

**Board of Pilot Commissioners for Harris County Ports
Public Meeting**

**Houston, Texas
June 28, 2011**

A public meeting of the Board of Pilot Commissioners for Harris County Ports (the "Pilot Board") was convened on June 28, 2011 at 10:15 a.m., at the Port of Houston Authority Executive Office Boardroom, at 111 East Loop North, Houston, Texas 77029. The following Commissioners, staff, and counsel were present:

James T. Edmonds, Chairman
Jimmy A. Burke, Commissioner
Jim Fonteno, Jr., Commissioner
Elyse B. Lanier, Commissioner
Kase L. Lawal, Commissioner
Janiece Longoria, Commissioner
Steve L. Phelps, Commissioner
Alec G. Dreyer, Secretary
Erik A. Eriksson, General Counsel and Assistant Secretary
David H. Brown of Brown & Kornegay, LLP, Litigation Counsel
J. Kent Friedman of Haynes and Boone, LLP, Special Counsel

(PB-2011-0628-01) Chairman Edmonds asked if the Pilot Board had changes to the minutes of its May 24, 2011 meeting. Hearing no changes, the Chairman declared the minutes approved as written.

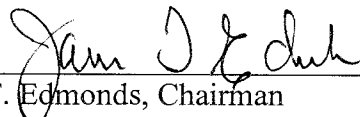
The Pilot Board then considered the Request for Pilot Board Action ("RPBA") submitted by Mr. Dreyer, attached to these minutes as Exhibit "A."

(PB-2011-0628-02) RPBA C1 was presented, moved by Commissioner Lawal, seconded by Commissioner Phelps. All voting Aye. Nays none. RPBA C1 PASSED.


(PB-2011-0628-03) RPBA C2 was presented, moved by Commissioner Burke, seconded by Commissioner Phelps. All voting Aye. Nays none. RPBA C2 PASSED.

At 10:15 a.m., Chairman Edmonds adjourned the meeting of the Pilot Board.

The above is a correct copy of the Minutes of the June 28, 2011 meeting of the Pilot Board.



James T. Edmonds, Chairman



Erik A. Eriksson, General Counsel and Assistant Secretary

Request for Board of Pilot Commissioner Action

Category: Branch Pilot Commission	Agenda Date: June 28, 2011	Agenda Section: C - 1
From: Division: Operations Department: Marine	Staff Contact: Jimmy Jamison	
Summary Recommendation: Recommend a Branch Pilot Commission in and for the Houston Ship Channel and Galveston Bar: Captain Adam W. Guice		
Background: Prior authorizing Port Commission action: Minute No. 2008-1028-52 The Application Review Committee ("ARC") of the Board of Pilot Commissioners ("Pilot Board") considers whether applicants meet the statutory and regulatory requirements for pilots on the Houston Ship Channel. Among other things, applicants undergo a physical examination to determine if an applicant is in good mental and physical health in order to perform the duties of pilotage on the Houston Ship Channel, and an investigation including a criminal background check and the applicant's accident history is conducted.		
Staff Evaluation/Justification: Captain Adam W. Guice has applied for commission as Branch Pilot for the Galveston Bar and Houston Ship Channel. The application includes a recommendation request on his behalf from the Houston Pilots and evidence of his ability to enter into a faithful performance bond in the amount of \$25,000 payable to the governor. After an assessment of his qualifications and the documents filed with his application, the ARC determined that Captain Adam W. Guice meets the requirements of Chapter 66 of the Texas Transportation Code, Houston Pilots Licensing and Regulatory Act, Section 66.041, and the Rules and Regulations governing Pilots and Pilotage on the Houston Ship Channel Between the Galveston Bar and the Turning Basin Terminal. Accordingly, the ARC respectfully submits to the Pilot Board the application of Captain Adam W. Guice for commission as Branch Pilot for the Galveston Bar and the Houston Ship Channel. Such commission is for a four-year term.		
Full Recommendation: The Board of Pilot Commissioners, at its June 28, 2011 meeting, recommend to the Governor the commission of Captain Adam W. Guice as Branch Pilot for the Galveston Bar and the Houston Ship Channel for a four-year term effective October 28, 2011, and further authorize the Secretary of the Board of Pilot Commissioners to do any and all things in his opinion reasonable or necessary to give effect to the foregoing.		

Request for Board of Pilot Commissioner Action

<p>Category: Proposed Findings and Recommendations of the Pilot Board Investigation and Recommendation Committee</p>	<p>Agenda Date: June 28, 2011</p>	<p>Agenda Section: C - 2</p>								
<p>From: Division: Operations Department: Marine</p>	<p>Staff Contact: Jimmy Jamison</p>									
<p>Summary Recommendation: Approve the Pilot Board Investigation and Recommendation Committee’s proposed findings and recommendations regarding the M/T CHEMICAL SUPPLIER allision with Buffalo Marine Barge 251</p>										
<p>Background: Pursuant to the provisions of the Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel between the Galveston Bar and the Turning Basin (“Rules”), the Board of Pilot Commissioners (“Pilot Board”) Secretary may refer complaints alleging violations of the Rules and reports of marine casualties to the Pilot Board Investigation and Recommendation Committee (“PBIRC”) for investigation, hearing and recommendation to the Pilot Board.</p>										
<p>Staff Evaluation/Justification: As a result, the PBIRC convened on July 14, 2010, August 2, 2010, and January 27, 2011 and considered the M/T CHEMICAL SUPPLIER allision with Buffalo Marine Barge 251 in the Houston Ship Channel on September 25, 2009.</p> <p>The following PBIRC members were present:</p> <table border="0" style="width: 100%;"> <tr> <td>Ruben Arredondo (Chairman)</td> <td>David Foret (At Large)</td> </tr> <tr> <td>Paul Caruselle (At Large)</td> <td>Captain Tim Leitzell (At Large)</td> </tr> <tr> <td>Captain Stephen J. Conway (Presiding Officer, Houston Pilots) (January 27, 2011)</td> <td>Captain Thomas C. Pace, Jr. (Presiding Officer, Houston Pilots) (July 14, 2010 and August 2, 2010)</td> </tr> <tr> <td>Captain Michael Curtiss (Houston Pilots)</td> <td>Charles Schuessler (Houston Pilots)</td> </tr> </table> <p>Mike Usher, Compliance Coordinator for the PBIRC, and Erik Eriksson as counsel on behalf of the Pilot Board were in attendance. Captain Bradley Miller, and his counsel Jim Brown, also attended the hearings. Commander Robert Smith of the United States Coast Guard Sector Houston-Galveston was also present at the initial hearing.</p> <p>The Pilot Board Investigation Recommendation Committee’s report of its proposed findings and recommendations is attached to this RCA. In summary, the PBIRC recommends that (i) the Houston Pilots Association incorporate into its Emergency Ship Handling Course a scenario modeled on this incident to allow the Pilots an opportunity to experience it and learn lessons in communication and potential bridge management failure, and (ii) otherwise, the matter be closed to file.</p>			Ruben Arredondo (Chairman)	David Foret (At Large)	Paul Caruselle (At Large)	Captain Tim Leitzell (At Large)	Captain Stephen J. Conway (Presiding Officer, Houston Pilots) (January 27, 2011)	Captain Thomas C. Pace, Jr. (Presiding Officer, Houston Pilots) (July 14, 2010 and August 2, 2010)	Captain Michael Curtiss (Houston Pilots)	Charles Schuessler (Houston Pilots)
Ruben Arredondo (Chairman)	David Foret (At Large)									
Paul Caruselle (At Large)	Captain Tim Leitzell (At Large)									
Captain Stephen J. Conway (Presiding Officer, Houston Pilots) (January 27, 2011)	Captain Thomas C. Pace, Jr. (Presiding Officer, Houston Pilots) (July 14, 2010 and August 2, 2010)									
Captain Michael Curtiss (Houston Pilots)	Charles Schuessler (Houston Pilots)									
<p>Full Recommendation: The Board of Pilot Commissioners, at its June 28, 2011 meeting, approve the Pilot Board Investigation Recommendation Committee’s proposed findings and recommendations regarding the incident of the M/T CHEMICAL SUPPLIER allision with Buffalo Marine Barge 251 in the Houston Ship Channel on September 25, 2009, and further authorize the Secretary of the Board of Pilot Commissioners to do any and all things in his opinion reasonable or necessary to give effect to the foregoing.</p>										

Board of Pilot Commissioners
for Harris County Ports

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May 24, 2011

Captain Bradley G. Miller
Houston Pilots Association
203 Deerwood Glen Dr.
Deer Park, Texas 77536


Subject: M/T CHEMICAL SUPPLIER Allision w/Buffalo Marine Barge 251
Houston Ship Channel – September 25, 2009

Dear Captain Miller:

Enclosed herewith please find a copy of the proposed findings and recommendations of the Pilot Board Investigation and Recommendation Committee, with reference to subject incident.

If you wish to request a reconsideration of these proposed findings and recommendations, please make your request for reconsideration in writing to the undersigned as Chairman of the Pilot Board Investigation and Recommendation Committee within fourteen (14) days of your receipt of this letter.

Yours truly,


Ruben Arredondo
Chairman, Pilot Board Investigation and Recommendation Committee

Cc: James T. Brown
Captain Stephen J. Conway

Pilot Board Investigation and Recommendation Committee

Proposed Findings and Recommendations
M/T CHEMICAL SUPPLIER Allision with Buffalo Marine Barge 251
Houston Ship Channel -- September 25, 2009

Hearing Chronology:

July 14, 2010 – After proper notice, the Pilot Board Investigation and Recommendation Committee (“PBIRC”) heard testimony and reviewed materials related to a U.S. Coast Guard report of an allision between the M/T CHEMICAL SUPPLIER and the tank barge Buffalo Marine 251 in the Houston Ship Channel on September 25, 2009.

Captain Bradley G. Miller, the pilot of the subject vessel, and his attorney James T. Brown, were in attendance. Evidence was presented by the PBIRC Compliance Coordinator and Captain Miller’s counsel. Among other things the Compliance Coordinator presented a recording of bridge activity during the incident. Testimony was given by Captain Miller, and Mr. Arvind Rikhy on behalf of Captain Miller, who also presented an enhanced recording of bridge activity during the incident. At the end of the hearing, the committee went into closed session for deliberations.

The PBIRC continued the hearing after deliberation.

August 2, 2010 – The PBIRC reconvened to continue to deliberate on the matter in closed session. After deliberation, the PBIRC requested that the Port of Houston Authority, on behalf of the PBIRC, retain an audio expert to enhance and clarify the original recording of the incident and analyze Mr. Rikhy’s enhanced recording, and the PBIRC then continued the hearing. The Port Authority subsequently retained Mr. Frank Piazza with Audiopaint Ltd to perform these services.

November 15, 2010 – Mr. Piazza issued an *Audio Authenticity Analysis for the Port of Houston Report* to the PBIRC. Mr. Piazza prepared his own enhanced recording, and also concluded, regarding Mr. Rikhy’s enhanced recording, “that the audio files [submitted] does not show any signs of tampering or omissions,” and that he was “able to confirm that there were no anomalies in the files.”

January 27, 2011 – The PBIRC reconvened to hear new evidence, including testimony of Mr. Piazza and any other witnesses as necessary. Upon completion of the testimony, the PBIRC entered into closed session for deliberations.

Proposed Findings:

1. Captain Bradley G. Miller (Pilot) boarded the M/T CHEMICAL SUPPLIER (Vessel) at Intercontinental Dock 2 for inbound shift transit to City Dock 28 (CD 28) Houston Ship Channel (HSC).
2. After the required master – pilot conference, the vessel and crew were ready for the intended transit. The Pilot indicated he would stop the vessel adjacent to CD 28, HSC, turn head-out using the Vessel's right wheel bow thruster and assist tug, then moor alongside CD 28 on its port-side.
3. The inbound trip was uneventful. When the Vessel passed below the 610 Bridge the Vessel was met by the assist tug DENIA and was ordered by Pilot to tie up to the Vessel on the starboard quarter position, using one head line.
4. The Pilot stopped the Vessel approximately one hundred feet off CD 28 head-in, and ordered the starboard bow thruster. The Master informed the Pilot that it would take five minutes to energize it.
5. The Vessel went to "all stop" and in good position to start maneuvering into place. The Master then informed the Pilot that the bow thruster was ready and the Pilot initiated the starboard turning evolution using the Vessel's right wheel, bow thruster, and assist tug.
6. Captain Miller then gave a "dead slow astern" command. Immediately following the command, a steam line on Vessel's forward main deck ruptured releasing steam and creating a loud noise.
7. The bridge team was notified and loud voices and alarms were heard throughout the bridge. The Pilot gave the "stop engine" command, while he was positioned on the starboard bridge wing; however he observed that the Vessel was still maintaining sternway and continued to travel towards two barges that were moored abreast across from CD 28.
8. The Pilot checked the engine order telegraph and found it to be in the "dead slow astern position" and not in the "stop position", as he had ordered. The Pilot ordered "dead slow ahead" command.
9. Due to the delay in engine order response in shifting from "dead slow astern", to "dead slow ahead", and the Vessel's momentum, the Vessel continued traveling astern and further into south bank of the HSC.
10. When the Pilot realized the vessel was in immediate danger, he ordered "full ahead" command. Before the order could be met, the Vessel's port stern allided with port bow of Buffalo Marine Barge 251.

11. The Vessel completed the turning evolution and moored at CD 28 port-side to head-out, without further incident.
12. The allision resulted in a 2 foot by 6 foot opening, approximately 9 feet above the water line, to the port stern hull on the Vessel. The damage occurred in way of the No. 3 port fuel tank which resulted in a discharge of No. 6 Fuel Oil into the HSC.
13. In addition, both the Buffalo Marine 251, and Buffalo Marine 401 moored abreast at the Brady's Island Turning Basin, sustained additional side shell damage.
14. There were no reported deaths or injuries.

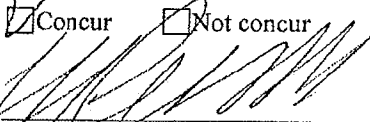
Proposed Conclusions:

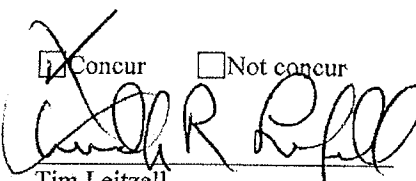
1. The PBIRC finds that the M/T CHEMICAL SUPPLIER's bridge management team lost focus during the Vessel's critical maneuvers due to the noise and excitement created by the ruptured steam line incident and the loud buzzing of the alarms in the Vessel's bridge. This caused a break down in the situational awareness of the crew members and a failure to properly execute the engine order commands given by the Pilot.
2. In addition, the PBIRC found that the M/T CHEMICAL SUPPLIER bridge team failed to properly use bridge resource management, in that the team allowed the distractions of the broken steam line on the deck, the engine room alarm calls, and the loud noise from the alarm buzzers, to interfere with safe ship handling practices and common sense precautions.
3. The PBIRC found no actionable misconduct or negligence on the part of Captain Miller.

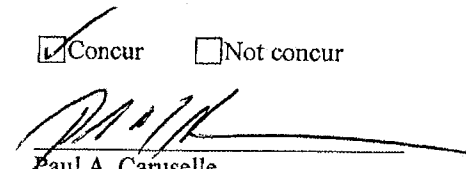
Proposed Recommendations:

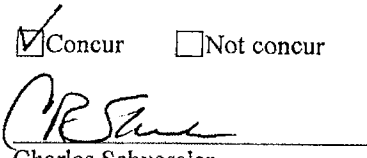
1. The PBIRC recommends that the Houston Pilots Association incorporate into its Emergency Ship Handling Course a scenario modeled on this incident to allow the Houston Pilots an opportunity to experience it and learn lessons in communication and potential bridge management failure.
2. It is also recommended that the matter be closed to file.

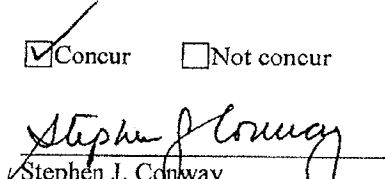
We, the undersigned members of the Pilot Board Investigation and Recommendation Committee, having reviewed subject incident of the hearing conducted, cast our votes of the proposed findings and recommendations covering the incident of the M/T CHEMICAL SUPPLIER allision with Buffalo Marine Barge 251 as attested by signature below:

Concur Not concur

Michael A. Curtiss

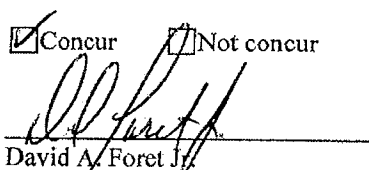
Concur Not concur

Tim Leitzell

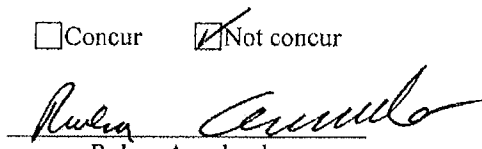
Concur Not concur

Paul A. Caruselle

Concur Not concur

Charles Schuessler

Concur Not concur

Stephen J. Conway

Concur Not concur
NOT PRESENT
Thomas P. Marian

Concur Not concur

David A. Foret Jr.

Concur Not concur

Ruben Arredondo
Chairman