

NOBRA MEETING - JUNE 18, 2024

June 18, 2024

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BOARD OF EXAMINERS FOR NEW ORLEANS - BATON ROUGE
STEAMSHIP PILOTS FOR THE MISSISSIPPI RIVER

MEETING HELD ON
TUESDAY, JUNE 18, 2024
COMMENCING AT 10:00 A.M.

At the offices of the Board of
Examiners for New Orleans - Baton Rouge
Steamship Pilots for the Mississippi River, 2805
Harvard Avenue, Metairie, Louisiana 70006.

REPORTED BY:
LESLIE L. NICOSIA
CERTIFIED COURT REPORTER

JOHNS, PENDLETON, FAIRBANKS AND FREESE

504 219-1993

I N D E X

	PAGE
2	
3 Title.....	1
4 Index.....	2
5 Appearances.....	3
6 Proceedings.....	4

1

2 Leslie L. Nicosia, a Certified Court Reporter
3 in and for the State of Louisiana,
4 did report the following:

5 BY MR. WARD:

6 We are going to call the
7 meeting to order and do roll call.

8 BY CAPTAIN JACKSON:

9 Lee Jackson, commissioner.

10 BY CAPTAIN ALARIO:

11 Kevin Alario.

12 BY CAPTAIN RITTINER:

13 Chris Rittiner.

14 BY MR. THOMAS:

15 Mike Thomas.

16 BY MR. WARD:

17 Rick Ward. We are all here.

18 Adoption of the minutes, they
19 should be in your packet.

20 BY CAPTAIN ALARIO:

21 I read over it. It all seems
22 to be in order. Motion to adopt.

23 BY CAPTAIN JACKSON:

24 I second. All in favor?

25 COLLECTIVELY:

1 Aye.

2 BY MR. WARD:

3 The minutes will be adopted.

4 Any public comment?

5 (NO RESPONSE)

6 BY MR. WARD:

10 BY CAPTAIN JACKSON:

11 I just want to put that on. I
12 know everyone is aware of it. The
13 final day of session, all members were
14 confirmed by the Louisiana Senate.
15 So, I just want to congratulate
16 everyone on their confirmation.

17 BY MR. WARD:

18 Congratulations to all of you.

22 BY CAPTAIN JACKSON:

23 I just wanted the members to
24 know that, overall, I think the drug
25 facility is doing a great job being

accommodating to the members. We did recently have some challenges with a certain level of scalping of --

BY CAPTAIN ALARIO:

I'm used to it.

BY CAPTAIN JACKSON:

It was one that -- I seen the photos. I don't know. As they are getting older, they are becoming a little more vain about their hair. What I have done, I had a conversation with the owner of the facility. I think we have a working-forward process as it relates to how they are going to collect.

She's done some training with the staff. She's brought in some wigs to assist them on how to cut hair. I think the challenge, what she shared with me, was the collectors were asking the pilots, basically, "Where do you want to cut?" They said, "Take it from my head." "Well, you do understand I have to cut in several areas to get what I need?" The guys

1 would say, "I just want it out of one
2 area."

3 You get what you get. So, what
4 -- She's gone back and said, "Listen.
5 You give them the option, but you let
6 them know what the process is. You
7 stick to the protocol. They can take
8 it from anywhere, but if you choose
9 the head, you have to get it from many
10 places so you don't have a gouge or a
11 big spot in your head." That's some
12 work in progress. She's reassured me.

13 Actually, I went through about
14 five days of complaints. All of a
15 sudden, they stopped. I think we have
16 a handle on it. I just wanted to let
17 the board members know where we are on
18 that. Overall, the guys said the
19 place is clean. They have met them
20 there on time. We haven't had an
21 issue of someone not being there when
22 the pilot pulled up. They are getting
23 the service that we have been hoping
24 we would get. I just wanted to pass
25 that on.

1 BY CAPTAIN ALARIO:

2 My experience being there, she
3 was a little close to the scalp. I
4 checked to make sure I wasn't
5 bleeding. That's part of the process.
6 I didn't have any patches missing, so
7 it wasn't an issue. I did have to
8 remind her to clean the scissors.
9 She's just starting, probably just
10 nervousness.

11 BY CAPTAIN JACKSON:

12 That type of -- When you see
13 something like that, bring it to their
14 attention. I think it's all about
15 them -- They are getting a volume now
16 of folks coming through. Their only
17 wish is to please the pilot. I just
18 want them to understand that's fine,
19 but you do have to -- don't -- in
20 pleasing the pilot, don't misstep on
21 your protocol.

22 Chris, you have any comments?

23 BY CAPTAIN RITTINER:

24 No comments. I went over
25 there. Same thing. I go under my

1 arms. After I seen the pictures, I
2 wasn't going to let them go on my
3 head.

4 BY CAPTAIN JACKSON:

5 I go from under the arm too,
6 obviously. I didn't have to -- I
7 needed to go under the other arm
8 afterwards. I didn't need to shave.

9 Anyway --

10 BY MR. WARD:

11 The drug and alcohol policy
12 status update.

13 BY CAPTAIN JACKSON:

14 That was put on -- I put that
15 on the agenda so the members will know
16 that, as of today, we are in line with
17 our drug and alcohol policy. We sent
18 out two letters to all the pilots. We
19 broke it down in groups, so like 60
20 the first wave, 60 the second wave.

21 I'm happy to report the first
22 60 went. We didn't have any issues,
23 except one. I will bring that up in
24 executive session. And the second
25 wave has until the 28th of this month

1 to complete. That seems to be going
2 well. For the first half of the year,
3 we are in compliance with our drug and
4 alcohol policy.

5 BY MR. WARD:

6 The ratification of the MPI
7 contract.

8 BY CAPTAIN JACKSON:

9 This was more of a task you
10 have in your packet. Rick and I went
11 and met with MPI on April 11th, not
12 really knowing -- I want the board
13 members to understand, not really
14 knowing when the association is going
15 to pull the trigger on this, I wanted
16 to make sure we had a real good plan
17 to move forward from a classroom
18 perspective and how we were going to
19 train apprentices.

20 Rick and I sat down for a few
21 hours with the principals over at MPI,
22 talked through all the objectives,
23 what we would like to see. What you
24 see here in your packet, you will see
25 a working list of things that they

1 have done and things we would like to
2 see. Also, based on previous training
3 programs, we need to update some
4 recent events, like the dolly. You
5 want to incorporate that into how you
6 are going to train the new pilots.

7 The first step was to develop
8 the plan. That was a cost associated
9 with that. Once they develop it, then
10 there was a deliverable that's due us
11 July 1st. Then we can kind of see
12 what they thought, how they are going
13 to plan. We use the basis of 30
14 pilots and how they are going to train
15 them. We should get our first glance.
16 The board should have something July
17 1st. I wanted to report that to you-
18 all potentially what that may look
19 like.

20 So, in order for them to put
21 the manhours in, we had to sign the
22 first initial contract. What you see
23 here in the packet was an executed,
24 basically for -- basically, the
25 establishment of this task order. So,

1 I will also say the price tag, in
2 working hand in glove with the
3 association, I ran it by them so that
4 they were comfortable with the number
5 and everyone on that side, the board
6 of directors, was okay with it.

7 I just needed a motion from you
8 guys to ratify this so we can move
9 forward.

10 BY CAPTAIN RITTINER:

11 I will start the motion to
12 ratify this as it states.

13 BY CAPTAIN JACKSON:

14 I will second. All in favor?

15 COLLECTIVELY:

16 Aye.

17 BY CAPTAIN ALARIO:

18 I wish somebody was here to
19 answer questions on it.

20 BY CAPTAIN JACKSON:

21 I didn't ask them to come.

22 That probably would have been a great
23 idea.

24 BY CAPTAIN ALARIO:

25 I'll meet with them. I'll go

1 along with it. Aye.

2 BY MR. WARD:

3 That motion is adopted and the
4 MPI contract is ratified.

5 Section E, high water rule
6 ratification.

7 BY CAPTAIN JACKSON:

8 That was just a -- What we do
9 is, obviously, we have high water
10 season that comes and goes.

11 Obviously, I just -- We implemented
12 high water on May 17th. Basically, it
13 gave the association a latitude to
14 institute that once the Carrollton
15 gauge reached a certain level. And
16 so, I just wanted the board to ratify
17 the high water.

18 Obviously, we've since
19 rescinded that. It took a long time
20 to resend it, because the water,
21 predictions from the NOAA was one
22 thing. It teetered for a good period.
23 Finally, we fell below 12. Needless
24 to say, this is just so that the board
25 can ratify that particular motion.

1 We will need a motion.

2 BY CAPTAIN ALARIO:

3 I motion.

4 BY CAPTAIN RITTINER:

5 Second.

6 BY CAPTAIN JACKSON:

7 All in favor?

8 COLLECTIVELY:

9 Aye.

10 BY MR. WARD:

11 Motion is ratified.

12 F, recency turn calculations.

13 BY CAPTAIN JACKSON:

14 As you all know, we have a
15 recency rule that says 60 turns, 20
16 miles. It came to my attention
17 through conversations with one of the
18 board members that the way the
19 computer calculates the turns,
20 unbeknownst to us, they calculate on
21 the basis of our tariff, not actually
22 what the man or individual pilot
23 moves.

24 So, I had -- Brad and I, we met
25 several times. We talked through

1 this. Basically, what you see
2 highlighted in yellow is basically now
3 all the turns that will be applicable
4 to a 20-mile turn. Really and truly,
5 Brad -- if you want to make a comment
6 on it -- we didn't have to do anything
7 from the board. This was all their
8 software. Brad, you want to --

9 BY MR. BROWN:

10 When Lee asked me to look into
11 this, I got into the numbers of it.
12 There's -- All of these numbers from
13 these reports are based off the tariff
14 and how we charge. It's not based off
15 of what the actual pilot does. You
16 have to have some sort of average and
17 standard. What we had in the computer
18 for these turns was a baseline mile
19 147.6 for Grand View or 90.5 for the
20 Point underway or 207 for Plaquemine
21 underway.

22 207 for Plaquemine underway, we
23 all know everybody goes to 205 or
24 lower to get on. In looking at this,
25 I made a few adjustments just with the

1 mileage through Kurt today where he's
2 going to change the Plaquemine
3 underway, Grand View underway,
4 Burnside underway on the billing side
5 of it.

6 Now it's going to look like not
7 one 147.6 for Grand View underway, but
8 145, because most pilots get on below
9 the bridge anyway. It's easier that
10 way. It's a simple change. 90.5, we
11 cannot charge a dollar for anything
12 below 90.5. All of our point underway
13 turns start at 90.5 on the billing
14 side. Almost all of our pilots
15 nowadays get on right above the locks
16 or right at the locks.

17 Internally, I'm having IT
18 change that number from 90.5 to 88.
19 It will calculate all of those turns
20 that are 20 miles. Let's use Avondale
21 for an example. That will be a
22 20-mile turn now.

23 BY CAPTAIN JACKSON:

24 Avondale is now a 20-mile turn.

25 BY MR. BROWN:

1 This is going to open a lot of
2 recency turns up for most people. All
3 of those turns will be made
4 retroactively today. The only ones
5 that won't will be the Plaquemine
6 underway, Grand View underway, White
7 Castle underway, the reason being is
8 because those I'm not able to
9 retroactively change those. Going
10 forward, they will count. That's
11 where we are at with it.

12 BY CAPTAIN JACKSON:

13 The reason was, so the board
14 knows, if, in fact, whenever the
15 association pulls the trigger on new
16 pilots and we look into the system, we
17 are going to have to make some sort of
18 adjustment on the recency rule. I
19 think now this is something we can put
20 in with their help that helps -- I
21 don't want to say appease. That's the
22 wrong word.

23 It helps bring a little bit of
24 the tension with some folks about it,
25 and it gives more access to more turns

1 until we are to that point where we
2 want to do some rule changes. I think
3 it's going to help big time. When you
4 think about it, look at the amount of
5 turns now available. It helps a lot.

6 BY CAPTAIN RITTINER:

7 Brad said something about
8 retroactive. Do we have anybody from
9 last year that didn't make the 60
10 turns?

11 BY CAPTAIN JACKSON:

12 No. I think because it was a
13 little slow time, I think we made some
14 --

15 BY CAPTAIN ALARIO:

16 People were stressing to me
17 toward the end of the year that they
18 were worried about getting them.

19 BY CAPTAIN JACKSON:

20 This will help.

21 BY CAPTAIN ALARIO:

22 If you bring on more pilots, it
23 will be another slow year.

24 BY CAPTAIN JACKSON:

25 We are going to have to look at

1 that I would say before the next wave
2 of pilots are commissioned. I wanted
3 to bring that to you. No action by
4 the board. This is all action that
5 the association can make the
6 adjustment in the software.

7 BY MR. BROWN:

8 I wish I would have known about
9 it sooner. We could have done
10 something about it sooner. I didn't
11 look into it deep enough to realize it
12 was based off the billing and how
13 these reports were generated.

14 BY CAPTAIN ALARIO:

15 There's the 110 buoys, that if
16 you were to do 90.5 to 110 point
17 whatever --

18 BY CAPTAIN JACKSON:

19 You were off by a point.

20 BY MR. BROWN:

21 A tenth of a mile.

22 BY CAPTAIN ALARIO:

23 Somebody shouldn't be penalized
24 for that.

25 BY MR. WARD:

1 Industry discussion.

2 BY CAPTAIN JACKSON:

3 This was put on the agenda.

4 Captain Toby asked me to -- he wanted
5 to come in front the board to have a
6 discussion. He -- Unfortunately, his
7 schedule changed. So, he asked Brad
8 to come bring something to our
9 attention. I will let Brad deal with
10 the issue. I don't think it's an
11 issue. It's just some conversation
12 being had.

13 BY MR. BROWN:

14 That's really all it is. Toby
15 talked to some industry members. He
16 talked to people in the Port of Baton
17 Rouge. He wanted you guys to do some
18 sort of study. I think just a
19 conversation between us and them will
20 work, so does Toby. He wanted to
21 notify y'all because it may come to
22 that. I'm not sure if we need to do a
23 study. We can look into this.

24 If an agent wants to use two
25 pilots to sail out of Baton Rouge with

1 a ship over 41 feet, that's their
2 choice. We did that a couple of times
3 based off the notes I have from Toby.
4 That's basically what he wanted to
5 talk about.

6 BY CAPTAIN JACKSON:

7 I think the board would be
8 supportive of it, anyway we can help.
9 Clearly, you keep us apprised of what
10 you-all -- It sounds like it's a
11 pretty good working deal between
12 industry and the association.

13 BY MR. BROWN:

14 Yes, sir.

15 BY MR. WARD:

16 That's the end of new business.

17 Any old business?

18 BY CAPTAIN JACKSON:

19 No.

20 BY MR. WARD:

21 Executive session.

22 BY CAPTAIN JACKSON:

23 I will make a motion to go into
24 executive session. At this time, the
25 court reporter will stop.

1 (OFF THE RECORD FOR EXECUTIVE SESSION)

2 BY MR. WARD:

3 We are no longer in executive
4 session. We are back in regular
5 session. Captain Jackson, I think we
6 have a few things to put on the
7 record.

8 BY CAPTAIN JACKSON:

9 We have a few motions. First
10 motion is I would like to make a
11 motion to basically adopt or agree to
12 a settlement agreement with a said
13 pilot that has come to this board for
14 assistance. That motion will be based
15 upon -- That agreement will be based
16 upon the findings from the BOE's
17 physician, and that individual will be
18 placed in an enhanced alcohol testing
19 program for 12 months.

20 Motion.

21 BY CAPTAIN ALARIO:

22 Second.

23 BY CAPTAIN JACKSON:

24 All in favor?

25 COLLECTIVELY:

1 Aye.

2 BY MR. WARD:

3 Motion passes.

4 BY CAPTAIN JACKSON:

5 Second motion is to dismiss

6 five incidents from our roster that's

currently through dates 10/27/22

8 through 6/9/23.

BY CAPTAIN ALFRED

second.

BY CHARLES WILSON.

17 [Sobre el autor](#) [Sobre el libro](#) [Sobre la editorial](#)

16 РИСУВАНИЕ ПОДСКАЗКАМИ

19 Yes. I think that was the last
20 motion that we had. Anything else?

31 BY MR. WARD:

22 I think that's it. Is there a
23 motion to adjourn?

24 BY CAPTAIN RITTNER:

25 I make a motion to adjourn.

1 BY CAPTAIN ALARIO:

2 Second.

3 BY CAPTAIN JACKSON:

4 All in favor?

5 COLLECTIVELY:

6 Aye.

7 [WHEREUPON THE PROCEEDINGS WERE

8 CONCLUDED AT 11:20 A.M.]

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REPORTER'S PAGE

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3 I, Leslie L. Nicosia, Certified Court
4 Reporter, in and for the State of Louisiana, the
5 officer, as defined in Rule 28 of the Federal
6 Rules of Civil Procedure and/or Article 1434 (B)
7 of the Louisiana Code of Civil Procedure, before
8 whom this testimony was taken, do hereby state
9 on the record;

10 That due to the interaction and the
11 spontaneous discourse of this proceeding, dashes
12 (--) have been used to indicate pauses, changes
13 in thought, and/or talk-overs; that same is the
14 proper method for a court reporter's
15 transcription of proceeding, and that the dashes
16 (--) do not indicate that words or phrases have
17 been left out of this transcript; that any words
18 and/or names which could not be verified through
19 reference material have been denoted with the
20 phrase "phonetically spelled."

21

22

Leslie L. Nicosia, C.C.R.

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24

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C E R T I F I C A T E

This certification is valid only for a transcript with my original signature and original required seal on this page.

I, LESLIE L. NICOSIA, Certified Court Reporter in and for the State of Louisiana, the "Officer" before whom this testimony was taken, do hereby certify:

That this proceeding and testimony was reported by me in stenotype method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding;

That this transcript has been prepared in compliance with transcript format guidelines required by statute or rules of the Board, and I am informed about the complete arrangement, financial or otherwise, with the person or entity making arrangements for deposition services;

That I have acted in compliance with the prohibition on contractual relationships as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the Board;

That I have no actual knowledge of any prohibited employment or contractual relationship, direct or indirect, between a court reporting firm and any party litigant in this matter, nor is there any such relationship between myself and a party litigant in this matter;

That I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter.

LESLIE L. NICOSIA, CCR
Cert. No. 95004