

PUGET SOUND PILOTS' RESPONSES TO PMSA DATA REQUESTS Nos. 683-699

DATE PREPARED: March 15, 2023 DOCKET: TP-220513 REQUESTER: Pacific Merchant Shipping Association ("PMSA")	WITNESSES: CAPT. SANDY BENDIXEN RESPONDER: CAPT. SANDY BENDIXEN PUGET SOUND PILOTS DATE: March 22, 2023 TEL: (206) 914-1330 EMAIL: sbendixen@pspilots.org
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PMSA DATA REQUEST NO. 683: Regarding the Exh. SB-09T 2:2–5 statement, “I know from firsthand experience that competitive compensation is extremely important to these pilot candidates in selecting which pilotage ground they will apply to,” please respond to all of the following:

- (a) Identify exactly who “these pilot candidates” are.
- (b) Describe your “firsthand experience” with selection of pilotage grounds by pilot candidates.

RESPONSE:

- (a) Capt. Bendixen objects to identifying these individuals because doing so would compromise their current work positions as employed mariners aboard oceangoing vessels.
- (b) This firsthand experience is based upon discussions with potential pilot trainee candidates regarding differing levels of compensation and benefits, working conditions and other characteristics of different pilot groups throughout the United States.

PMSA DATA REQUEST NO. 687: Regarding Exh. SB-09T 2:9–18 please clarify your testimony, is it your testimony that providing the Puget Sound Pilots with a substantially higher Distributed Net Income is necessary to accomplish “economic justice”?

RESPONSE:

Yes, in the sense of workforce equity within the pilotage profession in the United States. In fact, the 11 PEAR Service Lines includes “Workforce Equity,” which is defined to include building a diverse workforce. As a public agency, the WUTC has recognized its responsibility under the PEAR Plan & Playbook to consistently integrate considerations related to equity and access throughout its regulatory activities. The WUTC has in turn directed regulated companies to “inquire whether each proposed modification to their rates, practices, or operations corrects or perpetuates inequities.” *Washington Utilities & Transportation Comm'n v. Cascade Natural Gas Corp.*, No. 09, 2022 WL 4079281 (Aug. 23, 2022). My testimony affirms my belief that Puget Sound Pilots will not be able to attract a diverse group of applicants from the national pool of potential qualified applicants without competitive compensation and benefits. Additionally, Puget Sound Pilots has presented evidence that its outreach work in mentoring, educating, and building awareness of maritime careers is significant. I believe that this work will be impaired by a below-average Distributed Net Income. I believe that a substantially higher Distributed Net Income for Puget Sound Pilots would help correct the inequities that have restricted access and opportunity in the maritime industry and marine pilotage profession, specifically.

PMSA DATA REQUEST NO. 688: Regarding Exh. SB-09T 2:9–18 please admit that in 2020 the annual wages of the top 5% of earners in the United States was approximately \$343,000. If denied, please state the basis for your denial.

RESPONSE:

Admit.

PMSA DATA REQUEST NO. 690: Regarding Exh. SB-09T 2:9–18 please admit that “economic justice” often refers to policies and practices that exploit or punish the poor simply because of their economic status. If denied, please state the basis for denial.

RESPONSE:

Deny. My testimony with respect to “economic justice” is limited to the context of the PEAR Plan & Playbook.

PMSA DATA REQUEST NO. 691: Regarding Exh. SB-09T 2:9–18 please admit that the “Economic Justice Project” administered by the Southern Poverty Law Center is focused on the following priorities, “reforming policies that trap the poor in a cycle of court debt,” “protecting the safety net for the poor,” and “protecting low-income consumers from predatory practices.” If denied, please state the basis for denial.

RESPONSE:

Deny. I do not have sufficient knowledge of Southern Poverty Law Center projects.

PMSA DATA REQUEST NO. 692: Regarding Exh. SB-09T 2:9–18 regarding “economic justice” please respond to all of the following:

- (a) Admit that the Distributed Net Income of the Puget Sound Pilots is in excess of the Washington State poverty line.
- (b) Admit that the members of the Puget Sound Pilots are not trapped in a cycle of court debt.
- (c) Admit that members of the Puget Sound Pilots are not low-income consumers.
- (d) Admit that members of the Puget Sound Pilots are not exploited or punished simply because of their economic status.
- (e) If any of the above are denied, please state the basis or bases for denial.

RESPONSE:

Admit (a) through (e).

PMSA DATA REQUEST NO. 693: Regarding Exh. SB-09T 2:20–3:21, admit that Figure L at the testimony of Capt. Moore, at Exh. MM-1T 87:16–26, is an accurate reproduction of the illustration from the BPC 2018 Annual Report of the illustration entitled “BPC Marine Pilot Exams – Applicant Success.” If denied, please state the basis for denial.

RESPONSE:

Deny. The data displayed in Figure L of Captain Moore’s testimony is not consistent with BPC test data.

PMSA DATA REQUEST NO. 694: Regarding Exh. SB-09T 2:20–3:21, admit that Capt. Moore, at Exh. MM-26, applied the same terminology to describe the 2021 Pilot Exam as used in the BPC 2018 Annual Report illustration entitled “BPC Marine Pilot Exams – Applicant Success.” If denied, please state the basis for denial.

RESPONSE:

Deny. Captain Moore did not use the same terminology.

PMSA DATA REQUEST NO. 696: If your reply to DR 695 is yes, please provide any quantitative evidence in your possession to support your testimony which demonstrates that more pilot ladder incidents occur with larger vessels than with smaller vessels.

RESPONSE:

A Coast Guard Marine Safety Information Bulletin dated November 5, 2020 emphasizes the importance of following proper procedures in rigging combination pilot transfer arrangements involving a trap door configuration.

PMSA DATA REQUEST NO. 697: Regarding Exh. SB-09T 5:17–7:18 and your suspicions regarding the use of a “fuel stopper” on a vessel, has your experience with the M/V ASL Uranus now changed your approach to the master-pilot exchange?

RESPONSE:

Yes.

PMSA DATA REQUEST NO. 698: If the answer to DR 697 is “Yes” please describe your new approach to the master-pilot exchange.

RESPONSE:

It has been a part of my standard practice in the master-pilot exchange to inquire whether there are any unique handling characteristics of the vessel I am about to pilot. In my opinion, if the vessel is utilizing a fuel stopper, that should be brought to my attention during the master-pilot exchange. However, now that I am aware of the use of fuel stoppers, which could have significant negative impacts on a vessel's maneuvering capability, I am raising the issue directly in the master-pilot exchange. This can be very difficult aboard vessels where there is a low level of English-language capability among the members of the bridge crew, which is quite common on foreign flag ships. In these instances, I sometimes must resort to drawing pictures or making gestures in order to communicate effectively.