

**Cell Phone Usage Committee of the
BOARD FOR BRANCH PILOTS MEETING
MINUTES**

The Cell Phone Usage Committee of the Virginia Board for Branch Pilots met on April 3, 2023, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

I. Vincent Behm, Jr
Captain J.W. Whiting Chisman, III
Patrick B. McDermott

Staff present for all, or part of the meeting were:

Kathleen R. Nosbisch, Executive Director
Bonnie Davis, Regulatory Operation Administrator

Elizabeth Peay was not present from the Office of the Attorney General with regrets.

Finding a quorum of the Board present, Captain Chisman, Vice President, **Call to Order**
called the meeting to order at 11:00 a.m.

Ms. Nosbisch advised the Board of the emergency evacuation procedures. **Safety
Evacuation
Instructions**

Captain Chisman requested an amendment to the agenda to include the election of a Chair to the committee. Mr. Behm moved to approve the amended agenda. Mr. McDermott seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Behm, Chisman, and McDermott. **Approval of
Agenda**

Captain Chisman opened the floor for nominations for Chair to the Cell Phone Usage Committee. Mr. Behm nominated Captain Chisman as Chair. Captain Chisman declined the nomination and nominated Mr. McDermott. Mr. McDermott accepted the nomination. Mr. Behm seconded the motion. As there were no other nominations from the floor, Capt. Chisman closed the nominations. Mr. McDermott was approved as Chair of the Committee by: Messrs. and Captains: Behm, Chisman, and McDermott. **Election of Chair**

There was no public comment. **Public Comment
Period**

Mr. McDermott stated he reviewed the Board's statutes, and the Board has authority to promulgate regulations and take action, when necessary, but not authorized to create policies. He stated as a Board if there is an incident we would take action. If you have a policy on one subject, to be consistent, you **Cell Phone Usage
Draft Language**

would need a policy on everything. He stated, in his opinion, a policy is not necessary. . Captain Chisman agreed with Mr. McDermott and referenced the committee back to the March 2023 meeting of the Board concerning training that branch pilots have taken since the early 2000s. He also stated that cell phones are necessary equipment for branch pilots to conduct their duties and pointed out that the USCG does not prohibit the use of cell phones as they acknowledge the necessity to have them. Pilots are taught in Bridge Resource Management-Pilots and Legal Aspects of Pilotage courses the danger of non-operational cell phone use as well as nonoperational use of other electronic devices on ships which results in distracted operations. The Board may consider communicating directly to the licensees the Board's opinion regarding the non-operational use cell phone and other electronic devices however this was expressed in the minutes of the March Board meeting. Mr. Behm stated if the Board limits a pilot's use of a cell phone, the pilot could choose not to use it at all.

The Committee is aware of the M/V Ever Forward incident in Maryland and has read the Coast Guard report and recommendation to adopt a cell phone policy. The Committee determined that the pilot actions in the findings in the USCG Report of Investigation of the M/V Ever Forward incident are presently covered by current regulations in Virginia and that no further action is required. The Committee agreed by consensus not to develop a cell phone usage policy and will recommend this to the Board

This item will be placed on the June 12, 2023 Board meeting agenda.

There was no other business.

Conflict of Interest forms and travel vouchers were completed by all members present.

The meeting adjourned at 11:38 a.m.

Other Business

Conflict of Interest Forms and Travel Vouchers

Adjourn

Patrick McDermott, Chair

Demetrios Melis, Secretary