

**BOARD OF COMMISSIONERS OF PILOTS OF THE STATE OF NEW YORK**  
**Minutes of the Meeting of 28 August 2018**

The following Commissioners were present:

Carmine Ragucci, Acting President  
Lucienne Bulow  
Russell Johnson  
Andrew Garger

**UPON MOTION DULY MADE, SECONDED AND UNANIMOUSLY VOTED UPON, (EXCEPT AS OTHERWISE MINUTED) IN A PUBLIC MEETING, WHICH CONVENED AT 10:30 A.M., THE BOARD CONDUCTED THE FOLLOWING BUSINESS:**

1. The Acting President called the meeting to order at 10:30 AM.
- 1a. Appearances in Public Session: None.
2. The Draft Minutes of the 21 August 2018 Regular Meeting were reviewed, amended and approved.
3. 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:
  - Cornelius Keating - FBSHP.
  - Stephen Doherty – Dep. HRP. Increase to Grade 2/Limited Branch. Six Months.
- 3a. Other Pilot/Personnel Matters:
  - Daniel Sullivan – App. SHP. Annual Interview.
4. **The Board adjourned to Executive Session to discuss and/or act on personnel, investigative and/or legal matters.**
5. **The Board returned to Public Session from Executive Session.**
6. Sandy Hook Pilots Association:
  - 6a. Commissioner Ragucci updated the Board on the status of the SHPA Apprentice Selection Committee's progress to date.
  - 6b. Port Security Grant Application: At today's meeting, the Board was informed that its Port Security Grant application was not among those selected for funding in the 2018 application process. The Board was seeking federal funding for a pilot's security training course. At the 14 August 2018 meeting, the Board noted an update on the Port Security Grant Program. The update stated that nationwide 776 applications totaling \$215 million were being considered for \$100 million in available funds including the Board's application. At the 3 July 2018 meeting the Board met with Ms. Ann Kayman, President of the NY Grant Company, with respect to the pending grant application for funding of a Pilots Security Training Course through the 2018 Port Security Grant Program administered by FEMA. The Board anticipated using the Maritime Institute of Technology and Graduate Studies ("MITAGS") current course as a guide for the training of pilots in active shooter, hostage and life – threatening situations aboard ship. The Board had previously reviewed the course framework for a Security Awareness Workshop for Marine Pilots offered by MITAGS that includes such training. The Board had also reviewed applicable sections of the Maritime Transportation Security Act of 2002 involving search and rescue technology focusing on hand-held VHF radio transceivers, man overboard locator beacons and the ship security alert system with respect to emergency notifications and/or communications for pilots. Continued on the docket.

6c. The Board previously noted a letter sent to counsel for the foreign flag M/Y INCENTIVE (130' LOA and 448 GRT) advising of potential enforcement actions by the New York State Attorney General's Office ("NYAG") for recurring violations of the New York Navigation Law. At the 7 August 2018 meeting, the Board was advised that the NYAG will request the New York State Department of Environmental Conservation's Marine Unit to board the M/Y INCENTIVE when moored in Sag Harbor to determine if any violations of the New York Navigation Law have occurred while transiting New York State waters. The Board continues to monitor the yacht's arrivals, departures and transits through New York Harbor and the LIS. Continued on the docket.

7. Hudson River Pilots Association:

7a. Hudson River Ports and Waterways Safety Assessment ("PAWSA") Study: At the 10 October 2017 meeting, the Board reviewed a press release announcing dates of the USCG's workshops for a Ports and Waterways Safety Assessment ("PAWSA") study of the Hudson River. The study included a review of the establishment of additional anchorages, the use of the navigation channel for proposed power transmission cables, fish habitat, dredging, petroleum carrying vessels and other environmental and recreational issues concerning the Hudson River. At the 17 October 2017 meeting, the Board was informed that the HRP will be a participant in the PAWSA workshops. At the 30 January 2018 meeting, the Board was briefed on the formation of a Hudson River Safety, Navigation and Operations Committee ("HR Committee") to address, with local stakeholders, these and any additional issues, just as the Harbor Operations Committee provides for New York Harbor. At the 20 March 2018 meeting, the Board reviewed the completed Hudson River PAWSA. The Board continues to monitor the progress of these issues through the HRP's participation in the HR Committee. At the 21 August 2018 meeting, the Board was advised that the next meeting of the HR Committee has been scheduled for 2 October 2018. Continued on the docket.

7b. The Board was advised that there has been no further pursuit of Limited Branch HRP Samuel Zapadinsky by Tri City Yacht Club in Coeymans, New York in connection with the 22 April 2017 Hudson River transit of the M/V COMBI DOCK I. Continued on the docket.

8. Long Island Sound/Block Island Sound Pilotage: Continued on the docket.

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

9a. P/V CARNIVAL HORIZON (Built 2018): 28 August 2018. Allision. FBSHP Matthew Haley. While docking at the Manhattan Passenger Ship Terminal Pier 88 under the conn of New Jersey State Licensed Docking Pilot Kevin Gadow, the vessel allided with Pier 90. Drug and alcohol tests were administered to FBSHP Haley. The USCG was notified. Written reports to follow. Continued on the docket.

9b. M/V DONINGTON (Built 2017): 5 July 2018. Reported Allision. FBSHP Thomas Knierim. While docking at Berth 16 Port Newark under the conn of New Jersey State Licensed Docking Pilot William Clifford, a tugboat assisting the vessel to its berth allegedly made contact with a bunker barge which was tied up alongside a moored vessel across Port Newark Channel. Neither Captain Clifford nor Captain Knierim believed any contact occurred and were not informed of such until after departing the vessel by the vessel's agent. No report of damage. The USCG was notified. At today's meeting the Board reviewed screen shots of the vessel's maneuver to its berth past the moored bunker barge. Continued on the docket.

10. PORT OF NEW YORK ISSUES:

10a. The Board previously reviewed 46 U.S.C. Section 8501 regarding the coordination between federal and state law with respect to pilotage on cruise ships when docking in the Port of New York. At the 27 February 2018 meeting, the Board reviewed and discussed Alaska Administrative Code 12 ACC 56.960 (a) relative to the transfer of the conn policy between an Alaska state licensed pilot and a ship's officer. At the 27 March 2018 meeting, the Board discussed this issue with former Alaska pilot David Gray, also a New York licensed FBLIS/BISP, as well as how responsibilities between Alaska state pilots and cruise ship masters are coordinated when docking. At the 10 April 2018 meeting, the Board discussed the issue of cruise ship docking by the vessel's master, including ship handling, steering and propulsion systems, with FBLIS/BISP Vincent Kirby. At the 31 July 2018 meeting, the Board reviewed an article in the USCG's *National Center of Expertise* newsletter on the number of cruise ship inspections by

USCG District, noting that District 1 which includes the Port of New York & New Jersey was second only to District 7 which includes the Port of Miami. Continued on the docket.

10b. The Board issued a letter on 10 November 2016 to the Army Corps of Engineers New York District (“ACOE”) to address the lack of visibility of large, unlit mooring buoys during periods of darkness located within certain designated federal anchorages in New York Harbor. At the 18 April 2017 meeting, the Board was advised by the USCG that the ACOE opened a docket on this issue. The Board has been advised that the issue is under review in the New York District’s office. At 12 June 2018 meeting, the Board reviewed follow-up correspondence to the ACOE inquiring on the status of its 10 November 2016 request. At the 19 June 2018 meeting it was requested that the Executive Director follow-up with the new USCG Captain of the Port Sector New York on this issue. At the 24 July 2018 meeting, the Board noted its 19 July 2018 email sent to the recently named Sector Commander and Captain of the Port of New York requesting assistance with the ACOE on this matter. At the 31 July 2018 meeting, the Board noted the Captain of the Port’s response indicating that he would discuss the Board’s concerns with staff. At the 21 August 2018 meeting, the Board was advised of a workshop being conducted by the ACOE to assess anchorage improvements in the New York/New Jersey Harbor. At today’s meeting, the Board was provided an update as to the New York & New Jersey Harbor Anchorages Study (“Anchorage Study”) planning process. Continued on the docket.

10c. The Board submitted comments on 7 October 2016 as directed in the USCG’s Notice of Proposed Rulemaking relative to the use of automatic steering systems for tank vessels in state pilotage waters. At the 20 March 2018 meeting, the Board was updated on the status of the proposed rule. Continued on the docket.

11. Pilotage of Foreign Flag Yachts/Recreational Vessels of Less Than 200 Feet in Length: At the 29 May 2018 meeting, the Board authorized its legislative counsel to seek a change in the New York Navigation Law exempting recreational vessels of less than 200 feet in length from compulsory state pilotage at the Board’s discretion. This proposed amendment would align New York Law with New Jersey, Connecticut and Rhode Island relative to foreign flag yacht/recreational vessel compulsory pilotage. At the 26 June 2018 meeting, the Board was informed that its proposed amendment to the New York Navigation Law did not advance out of committee in either chamber prior to the conclusion of this year’s general session. The Board intends to reintroduce the proposed amendment during the next legislative session. At the 21 August 2018 meeting, the Board noted in the Defense Authorization Act for 2019 that the USCG is to promulgate regulations applicable to recreational vessels over 300 gross tons not carrying passengers or cargo for hire. Continued on the docket.

12. The Board completed its review of the July 2018 UBS operating statements.

13. The Board noted a USCG *Marine Safety Alert* relative to gangway and pilot ladder safety.

14. There being no further business to conduct, or public comment, the Board meeting was adjourned at 11:50 AM.

A handwritten signature in black ink, appearing to read "Frank W. Keane". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Frank W. Keane  
Secretary