

BOARD OF COMMISSIONERS OF PILOTS OF THE STATE OF NEW YORK
Minutes of the Meeting of 5 March 2019

The following Commissioners were present:

James Mercante, President
Carmine Ragucci
Lucienne Bulow
Russell Johnson
Richard Hendrick
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 President called the meeting to order at 10:30 AM.
- 1a. Appearances in Public Session: None.
- 1b. The President called for a Moment of Silence in honor of New York Sandy Hook Pilot, Captain Teague R. Murphy who crossed the final bar 1 March 2019.
2. The Draft Minutes of the 26 February 2019 Regular Meeting were reviewed 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:

William Wood – FBSHP.
Stephen Doherty – LBHRP. Increase to FBHRP.

- 3a. Other Pilot/Personnel Matters:

Dedicated to New York Sandy Hook Pilot, **Captain Teague R. Murphy** who passed away suddenly on 1 March 2019.

Captain Murphy was a 2002 graduate of the United States Merchant Marine Academy at Kings Point, New York. After graduation, Captain Murphy sailed with Military Sealift Command aboard numerous vessels upgrading from third to second officer. One of the vessels he sailed aboard was the USNS MERCY, a hospital ship, when the vessel was dispatched to take part in the tsunami relief efforts in southeast Asia. For his service aboard the USNS CATAWBA, in support of Operation Iraqi Freedom, Captain Murphy received the Merchant Mariner Expeditionary Medal.

Captain Murphy was sworn in as an apprentice Sandy Hook Pilot on 4 December 2007 at the offices of the Board of Commissioners of Pilots of the State of New York. He sat for his New York State Pilot's Examination in December 2012, receiving his original Deputy Pilot license on 1 January 2013. Captain Murphy then extended his New York State license to the Lower Hudson River in July 2015. In addition to his piloting activities, Captain Murphy was the lead pilot on the Association's Electronic Navigation Committee and was one of the early members of the Information Technology Committee.

The Board will be making an appropriate donation to the United States Merchant Marine Academy in Captain Murphy's memory.

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. The Board continued its review on the development of suitable protocols when an apprentice pilot or pilot-in-training, acting under the authority of a state licensed pilot, directs the movement of a vessel. Continued on the docket.

6b. Port Security Grant Application: At the 28 August 2018 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. The Board intends to resubmit its application in the 2019 Port Security Grant Application process. At the 2 January 2019 meeting, the Board began reviewing the concept of virtual reality training as a part of the security training program. At the 5 February 2019 meeting, the Board reviewed estimated costs prepared by the Maritime Institute of Technology and Graduate Studies for development of a two-day pilot's security training course. 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 habitats, 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 HRPA 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 a forum for New York Harbor issues. 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 HRPA's participation in the HR Committee. 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. M/V RICKMERS SINGAPORE (Built 2003): 9 November 2018. Surge Damage. FBHRP Samuel Zapadinsky. During the vessel's northbound transit in the upper Hudson River, just south of the Port of Albany, while under the conn of FBHRP Zapadinsky, complaints were received by the Albany Port District Commission from several riverfront landowners in the vicinity of Van Wies Point alleging water displacement onto their properties as the vessel transited north. At the 22 January 2019 meeting, the Board conducted a formal hearing in this matter. In attendance were FBHRP Zapadinsky and his counsel. 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 11 December 2018 meeting, the Board noted that the Maritime Institute of Technology and Graduate Studies ("MITAGS") was asked by the Southeast Alaska Pilots Association and Norwegian Cruise Lines to develop a best-practice course for Very Large Cruise Ships scheduled to begin calling at various ports within Alaska. The Board forwarded the MITAGS notice to the SHPA, as follow-up to its recent recommendation that the SHPA and cruise lines develop a joint training program leading to better coordination and communications between its state licensed pilots and cruise ship masters.

Based upon a recent report from a Sandy Hook pilot relative to security procedures, including backpack scans, when boarding an arriving cruise ship at the pilot station, the Board reviewed an International Maritime Organization circular outlining security measures for pilots boarding vessels at sea.

The Board directed the Secretary to discuss with the SHPA the need to review existing measures with respect to security procedures for pilots boarding cruise ships at the pilot station. 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 the 28 August 2018 meeting, the Board was provided an update as to the ACOE's New York & New Jersey Harbor Anchorages Study ("Anchorage Study") planning process. At the 5 February 2019 meeting, the Board noted that the Anchorage Study is continuing, and a report is expected by Spring 2019. Continued on the docket.

11. Pilotage of Foreign Flag Yachts/Recreational Vessels: 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 overall 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 Law 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 29 January 2019 meeting, the Board was updated on the status of the proposed amendment. Continued on the docket.

12. At today's meeting, the Board approved the renewal terms of its lease in 17 Battery Place with the Moinian Group.

13. There being no further business to conduct, or public comment, the Board meeting was adjourned at 12:00 noon.

Frank W. Keane
Secretary

