



# ON STATION

The Newsletter of the American Pilots' Association

September 15, 2013

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## COAST GUARD ISSUES SAFETY ALERT ON BRM IN PILOTAGE WATERS

On August 30, 2013, the U.S. Coast Guard issued a Marine Safety Alert on "Bridge Resource Management in Pilotage Waters." The APA had the opportunity to work with the Coast Guard in drafting the Alert and is satisfied with its contents. The alert reminded vessel interests "that navigation watch teams should at all times use Bridge Resource Management (BRM) best practices and techniques even when the ship is being directed by a properly licensed pilot." The alert also recommended that pilots "*employ appropriate mechanisms to facilitate effective BRM to the maximum extent possible, including a thorough Master-Pilot exchange, and effective communication and collaboration while navigating, particularly during periods of restricted visibility, maneuvering, or heavy traffic.*" The complete alert is available at: <https://homeport.uscg.mil>.

## MAINE MARITIME ACADEMY HONORS THE LATE CAPTAIN SUSAN CLARK

Maine Maritime Academy (MMA) will celebrate the life of Captain Susan Clark and honor her with a ceremonial dedication of the academy's navigation training vessel, to be named the *Captain Susan J. Clark*. The dedication will be held on September 21. MMA issued the following statement: "Maine Maritime Academy is honored to name its navigation training vessel in memory of Captain Clark so that her inspiration will live on. As student navigators-in-training work on the ship that bears her name, students will learn of Susan's courage and integrity, her love of life, and her respect for the sea."

Captain Clark, who passed away on September 6, 2012 at the age of 48, served as President of the Portland Pilots and was an APA Trustee for the State of Maine.

## APA OFFICERS HOLD MEETING IN WASHINGTON, DC

The officers of the APA (President, Regional Vice Presidents, and Secretary-Treasurer) held their biannual meeting at the APA offices in Washington, DC on September 12. During the meeting, the Vice Presidents provided updates on topics and trends from the pilot groups within their respective regions. These exchanges among pilot representatives from around the country help facilitate continued improvements to pilotage operations.

APA President, Captain Mike Watson, Executive Director-General Counsel, Paul Kirchner, and Deputy Director, Clay Diamond, briefed the Vice Presidents and received feedback about ongoing APA activities, policies, and future plans.



**APA Officers (from left to right):** Captain Mike Torjusen (VP Gulf States), Captain Pete McIsaac (VP Pacific States), Captain Danny Gallagher (VP Great Lakes), Captain Mike Watson (President), Captain Whit Smith (Secretary-Treasurer), Captain Eric Nielsen (VP North Atlantic States), and Captain Jorge Viso (VP South Atlantic States). Captain Mike Rooney (VP Gulf States-Louisiana) was unable to attend the meeting due to prior commitments in Louisiana.



## 92nd MARINE SAFETY COMMITTEE FOCUSES ON CRUISELINES

IMO's Marine Safety Committee (MSC) met in London for its 92nd session from June 12-21.

Captain Mike Watson represented both the International Maritime Pilots' Association (IMPA) and the APA at this meeting. While MSC 92 continued its work on combating piracy, its primary focus was on addressing cruise ship safety in the wake of accidents such as the 2012 COSTA CONCORDIA incident.

MSC 92 adopted amendments to SOLAS to require musters of newly embarked passengers "prior to or immediately upon departure" instead of "within 24 hours," as is currently required by SOLAS. MSC also approved a revised list of recommended measures to enhance the safety of passenger ships. Among these recommendations are harmonization of bridge navigational procedures across a fleet and following "voyage planning guidance" in the event of any deviation from the planned track.

APA will continue to monitor closely IMO efforts that could impact pilots or pilotage operations.

## LAST MEETING OF "NAV SUBCOMMITTEE" PROVES BUSY

The 59th and last meeting of the IMO's Subcommittee on Safety of Navigation (this and another subcommittee will be merged to form the new "Subcommittee on Navigation, Communication, and Search and Rescue") was eventful and addressed several issues directly applicable to pilots. Captain Mike Watson represented IMPA and Paul Kirchner

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(APA Executive Director-General Counsel) served on the U.S. Delegation. The meeting was held in London from September 2-6.

Among the issues addressed by NAV 59 were IMO's E-Navigation Strategy, Revision of Guidelines for the Operational Use of AIS, ECDIS Documentation, and, most critically, an attempt by some shipbuilders and owners to interpret SOLAS Regulation V/23, which governs pilot transfer arrangements, in a way that would permit climbs of greater than 9 meters. Such an interpretation is contrary to the letter and spirit of the regulation, which is aimed at *enhancing* pilot safety.

The proposed interpretation of V/23 was submitted by IACS and supported by most of the Flag of Convenience registries as well as by the Nautical Institute (!). Its stated goal was to allow some vessels to avoid the requirement (and expense) of having to carry and employ an accommodation ladder for any pilot transfer arrangements more than 9 meters above the water. Fortunately, with the support of the U.S., Canada, Marshall Islands, France, Germany and Australia, NAV 59 rejected this misguided proposal.



## PANAMA CANAL ISSUES ADVISORY ON PILOT APPRENTICE TRAINING

The Panama Canal Authority issued an advisory reminding shipping companies that pilotage in the Canal is compulsory and that Canal pilots are in navigational control of the vessel. The advisory explained, "This control does not cease while a pilot in training is executing maneuvers under the supervision of the qualified pilot." The advisory included a statement relevant to State pilot groups in the U.S.: "An integral and fundamental part of their training is precisely the hands-on part, which can only be performed by allowing them to execute maneuvers and handle vessels while transiting our waterways."

## MARITIME LABOR CONVENTION ENTERS INTO FORCE

The Maritime Labor Convention (MLC) of 2006 entered into force on August 20. Although the U.S. has not ratified the MLC, U.S. flagged ships in the international trade and most foreign flagged ships in the U.S. trade will be subject to its requirements. While the MLC is, of course, principally a labor instrument, it can have an operational impact through provisions such as those governing crew work hours.



### HOUSE SUBCOMMITTEE HEARING EXAMINES FUTURE OF TWIC PROGRAM

On June 18, the House Subcommittee on Border & Maritime Security of the House Committee on Homeland Security conducted a hearing on the "Future of the TWIC Program." Subcommittee Chair, Rep. Candice Miller (R-OH), made her frustrations clear at the outset of the hearing. She said, "More than decade after it was implemented, the TWIC card is currently no more than an expensive flash pass and is not being used as originally designed. Recently, a U.S. Government Accountability Office report called into question the security value of the TWIC program stating, 'Eleven years after initiation, DHS has not demonstrated how, if at all, TWIC will improve maritime security.'"

Among the witnesses testifying at the hearing were Rear Admiral Joseph A. Servidio (USCG), Mr. Steve Sadler (Transportation Security Administration), Mr. Stephen M. Lord (Government Accountability Office), and Captain Marcus Woodring (Port of Houston Authority).

Despite millions of dollars, numerous private contracts, and more than ten years of regulatory efforts, the TWIC program continues to frustrate lawmakers, and more importantly, mariners and U.S. port workers.

### COAST GUARD SUBCOMMITTEE HOLDS HEARING ON REGULATORY BURDENS ON THE MARITIME INDUSTRY

On September 10, the House Coast Guard and Maritime Transportation Subcommittee, chaired by Rep. Duncan Hunter (R-CA), conducted a hearing entitled "Maritime Transportation Regulations: Impacts on Safety, Security, Jobs and the Environment." The hearing focused primarily on regulations affecting business practices and the viability of the US flag. Rear Admiral Joseph Servidio, USCG, testified about the Coast Guard's rulemaking process and noted that it takes four years on average before a regulation comes into effect. While the subcommittee members seemed most concerned about pending Coast Guard regulations affecting the commercial and recreational fishing industry and the significant economic burdens these proposed regulations may bring, APA will continue to watch these Congressional efforts.

### RARE BIPARTISAN HOUSE BILL ADDRESSES HARBOR MAINTENANCE TRUST FUND WOES

On September 11, the House Transportation and Infrastructure Committee announced the introduction of H.R. 3080, the Water Resource Reform and Development Act of 2013. The legislation was jointly introduced by Committee Chairman Bill Shuster (R-PA), Committee Ranking Member Nick Rahall (D-WV), Water Resources and Environment Subcommittee (WR&E) Chairman Bob Gibbs (R-OH) and WR&E Ranking Member Tim Bishop (D-NY).

This bill, like other recent legislation, seeks to ensure that full amounts credited to the Harbor Maintenance Trust Fund (HMTF) are actually expended for harbor maintenance projects. Unlike other legislative approaches, however, H.R. 3080 doesn't seek to fix the under-funding problem immediately, but rather establishes a series of spending "targets" over the next seven years.

The bill also seeks to streamline the required steps for the Army Corps of Engineers. Mr. Gibbs said, "While it once took the Corps three to five years to complete a [harbor project] study, it has become normal for this process to take 10 to 15 years. This bill cuts red tape, streamlines reviews, and accelerates the lengthy process, saving us precious time and money and allowing harbor infrastructure improvements to move forward."

The WR&E Subcommittee expects to hold a public hearing in September to explore further how to address HMTF shortcomings and to consider amendments to this legislation.

### CO-CHAIRS OF HOUSE OCEAN CAUCUS CALL FOR NATIONAL MARINE TECHNOLOGY WEEK

On August 2, Rep. Sam Farr (D-Ca) and Rep. Don Young (R-AK), Co-chairs of the House "Ocean Caucus," introduced a resolution calling for the week of September 22nd to be designated as "National Marine Technology Week" in recognition of the important contributions marine technology has made. The resolution coincides with the 50th anniversary of the Marine Technology Society.

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[www.americanpilots.org/newsletter\\_archives.html](http://www.americanpilots.org/newsletter_archives.html)



## USCG ANNOUNCES CHANGES TO SOME VTS OPERATIONS

In an August 21 Federal Register notice, the Coast Guard announced that it is revising and updating the Vessel Traffic Service (VTS) regulations found at 33 CFR Part 161. Among other changes, the revisions make participation in the VTS in Port Arthur, TX mandatory (it was previously a voluntary system) and expands it to include Lake Charles, LA; and consolidates and expands a VTS "special area" in Puget Sound, WA. The Coast Guard typically institutes "special areas" when geographic or other conditions, such as concentrations of vessels or vessels carrying particularly hazardous cargoes, make a portion of the waterway an inherently dangerous navigational area. These regulatory changes become effective on September 20, 2013.

## COAST GUARD SELECTS LONG-TIME EMPLOYEE AS NEW CHIEF ALJ

Judge Walter J. Brudzinski has been selected as the USCG's Chief Administrative Law Judge (ALJ). In this capacity, Brudzinski will provide oversight of the ALJ program and its mariner credential suspension and revocation process. Brudzinski has been an ALJ with the Coast Guard since 2003.

Prior to his initial ALJ appointment in 1996 with the Social Security Administration, he served as a Deputy Commonwealths Attorney for Virginia Beach, prosecuting violent felonies, drug distribution and civil forfeiture cases. Before serving as a civilian prosecutor, Brudzinski was a long-time Coast Guard officer, serving in a variety of assignments afloat, ashore, and as a judge advocate. Brudzinski assumed the role of Chief ALJ on June 2.

## MERPAC CONTINUES EFFORT TO REVISE CREDENTIALING AND MEDICAL FORMS

The Merchant Marine Personnel Advisory Committee (MERPAC), chaired by Captain Andrew McGovern (Sandy Hook Pilots), met on September 11-12. Among MERPAC's tasks was to review and submit recommendations to the USCG on proposed changes to the medical evaluation form (719K) and the mariner credential application form (719B). The Merchant Mariner Medical Advisory Committee (MEDMAC) will also consider proposed changes to the 719K when it meets later in September. The new forms are expected to be issued some time in 2014.

## COMMITTEE UNANIMOUSLY REJECTS PROPOSED CHANGES TO GREAT LAKES PILOTAGE SYSTEM

More than a year ago, the Coast Guard entered into a contract with a private company to conduct a review of the Great Lakes pilotage ratemaking process, as well as other operational aspects of the pilotage system. On July 15, the study and its recommendations were presented to the Great Lakes Pilotage Advisory Committee (GLPAC). After reviewing the results of the study, GLPAC rejected the recommendations because the proposals were vague and would not appropriately address the shortcomings of the current ratemaking methodology.

GLPAC, which is comprised of the Presidents of the three groups of U.S. registered pilots on the Great Lakes, as well as representatives of shipping and port interests on the Lakes, will meet later in September to consider this matter further and to hear additional proposals from the Coast Guard.

## NEW COMMANDING OFFICER AT NATIONAL MARITIME CENTER

On June 28, Captain Jeff Novotny formally relieved Captain Anthony Lloyd as commanding officer of the National Maritime Center. The APA has already met with Captain Novotny to discuss the mariner credentialing program and pilot-specific concerns.



## NTSB HOLDS "SAFETY CULTURE" FORUM

On September 10-11, the National Transportation Safety Board (NTSB) convened a forum titled "Safety Culture: Enhancing Transportation Safety" in Washington, DC. According to the NTSB, the forum addressed "ways of enhancing safety by providing first-hand accounts of efforts from both transportation and non-transportation industries to develop effective safety cultures and to implement specific safety-enhancement techniques." The forum's various panels discussed academic safety culture research, as well as the roles, responsibilities, and methods for developing effective safety cultures within transportation industries.

While the NTSB forum included little information related to maritime operations, APA monitored the event closely.



## CHARLESTON BECOMES 23RD HOME FOR PORTS® SYSTEM

Charleston harbor, South Carolina, is now home to the Nation's 23rd Physical Oceanographic Real-Time System (PORTS®). As APA-member pilots are aware, this NOAA system provides real-time water level and meteorological information from long-term tide stations as well as bridge clearance measurements from special air gap sensors, providing users with critical data when transiting the harbor. It is an important decision support tool that improves the safety and efficiency of maritime commerce.

According to NOAA, two major studies of the economic benefits of the PORTS® system have shown that it can provide both cost-savings and higher direct income. A 2007 study of PORTS® operations in the Houston/Galveston area showed benefits ranging between \$14.1 and \$15.6 million annually. An earlier study for the system operated in Tampa/St. Petersburg showed that the Tampa Bay economy receives more than \$7 million a year in savings and direct income from NOAA PORTS®.

Officials from NOAA's Center for Operational Oceanographic Products and Services (CO-OPS) and the South Carolina State Ports Authority dedicated the new system on June 27.

## APA URGES NOAA TO ADJUST RIGHT WHALE PROTECTIVE AREAS

On July 31, the APA submitted formal comments on NOAA's proposal to make permanent the North Atlantic Right Whale protection area. The comments emphasized that APA continues to have navigational safety concerns about NOAA's blanket 10 knot speed restrictions on large ocean-going vessels up and down the U.S. East Coast. APA recommended that NOAA exclude federally-maintained dredged channels and pilot boarding areas from these speed management areas. This would remove less than one tenth of one percent from the total protective area. APA also stressed that, as has been the case since APA first submitted comments on NOAA's efforts to protect the right whale over a decade ago, APA considers itself a genuine partner in efforts to protect the marine life and the environment. The APA comments are available at [www.americanpilots.org](http://www.americanpilots.org) under "Activities".



## GAO RECOMMENDS MORE ENGAGEMENT WITH GPS "STAKEHOLDERS"

The Government Accountability Office (GAO) recently issued a report on the Global Positioning System (GPS). As directed by Congress in early 2013, the U.S. Air Force conducted an assessment of potential options for modernization of GPS. Congress also directed that GAO review the Air Force report.

The GAO made the following recommendations to the Air Force: (1) affirm the future size of the GPS constellation it plans to support; (2) ensure that future assessments are comprehensive and include cost risk and the impact of options on all three GPS segments; and (3) engage the broader stakeholder community in future assessments of options.

The full GAO report is available at: [www.gao.gov/assets/660/657507.pdf](http://www.gao.gov/assets/660/657507.pdf)



## JAENICHEN NOMINATED FOR MARITIME ADMINISTRATOR

On September 11, President Obama announced that he had nominated Paul "Chip" Jaenichen to serve as Maritime Administrator. Jaenichen was a career naval officer, retiring in 2012 after more than 30 years of service.

Jaenichen has been with the U.S. Department of Transportation, Maritime Administration, since July 2012 when he was appointed Deputy Maritime Administrator by President Obama. He has served as "acting" Administrator since June 4, 2013.

Jaenichen must be confirmed by the full U.S. Senate.

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## APA NEWS

### USCG SECTOR NEW ORLEANS RECOGNIZES PILOTS

A year after Hurricane Isaac scattered 100 ships in the Lower Mississippi, the USCG honored two New Orleans-Baton Rouge Steamship Pilots (NOBRA) for their "heroic actions" in braving gale force winds and a storm surge to aid several crippled ships and prevent further casualties from this Category One storm.



Pictured l-r: Captain Derek Solar, Captain Michael E. Rooney (NOBRA President), Coast Guard Captain Peter Gautier, and Captain Maurice "Toby" Wattigney.

Captain Peter Gautier, CG Sector New Orleans, presented Captain Derek Solar and Captain Maurice "Toby" Wattigney with the USCG Certificate of Merit on September 5. NOBRA President, Captain Mike Rooney, said, "The brave and heroic actions of Captains Solar and Wattigney exemplify our mission to protect the public welfare and environment of the State of Louisiana."

Captain Gautier also presented Captain A.J. Gibbs, past President of the Crescent River Port Pilots Association, with the CG Meritorious Public Service Award. See photo at right. The award, presented at the Greater New Orleans Port Safety Council meeting on July 10, 2013, recognized Captain Gibbs' "outstanding contributions to maritime safety" while serving as Association President.



### VIRGINIA MARITIME ASSOCIATION HONORS CAPTAIN BILL COFER

On May 9, the Virginia Maritime Association presented its "Distinguished Service Award" to Captain Bill Cofer, President of the Virginia Pilot Association (see photo at left). Cofer was recognized for his "unique contributions promoting, protecting and encouraging the ports of Virginia."

### USCG AWARDS CERTIFICATES TO ASSOCIATION EMPLOYEES



In the photo above, Captain Bruce Jones, Commander, CG Sector Columbia River, presents Columbia River Bar Pilot employees Leroy Schlecht (left), George Ware and Gerrald Tucker (right) with CG Certificates of Merit at an awards presentation held on June 19, 2013. The men were awarded for rescuing a man stranded and clinging to a steel tower in the Columbia River near Astoria on December 29, 2012.

### ELECTIONS, SELECTIONS, APPOINTMENTS, ETC.

- ◆ The officers for the Aransas-Corpus Christi Pilots are: **Captain John Williams** (President), **Captain Jay Rivera** (Vice President), and **Captain Bobby Grumbles** (Secretary/Treasurer).
- ◆ The Northeast Marine Pilots' Association announced their new Board of Directors: **Captain Howard McVay**, **Captain Vince Kirby**, and **Captain Clint Walker**.
- ◆ On July 22, Florida Governor Rick Scott announced the appointment of **Captain Carolyn Kurtz** to the Board of Pilot Commissioners.
- ◆ **Mr. Dave Halmagyi** (Business Manager for Columbia River Pilots) has retired after 25 years of dedicated service. He has been replaced by Ms. Elaine Truitt.

### IMPORTANT DATES

**October 22-23, 2013: APA Trustees Meeting in Washington, DC.**

**November 19-20, 2013: E-Nav Conference in Seattle, WA. Information about registration can be founded at: [www.enavigation.org](http://www.enavigation.org).**