

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 06/20/2012
POSITION: Oppose
SPONSOR: Pacific Merchant Shipping Association

BILL NUMBER: SB 1408
AUTHOR: Blakeslee, Sam

BILL SUMMARY: Bar pilots: Monterey Bay and the Bays of San Francisco, San Pablo, and Suisun.

This bill would strengthen the regulation and licensing of maritime pilots who operate vessels in the various bays in the San Francisco Bay Area, the tributaries stretching to Stockton and Sacramento, and Monterey Bay.

FISCAL SUMMARY

The Board of Pilot Commissioners (Board) indicates that this bill would result in additional costs to contract with an independent entity to conduct a study of the effects of work and rest periods on psychological ability and safety for pilots, and promulgate regulations based on the results of the study.

Costs resulting from incorporating information on fatigue prevention and proper utilization of portable pilot equipment and software into the continuing education requirements would be minor and absorbable.

While this bill would require the Board to participate in the Department of Motor Vehicles (DMV) pull-notice program for all of its pilot trainees and licensees, this bill would exempt the Board from any fees under the program.

COMMENTS

The Department of Finance is opposed to this bill for the following reasons:

- Any changes to the regulation and licensing of pilots are better suited to be fully vetted through the Board's regulatory process.
This bill would result in additional costs to the state that are not included in the 2012 Budget Act.

The author's office indicates that the intent of this bill is to enhance safety and accountability in the state's oversight of licensed pilots and promote safe navigation in the various bays in the San Francisco Bay Area, the tributaries stretching to Sacramento and Stockton, and Monterey Bay.

Analyst/Principal M. Tollefson Date Program Budget Manager Kristin Shelton Date
Department Deputy Director Date
Governor's Office: By: Date: Position Approved Position Disapproved
BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

Blakeslee, Sam

06/20/2012

SB 1408

COMMENTS (continued)

recommendations. While the San Francisco Bar Pilots have self-imposed work rules based on a study conducted in 1985, there are no standards for maximum hours worked in either regulations or statute. We would note, however, that the system currently in place is working and changes to the continuing education requirements or work rules should be left to Board consideration rather than legislation.

More specifically, this bill would:

- Require the adopted pilot continuing education program to regularly inform pilots of the hazards of fatigue and effective strategies to prevent it while on duty, and require a pilot to refuse an assignment if he or she is physically or mentally fatigued.
- Require the Executive Director to request that the United States Coast Guard (Coast Guard) report a suspected safety violation to the port agent or pilot organization in the next port of call if the Executive Director alerts the Coast Guard to a violation or likely violation of safety standards that will not be corrected prior to the vessel reaching the next port of call.
- Require trainee program applicants to disclose information to a board-appointed physician regarding substance abuse history and medical conditions that include lapses in consciousness that could affect the safe operation of a vessel or motor vehicle, and allow the Board to refuse to admit a trainee or renew or issue a license if a physician determines that an applicant or licensee habitually uses or is addicted to alcohol, narcotics, or other dangerous drugs.
- Require the Board to participate in the DMV pull-notice program for all of its pilot trainees and licensees.
- Require continuing education costs associated with the use of portable pilot equipment and software to be considered continuing education expenses.
- Require the Board to contract with an independent entity to conduct a study of the effects of work and rest periods on psychological ability and safety for pilots. Based on the results of the study, this bill would require the Board to promulgate regulations establishing requirements for adequate rest periods intended to prevent pilot fatigue.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)						Fund Code
	LA	(Dollars in Thousands)						
	CO	PROP		2012-2013 FC	2013-2014 FC	2014-2015		
	RV	98	FC					
2670/Pilot Comm	SO	No		-----	See Fiscal Summary	-----	0290	
<u>Fund Code</u>	<u>Title</u>							
0290	Pilot Commissioners' Special Fd, Board							