation Counsel. Continued on the docket.

7b. Following the formation of the Hudson River Safety and Navigation Operations Committee (HR Committee) to address issues raised in the Port and Waterways Safety Assessment study of the Hudson River, the Board has been regularly briefed on the HR Committees activities, including its review of legislation regarding the establishment of anchorages on the Hudson River. At the 12 January 2021 meeting, the Board was advised that the United States Coast Guard Authorization Act of 2020 was passed by Congress and contained provisions that address the establishment of anchorages on the Hudson River and circumstances when vessels can be anchored outside established anchorage grounds. At the 19 October 2021 meeting and the 2 November 2021 meeting, Commissioner Hendrick provided an update regarding the activities of the HR Committee. The Minutes of the 2 June 2020 meeting on this issue are incorporated herein by reference. Continued on the docket.

8. Long Island Sound/Block Island Sound Pilotage:

8a. At the 22 September 2020 meeting, the Board reviewed a request regarding pilotage requirements for survey vessels operating in Long Island Sound. At the 20 October 2020 meeting, the Board discussed responding to that request. At the 17 November 2020 meeting, the Board reviewed the letter issued in response. At the 12 January 2021 meeting, the Board noted an inquiry received by the Northeast Marine Pilots Association regarding pilotage requirements for survey vessels. At the 16 March 2021 meeting, the Board reviewed documentation regarding an additional proposed survey operations to be conducted by MMT Sweden. At the 23 March 2021 meeting, the Board noted the letter sent to MMT Sweden regarding New York State pilotage requirements. At the 18 May 2021 meeting, the Board reviewed MMT's Notice to Mariners dated 13 May 2021 advising of continued survey operations in Long Island Sound/Block Island Sound. At the 7 September 2021 meeting, the Board was advised that an additional vessel, the GO ELECTRA, will be conducting survey operations. At the 14 September 2021 meeting, the Board noted the letter sent to MMT regarding the pilotage requirements for the GO ELECTRA. At the 9 November 2021 meeting, the Board was updated on the status of the survey operations. Continued on the docket.

9. FOURTH QUARTER PILOT BOARDING DEFICIENCY REPORTS AS PROVIDED TO THE BOARD (PRIOR REPORTS ON FILE):

M/V WARNOW DOLPHIN (Cyprian Registered Container Ship, Built 2007) 6 October 2021: New York SHP Joshua Pieterse reported a defective starboard side rope ladder.

M/V TORM RESILIENCE (Danish Registered Tanker, Built 2005) 21 October 2021: New York SHP Matthew Haley reported the failure of the vessel to rig a combination ladder arrangement as required due to the vessel's freeboard and improper rigging of the pilot ladder.

M/V GSL TINOS (Liberian Registered Container Ship, Built 2010) 23 October 2021: NY SHP John McCarthy reported a defective pilot ladder.

10. REPORT(S) OF MARINE ACCIDENTS/INCIDENTS UNDER INVESTIGATION:

10a. SSI MARVELOUS (Marshall Islands Registered Bulk Carrier, Built 2013): 17 October 2021. FBHRP Paul Chevalier boarded the SSI MARVELOUS, a light scrap ship with a draft of 25 feet 3 inches, at the Port of Albany for an outbound passage with an original scheduled departure time at 1400 on 16 October 2021. Due to the presence of a tug and dredge barge tied up in the turning basin, Captain Chevalier refused to pilot the ship from the berth, necessitating the rescheduling of the vessel's departure to 0700 on 17 October 2021. The cause of the delay is being investigated. Continued on the docket.

10b. M/V EAGLE TURIN (Singapore Registered Tanker, Built 2008): 5 August 2020. This incident involves the tragic fatality of FBSHP Timothy Murray resulting from a fall off a pilot ladder and onto the Pilot Launch AMERICA while boarding the M/V EAGLE TURIN at approximately 2230 upon its arrival at Ambrose Pilot Station. The P/L AMERICA then immediately proceeded back to the Pilot Boat NEW JERSEY (a three-minute transit) to pick up medical supplies, a stokes litter, and crew with paramedic training before departing for Staten Island. The U.S. Coast Guard, New York City Fire Department, and New York City Police Department were all notified. Crew personnel administered CPR and used the AED unit while proceeding to Staten Island. New York City Police Department Personnel were waiting at the Sandy Hook Pilot Base where Captain Murray was transferred to an ambulance and taken to Staten Island University Hospital.

After the incident, the EAGLE TURIN proceeded to anchor at the direction of the U.S. Coast Guard. On the morning of 6 August 2020, FBSHP Kevin Walsh piloted the vessel to Stapleton Anchorage where a further investigation ensued with the U.S. Coast Guard, SHPA, and Executive Director Garger. The Board has been designated as a Party in Interest by the U.S. Coast Guard. As part of the Board's ongoing investigation, Commissioner Ahlstrom and Executive Director Garger interviewed Captain Kevin Walsh on 17 February 2021 regarding his pilotage of the EAGLE TURIN on 6 August 2020. Continued on the docket.

10c. M/V MAERSK KENSINGTON (United States Registered Containership, Built 2007): 30 December 2019. Fatality. FBSHP Dennis Sherwood sustained fatal injuries after falling from the ship's pilot ladder onto the Pilot Launch PHANTOM while attempting to board the ship at approximately 0430 at the Ambrose pilot station. The USCG was notified. At 0630, FBSHP Edward Ireland boarded the M/V MAERSK KENSINGTON and brought it to its berth in Port Elizabeth. After the vessel docked, the Board dispatched Commissioner Ahlstrom to the vessel to attend the U.S. Coast Guard casualty investigation and interviews of the ship's crew.

On 3 January 2020, the Board was designated as a Party in Interest by the U.S. Coast Guard and continued to participate in the investigation. On 14 January 2020, a Board representative attended Coast Guard interviews of the crew of the Pilot Launch PHANTOM that transported Captain Sherwood to the MAERSK KENSINGTON. Executive Director Garger attended the U.S. Coast Guard inspection of the MAERSK KENSINGTON on 17 January 2020 while the vessel was docked in Port Elizabeth. At the 28 July 2020 meeting, the Board received a report on the review of the MAERSK KENSINGTON Voyage Data Recorder at U.S. Coast Guard Sector New York. The Board issued its Findings, Opinions, and Recommendations on 11 September 2020. The Board issued an Addendum to its Report on 13 November 2020 and which included the American Pilot Association's February 12, 2020 letter to State Pilotage Authorities regarding pilot safety and the U.S. Coast Guard's Marine Information Safety Bulletin dated 5 November 2020 addressing trapdoor pilot ladder configurations. The minutes of the 13 April 2021 meeting on this marine accident are incorporated herein by reference. Continued on the docket.

11. NEW YORK PILOTAGE WATER ISSUES:

11a. The Board has previously reviewed cruise ship pier allisions in the Port of New York/New Jersey and elsewhere. The Board has also reviewed 46 U.S.C. Section 8501 regarding the coordination of federal and state law requirements with respect to pilotage of cruise ships when the master docks the vessel, and has noted incidents in Alaska where cruise ships were docked by the ship's master with a compulsory state pilot aboard. In light of the foregoing, the Board recommended that the SHPA work with cruise lines calling at the Port of New York to develop a joint training program that would improve communications between state licensed pilots and cruise ship masters. At the 30 March 2021 meeting, the Board discussed the status of the return of cruise ships to New York/New Jersey with SHP Thomas Walsh. At the 6 April 2021 meeting, the Board discussed the Manhattan Cruise Terminal operation. At the 17 August 2021 meeting, the Board was advised that the OASIS OF THE SEAS would be arriving in the Port of NY/NJ on 18 August 2021, which is the first passenger ship to arrive since sailing was halted due to the COVID pandemic. The minutes of the 4 August 2020 Board Meeting are incorporated herein by reference. Continued on the docket.

11b. The Board previously issued a letter on 10 November 2016 to the Army Corps of Engineers New York District (ACOE) addressing the lack of visibility of large, unlit mooring buoys, especially during periods of darkness, located within certain designated federal anchorages in New York Harbor. The Board has been provided regular updates as to the ACOE's New York & New Jersey Harbor Anchorages Study planning process. At the 12 January 2021 meeting, the Board was advised that the mooring buoy issue has not been addressed in the ACOE's Anchorage Study. The minutes of the 4 August 2020 Board Meeting are incorporated herein by reference. Continued on the docket.

12. Pilotage of Foreign Flag Yachts/Recreational Vessels: At the 14 July 2020 meeting, the Board discussed, with SHPA President John DeCruz, the recently enacted legislation that amended the New York Navigation Law by exempting recreational vessels of less than 200 feet overall in length from compulsory state pilotage at the Board's discretion. This legislation aligns New York law with New Jersey, Connecticut, and Rhode Island law relative to the issue of foreign flag yacht/recreational vessel compulsory pilotage. At the 1 June 2021 meeting, the Board discussed the requirements relative to yachts entering LIS/BIS waters. The Minutes of the 2 June 2020 Board Meeting on this issue are incorporated herein by reference and the new requirements are posted. Continued on the docket.

13. In view of several ship pilot ladder boarding accidents involving both New York and New Jersey State Pilots in the Port of New York, the Board of Commissioners formed a special Pilot Transfer Subcommittee. The Subcommittee initially consists of the Board President (Mercante), Executive Director (Garger), and members of the Board (Ahlstrom and Rowland). The Subcommittee is reviewing and evaluating safety protocols, equipment, and ship boarding arrangements currently used by the state pilots

while boarding ships at sea or elsewhere by pilot ladder.

At the 13 October 2020 meeting, the Board noted a scheduled meeting with Coast Guard - Sector New York on 14 October 2020 to discuss pilot safety and transfer issues. At the 20 October 2020 meeting, the Board discussed the Subcommittee's meeting with the Coast Guard. At the 8 December 2020 meeting, the Board reviewed Pilot Ladder Safety Newsletter No. 3 published on the website pilotladdersafety.com. At the 23 February 2021 meeting, the Board discussed pilot transfer procedures and information from the SHPA regarding safety helmets. At the 2 March 2021 meeting, the Board discussed pilot safety issues with New York Sandy Hook Pilot President John DeCruz, including a Maersk circular addressing trap door pilot ladder arrangements on their vessels. At the 9 March 2021 meeting, the Board discussed the use of safety harnesses. At the 30 March 2021 meeting, the Board reviewed information regarding safety helmets. At the 8 June 2021 meeting, the Board noted Coast Guard Policy Letter No. 01-21 regarding Pilot Ladders, Embarkation Ladders, and Pilot Transfer Arrangements. At the 15 June 2021 meeting, the Board approved the purchase of safety helmets that have now been placed on board pilot boats and launches and are available for use by pilots. At the 28 September 2021 meeting, the Board noted a thank you letter from Hudson River Pilots Association President Captain Ian Corcoran for the helmets and lights provided to the HRP. Continued on the docket.

13a. In August 2020, the New Jersey Maritime Pilot and Docking Commission formed a Pilot Safety Committee to evaluate pilot transfer arrangements, PPE gear, and pilot fitness. The New York Board participated on that Committee. At the 10 November 2020 meeting, the Board discussed a draft report on pilot safety issued by the New Jersey Committee. The New Jersey Committee issued its report on 6 November 2020. Continued on the docket.

14. Adjournment to Executive Session for personnel, legal advice of counsel, medical, and/or official investigative matters:

Pilot sick leave/other leave.

Apprentice ship rides – reported discrepancies by the SHPA.

15. Return to Public Session from Executive Session.

16. At the 18 February 2020 meeting, the Board reviewed and discussed legislation introduced in the New York State Legislature addressing penalties for the operation of boats and vessels while under the influence of alcohol or drugs. The Board continued to monitor the legislation but was advised at the 5 January 2021 meeting that the legislation had not passed during the 2019-2020 legislative session. At the 12 January 2021 meeting, the Board was advised that the legislation was reintroduced in the NY State Senate. At the 6 July 2021 meeting, the Board was advised that the legislation had passed in the State Senate. Continued on the docket.

17. At the 24 November 2020 meeting, the Board discussed the report drafted by retired Executive Director Robert Pouch concerning his personal experiences following the 9-11 terrorist attack on the World Trade Center and necessary steps to publish his report in a booklet. The distribution of the report has been approved and it will be widely disseminated to the maritime community as a tribute to those that lost their lives and those that provided aid and assistance during the response and recovery efforts. At the 31 August 2021 meeting, the Board discussed the planned presentation of the booklet to Bob Pouch immediately following the meeting. At the 7 September 2021 meeting, the Board discussed distribution of the booklet. Continued on the docket.

18. There being no further business to conduct, or public comment, the Board meeting was adjourned at 1:50 p.m.



Andrew Garger
Secretary