

**Board of Pilot Commissioners for Harris County Ports
Pilot Board Investigation and Recommendation Committee
Hearing Minutes**

August 30, 2016

A hearing of the Pilot Board Investigation and Recommendation Committee (the "PBIRC") was held on December 8, 2015, and reconvened on August 30, 2016, 09:00, at the Port of Houston Authority Executive Offices, Fourth Floor Boardroom, at 111 East Loop North Houston, Texas 77029. The following members, U.S. Coast Guard (the "USCG"), and staff was present:

Captain Marcus Woodring, Chairman
Captain Robert Shearon
Captain Sean Arbogast
Captain Michael Curtiss
Captain David Foret
Captain Richard Ford
Tom Marian
Paul Caruselle
Mark Bottiglieri, USCG Branch Chief Port State Control Sector Houston-Galveston
Bruce Davies, USCG Chief Investigations Sector Houston-Galveston
David McNamara, Board of Pilot Commissioners for Harris County Ports (the "Pilot Board") Assistant General Counsel
Captain Mike Usher, PBIRC Compliance Coordinator

1. Reconvening of PBIRC to consider NTSB report

On August 30, 2016, the PBIRC reconvened hearing in the CONTI PERIDOT and CARLA MAERSK casualty, at the direction of the Pilot Board, to consider the NTSB report and determine if any changes are warranted to the proposed findings and recommendations from the previous hearing held on December 8, 2015.

Chairman Woodring called the hearing to order.

2. Summary of hearing re M/V CONTI PERIDOT collision with M/T CARLA MAERSK on March 9, 2015, in the Houston Ship Channel

- a. Statements by PBIRC members, staff, and USCG advisory members identifying themselves and describing their maritime expertise.
- b. Statement by Chairman Woodring as to the conduct of the hearing.
- c. Introduction as Exhibit "A" The National Transportation Board Accident Report, NTSB/MAR-16/01, and Exhibit "B" Supplemental Submission of Captain Chris Reeser.
- d. Testimony by, and questions put to Captain Reeser.
- e. Concluding statement by Pilot Counsel, Mr. Jim Brown.
- f. Deliberations
- g. Announcement by Chairman Woodring of Proposed Findings and Recommendations and described appeal process.

3. **Proposed Findings re Captain Reeser** Following its deliberations, by a vote of 8-0 the PBIRC proposes the following findings:

To amend the findings for Captain Reeser to read:

- a. Captain Reeser acted with prudent seamanship in the handling of the CONTI PERIDOT, by slowing to ensure adequate separation in an anticipated meeting/overtaking situation, and did not receive the posted RPMs or full rudder, when ordered, to recover (amendment underlined).

4. **Proposed Recommendations re Captain Reeser** Following its deliberations, by a vote of 8-0, the PBIRC propose the following to the Board of Pilot Commissioners for Harris County Ports (the "Pilot Board"):

To reaffirm the proposed recommendations:

- a. Take no action, close to file;
- b. To the Houston Pilots – Ensure all Houston Pilots are periodically made aware of the recently issued USCG Sector Houston-Galveston Marine Safety Information Bulletin (MSIB) 20-15, Bridge to Bridge Communications, specifically the sentence that states "Mariners may use Pilot identifiers (unit number or the like) in addition to the vessel's official name when communication within the VTSA." Failure to comply may be considered in future PBIRC hearings;
- c. To the Houston Pilots – Ensure all Houston Pilots are periodically made aware of USCG Marine Safety Alert (MSA) 13-15, Ultra Low Sulfur Fuel Oil and Compliance with MARPOL Requirements, specifically the bullet that states "As part of the master-pilot information exchange (as required by 33 CFR 164.11(k)), discuss the vessel's maneuvering characteristics, including any change in RPMs associated with ULS fuel oil." Failure to comply may be considered in future PBIRC hearings;
- d. To the Houston Pilots – Encourage all Houston Pilots to enter "ship notes," as needed, in a timely fashion to improve safety;
- e. Captain Reeser was directed to immediately enter his "ship notes" for the handling characteristics of the CONTI PERIDOT; and
- f. Captain Reeser was directed to work with Houston Pilots, Captain Ewing, and the Maritime Pilot's Institute (MPI) to develop (or refine) a Bridge Resource Management – Pilot (BRM – P) module that emphasizes the Pilot leadership role on the bridge team.

5. **Proposed Findings re Captain Evans** Following its deliberations, by a vote of 8-0, the PBIRC proposes the following findings:

To reaffirm the proposed findings:

- a. Captain Evans displayed prudent seamanship in the handling of the CARLA MAERSK.

6. **Proposed Recommendations re Captain Evans** Following its deliberations, by a vote of 8-0, the PBIRC propose the following to the Board of Pilot Commissioners for Harris County Ports (the “Pilot Board”):

To reaffirm the proposed recommendations:

- a. Take no action, close to file; and
- b. To the Houston Pilots – See 4 (b) above.

7. **Discussion**

- a. The PBIRC reaffirmed the findings and recommendations from its previous hearing, with the one addition to the findings for Captain Reeser. The NTSB findings state “vessel propulsion and steering systems” was not a factor. The PBIRC strongly disagrees. This leads to what the PBIRC considers a probable cause by the NTSB that is lacking – “...the inability of the pilot on the CONTI PERIDOT to respond appropriately...” Why was Captain Reeser unable to “respond appropriately”? The PBIRC believes that Captain Reeser “did not receive the posted RPMs or full rudder, when ordered, to recover” as reflected in our amended proposed findings. According to the NTSB report, “full ahead” was posted at 105 RPMs but Captain Reeser only received 94 RPMs, while “full rudder” was posted at 35 degrees but Captain Reeser only received between 31 and 33 degrees starboard rudder.
- b. It was also positively noted that all the proposed recommendations to the Houston Pilots and Captain Reeser have been completed, despite the fact that they are not yet approved by the Pilot Commission.

8. **Hearing Adjourned 10:45**