

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun

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Today, the Board of Pilot Commissioners' Incident Review Committee filed written charges of misconduct (an accusation) against Captain John Cota arising from his piloting of the COSCO BUSAN on November 7, 2007.

In dense fog, the ship he piloted struck the fendering system of one of the towers of the San Francisco-Oakland Bay Bridge, damaging the ship, the fendering system, and releasing 58,000 gallons of fuel oil into the waters of San Francisco Bay.

"This Board takes seriously the events of November 7th, the resulting oil spill, and Capt. Cota's involvement as the pilot," said Board President Knute Michael Miller. "The Board's Incident Review Committee has carried out its investigation resulting in the charges filed today. We will proceed judiciously to determine whether Captain Cota was negligent and whether he should be allowed to continue piloting on San Francisco Bay. In the meantime, his license remains suspended pending a hearing."

Captain Cota is charged with having reason to doubt whether the ship could safely proceed under the prevailing circumstances and proceeding on his course with insufficient information about the level of visibility along his intended route. He is also charged with proceeding at a speed that was excessive for the circumstances and failing to make full use of all available resources, including a tugboat, the Vessel Traffic Service of the Coast Guard, and his ship's lookout. The tug remained tethered to the ship's stern; the Vessel Traffic Service of the Coast Guard could have provided more information if Captain Cota had requested it; and the ship's lookout could have been better instructed. The charges allege that Captain Cota's conduct warrants the suspension or revocation of his state pilot license.

Captain Cota will have 15 days in which to file a written response with his defenses to the charges and to request a hearing.

If the pilot requests a hearing, the Board will decide whether it will hear the case or submit the matter to an Administrative Law Judge for a hearing. That decision may come as early as the Board's next meeting scheduled for December 13, 2007.

A hearing may be scheduled as early as January, depending on the defenses raised by the pilot and any requests for continuances to accommodate witnesses or access to evidence needed by either side to present their case.

If the pilot does not request a hearing, the Board may act on the charges without a hearing.

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As the state agency that licensed Captain Cota, the Pilot Commission has various roles to perform in the aftermath of this accident. Immediately after the accident, the Board's Incident Review Committee (IRC), which has the responsibility of investigating navigational incidents involving Board licensed pilots, commenced its investigation of this incident. To the fullest extent possible under the law, the Board will share the results of that investigation with the public and make them available to lawmakers to assist in other investigations.

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