

## I N D E X

### THE BOARD OF PILOT COMMISSIONERS OF THE PORTS OF HARRIS COUNTY, TEXAS

September 23, 2014

<i>Minute No.</i>	<i>Event/Action</i>
	<b>General</b>
(PB-2014-0923-01)	Chairman Longoria convened the meeting of the Board of Pilot Commissioners
	<b>Minutes</b>
(PB-2014-0923-02)	Approve the Minutes of the Board of Pilot Commissioners Meeting – August 26, 2014
	<b>Appearances</b>
(PB-2014-0923-03)	Captain Michael Morris, Houston Pilots Presiding Officer, presented a report to the Pilot Commission
	<b>Pilot Matters</b>
(PB-2014-0923-04)	Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Jason W. Charpentier
(PB-2014-0923-05)	Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Jonathan O. Samuell
	Adjourn the meeting of the Board of Pilot Commissioners

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

**Houston, Texas  
September 23, 2014**

A public meeting of the Board of Pilot Commissioners for Harris County Ports (the "Pilot Board") was convened on September 23, 2014 at 10:21 a.m., at the Port of Houston Authority Executive Offices, Fourth Floor Boardroom, at 111 East Loop North, Houston, Texas 77029. The following Commissioners and staff were present:

Janiece Longoria, Chairman  
Theldon R. Branch, III, Commissioner  
Dean E. Corgey, Commissioner  
Stephen H. DonCarlos, Commissioner  
Clyde E. Fitzgerald, Commissioner  
John D. Kennedy, Commissioner  
Roy D. Mease, Commissioner  
Roger Guenther, Executive Director  
Erik Eriksson, General Counsel and Assistant Secretary  
David Brown, Brown & Kornegay LLP  
J. Kent Friedman, Haynes and Boone, LLP

(PB-2014-0923-01) Chairman Longoria called the meeting to order and noted that she had no opening remarks.

(PB-2014-0923-02) Chairman Longoria called for a motion to approve the minutes of the August 26, 2014 Pilot Board meeting. The motion was brought by Commissioner Mease, seconded by Commissioner Corgey. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. The minutes were approved as written.

(PB-2014-0923-03) Appearances

Chairman Longoria introduced Captain Mike Morris, Presiding Officer, Houston Pilots Association, and announced he would provide a presentation to the Pilot Board.

Captain Morris began with an overview of the points he would cover: a) ship counts and traffic mix; b) fatigue risk mitigation; c) shoaling at the Bayport channel; and d) information on a pilot and a maneuver he recently performed.

Captain Morris reported that ship transit numbers were good; the month of August, like the year, had been trending up. He indicated that year-to-date, transits had increased by 1.3%, with one third of the increase in larger ships (over 1,000 units), and the remaining two-thirds in smaller ships, under 1,000 units. He explained that "unit" means length times width.

Captain Morris moved on to an overview of the history of fatigue mitigation in the pilot industry. He reported that prior to the Exxon Valdez spill, there had not been much talk about fatigue in the maritime industry. However, following that incident, OPA 90, i.e. the Oil Pollution Act, the first federal law to address fatigue, was instituted and put a cap on hours worked in a 24-hour period.

Captain Morris noted that the Houston Pilots fatigue mitigation work rules dated back to 1991, when the group went from a “turn-for-turn” system to a “first in/first out” system. He added the Houston Pilots undertook their first fatigue study in 1992, before it was a “science,” that was performed by an industrial hygienist and a chronobiologist (today called a circadian biologist), who had worked with NASA on fatigue issues. The next study was conducted in 1998 by the Human Factors Group (affiliated with MITAGS in Baltimore), and a more recent study was conducted in 2012 by Circadian Technologies.

Captain Morris reported that following the Eagle Otome collision, the National Transportation Safety Board (“NTSB”) recommended the following to the governors of each maritime state:

- Ensure that local pilot oversight organizations effectively monitor and, through their rules and regulations, oversee the practices of their pilots to promote and ensure the highest level of safety.
- Require local pilot oversight organizations that have not already done so implement fatigue mitigation and prevention programs that (1) regularly inform mariners of the hazards of fatigue and effective strategies to prevent it, and (2) promulgate hours of service rules that prevent fatigue resulting from extended hours of service.

Captain Morris stated that the Houston Pilots have these recommendations covered, and through necessity have been working on fatigue mitigation for the last twenty-three years. He indicated average bridge hours for most pilot groups are six to seven hundred, per year per pilot. However, the Houston Pilots average as high as eleven hundred hours per year per pilot, which has forced them to find rules that work.

Captain Morris explained that the NTSB has a three-prong approach to fatigue mitigation: (1) training and education; (2) medical oversight; and (3) hours of service rules. He stated that under training and education, the Houston Pilots have two courses that address fatigue: (1) the Fatigue, Sleep & Medications course, a one-day course which focuses strictly on fatigue, and (2) a module that pertains to fatigue, within the Bridge Resource Management for Pilots course. Captain Morris noted that each course must be taken every four years.

Captain Morris reported that under the topic of medical oversight, all Houston Pilots are required to undergo annual United States Coast Guard (“USCG”) physicals, and are now also required to have a STCW (Standards of Training, Certification, and Watchkeeping) medical certificate, which must be renewed every two years.

Captain Morris then discussed the hours of service rules, noting:

- Pilots work a fourteen day on/fourteen day off schedule.
- Pilots are assigned to two groups of equal numbers.
- Branch pilots and senior deputies receive eight hours off after a single (one way) and sixteen hours off following a double (for time slot purposes only). Junior deputies are given twelve hours off after a single and eighteen hours off after a double. If a pilot has worked a single and is called back with less than eight hours off, the pilot will be considered to have worked a double and is required to take a minimum of twelve hours off.
- A pilot scheduled to sail above Boggy Bayou (just past Shell) from 4 p.m. to 4 a.m. will not be assigned an arrival above Boggy Bayou within five hours of his or her time off. The Boggy Bayou rule protects pilots from doing two long jobs, especially in the evening hours.
- The “druthers” rule allows each pilot to declare if they will be held on the pilot boat for five or seven hours. The original rule was a pilot would wait up to five hours for an arrival after a sailing, and if there were no arrivals the pilot would bus home on a one-way. The rule was changed to allow for either five or seven hours. Deputies are held for seven hours to try to keep them on the channel rather than going up and down the highway.
- There are two systems of extra hire. One is long term; as the Houston Pilots see growth in the channel, we take same month from the previous year and average that with the current rolling three-month average, and if the jobs are trending upwards above 1.27 jobs per day, pilots will be brought in (1.27 jobs equate to almost eighteen jobs a watch). At that point, pilots will be hired from the other group for three days at a time – but this does not capture the short bursts. Pilots are not hired on the first or last day of the watch, or when the channel is closed.
- For short bursts of traffic on the channel (e.g. following fog closures, heavy volume days, or following pipeline closures), there is a dictated order. First, the pilots who were slotted for sixteen hours can be called at twelve hours. Second, pilots who are working single shifts are asked if they want to work a double shift. Third, pilots can be hired from the off-watch group. Finally, pilots may be called out early.
- There is protection for pilots who are off for pilot business. If pilots are needed for a safety meeting or other pilot matters, they can be pulled off the channel. After their business is complete, they will be given a single (i.e.

eight hours off) and then return to the rotation. Pilots who have been given a drug test after an incident are given a double to rest and consider the incident and write statements. Pilots who take off for personal reasons are returned to the rotation at noon the next day.

Captain Morris then noted that the Houston Pilots have a lot of rules defining “what is a job.” He referred the Pilot Board to those pages in the presentation, and gave a brief explanation of “what qualifies as a turn.”

Captain Morris also discussed dead ships – those vessels that do not have working engines. These jobs are a little tougher, as there is no engine or steering. The job is done with two to five tugs and requires fresh pilots, and so pilots are not allowed a dead ship movement at the end of a double.

Captain Morris provided an overview of the rules for shifters and designated shifters:

- Pilots are called to be harbor shifters for a twelve hour period.
- If there is a need for more than one pilot, they are subject to the first in/first out rule.
- Rules for designated shifters are similar. These shifters, whether due to sickness or physical limitations, go gangway-to-gangway. This protects the designated shifters and there is usually shifting for the entire watch.

Captain Morris stated that despite these rules, there are still challenges. He summarized as follows:

- The Houston Pilots continue to try to find a solution and establish a cancellation rule. For example, a pilot can get called at midnight for a job that cancels a couple hours later, then called to another job that also cancels, and end up chasing ships all night without credit.
- The Houston Pilots are concerned about more docks along the channel, which means slower speeds and increasing average transit times.
- The Houston Pilots are also concerned that from 2013, when they gave the rights for “automatics,” they have seen a lot more cancellations and people going home from the other end.
- Sometimes a designated shifter gets three jobs in sixteen hours and will get off a designated twelve, but if he gets one job every six hours, which is three in eighteen, the pilot is probably not getting a lot of good rest time, which is a concern. He added that three years previously, the Houston Pilots experimented with giving pilots a protected sixteen hours off, versus sixteen hours off but could be called in at twelve. The Houston Pilots liked the

concept but found it was delaying too many ships, especially in the winter after fog closures, so returned to twelve hours off.

- The Houston Pilots also have concerns with outliers – pilots who have two long jobs in one day, and therefore they are attempting to study whether a time-on-task system (i.e. a point system) might work better.

Captain Morris reported that Circadian Technologies met with the Houston Pilots in 2012 to conduct an independent analysis of pilot alertness and fatigue, provide recommendations, and train pilots and their families. The Fatigue Risk Assessment scope included:

- An analysis of all transits in 2010-2011;
- Pilot-completed sleep/rest logs;
- Pilot-completed diagnostic surveys;
- Pilot-completed workload evaluations (i.e. how did a pilot feel after performing one job versus another job); and
- A review of the Houston Pilot's rules and regulations.

Captain Morris discussed the results of the Circadian Technologies alertness simulator, which measures fatigue. The scores were all within a good range, and were comparable to other 24/7 type operations. The analysis determined the pilots appear to have a good understanding of how to get rest and how to manage the work style they have. He also referred to the Fatigue Risk Key Metrics that the Houston Pilots developed with Circadian Technologies.

Captain Morris stated that the Houston Pilots will continue to monitor key fatigue metrics, use the simulator to look at the effects of a rules change on fatigue risk, revise working rules as necessary, and get better at documenting results.

Captain Morris turned to shoaling. He noted the draft in the Bayport channel had been lowered to thirty nine feet, and referred to a drawing that displayed channel depths, noting there has been a loss of fifty percent of the three hundred foot channel. He added that the channel was still deep in the middle but shoaling in on both sides.

Captain Morris then described a ship movement at Bayport that took place in February at 3:15 a.m. involving Captain Picton, who will be retiring this year. Captain Picton was inbound for JacintoPort, and as he turned 5-mile, an inbound tow ahead of him with two loads of cutter stock lost steering and generators, and was drifting out into the middle of the ship channel. With only about thirty seconds to react, he detoured and turned into the Bayport Ship Channel. With only an hour delay of the transit, Captain Picton's quick actions avoided what would have been a disaster.

Captain Morris concluded his remarks by saying that he thought it was important to talk to the Pilot Board about how the Houston Pilots deal with fatigue, and then asked if anyone had questions.

Chairman Longoria thanked Captain Morris for a terrific overview and for his leadership. She stated that it was good to get an expansive overview of what the Houston Pilots do for fatigue mitigation, because it was very important when you consider the number of ship transits on the ship channel, and the particular challenges faced with silting and the ability to navigate. She commended the Houston Pilots for a remarkable job of assuring the transits are completed safely and effectively. She then invited the Pilot Board to ask questions.

Commissioner Branch personally thanked Captain Morris for taking him, the Mayor of Houston, and Commissioner Corgey out on the channel to spend the day with the pilots, bringing ships in and out. He indicated that the Mayor was very appreciative of the tour, and it helped them better understand what the pilots do on a daily basis.

Commissioner Corgey requested an update on the proposed changes in sea service requirements for becoming a pilot. Captain Morris said he had good news on the subject. He noted that a huge concern of the Houston Pilots was a change made by the USCG to some regulations in January, which did not address the Officer in Charge, i.e. Marine Inspection ("OCMI") was not able to qualify a path for brown water applicants to become pilots. Larry Griffin with the Regional Exam Center brought this to Captain Morris' attention.

Captain Morris remarked that the Houston Pilots had looked at it and became very concerned, because of the strength of the organization stems from their mix of blue water and brown water pilots: they learn from each other and it makes them better pilots. Captain Morris stated per those regulations, the brown water path would have been eliminated, the OCMI would no longer have any control, and the National Maritime Center ("NMC") would deal with these matters.

Captain Morris added that the Houston Pilots wrote a letter to Captain Novotny at the NMC and copied Captain Penoyer, and followed up with a conference call which involved the American Pilots Association, and within two weeks the USCG published a change in the Federal Register reverting control back to the OCMI.

Commissioner Corgey thanked Captain Morris for his support on that issue, because the brown-water path offered great opportunity for people to advance their careers, and added that his organization had also worked on this issue. He indicated that he believed that the USCG was surprised by the broad spectrum of opposition to the proposal and thanked the Houston Pilots for their involvement.

Captain Morris responded that he thought it was hugely important that control be given back to the OCMI and that the USCG ultimately agreed. He added that though the regulation was set to go into effect in 2019, it had immediately affected employment.

Chairman Longoria inquired if there were any other comments. Commissioner Kennedy asked that Captain Morris extend the Pilot Board's gratitude to Captain Picton for a smart maneuver. Captain Morris affirmed that he would and thanked the Pilot Board for their time.

Chairman Longoria called for any staff reports. There were none.

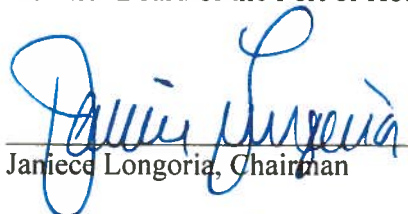
The Pilot Board then considered each Request for Pilot Board Action ("RPBA") submitted by Chairman Longoria and attached to these minutes as Exhibit "A."

(PB-2014-0923-04) RPBA F1 was presented, moved by Commissioner Corgey, seconded by Commissioner Kennedy. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. RPBA F1 PASSED.

(PB-2014-0923-05) RPBA F2 was presented, moved by Commissioner Fitzgerald, seconded by Commissioner Branch. Chairman Longoria, and Commissioners Branch, Corgey, DonCarlos, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. RPBA F2 PASSED.

At 10:53 a.m., Chairman Longoria announced that she did not believe they needed an executive session and adjourned the meeting.

The above is a correct copy of the Minutes of the September 23, 2014 meeting of the Pilot Board of the Port of Houston Authority.

  
\_\_\_\_\_  
Janiece Longoria, Chairman

  
\_\_\_\_\_  
Erik A. Eriksson, Assistant Secretary



Request for Pilot Board Action

<p><b>Category:</b> Pilot Matters</p>	<p><b>Agenda Date:</b> September 23, 2014</p>	<p><b>Agenda Section:</b> F - 1</p>
<p><b>From:</b> <b>Division:</b> Legal <b>Branch:</b> Pilot Administration</p>	<p><b>Staff Contact:</b> Erik Eriksson</p>	
<p><b>Summary Recommendation:</b> Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Jason W. Charpentier.</p>		
<p><b>Background:</b> The Application Review Committee (ARC) of the Pilot Board considers whether applicants meet the statutory and regulatory requirements for pilots on the Houston Ship Channel and Galveston Bar. 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 Galveston Bar, and an investigation including a criminal background check and the applicant's accident history is conducted.</p>		
<p><b>Staff Evaluation/Justification:</b> Captain Jason W. Charpentier has applied for renewal of his commission that expires October 30, 2014, as Branch Pilot for the Houston Ship Channel and Galveston Bar. The application includes continued education training in Raven Wheelhouse II pilot carry aboard navigation system &amp; Automatic Information System (AIS), Collision Regulations for Pilots (Colregs – Pilots), Incident Management for Pilots, Radar Observer (recertification), Legal Aspects of Piloting, and a renewal request on his behalf from the Houston Pilots with evidence of his ability to enter into a faithful performance bond in the amount of \$25,000 payable to the governor.</p>		
<p><b>Full Recommendation:</b> The Pilot Board, at its September 23, 2014 meeting, recommend to the governor the renewal of the commission of Captain Jason W. Charpentier as Branch Pilot for the Houston Ship Channel and Galveston Bar for a four-year term effective October 30, 2014, and further authorize the Secretary of the Pilot Board to do any and all things in his opinion reasonable or necessary to give effect to the foregoing.</p>		

## Request for Pilot Board Action

<b>Category:</b> Pilot Matters	<b>Agenda Date:</b> September 23, 2014	<b>Agenda Section:</b> F - 2
<b>From:</b> <b>Division:</b> Legal <b>Branch:</b> Pilot Administration	<b>Staff Contact:</b> Erik Eriksson	
<b>Summary Recommendation:</b> Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Jonathan O. Samuell.		
<b>Background:</b> The Application Review Committee (ARC) of the Pilot Board considers whether applicants meet the statutory and regulatory requirements for pilots on the Houston Ship Channel and Galveston Bar. 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 Galveston Bar, and an investigation including a criminal background check and the applicant's accident history is conducted.		
<b>Staff Evaluation/Justification:</b> Captain Jonathan O. Samuell has applied for renewal of his commission that expires November 27, 2014, as Branch Pilot for the Houston Ship Channel and Galveston Bar. The application includes continued education training in Fatigue, Sleep, & Medication Course, Emergency Ship Handling, Radar Observer (recertification), Legal Aspects of Piloting, Bridge Resource Management-Pilot (BRM-P), Electronic Chart Display Information System (ECDIS), Error Detection and use of Advanced Radar techniques in restricted waters, Integrated Bridge System & Podded Propulsion, Incident Management for Pilots, Collision Regulations for Pilots (Colregs-Pilots), Raven Wheelhouse II pilot carry aboard navigation system & Automatic Information System (AIS), Automatic ID Systems, Basic Firefighting Course, First Aid & CPR, Personal Safety & Social responsibilities, Personal Survival techniques, Bayport Flare using Manned Model, Restricted Visibility Navigation for Pilots, and a renewal request on his behalf from the Houston Pilots with 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 Jonathan O. Samuell 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 and Galveston Bar.  Accordingly, the ARC respectfully submits to the Pilot Board the application of Captain Jonathan O. Samuell to renew his commission as Branch Pilot for the Houston Ship Channel and Galveston Bar. Such commission is for a four-year term.		
<b>Full Recommendation:</b> The Pilot Board, at its September 23, 2014 meeting, recommend to the governor the renewal of the commission of Captain Jonathan O. Samuell as Branch Pilot for the Houston Ship Channel and Galveston Bar for a four-year term effective November 27, 2014, and further authorize the Secretary of the Pilot Board to do any and all things in his opinion reasonable or necessary to give effect to the foregoing.		