TRICK OR TREAT WITH THE TRUSTEES

Putting to the test the old adage that the scariest sight in the world is a pilot with a briefcase, the APA Trustees will gather on Halloween in Washington, DC. The 2007 APA Board of Trustees meeting will be held Wednesday, October 31 – Thursday, November 1 at the Washington Fairmont Hotel. Approximately 50 APA Officers, Trustees, Navigation and Technology Committee members, and pilot group leaders, many of whom will undoubtedly be carrying a briefcase, will consider reports on items of interest and on APA activities and conduct the usual business of the Association.

Dr. John (Jack) Spencer, Director of the NTSB’s Office of Marine Safety, will address the meeting Wednesday morning to discuss his plans for the Board’s marine investigations and for the APA-NTSB relationship. Rep. Elijah Cummings (D-MD), chairman of the House Coast Guard and Marine Transportation Subcommittee, is also scheduled to talk that morning.

The NAVTECH Committee will meet on Wednesday afternoon. The tentative agenda for their meeting includes reports on Azipod commands, e-Navigation, discrepancies in AIS positioning information, AIS/ECDIS training, and pilot laptops.

US PILOTS TO BE SALUTED BY JOC

The Journal of Commerce, the leading newsmagazine of the international trade and logistics industry, plans to issue a special supplement on the APA and US pilots. The supplement will feature a number of articles highlighting the contributions of pilots to navigation safety, security, environmental protection, and the US economy. One of the major articles will describe a day in the life of a pilot.

Other articles will cover various aspects of the piloting profession in the US, including the history and activities of the APA.

The supplement is currently scheduled for release as part of the October 22 edition of the Journal.

WATSON SPEAKS OUT ON WMD

Captain Mike Watson was on hand as the International Maritime Pilots’ Association and the UK’s Honorable Company of Master Mariners hosted a celebration in London for World Maritime Day on September 27. The International Maritime Organization was also a partner in the event, which was held aboard the world maritime heritage ship HQS WELLINGTON, the headquarters of both IMPA and the Honorable Company. In addition to greeting the guests as they boarded the ship, Captain Watson gave a welcome address on behalf of IMPA. Dignitaries in attendance included His Royal Highness Prince Andrew, the Lord Mayor of London (who also serves as Admiral of the Port of London), and Admiral Efthimios Mitropoulos, Secretary General of the IMO.

Captain Mike Watson, left, and the Lord Mayor of London onboard the WELLINGTON.
The acronyms and abbreviations were flying during the 53rd Session of the IMO's Subcommittee on Safety of Navigation held in London July 23 – 27. Captain Mike Watson participated in the meeting as head of delegation for IMPA, and Paul Kirchner was a member of the US delegation.

Among other things, the subcommittee agreed on draft performance standards for Integrated Navigation Systems (INS), revising a draft developed by a correspondence group over the last two years. The new draft, which includes a number of statements requiring an INS to meet the needs of pilots and bridge crews, was sent on to the Maritime Safety Committee for final approval at its upcoming 83rd Session.

In a related action, NAV agreed to the draft text of an MSC Circular setting guidelines for the application of SOLAS regulation V/15 to INS, Integrated Bridge Systems (IBS) and bridge design. Regulation V/15 requires that the design and arrangement of navigation systems and equipment on the bridge should facilitate the tasks to be performed by the bridge team and the pilot and promote safe and effective Bridge Resource Management. The guidelines, which go on to the MSC for final approval, are intended to be taken into account by designers and system integrators developing and installing INS and IBS systems. A copy of the draft circular can be obtained from the APA office. The existing correspondence group was extended for the purpose of completing a draft of performance standards for IBS.

The subcommittee also did considerable work on its project of developing an e-Navigation strategy. It adopted the following definition for e-Navigation (only slightly modified from the definition used by IALA):

E-Navigation is the harmonised collection, integration, exchange, presentation and analysis of maritime information onboard and ashore by electronic means to enhance berth to berth navigation and related services, for safety and security at sea and protection of the marine environment.

The subcommittee agreed on a number of core objectives of an e-Navigation concept and further agreed that the e-Navigation strategy should be driven by users' needs. The existing correspondence group on the subject will continue its work, with input from IALA, with the objective of submitting a final report to NAV 54 next July.

After extensive debate, the subcommittee failed to agree on a mandatory carriage requirement for Electronic Chart Display and Information Systems (ECDIS). Although there was considerable support for the idea of an ECDIS carriage requirement, a number of delegations argued that such a step would be premature at this time. The matter will be considered again at NAV 54.

The next important IMO meeting will be the 83rd session of the MSC, which meets in Copenhagen from October 3 to 12. Captain Watson will head the IMPA delegation, and Paul Kirchner will be a member of the US delegation.

LATIN AMERICAN PILOTS MEET

Pilots from 10 Latin American countries met in Viña del Mar, Chile from September 11-14 for the "IV Foro Latinoamericano de Prácticos Marítimos." Captain Mike Watson, representing IMPA and the APA; Captain Rick Casas, Corpus Christi Pilots; Captain Michel Pouilot, Canada Pilots and former IMPA President; and Nick Cutmore, Secretary General of IMPA, joined approximately 60 Latin American pilots and other invited guests and speakers at the Forum.

Although there were presentations and discussions on a wide range of piloting topics, the Forum focused on three major subjects: the relationship of the pilot to the state and to the shipping industry, the pilot's role in safety, and investigations and legal responses to maritime accidents. Various representatives provided information on the current situation in their country regarding each of those subjects. For example, Captain Casas made a report, entitled "The State, the Pilot, and the Maritime Business: the US Perspective," on his legal status and responsibilities as a branch pilot licensed by the State of Texas. He gave his report in Spanish, which was well-received by the attendees.

Captain Watson gave two different presentations. The first, entitled "Piloting and the Maritime Business: Keys to a Successful Pilotage Operation" reflected his experiences
and observations as president of both the APA and IMPA. The second, "Legal Responses to Maritime Accidents in the United States," provided a review of casualty investigations by the NTSB and Coast Guard, possible license and administrative sanctions against US pilots by state and federal authorities, potential criminal penalties, and civil lawsuits.

At the conclusion of the Forum, the participants from the 10 countries agreed on a Statement of Principles regarding the necessary and desirable features of a proper piloting system. Copies of the presentations by Captains Watson and Casas, as well as the Statement of Principles, can be obtained from the APA office.

**UPDATE ON CONGRESSIONAL OVERSIGHT OF USCG PROGRAMS**

As reported in the last edition of ON STATION, various aspects of the Coast Guard’s interactions with the maritime industry, particularly its treatment of mariners, have been the subject of scrutiny and criticism by some influential members of Congress, primarily Rep. James Oberstar (D-MN), chairman of the House Transportation and Infrastructure Committee. Here’s where things stand now:

**Restructuring of Marine Safety Programs.** The announcement in May by Rep. Oberstar and Rep. Elijah Cummings, chairman of the T & I Committee’s Subcommittee on Coast Guard and Maritime Transportation, that they were developing legislation to transfer the USCG marine safety programs to a new agency to be established in the Department of Transportation certainly caused a stir, not only in Washington but throughout the maritime industry. In support of the idea, they cited complaints about delays in processing mariner credentials, the use of military personnel under a rotational system of assignments for a basically non-military function requiring ship operating expertise, and a perceived less cooperative, more authoritative approach taken by the USCG in its dealing with the industry.

Although a draft of the legislation is reportedly ready to be introduced, Oberstar and Cummings have held off on that step. The Subcommittee conducted a hearing on August 2 to examine “Challenges Facing the Coast Guard’s Marine Safety Program.” Several representatives of ship operating organizations and maritime unions testified about problems with current USCG marine safety activities and offered some suggestions for addressing those problems. Admiral Thad Allen, Commandant of the Coast Guard, also testified at the hearing and faced some tough questions. He expressed the USCG’s firm opposition to any attempt to take away its marine safety programs. He did, however, acknowledge some problems and criticisms. He asked for, and was granted, an opportunity for the USCG to submit a plan for responding to the criticisms and improving the performance of its marine safety functions.

As this edition of ON STATION is being sent to the printers, that plan has just been submitted to the Committee and Subcommittee. It has not been released to the public. The Commandant has offered some glimpses of what is in it, however. At a September 19 luncheon of the Washington Propeller Club, the Commandant spoke in general terms about efforts that will be taken, and some that have already been taken, to improve the marine safety programs. He mentioned as some of the steps in the plan: additional civilian positions, expansion of marine inspector and investigator “capacities,” enhanced training for marine safety personnel, and various outreach and advisory mechanisms to improve the relationship of the USCG and the maritime industry.

The ball is now in Chairman Oberstar’s and Chairman Cummings’ court.

**USCG Law Enforcement.** On July 31, the House Coast Guard Subcommittee held a hearing to investigate allegations of improprieties and denials of due process in the USCG’s license/document suspension and revocation proceedings. The allegations primarily grow out of pending lawsuits brought by mariners in the Gulf region and a series of articles and editorials in the Baltimore Sun. Two former Administrative Law Judges at the hearing testified that they were pressured to rule in favor of the Coast Guard or were otherwise subject to inappropriate treatment by the chief ALJ and by Coast Guard officials. One former ALJ testified, however, that he had always been treated properly and that he considered the suspension and revocation hearing program to be fair. Other witnesses, including an administrative law professor and an attorney representing mariners in S & R cases discussed problems they see in the program and made recommendations for changes.

As the hearing wore on, a consensus seemed to develop that one response would be to move the USCG ALJs to the NTSB. The model for such a system would be the one currently used for airplane pilots in which the FAA brings charges but NTSB ALJs hear the cases. The USCG has indicated that it could accept such a change. The Subcommittee staff is reportedly working on legislation to accomplish that. Such legislation could find its way into the House USCG authorization bill. The APA has informed the Subcommittee that it would support moving the ALJs to the NTSB but would also recommend that the jurisdiction of the new NTSB ALJ office include appeals of decisions denying an application for the issuance or renewal of license or document as well as appeals of civil penalty assessments. Also, the current system of administrative appeals, in which both mariners and the Coast Guard appeal adverse rulings of the ALJs to the Commandant, would have to be revised. One of the more disturbing charges leveled against the current system is that Commandant decisions on appeals are being written or at least influenced, by USCG personnel involved in the investigation or proceedings below.

Meanwhile, the Senate Commerce Committee, aware of the controversy, is leaning toward having a study done by the General Accounting Office or some other entity.
USCG AUTHORIZATION BILLS MOVE AHEAD

Coast Guard authorization bills for Fiscal Year 2008, which begins on October 1, 2007, are moving forward in both houses of Congress. The annual USCG authorization act not only directs the use of the funding provided in the separate appropriation act, but it is also the traditional vehicle for substantive changes to Coast Guard programs and activities and often contains provisions of interest to pilots.

HR 2830 was introduced in the House of Representatives on June 22. The bill was quickly marked up and approved by the Coast Guard and Maritime Transportation Subcommittee on June 26 and by the full Transportation and Infrastructure Committee on June 28. As reported in the previous edition of ON STATION, the T & I bill contains several proposed improvements to the USCG's mariner credentialing program that have been considered for the last year or two. An interesting item would authorize the creation of an ombudsperson in each USCG district.

The bill was then referred to the House Committee on Homeland Security for consideration of the portions of the bill subject to its jurisdiction. That committee approved the bill with some modifications and additions on September 25. Next stop is the House floor, but the version of the bill that will be considered at that stage will be a compromise between the versions approved by the two committees and may also contain a number of entirely new provisions in a "managers' amendment."

The Senate counterpart, S 1892, was introduced on July 26. On August 2, it was approved and reported out by the Senate Committee on Commerce, Science and Transportation and is currently awaiting action on the Senate floor. The Senate bill is somewhat shorter than the House bill, lacking, for example, the latter's provisions on mariner credentialing.

USCG CREDENTIALING INFO AVAILABLE

With all the changes taking place in the Coast Guard’s mariner credentialing programs, the USCG has stepped up its outreach and communication efforts to make useful information available to mariners. A recently established website, "What’s New at NMC" (www.uscg.mil/STCW/Chapt3.htm) is a good starting point for learning about the changes and offers links to many of the new and proposed procedures and forms. Mariners also want to consult another site, www.uscg.mil/hq/g-

m/nmc/web/NMCRCProy.websitewarev01.htm, which focuses on the National Maritime Center’s Restructuring and Centralization Project but offers a great deal of information and links concerning other NMC topics as well. Information about the TWIC program is available at http://homeport.uscg.mil and www.tsa.gov/TWIC.

MERPAC MEETS

The USCG’s Merchant Personnel Advisory Committee (MERPAC) met September 10-12 in Easton, Maryland. Paul Kirchner attended the meeting on behalf of the APA. Captain Andrew McGovern, New Jersey Sandy Hook Pilots, is chairman of MERPAC.

A major focus of the Committee’s attention at the meeting was the ongoing consideration of proposed changes to the USCG’s program for reviewing the medical and physical fitness conditions of mariners. A special workgroup reviewed draft revisions of the medical forms used by the program (Form 719K and 719K/E) that had been prepared by the USCG staff. The group concluded that the draft revised forms had many problems and declined to support them. Instead, the USCG was asked to try again and submit drafts reflecting the group’s comments for the next group meeting. Both the group and the full Committee also deferred final recommendations relating to a revised medical Navigation and Inspection Circular (NVIC) until the spring 2008 meeting. Once issued, the new NVIC will set the rules and standards for the USCG’s medical review program.

The Committee heard reports on a number of USCG initiatives and projects dealing with the credentialing of mariners. Formal recommendations were made on several of those items.

Minutes of the meeting will be posted on the Committee website at http://homeport.uscg.mil under Ports and Waterways/Safety Advisory Committees/MERPAC.
POSITIVE REPORT ON PILOT LAPTOPS

A review and analysis of different pilot laptops used by a number of pilot groups throughout the world has been released by its authors. The report, "Use of Portable Piloting Units by Maritime Pilots," was prepared by Dr. Lee Alexander, Center for Coastal and Ocean Mapping, University of New Hampshire, and Michael J. Casey, IHC Technologies, Ottawa, Ontario. The Laurentian Pilotage Authority in Canada commissioned the study.

Dr. Alexander and Mr. Casey examined laptop use by 13 different groups in the US, Canada, Australia, New Zealand, and Europe. The US groups featured were the Columbia River Pilots, Pilots' Association for the Bay and River Delaware, Houston Pilots, Tampa Pilots, and the Crescent River Pilots. In addition to a great deal of information and helpful charts comparing various aspects of the laptops used by the different groups, the report takes a very positive view of this growing practice and offers a number of conclusions regarding pilots' selection and use of these units.

For example, the authors state that the successful use of the units and their incorporation into piloting practices can be attributable to the pilots' own involvement in the selection and design of units based on their knowledge of the particular needs of their piloting area. According to the authors, "Based on the pilots we interviewed, Marine Pilots know what information is needed and available, as well as how to obtain and use it in a PPU."

A copy of the report can be obtained from the APA office.

APA SPONSORS E-NAV CONFERENCE

The APA has joined other maritime organizations as a "Supporting Sponsor" of eNavigation 2007, the annual conference on AIS and information technology to be held in Seattle, Washington, November 13-14. Captain Mike Watson will deliver a luncheon address at the conference to be held at the Seattle Bell Harbor Conference Center.

Formerly known as the AIS Conference, eNavigation 2007 will again bring together regulators, policymakers, industry, and manufacturers to discuss US and international developments in policy, law, and technological advancements as they affect AIS and related technologies. Information about the conference can be obtained at www.eNavigation.org.

"The APA has been sending members to the conference for years, and we are delighted that they have seen fit this year to join us as a supporting sponsor," said Peter Philips, publisher of Pacific Maritime Magazine and president of parent company, Philips Publishing Group. "eNavigation 2007 is unique in its mission to provide a forum for interactive discussion of information technology as it relates to waterborne commerce. The American Pilots’ Association and its membership is an important part of that dialogue."

BATTLE OF BUZZARDS BAY, CONT.

The contest over who gets to regulate the navigation of tank barges in Buzzards Bay continues. As ON STATION readers are aware from past issues, on one side is the US Coast Guard backed by the tank vessel operators, and on the other is the Commonwealth of Massachusetts supported by environmental groups, especially the Coalition for Buzzards Bay. The competing efforts to regulate shipping in that area were triggered by a 2003 grounding of a tank barge that resulted in a spill of approximately 98,000 gallons of fuel oil. Recent developments include:

In June, the US Circuit Court of Appeals for the First District overturned a July 2006 US District Court decision. The District Court had held that many of the provisions of a 2004 Massachusetts Oil Spill Prevention Act, including a requirement that US-flag coastwise tank vessels take a state pilot, were invalid on federal pre-emption grounds. The Circuit Court remanded the case back to the District Court instructing that court to hear evidence on the extent to which several of the provisions may, in fact, interfere with federal programs. The District Court's invalidation of the state pilotage requirement was not affected by the appellate decision. On August 22, the Massachusetts Office of Attorney General announced that it was resuming enforcement of the provisions of the Oil Spill Act that had been sent back to the District Court.

On August 30, the USCG issued a final rule revising earlier proposed rules establishing a “Regulated Navigation Area” for Buzzards Bay. The final rules require, among other things, that all single hull tank barges carrying 5,000 or more barrels of oil must be accompanied by escort tugs and be under the direction and control of a pilot “who is not a member of the crew, operating under a valid, appropriately endorsed federal first class pilot's license issued by the Coast Guard.” The stated intention of the rules is to preempt state law covering the same or similar subjects.

In establishing that final rule, the USCG accepted the APA's comments opposing an earlier proposed rule that would have required only that a federally licensed pilot be on an escort tug as a navigation "monitor.” The USCG did not accept another APA recommendation, however. The APA had suggested that the USCG use its expansive statutory authorities to protect marine safety by having the RNA rules require the tank barges to take a state-licensed pilot. Current statutory provisions for non-crewmember state-licensed pilots on coastwise vessels in Prince William Sound, Alaska were cited as a model. The USCG responded in the notice of the final rule that they had concluded that they do not have the legal authority to establish a state-licensed pilot requirement without specific Congressional direction. The Commonwealth of Massachusetts and the Coalition for Buzzards Bay are reportedly considering alternative means of extending the safety benefits of a state-licensed pilot to these vessel operations.
SMITH REAPPOINTED

Captain Whit Smith, President of the Charleston Branch Pilots and APA Secretary-Treasurer, has been appointed by the Governor of South Carolina to a second 7-year term on the South Carolina State Ports Authority. He served as chairman of the Authority for 2000-2002 and currently serves as vice chairman. He will continue in that position.

McVAY MAN OF YEAR

The Propeller Club of the United States – Port of Narragansett Bay has named Captain E. Howard McVay, President of the Northeast Marine Pilots, as its 2007 Maritime Man of the Year. The award was presented at a monthly Club meeting during which Captain McVay was also saluted by the Rhode Island Pilot Commission, the East Providence Harbor Commission. McVay is a former president of the Propeller Club and former chairman of the Harbor Commission.

BURAS HONORED

The Tammany Tigers, the St. Tammany Parish, Louisiana chapter of the LSU Tiger Athletic Foundation, has funded an athletic scholarship at the school and named it in honor of Leon “Buddy” Buras III, a member of the Associated Branch Pilots. Captain Buras played offensive guard and offensive tackle for LSU from 1971 to 1974 under Coach Charlie McClendon.

Because Captain Buras wore number 74 during his playing days at LSU, the Tammany Tigers will provide an athletic scholarship every year for the football player wearing that number. This year, that squad member will be Brett Helms, a junior center from Arkansas.

COUNCILMAN TO 2008 CONVENTIONS

The 2007 Board of Trustees meeting in Washington may be only a few days away, but the APA office is already hard at work on the 2008 APA Convention to be held at the Grand Hyatt Kauai Resort and Spa, Koloa, Kauai, Hawaii. Activities will begin with registration and the golf tournament on Sunday, October 19, followed by the Attorneys’ Meeting and committee meetings on Monday, the business sessions beginning Tuesday, and the concluding gala dinner dance on Friday, October 24.


IMPA’s XIX Congress will be held in Bangkok, Thailand August 4-8 at the Royal Orchid Sheraton Hotel. Preliminary information about the Congress, including optional pre- and post-Congress tours, has been sent to APA member group offices. The hotel website is: www.sheraton.com/bangkok.

ELECTIONS, SELECTIONS, ETC.

- The Puget Sound Pilots announce their directors and officers for 2007-2008: Captain Delmar Mackenzie, president-director; Captain Richard McCurdy, vice president-director; Captain Gary Hurt, secretary-treasurer-director; Captain Calvin Hunziker, director; Captain Donald Mayer, director; Captain Eric vonBrandenfels, director; and Captain Michael Wood, director.
- The Crescent River Port Pilots’ Association elected a new board of directors on August 20: Captain Allen J. “A.J.” Gibbs, president/treasurer; Captain Kevin Blondiau, vice president; Captain Michael Plauche, secretary; Captain Richard Ducros II, director; and Captain William Vogt, director.