Exh. BV-01T
Witness: Brett Valentine

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, **Complainant,** **v.** **PUGET SOUND PILOTS,** **Respondent.**	**Docket TP-220513**

REBUTTAL TESTIMONY OF

BRETT VALENTINE

ON BEHALF OF PUGET SOUND PILOTS

MARCH 3, 2023

Haglund Kelley, LLP
2177 SW Broadway
Portland, OR 97201
Tel: (503) 225-0777 / Fax: (503) 225-1257

TABLE OF CONTENTS

EXHIBIT LIST		
Exhibit No.	**Description**	**Page Referenced**
BV-02	PSP President's email to dispatchers dated June 23, 2022	9

I. IDENTIFICATION OF WITNESS

Q: Please state your name, position and business address.

A: My name is Brett Valentine and I have been a dispatcher for the Puget Sound Pilots from 1995 to present. My business address is 2003 Western Ave., Suite 200, Seattle, WA 98121.

Q: Please describe your educational background and work history.

A: After graduating from high school in 1979, I went to college for one semester at the University of Colorado and then joined the U.S. Coast Guard. I started my Coast Guard career as a deckhand on a buoy tender in Guam before being trained as a radioman. I served as a radioman on U.S. Coast Guard vessels and land stations until medically retiring from the Coast Guard in 1985. Following my discharge from the Coast Guard, I became an operator and eventually Operations Manager for the Marine Exchange of Puget Sound. I worked for 10 years at the Marine Exchange, a vessel-traffic monitoring service and marine information clearinghouse that served as the primary communications link for "ship to shore" radio communications between the ships calling in Puget Sound and their agents, the pilot dispatchers, and other land based contacts. In 1995, I was hired by the Puget Sound Pilots as a dispatcher and I have held that position for the last 28 years.

II. PURPOSE OF TESTIMONY

Q: What is the purpose of your testimony?

A: From my perspective as a 28-year PSP dispatcher, my testimony seeks to rebut PMSA testimony that PSP has become less efficient. My testimony will discuss the challenges caused

by PSP's shortage of pilots and also highlight the efficiency benefits conferred by PSP board of directors approved measures adopted in the second half of 2021 and first quarter of 2022.

Q: Please describe how PSP staffs its dispatch system and your work cycle.

A: PSP staffing includes four dispatchers who rotate around the clock to ensure 24-hour coverage of our operation. PSP's four dispatchers work one week, full time on duty, on watch and on call for 24 hours a day ("A watch"). Although dispatch is on duty for a 24-hour period, routine business is conducted between 0800 and 1700, seven days a week. The next week the "A watch" dispatcher rotates to "B watch" and is responsible for backing up the "A watch" dispatcher for breaks and meal periods. The watches described above are followed by an off-watch period until the next "A watch" cycle starts again.

Q: In 2019, when the RCW 88.16.103 rest rules took effect, what challenges did those rules present to the PSP dispatch system?

A: The primary issue was the shortage of pilots – specifically, pilots who were sufficiently rested to safely perform the work and comply with new rest rules, e.g. new limitations on duration of work periods, new limitations on performing multiple harbor shifts, new limitations on overnight work periods ("3 and outs").

Q: Were there additional challenges that negatively affected dispatching operations at PSP?

A: There are a number of conditions beyond the shortage of pilots including order-time changes, vessel delays, cancellations, pilot health, pilot license levels and retirements. Many of

these challenges are not new but they are exacerbated by a general shortage in pilots and make dispatching more difficult.

Q: Can you characterize the impact of delays by a vessel, after a pilot has been ordered and is either on board or traveling to the ship?

A: Yes. We experience many delays every month that are generated by the ship or their agent. For example, it would violate RCW work/rest rules if a pilot were assigned to two assignments in a single harbor area and one of those assignments were delayed outside the pilots maximum RCW-allowed operating window. Depending on the length of the delay, this could disrupt the dispatching of pilots and necessitate the need for a callback job because the delay pushes the pilot we had scheduled to perform that assignment past the point where that pilot can perform the delayed assignment and comply with PSP's work/rest rules. In this case, two pilots would be required to perform a job that one pilot could have done if the delay had not occurred. It also could necessitate a last-minute off-duty hire to meet the changing demand caused by the delay. Another example of vessel delay impacts occurs when a pilot is ordered outbound from Tacoma at 0800 with an expected assignment completion time at 1400 in Port Angeles. This means that the pilot would be in Port Angeles and ready for another assignment at 2400. If the vessel were to delay to 1000 or later, then the pilot would not be available until 0200 or later. This could have a severe impact on vessels due to arrive at the Port Angeles Pilot Station around midnight – particularly cruise ships and container ships that need a specific (typically early morning) "berthing time".

Q: Are there other issues that create dispatching challenges?

A: Yes, order time changes occur when an agent changes the order for a pilot – usually before the pilot has been dispatched. For example, a pilot could be ordered for an outbound vessel from Seattle at 1730 for a 0400 departure. The pilot would be expected to complete this job at the Port Angeles Pilot Station at 0900 where they would receive a mandatory 10-hour rest. This pilot would be available to be dispatched to an assignment at 1900 to meet an inbound vessel at 1930. If the agent makes an order time change for the first assignment at 2000 amending the departure time to 0600, then that pilot would arrive at Port Angeles at 1100 and not have time for enough rest to take the 1930 inbound assignment. This leaves the dispatcher with two options: 1) delay the inbound vessel until a rested pilot is available, or 2) reposition a rested pilot (if available) to Port Angeles.

Q: Do work-rest rules limiting the duration of overnight work for pilots create challenges for PSP dispatchers?

A: Absolutely. One of the most challenging factors in dispatching is the prevention of the "3 and out" – a rule at WAC 363-116-081 mandating a night off following three consecutive night assignments. This is also informed by the expansive definition of "night assignment" in the WAC. Based on my experience, the effect is very significant because the pilot going "3 and out" is effectively out of rotation for a long period. For example, if a pilot checks in after their last assignment at 0300 from a third consecutive night job, this pilot cannot return to rotation until 0800 on the following day. If this was not a third consecutive night assignment, this pilot would have been available for dispatch at 1300. In this example, the pilot would be out of rotation for 19 hours.

In 2022, pilots were held out of rotation 453 times due to the requirements of the "3 and out" rule in the WAC.

Q: Are there other circumstances that can affect the PSP dispatch system?

A: Yes, it can be very disruptive when a customer cancels a job. A recent example occurred during the early morning hours when a pilot was assigned and aboard a vessel that canceled its transit due to mechanical problems. This creates a combined problem where a rested pilot cannot perform an assignment and is not utilized. Additionally, the canceled assignment may count as a night assignment and trigger the "3 and out" rule necessitating an extended on-watch out-of-rotation period. Customer changes made after a pilot has been dispatched to an assignment are the most disruptive because assignment travel, work-rest periods, or repositioning have already occurred and careful dispatching plans must be amended.

Q: What other factors could negatively impact the availability of pilots?

A: Pilot fitness is an important factor limiting pilot availability. In 2022, PSP had over 830 total pilot days in which pilots were not fit for duty, were unavailable to pilot, or were out on account of Covid or Covid exposure. The demands of pilot training also limit pilot availability. During the height of the Covid pandemic, travel and association restrictions limited the ability of pilots to train. As these pandemic rules relaxed, PSP pilots pursued training opportunities in greater numbers to catch up on their training requirements and this impacted their availability. In 2022, PSP pilots had 295 days of training compared to an average of approximately 120 days per year.

Q: Can you characterize the system-wide impacts on dispatching from these regulatory requirements, shortage of pilots, cancelations, delays, fitness, training, and order-time changes?

A: Complying with work-rest rules and best-practices while also managing changes, cancelations, delays, fitness, accommodations, and repositions all have a systemic effect that must be reconciled on the fly by PSP dispatch. The dispatching process matches the needs of accommodating ship traffic with the available pilotage resources. When you constrain the availability of the pilot resources by placing cascading demands on scheduling, you create more downstream complications to match the resources and place them where they're needed.

Q: Given the challenges described above, what steps has PSP and its dispatch team taken to more efficiently utilize pilots?

A: When the Commission issued Order 09 on November 25, 2020; PSP undertook a series of steps to comply with the Order's mandate to improve efficiency while integrating work/rest best practices. From what I observed, PSP's leadership took the UTC Order very seriously and worked closely with outside consultants to consider possible improvements to the PSP working rules that determine how on-watch pilots are dispatched. This process involved discussions with PSP leadership, consultants, dispatchers and pilots to determine how efficiency improvements could be made.

Q: How did PSP put the recommendations from this process into practice and can you characterize the impact on PSP dispatching?

A: Following discussion, balloting, and voting, PSP and the dispatchers adopted a number of efficiency measures during 2021 and 2022, some of which I observed to be more effective than others. I believe there are five efficiency measures that have had significant positive impacts on overall on watch efficiency. These include rule changes that 1) allowed for the combination of a local harbor shift with a long-haul assignment, 2) allowed an assignment shortly following a meeting, 3) reduction in the period of call time for evening assignments, 4) the use of modest ship delays to facilitate efficient use of PSP pilots, and 5) the establishment of a rolling start schedule rather than a single on-watch/off-watch changeover day.

Q: Starting with the first of these efficiency measures, please describe how the combination of a harbor shift with a transit assignment improves efficiency.

A: This efficiency change, which required a regulatory change by the Board of Pilotage Commissioners, enables dispatchers to take advantage of circumstances where a pilot can perform a harbor shift early in a daily work cycle and then perform what I call a long-haul assignment within a 12 to 13 hour time frame, depending upon whether all of the work is performed during day versus night hours. This rule change limited situations where a pilot performing a harbor shift was required to take a 10-hour rest before being assigned to another assignment.

Q: What was the significance of the change regarding rest requirements after a meeting?

A: The pilotage system necessitates a variety of meetings among pilots, regulators, and other maritime stakeholders. Before the working rule change, these necessary meetings were treated like any other assignment and required a pilot to receive a minimum 10-hour rest period. The rule change allowed dispatch to assign a pilot to a revenue-generating assignment following a meeting so long as the combined assignment duration did not violate work/rest rules. This change encouraged PSP to schedule fixed duration meetings so that PSP dispatchers could plan on combining the meeting with an available pilotage assignment when possible. The use of virtual meetings also significantly enhanced the effect of this rule change on overall efficiency by reducing any necessary travel time associated with the meeting.

Q: Please describe the effects of the rule change reducing call time for nighttime assignments by one hour.

A: I mentioned "3 and out" night assignments as a challenge earlier. This rule significantly reduced the number of night assignments that would have occurred by shortening the call-time for a night assignment by one hour. Once a pilot receives a 1730 call for a night assignment, they typically perform prep before taking their necessary rest before that assignment. By effectively shortening the nighttime assignment by one hour, this rule reduces the chances of a "3 and out" without impacting the time necessary for pilot preparation. Now a job that would have started at 0430, effectively starts at 0530 and avoids a possible "3 and out."

Q: Please describe the level of discretion that PSP dispatchers can use with regard to delaying ships.

A: Dispatchers have the discretion to delay a vessel as long as five hours but any delay longer than five hours requires express approval from the PSP President. PSP dispatchers interact with the PSP President throughout the day and often during night hours to determine whether delays are necessary because of the absence of rested pilots or to effectuate an efficiency measure. Generally, PSP dispatch seeks to minimize delay times wherever possible. Delays that are implemented for efficiency purposes are generally shorter in duration than delays caused by a lack of a rested pilot. PSP dispatch also considers many factors when exercising our discretion to delay vessels, including type of vessel, time of day, destination of vessel, and berth congestion.

Q: Did PSP President Captain Ivan Carlson document the five-hour level of dispatcher discretion to delay ships for efficiency reasons?

A: Yes, in an email that is Exh. BV-02.

Q: As a matter of standard practice, when did PSP dispatchers begin recording all delays due to lack of rested pilots?

A: Not until early 2021, when we received instructions from Captain Carlson to make certain that all such delays were regularly recorded.

Q: Were PSP dispatchers documenting delays due to lack of rested pilots in 2019?

A: No.

Q: Can you provide an example of how ship delays are used to increase PSP dispatch efficiency?

A: A good example of the use of dispatcher discretion to achieve an efficiency is where a vessel is due at Port Angeles inbound to anchor at 0430. This is considered a night watch (prior to 0500) and likely will contribute to a pilot becoming a "3 and out" pilot necessitating a lengthy rest requirement. A 30-minute delay with the pilot being dispatched at 0500 prevents this and keeps this pilot available for more assignments.

Q: Please provide another example of where a modest schedule shift may significantly improve pilot dispatch efficiency.

A. As an example, assume a vessel is due to sail Tacoma Blair Waterway at 0600 and another vessel is due to sail Tacoma Hylebos Waterway at 0500 and is tide restricted. Both vessels have harbor pilots assigned. An effective measure would involve delaying the Blair Waterway vessel by 30 to 60 minutes to enable the use of the harbor pilot from the Hylebos Waterway to sail during the prescribed tidal window and then pilot the Blair Waterway job.

At times we may ask a vessel to come to port early to allow the use of one pilot to perform two harbor jobs in a port area. For example, in February 2023, an Evergreen Company ship, the M/V Ever Shine, a large container vessel was arriving at our Port Angeles pilot station inbound from Los Angeles and scheduled to dock in Tacoma. After receiving notice of this ship's ETA two days before that arrival, we requested that the ship increase her speed in order to facilitate a pilot boarding at Port Angeles at 2100 rather than 2300. This two hour change in the ship's arrival enabled us to utilize a pilot who would not have been available if the ship had continued at her current speed and arrived at 2300 in Port Angeles. From the standpoint of the

impact on the vessel, this was fairly insignificant because she would still arrive at her berth in Tacoma within the timeframe necessary to meet her schedule. To facilitate this efficiency measure, we talked with the agent for the vessel two days before her arrival at Port Angeles and successfully worked out an arrangement that increased PSP efficiency. This pilot was able to do both the Ever Shine harbor job and another harbor job as one combined assignment.

Q: Please describe how PSP dispatchers go about finding an off watch pilot to perform a callback job when there is no available rested on watch pilot to perform a pilotage assignment.

A: We look for that off watch pilot by making calls based on a rotation where the pilot who performed or declined the most recent callback job goes the bottom of the list. In effect, we are first calling those pilots with the longest period of time between calls for a callback job.

Q: When you work with the agent for the ship to facilitate this type of efficiency in terms of pilot dispatch, does it always work out?

A: No. It is not uncommon for weather or other factors to result in ship delays that make the efficiency that we were trying to achieve impossible. However, more often than not, the effort made to work out this sort of efficiency with the ship's agent is successful in its implementation.

Q: Considering that the rolling start for the changeover between on watch and off watch PSP pilots was only fully implemented by the end of April 2022, are you able to offer any comments on the effectiveness of this efficiency measure?

A: Based on my more than 25 years of experience, there is no question that it is increasing the efficiency of pilots during their on watch work cycle and I believe it is a contributor to the increased level of efficiency described in the testimony of PSP President Ivan Carlson. However, with the ongoing shortage of pilots in our system, the future effect of the rolling start is still yet to be known. I believe that where the rolling start adds more pilots on watch starting the watch fresh and rested on a rolling start day, efficiency will increase significantly.

Q: How have the various efficiency measures adopted by PSP impacted the level of "3 and out" situations that you and your fellow dispatchers have to deal with?

A: All of the efficiency measures have contributed to reducing "3 and outs," but the single biggest contributor to reducing these situations has been the increased dispatcher discretion, with the approval of the PSP president, to use modest ship delays to prevent "3 and outs."

Q: Please provide an example of how a modest ship delay is used to avoid a "three and out."

A. As described earlier, I think this example is relevant. Example: a vessel is due at Port Angeles inbound to anchor at 0430. This is considered a night watch (prior to 0500) and likely will contribute to a pilot becoming a "3 and out" pilot necessitating a lengthy rest requirement. A 1/2 hour delay could prevent this and keep this pilot available for more assignments.

In addition to the example involving a vessel arriving at Port Angeles inbound to anchor at 0430 described above, a second example is a vessel is due to sail Seattle for the Far East at 0700. A delay to 0800 would prevent this job from being a night assignment and contributing to

a possible "3 and out" situation. The combination of the reduced call time efficiency measure and the modest delay complement each other in this example.

Q: Are you aware of other pilotage grounds where modest ship delays are used to improve pilot dispatch efficiency?

A: Yes. On the Columbia River Bar pilotage ground where helicopter operations facilitate the speedy transfer of a pilot in the Pacific Ocean to or from an incoming or outgoing vessel, it is my understanding that the dispatchers for the Columbia River Bar Pilots will delay or speed up the arrival of an incoming ship to facilitate the same pilot who is performing an outbound assignment being in a position to be hoisted off that outgoing vessel following completion of the pilotage assignment and immediately transferred to an incoming vessel further out to sea. It is also my understanding that these modest delays are worked out through communications with the ship in a manner that generally has no impact on the ship's schedule in terms of when she needs to be at a dock at an upriver port on the Columbia River.

III. CONCLUSION

Q: Does this conclude your testimony?

A: Yes.