



City of Homer

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Port and Harbor

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Memorandum 17-008

TO: MAYOR BRYAN ZAK & HOMER CITY COUNCIL
CC: KATIE KOESTER, CITY MANAGER
FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER
DATE: JANUARY 3, 2017
SUBJECT: REVISED FISH DOCK CRANE USE AGREEMENTS

The City of Homer owns, maintains, and manages eight pedestal cranes fixated to the Homer Harbor Fish Dock and one fixed pedestal crane located on the Deep Water Dock. The public, i.e. vessel owners and harbor-related business owners, have access to these facilities for the purpose of loading and unloading vessels tied alongside our Fish Dock. The “new” Fish Dock was completed in 1984 when we went from a small wooden dock with two cranes to a 345 foot concrete and steel dock with eight cranes and an industrial Ice Plant. All of these facilities are under the management of the Port and Harbor Enterprise.

For the public to utilize the City’s cranes, individuals are required to complete a Fish Dock Crane Use Agreement (see attached), view a 15 minute introductory video (circa 1989), and conduct a simple practical, in-person test on the dock with City personnel. This method has been used to allow crane access since the early 1980’s. Last year, I reviewed these policies with City Attorney Holly Wells and asked for her input. She found the contract completely inadequate and advised that the City’s crane use program needed significant revamping.

Here are the main issues with the old policies:

- One single page contract with no expiration date (good for life).
- Insurance: not enough coverage and doesn’t specify what kind of coverage.
- No proof of insurance required naming the City as additional insured.
- Training consists of a 15 minute video and a practical test on the dock with City personnel that proves you can operate the crane. Trained for life, no retraining required.

Moving Forward & Goals:

- It is important to keep the Fish Dock cranes accessible to our vessel and business owners, while at the same time limiting the City’s exposure to liability in the case that someone or someone’s property were damaged or destroyed.
- Staff has worked together with the City Attorney to create new contracts that clearly define the roles and responsibilities for the use of this public asset.
- We are moving from a single page, one-size-fits-all contract to three separate agreements: the Individual User, the Commercial User, and the Covered Operator.

Individual User Permit: If you are a small business owner, boat owner or otherwise, and do not have any employees using the cranes, then the individual user agreement is your contract. You will also have to complete the covered operator agreement to be fully compliant.

Commercial User Permit: If you are an employer who intends to allow your employees to use your access card (the plastic card that turns the crane on/off), then you will need to fill out and agree to the terms in the commercial/permit holder agreement.

Covered Operator User Permit: For anyone actually operating the cranes, whether self-employed or working for a commercial permit holder, you will have to complete the training and agree to the conditions in the covered operator agreement. An operator card (paper) is issued to all persons that complete the training. It will not give you access to turn the cranes on/off. For that you still need a crane access (plastic) card, which is covered by the requirements outlined in the Individual or Commercial agreements.

The new agreements and training expire after three years. To remain compliant and be able to retain access to the City's cranes, a new agreement and re-training is mandatory every three years, no exceptions. No laps of insurance will be allowed. The plastic access cards can easily be disabled by Port and Harbor Administration at the Port and Harbor Office if a commercial or individual user fails to maintain their insurance.

The training program will be provided by an outside source named Hard Hat Training by Safety Provisions, Inc. It is an interactive course, OSHA-approved, that was developed specifically for our equipment type and use. The training takes about 90 minutes to complete and the fee for the training is \$50.00, which is the responsibility of the permit holder/individual to pay. ONLY the City's course will be allowed for use; you may be a highly qualified industrial crane operator, but you will still have to pass our course in order to get your City of Homer crane operators (paper) card.

Recommendation:

Approve Resolution 17-009, Approving the Port and Harbor Enterprises' Implementation of Newly Revised Crane Use Agreements.

Attached: OLD Fish Dock Crane Use Authorization Agreement
 Individual User Crane Agreement & Indemnification
 Commercial/Permit Holder Crane Agreement & Indemnification
 Covered Operator Crane Agreement & Indemnification