

**PMSA DATA REQUEST NO. 562:** Regarding Exh. ECK-01T 29:16–21, admit that tug capabilities have improved since 2008. If denied, provide a basis for denial.

**RESPONSE:**

PSP objects that the request is vague as to the meaning of “tug capabilities have improved” and misleading to the extent it implies that all tugs in service on Puget Sound today were constructed after 2008. Subject to the objection, Captain Klapperich responds as follows:

Denied. As an initial matter, PMSA’s intended use of the term “tug capabilities” is not clear to me. For purposes of this response, I interpret it to mean the efficacy of tug assist on Puget Sound while performing maneuvers in a restricted waterway. Based on this definition, tug capabilities are a function of multiple factors including the physical characteristics of the particular tug vessel, the skill of its operator, and the conditions (e.g., operating space, current, wind, etc.) under which the tug is operating. I would also note that 15 out of 17 tugs operating on Puget Sound today were built before 2008, so to the extent that new tug vessel construction has improved in recent years, those developments, if any, have not materially affected tug capabilities on Puget Sound. A list of the tugs currently operating on Puget Sound and their year of construction is attached for PMSA’s reference.

Considering all of these factors, tug capabilities on Puget Sound have not improved since 2008. Conversely, there has been a very significant increase in the difficulty of piloting caused by the dramatic increase in ship size during the same period as explained in my testimony.

**Current List of Tugs Available in Puget Sound  
For Ship Assist and Tanker Escort**

<b>Foss Tugs</b>	<b>Date Built/Delivered</b>	<b>Crowley Tugs</b>	<b>Date Built/Delivered</b>
Lindsey Foss	1993	Response	2002
Andrew Foss	1982	Guide	1998
Garth Foss	1993	Guard	1997
Henry Foss	1982	Protector	1996
Marshall Foss	2001	Chief	1999
Weddell Foss	1982	Tanerliq	1999
Arthur Foss	1982	Nanuk	1999
Bo Brusco	2014	Athena	2022
Lynne Marie	2001		

**PMSA DATA REQUEST NO. 624:** Regarding Exh. IC-08T 5:11–12, the period of the years 2019 and 2021, and the statement that “pilots did not excessively use comp days,” please provide all of the following:

- (a) Describe the quantitative threshold at which the usage of comp days becomes “excessive.”
- (b) Identify all instances in your knowledge of PSP history at which PSP comp day usage is “excessive.”
- (c) Quantify total comp day usage in 2019.
- (d) Quantify total comp day usage in 2021.
- (e) Quantify total comp day usage versus callbacks in 2019.
- (f) Quantify total comp day usage versus callbacks in 2021.
- (g) Quantify total comp day usage versus vessel delays in 2019.
- (h) Quantify total comp day usage versus vessel delays in 2021.

**RESPONSE:**

- (a) Provided the use of a comp day is needed for personal or other reasons, taking that comp day is not excessive.
- (b) I do not believe a pilot using a comp day earned through working a call back job is excessive.
- (c) 617 comp days taken by active pilots. 283 comp days taken by pilots burning days towards retirement.
- (d) 589 comp days taken by active pilots. 554 comp days taken by pilots burning days towards retirement.
- (e) See Exh IC-13 for callback jobs in 2019. 617 comp days were taken by active pilots in 2019.
- (f) See Exh IC-13 for call back jobs in 2021. 554 comp days were taken by active pilots in 2021.
- (g) See Exh. IC-10 and Exh. IC-13.
- (h) See Exh. IC-10 and Exh. IC-13

**PMSA DATA REQUEST NO. 626:** Regarding Exh. IC-08T 5:20–6:3, regarding WAC 363-116-081, please respond to all of the following:

- (a) Admit that in 2015, PSP adopted rest policies that established an 8-hour rest requirement and “three-and-out.”
- (b) Admit that 2018 BPC policies and 2019 legislation adopted fatigue rules that imposed the 10-hour rule in order to obtain 8 hours rest, a 13-hour limit on multiple harbor shifts, and “three-and-out.”
- (c) Admit that the adoption of WAC 363-116-081 in 2021 was a new rule adopted by the BPC which codified that pilots have a mandatory rest period of at least 10 hours in order to provide pilots with the opportunity for 8 hours of rest and codified and defined the existing practice of PSP to receive a mandatory rest period after three consecutive night assignments.
- (d) If any of the above are denied, please provide a justification for the denial.

**RESPONSE:**

- (a) Admit that a “three and out” rule adopted in 2015, which was different from the one adopted in WAC 363-116-081.
- (b) Admit that in late October 2018 and 2019 a 10-hour rest rule was adopted, as was 13-hour limit on multiple harbor shifts, and a “three and out,” which was different than the three and out adopted in 2021.
- (c) Admit as to 10-hour rest rule, deny as to the three and out rule.
- (d) When WAC 363-116-081 was adopted, the call time was increased to two hours, which increased the potential for a three and out. Previously, the three and out window began at travel time and not call time. PSP partially overcame this in January 2022 by reducing the call time for night assignments by 1 hour.

**PMSA DATA REQUEST NO. 628:** Regarding Exh. IC-08T 7:12–21, please identify the specific “WAC and RCW rest rules” that are the subject of this testimony.

**RESPONSE:**

Previous versions of RCW 88.16.103 enacted in 2008. Current RCW 88.16.103 enacted in 2019. Previous version of WAC 363-116-081 was effective 3/28/97. Current WAC 363-116-081 became effective 4/19/21. WAC 363-116-081 was further amended at the request of PSP, effective on 7/24/22.

**PMSA DATA REQUEST NO. 652:** Regarding Exh. IC-14, please provide all of the following:

- (a) For tab "2022," please identify the original source document for each of the data fields for each pilotage ground listed and a copy of the same if not already in the record.
- (b) For tab "2021," please identify the original source document for each of the data fields for each pilotage ground listed and a copy of the same if not already in the record.
- (c) For tab "2020," please identify the original source document for each of the data fields for each pilotage ground listed and a copy of the same if not already in the record.
- (d) For tab "2019," please identify the original source document for each of the data fields for each pilotage ground listed and a copy of the same if not already in the record.

**RESPONSE:**

- (a) through (d): Florida information obtained from the Department of Business and Professional Regulation; Louisiana pilot group information provided by Crescent River Port Pilots CFO Mark Nelson; BC Coast Pilots information provided by Executive Director Paul Devries; Columbia River Pilots' information provided by Pres. Capt. Jeremy Nielsen; Columbia River Bar Pilots information provided by Administrative Pilot Capt. Dan Jordan; Grays Harbor Pilot information obtained from Board of Pilotage Commissioners; and Puget Sound Pilots information assembled by PSP. Copies of email, spreadsheet and other information obtained from the above sources attached.

Florida Pilot Group Information Links:

- a. [http://www.myfloridalicense.com/dbpr/pro/pilotc/documents/Tampa\\_Bay\\_Investigative\\_Committee\\_Report.pdf](http://www.myfloridalicense.com/dbpr/pro/pilotc/documents/Tampa_Bay_Investigative_Committee_Report.pdf)
- b. <http://www.myfloridalicense.com/dbpr/pro/pilotc/documents/Final%20Report%20-%20Analysis%20of%20Palm%20Beach%20Application%20-%202021.pdf>
- c. <http://www.myfloridalicense.com/dbpr/pro/pilotc/documents/Investigative%20Report%20-%202022%20Port%20Canaveral%20Pilotage%20Rate%20Change.pdf>

**PMSA DATA REQUEST NO. 653:** Regarding Exh. IC-15, please provide all of the following:

- (a) For all data entries for “2022,” please identify the original source document for each of the data fields for each “Total GT per vessel class” value, “Total Assignments per vessel class” value, “Total Revenues per vessel class” value, and a copy of the same if not already in the record.
- (b) For all data entries for “2021,” please identify the original source document for each of the data fields for each “Total GT per vessel class” value, “Total Assignments per vessel class” value, “Total Revenues per vessel class” value, and a copy of the same if not already in the record.
- (c) For all entries for “2020,” please identify the original source document for each of the data fields for each “Total GT per vessel class” value, “Total Assignments per vessel class” value, “Total Revenues per vessel class” value, and a copy of the same if not already in the record.
- (d) For all entries for “2019,” please identify the original source document for each of the data fields for each “Total GT per vessel class” value, “Total Assignments per vessel class” value, “Total Revenues per vessel class” value, and a copy of the same if not already in the record.
- (e) For all entries for “2018,” please identify the original source document for each of the data fields for each “Total GT per vessel class” value, “Total Assignments per vessel class” value, “Total Revenues per vessel class” value, and a copy of the same if not already in the record.
- (f) For all entries for “2017,” please identify the original source document for each of the data fields for each “Total GT per vessel class” value, “Total Assignments per vessel class” value, “Total Revenues per vessel class” value, and a copy of the same if not already in the record.
- (g) For all entries for “2016,” please identify the original source document for each of the data fields for each “Total GT per vessel class” value, “Total Assignments per vessel class” value, “Total Revenues per vessel class” value, and a copy of the same if not already in the record.

**RESPONSE:**

- (a) through (g): Spreadsheet attached.