

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

**WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,
Complainant,
v.
PUGET SOUND PILOTS,
Respondent.**

Docket TP-220513

**REBUTTAL TESTIMONY OF
CAPTAIN SANDY BENDIXEN
ON BEHALF OF PUGET SOUND PILOTS**

MARCH 2, 2023

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3 **I. IDENTIFICATION OF WITNESS**

4 **Q: Please state your name and position for the record.**

5 A: My name is Captain Sandy Bendixen. I am a state-licensed Puget Sound Pilot.

6 **II. PURPOSE OF TESTIMONY.**

7 **Q: What is the purpose of your testimony?**

8 A: My rebuttal testimony addresses the PMSA argument that competitive pay and
9 compensation is not important to a successful DEI program and the testimony of Captain Moore
10 and Ms. Metcalf that there has been no material change in pilotage risks over the last several
11 years. My testimony also supplements PSP's position on a need for automatic tariff adjustment
12 mechanisms, which should include formal Commission authorization of the Washington Board
13 of Pilotage Commissioners to periodically increase the tariff item funding the Puget Sound Pilot
14 trainee program administered by the BPC that also funds the stipends paid to those trainees.

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16 **Q: What is your response to PMSA DEI expert Kathleen Nalty's position that an
17 increase in pilot net income in this rate case is unnecessary to advance PSPs pilot corps
18 diversification efforts?**

19 A: Ms. Nalty's opinion is incorrect. Despite her apparent general experience with DEI
20 initiatives, Ms. Nalty has no maritime experience and clearly does not understand the recruiting
21 dynamics and issues of importance in our industry and in the pilotage profession specifically.
22 The qualified applicant pool to become a maritime pilot is extremely small, and diverse
23 candidates represent a tiny fraction of that candidate pool. While recruiting and inclusion policies
24 (for example, PSP's nation-leading maternity leave policy) play an important role in PSP's
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1 diversification effort, there is no question that PSP is being significantly undermined by the lack
2 of competitive compensation and benefits. I know from firsthand experience that competitive
3 compensation is extremely important to these pilot candidates in selecting which pilotage ground
4 they will apply to. Ms. Nalty's suggestion otherwise is completely divorced from the facts on the
5 ground.

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7 **Q: Is there anything else you would like to add regarding the imperative of providing**
8 **competitive compensation to successfully diversifying PSP's pilot corps?**

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10 A: Yes. It would be remiss not to acknowledge the Office of Equity in coordination with the
11 Governor's office's March 2022 promulgation of the five-year Washington State Pro-Equity
12 Anti-Racism (PEAR) Plan & Playbook that details Washington's approach for achieving pro-
13 equity and social justice across state government. The very first "determinant[] of equity"
14 identified in Governor Inslee's Executive Order 22-04 is "economic justice." Economic justice
15 by definition requires competitive compensation, and the prioritization of economic issues in
16 connection with Washington's PEAR initiative directly undercuts Ms. Nalty's claim that
17 competitive compensation and benefits are somehow not at the core of a successful DEI strategy.
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20 **Q: PMSA witness Captain Michael Moore claims in his testimony that there is no**
21 **shortage of qualified pilot trainee candidates. In particular, Captain Moore claims that 37**
22 **qualified trainee candidates sat for the 2021 BPC training program. Do you agree with this**
23 **statement?**

24 A: No. Captain Moore's statement is incorrect and misleading because it conflates the
25 number of candidates who met the minimum requirements to sit for the entrance exam with the
26

1 much smaller group of individuals who met all of the eligibility requirements to qualify for
2 entrance into the training program.

3 In order to qualify to enter the training program, an applicant must meet minimum
4 seatime requirements outlined in the WAC, hold a 1600GT master or equivalent for at least 2
5 years prior to application, *pass the written examination and pass the simulator examination.*

6 Only those individuals who meet all of the above requirements would be considered a qualified
7 candidate to be placed on the BPC's ranked list for entry into the training program.

8 There were only 11 qualified candidates from the 2021 exam, not 37 as Captain Moore
9 claims. Additionally, those 11 qualified candidates must still complete a final screening for
10 qualification prior to entering the training program that includes a passing drug test and state
11 physical. In short, Captain Moore misleadingly inflates the actual number of qualified candidates
12 from the 2021 exam by over 70% by mischaracterizing the data and definitions contained in the
13 BPC Annual Report.

14
15 The difference between Captain Moore's testimony and the actual number of qualified
16 candidates from the 2021 exam is material. In comparing the 2016 and 2021 exams, the
17 percentage of qualified applicants applying decreased in 2021 by nearly 25%. Due to this
18 significant drop off in the number of candidates, the BPC was forced to schedule another
19 entrance exam in 2024 at significant cost, that might otherwise not have been necessary if the
20 2021 exam had successfully attracted a sufficient number of qualified candidates.
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1 **Q: Do you agree with the testimony of Captain Moore and Ms. Metcalf that the risks**
2 **associated with serving as a state-licensed pilot in Puget Sound have not materially**
3 **increased in the last several years?**

4 A: No. My prior testimony addressed the substantial ongoing problem with noncompliant or
5 poorly rigged pilot ladders. It is worth noting that, as ships grow ever larger, the boarding or
6 debarking these ships via pilot ladder is often both longer and often more complicated with more
7 pieces of equipment with the potential for failure than with earlier generations of oceangoing
8 ships.

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11 **Q: Is the increased risk of serving as a pilot reflected in the death rates for pilots in the**
12 **U.S.?**

13 A: Yes. As noted in the testimony of APA Executive Director and General Counsel Clay
14 Diamond, a state-licensed pilot in the US has died every other year for the past 16 years.
15 Assuming a national corps of approximately 1,200 pilots, this translates to about 41.67 deaths
16 per 100,000 pilots annually. This is an extraordinarily high death rate that based on data
17 published by the Bureau of Labor and statistics is higher than that of structural iron and steel
18 workers and nearly double the death rate of underground mining machine operators. Of course,
19 pilots' high death rate alone does not fully capture the physical risks we face in the line of duty,
20 which also include severe injuries that are far too common based largely on the persistent failure
21 of ships' crews to provide safe and legal pilot transfer arrangements.
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24 **Q: Have you reviewed Captain Moore's response to your testimony regarding the**
25 **dangers of unsafe pilot transfer arrangements?**
26

1 A: Yes.

2
3 **Q: What is your response to Captain Moore's opinion that these dangers are not**
4 **unique to Puget Sound but are instead common to the pilots' profession across pilotage**
5 **districts?**

6 A: I appreciate Captain Moore's acknowledgment of the dangers of unsafe pilot transfer
7 arrangements, and I agree that this is a problem that unfortunately affects pilots on pilotage
8 grounds throughout the United States and around the world. I find Captain Moore's statement on
9 this issue somewhat ironic, however, given his adamance that "it is impossible to establish
10 comparability" among pilotage grounds. Captain Moore's insistence that comparability with
11 other pilot groups should not be considered in setting DNI seems to me to be completely at odds
12 with his recognition that the single greatest life-safety risk that pilots face is common to all pilots
13 across pilotage grounds.
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17 **Q: Have you recently been exposed to an entirely new development involving the use of**
18 **a so-called "stoppers" on older vessels calling Puget Sound which facilitates fuel emissions**
19 **compliance with local regulations, but significantly affects the vessel's speed in the event of**
20 **an emergency?**

21 A: Yes. In a recent development, some older ships have begun installing "stoppers" on their
22 fuel racks to help meet their greenhouse gas emissions targets under the IMO's Energy
23 Efficiency Design Index requirements that took effect on January 1 of this year. While reducing
24 GHGs is a laudable goal, these mechanisms and their rapidly emerging prevalence materially
25 increases the risks of pilotage.
26

1 A ship's fuel rack controls the level of fuel injection. The new stopper mechanism
2 additionally reduces the fuel to the engine. The problem is that the stoppers restrict the engine's
3 horsepower, which may be critical in an emergency. Even provided an emergency safeguard,
4 these mechanisms substantially impact important characteristics such as changes in performance
5 when switching from ahead to astern, for example, in a situation where the pilot needs maximum
6 ability to maneuver in routine and emergency close quarters situations.

7 Attached as Exh. SB-10 is email correspondence among Department of Ecology and
8 Coast Guard personnel discussing this new development and pilotage risk factor. The
9 correspondence references my recent assignment piloting the M/V ASL Uranus, which is among
10 the vessels that I believe has recently installed a stopper. Despite being advised by the ship's
11 crew that the vessel could maintain a speed of 13 knots over ground, she was only able to reach
12 10 knots overground for a significant period of time. This is a very significant (and troubling)
13 discrepancy that is consistent with the installation of a stopper that reduces fuel injection
14 capacity and horsepower.
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17 **Q: As you have described, use of a stopper reduces the level of fuel going to the ship's**
18 **engine for the purpose of reducing fuel omissions in pilotage waters. When you board a**
19 **ship, do you take steps before the pilotage assignment begins to familiarize yourself with**
20 **the ship's propulsion and maneuvering capability?**

22 A: Yes. During what is referred to as the master-pilot exchange, I review both the
23 wheelhouse poster, which shows the stopping distance of the vessel at various speeds in tenths of
24 a mile if an emergency astern command is necessary to bring the vessel to a complete stop. I also
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1 review what is referred to as the "pilot card" with the bridge team to familiarize myself with the
2 maneuvering characteristics of the vessel.

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4 **Q: With respect to the M/V ASL Uranus experience you had while piloting this vessel**
5 **very recently, was the ship able to perform consistent with the maneuvering characteristics**
6 **described on her pilot card?**

7 A: No. If, as I strongly suspect, the M/V ASL Uranus was using a stopper on her engine to
8 reduce fuel emissions while in Puget Sound pilotage waters, I was not advised by the ship's
9 master of its presence and it was impossible for me to determine whether the pilot card and
10 wheelhouse poster were accurate.
11

12 My experience with the M/V ASL Uranus highlights a key concern: The increased risks
13 that stoppers pose to pilotage is especially troubling if pilots are not being consistently notified
14 of their presence or their lack of ability to maneuver in close quarters situations. The potential
15 combination of reduced engine power and lack of accurate maneuvering information presents
16 novel and very significant risks to pilotage that could lead to a disastrous miscalculation in an
17 emergency or even a routine exercise such as docking or undocking a ship.
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20 **Q: What is PSP's proposal regarding the need for the UTC in this rate case to**
21 **authorize the Board of Pilotage Commissioners to make a tariff compliance filing that**
22 **increases Tariff Item 380 Board of Pilotage Commissioners Training Surcharge, which is**
23 **currently \$19 per trainee per pilotage assignment, without the need for a formal rate case**
24 **proceeding?**
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1 A: As a BPC Commissioner involved in the pilot trainee training program, it is important for
2 the BPC to cover the costs of the periodic pilotage exam, which can cost as much as several
3 hundred thousand dollars per exam, plus the stipends paid to trainees, which are currently
4 relatively low at \$8000 per month or \$96,000 annually, which is a sizable pay-cut for most
5 trainees from their prior mariner positions as the captain of an oceangoing vessel, ferry or
6 tugboat. Considering that the BPC is in charge of establishing how much this special surcharge
7 should be, the UTC should streamline the process of adjusting the tariff to accommodate an
8 increase or decrease in this pilot training surcharge by allowing the BPC to submit 30-day
9 compliance filings that become effective after that 30 days expires.
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11 **III. CONCLUSION.**

12 **Q: Does this conclude your testimony?**

13 A: Yes.
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