

PMSA DATA REQUEST NO. 660: Regarding Exh. BV-01T 2:13, regarding RCW 88.16.103, please respond to all of the following:

- (a) Admit that in 2015, PSP adopted rest policies establishing an 8-hour rest requirement and “three-and-out.”
- (b) Admit that in 2018, BPC policies 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.”

RESPONSE:

- (a) Admit a three and out rule was enacted by PSP in late 2015, though not in the form the rule exists now, which was adopted by the BPC in 2019.
- (b) Admit that rule was adopted in late October 2018 by BPC.

PMSA DATA REQUEST NO. 661: Regarding Exh. BV-01T 2:15–19, with respect to the “shortage of pilots,” please respond to all of the following:

- (a) How many licensed pilots were there in 2019?
- (b) What was the average assignment level per pilot in 2019?
- (c) How did the 2019 average assignment level per pilot compare to average assignment levels per pilot in 2018, 2017, 2016, and 2015?
- (d) What was the highest individual pilot assignment level in 2019?
- (e) What was the lowest individual pilot assignment level in 2019?

RESPONSE:

- (a) As dispatchers, we do not track that number.
- (b) As dispatchers, we do not track that number.
- (c) As dispatchers, we do not track that number.
- (d) As dispatchers, we do not track that number.
- (e) As dispatchers, we do not track that number.

PMSA DATA REQUEST NO. 663: Regarding Exh. BV-01T 2:23–24, where you list “the condition of pilot license levels” as a challenge that exists “beyond the shortage of pilots,” please respond to all the following:

- (a) How many assignments in 2022 required an unlimited pilot license?
- (b) How many pilots currently hold an unlimited license?
- (c) What was the number of assignments in 2022 where a pilot with a limited license was available to pilot a vessel in standard rotation but that pilot could not because the vessel required a pilot with an unlimited license?

RESPONSE:

- (a) As dispatchers, we do not track that number.
- (b) 30.
- (c) This data is not tracked by dispatch.

PMSA DATA REQUEST NO. 664: Regarding Exh. BV-01T 3:1, with respect to the “general shortage of pilots,” please respond to all of the following:

- (a) What was the average number of licensed pilots per month in 2022?
- (b) What is the current number of licensed pilots?
- (c) What was the average number of pilots available for assignment each day in 2022?
- (d) How many pilots were on watch and available for assignment on average each day in 2022?

RESPONSE:

- (a) through (d): This data is not tracked by dispatch.

PMSA DATA REQUEST NO. 665: Regarding Exh. BV-01T 4:20–21, regarding the “3 and out” rule placing a pilot “out of rotation for a long period,” please describe the minimum and maximum times that a pilot would be out of assignment rotation for because of the “3 and out” rule.

RESPONSE:

Maximum is approximately 31 hours. Minimum is approximately 15 hours.

PMSA DATA REQUEST NO. 666: Regarding Exh. BV-01T 5:1–2, in which you list the impacts of the “3 and out” rule for 2022, please describe how many times pilots were held out of rotation due to the “3 and out” rule in 2019, 2020, and 2021.

RESPONSE:

I do not have that data for 2019 through 2021.

PMSA DATA REQUEST NO. 667: Regarding Exh. BV-01T 5:4–13, admit that vessel cancellations are subject to potential charges pursuant to Item 350 in the current Puget Sound Pilotage tariff, which reads:

“Item 350 – Cancellation Charge

In the event an order for a Vessel Movement is cancelled at the Request of the Vessel less than 12 hours prior to the original Order Time for a vessel arriving or departing Port Angeles, or less than 5 hours for any other Vessel Movement, a Cancellation Charge shall be assessed in the following amount: \$1428.00

If the cancelation occurs more than two hours after the Pilot is assigned, a Transportation Charge shall also be assessed. In addition, if the cancellation occurs after the Order Time, a Service Time Charge shall also be assessed.”

RESPONSE:

Admit.

PMSA DATA REQUEST NO. 668: Regarding Exh. BV-01T 5:16–18, where you list the impacts of pilots being not fit for duty, unavailable, or out on account of Covid for 2022, please describe how many times pilots were unavailable for these reasons in 2017, 2018, 2019, 2020, and 2021.

RESPONSE:

I do not have that data.

PMSA DATA REQUEST NO. 669: Further regarding Exh. BV-01T 5:16–25, please describe all of the following:

- (a) Define “pilot days.”
- (b) How many total “pilot days” did PSP licensed pilots have in 2022? Please detail your calculation.
- (c) How many of the 830 “pilot days” were pilots not fit for duty in 2022? Please detail your calculation.
- (d) Does this calculation include both days that pilots are on-watch and off-watch?
- (e) Define “unavailable to pilot,” including all examples of how pilots may be unavailable to pilot.
- (f) Can participation in “pilot training” render an on-watch pilot “unavailable to pilot”?
- (g) Can a pilot taking a “comp day” render an on-watch pilot “unavailable to pilot”?
- (h) Can an off-watch pilot refusing a “callback” render an off-watch pilot “unavailable to pilot”?
- (i) How many of the 830 “pilot days” were pilots unavailable to pilot in 2022? Please detail your calculation, and specify whether this includes the 295 days of training.
- (j) Does this calculation include both days that pilots are on-watch and off-watch?
- (k) Define “out on account of Covid or Covid exposure.”
- (l) Are pilots who are out on account of Covid also “not fit for duty”?
- (m) How many of the 830 “pilot days” not already accounted for as “not fit for duty” were Covid days in 2022? Please detail your calculation.
- (n) Does “an average of approximately 120 days per year” for training mean that is the annual average for all years prior to the pandemic (pre-2020)?
- (o) Are training days on-watch, off-watch, or both?

RESPONSE:

- (a) See response to DR 615(a).
- (b) Not tracked by dispatchers.
- (c) This information is reported by PSP monthly at the Pilot Commission meetings. See Exh. IC-10 and Exh. IC-13
- (d) Yes.
- (e) My testimony at BV-01T 5:16-25 referred only to unavailability to pilot for medical reasons.
- (f) Yes.
- (g) No.
- (h) No.

- (i) 830 days. See Exh. IC-10, and IC-13.
- (j) Yes.
- (k) Defined according to recommendations of Dr. Ann Jarris of Discovery Health.
- (l) No.
- (m) See Exh. IC-10.
- (n) I do not have the knowledge to answer this question.
- (o) Both, the goal is half on-watch and half off-watch.

PMSA DATA REQUEST NO. 670: Regarding Exh. BV-01T 8:1–3, please provide copies of both (a) the prior rule that required meetings to be “treated like any other assignment and required a pilot to receive a minimum 10-hour rest period” and (b) the new work rule that allows dispatch to assign a pilot following a meeting.

RESPONSE:

Added efficiency measures to allow an assignment after a meeting or before.

Relevant PSP Operating Rules previously produced.

PMSA DATA REQUEST NO. 671: Regarding Exh. BV-01T 9:1–9, admit that a dispatcher will delay a vessel if on-watch pilots make themselves unavailable by taking comp days. If denied, please explain.

RESPONSE:

Deny. Delays occur only based upon PSP criteria.

PMSA DATA REQUEST NO. 672: Regarding Exh. BV-01T 9:1–9, admit that a dispatcher will delay a vessel if off-watch pilots make themselves unavailable by rejecting callbacks. If denied, please explain.

RESPONSE:

See response to DR 671.

PMSA DATA REQUEST NO. 673: Regarding Exh. BV-01T 9:1–9, admit that a dispatcher will delay a vessel if the Puget Sound Pilot President directs a delay. If denied, please explain.

RESPONSE:

See response to DR 671.

PMSA DATA REQUEST NO. 674: Regarding Exh. BV-01T 9:1–9, regarding the discretion a dispatcher has with respect to his or her authority to delay a vessel up to 5 hours:

- (a) Provide all documentation in PSP rules, guidelines, or other related office protocols that establish the discretion of a dispatcher to delay a vessel. If none exists, please so state.
- (b) Explain or provide the protocols employed by dispatchers when exercising their discretion to decide to delay vessels. If none exists, please so state.
- (c) Explain or provide the protocols employed by dispatchers when exercising their discretion to deciding which vessels to delay, including vessel delays by type of pilotage, by type of vessel, or by port. If none exist, please so state.

RESPONSE:

- (a) See Exh. BV-02.
- (b) PSP's ship delay decisions take into account multiple factors including, but not limited to, available and rested pilot has license restrictions, bulker vs. cruise ship, next port of call, loading operations, berth congestion, waterway congestion, preventing 3 and outs, combining two assignments, not delaying cruise ships, not delaying ship to Vancouver.
- (c) See response to (b).

PMSA DATA REQUEST NO. 675: Regarding Exh. BV-01T 9:1–9, admit that a dispatcher will delay a vessel if on-watch pilots are unavailable because they are attending PSP meetings. If denied, please explain.

RESPONSE:

See response to DR 671.

PMSA DATA REQUEST NO. 676: Regarding Exh. BV-01T 9:10–13, in addition to the email provided at Exh. BV-02 provide all communications regarding the five-hour level of dispatcher discretion.

RESPONSE:

Communications are almost entirely verbal between dispatcher and agents or PSP President.

PMSA DATA REQUEST NO. 677: Regarding Exh. BV-01T 9:10–13, admit that a dispatcher will delay a vessel if on-watch pilots make themselves unavailable by taking comp days. If denied, please explain.

RESPONSE:

See response to DR 671.

PMSA DATA REQUEST NO. 678: Regarding Exh. BV-01T 9:15–19, please provide a copy of the 2021 instructions from Capt. Carlson.

RESPONSE:

These instructions in 2021 were entirely oral.

PMSA DATA REQUEST NO. 679: Regarding Exh. BV-01T 9:15–22 please describe how delays were recorded in 2019 and 2020 and provide all documentation of delay recordation in 2019 and 2020.

RESPONSE:

In 2019 and 2020, there was no PSP policy or standard practice to record all ship delays. That changed in 2021 per oral instructions from PSP President Capt. Ivan Carlson.

PMSA DATA REQUEST NO. 680: Regarding Exh. BV-01T 9:15–22, please describe why PSP dispatchers would omit documenting delays due to a lack of rested pilots prior to 2021.

RESPONSE:

These delays were omitted simply due to lack of recognition of the importance of an accurate accounting of delays.

PMSA DATA REQUEST NO. 681: Regarding Exh. BV-01T 11:7–13, regarding PSP dispatchers making calls based on a rotation, will PSP dispatchers call an off-watch pilot at “the bottom of the list” for an assignment that would be within the 10-hour rest period after an assignment? If so, please explain why a dispatcher would call a pilot to initiate a job in violation of WAC 363-116-081.

RESPONSE:

Dispatchers do not knowingly call an off-watch pilot within the 10-hour post-assignment rest period.

PMSA DATA REQUEST NO. 682: Regarding Exh. BV-01T 12:1–6, regarding the implementation of the rolling start resulting in “increasing the efficiency of pilots during their on watch work cycle” since April 2022, please provide all of the following:

- (a) Describe at what hour a new pilot shift begins and the concluding pilot shift ends during a changeover day.
- (b) Describe the order of pilot dispatch that occurs on a changeover day.
- (c) Please describe the metrics and values of those metrics by which you determined that “there is no question” that the rolling start is “increasing the efficiency of pilots.”

RESPONSE:

- (a) Set out in PSP Operating Rules previously produced.
- (b) Set out in PSP Operating Rules previously produced.
- (c) “There is no question” refers to my experience regarding the previous method of changeover days vs the new “Rolling Start” method. In my opinion having multiple changeover days within a week provides more rested and fresh pilots specifically in regards to 3/out pilots.