

ESTABLISHING
THE NUMBER OF
PILOTS FOR
ADEQUATE PILOT
SERVICES IS OUR
NO. 1 MANDATE

- Texas Transportation Code Section 66.017 – Duties: The board shall:
 - (1)** establish the number of pilots necessary to provide adequate pilot services for each Harris County port;
 - (2)** accept applications for pilot licenses and certificates and determine whether each applicant meets the qualifications for a pilot;
 - (3)** submit to the governor lists of applicants the board finds to be qualified for appointment as pilots;

HOW MIGHT WE INSURE “ADEQUATE PILOT SERVICES”?

- REQUIRE SUFFICIENT NUMBER OF PILOTS FOR ADEQUATE REST;
- REQUIRE THERE ARE SUFFICIENT DEPUTY PILOTS IN TRAINING TO HAVE EXPERIENCED AND CAPABLE PILOTS READY FOR SERVICE;
- REQUIRE SUFFICIENT AMOUNTS OF PILOTS IN THE EVENT A PILOT BECOMES SICK, DISABLED OR DIES;
- REQUIRE SUFFICIENT AMOUNTS OF PILOTS SO THAT PILOTS CAN TAKE TIME FOR SKILLS TRAINING.

DEMOGRAPHIC CHALLENGES

**Houston Pilots Age
Statistics**

30-39

Number of Pilots= **17**

Percentage of Total Pilots (90) = **18.89%**

40-49

Number of Pilots= **36**

Percentage of Total Pilots (90) = **40%**

50-54

Number of Pilots = **12**

Percentage of Total Pilots (90) = **13.33%**

55-60

Number of Pilots = **15**

Percentage of Total Pilots (90) = **16.67%**

61-65

Number of Pilots= **8**

Percentage of Total Pilots (90) = **0.09%**

65-67 (Mandatory Retirement at 68)

Number of Pilots= **2**

66

67

Percentage of Total Pilots (90) = **0.02%**

25 Pilots Greater than 55 Years of Age – 27 %

Percentage of Adults age 55 and over (Total, Male & Female), with one or more, two or more, or three or more of a possible six chronic conditions: United States, 2008.

	Total		Male		Female	
	%	SE	%	SE	%	SE
Age 55 years and over	(n=70,688,633)		(n=32,130,140)		(n=38,558,493)	
1+ chronic conditions	78.0	0.6	75.3	0.9	80.1	0.7
2+ chronic conditions	47.0	0.7	41.8	1.0	51.3	0.9
3+ chronic conditions	19.0	0.5	16.1	0.7	21.4	0.7
Age 55 to 64 years	(n=33,502,260)		(n=16,123,407)		(n=11,378,853)	
1+ chronic conditions	69.5	1.0	67.7	1.4	71.1	1.2
2+ chronic conditions	37.1	1.0	32.3	1.4	41.5	1.3
3+ chronic conditions	14.4	0.7	11.1	0.9	17.4	1.0
Age 65 years and over	(n=37,186,373)		(n=16,006,733)		(n=21,179,640)	
1+ chronic conditions	85.6	0.6	83.0	1.0	87.6	0.7
2+ chronic conditions	56.0	0.9	51.4	1.4	59.4	1.1
3+ chronic conditions	23.1	0.7	21.2	1.2	24.6	1.0

Source: CDC/National Center for Health Statistics: National Health Interview Survey.

DEFINITIONS OF CONDITIONS:

Chronic conditions:

Persons were defined as having one (or two or three) or more of six chronic conditions (diabetes, cardiovascular disease, chronic obstructive pulmonary disease, asthma, cancer, or arthritis) if they responded yes to being diagnosed with any one (or more) of the chronic diseases.



INDUSTRY CHALLENGES

WE KNOW THE LARGER VESSELS ARE COMING

The 2016 expansion of the Panama Canal allows significantly larger cargo ships traveling from East Asia to access the U.S. Gulf and East Coasts via an all-water route, which is typically the least costly way to transport goods. This study sought to examine the potential impacts specifically on Texas sea ports. The Port of Houston has predicted an increase in traffic in the long-term due to the Panama Canal expansion, expecting that the newly deepened Port will attract heavier or larger vessels to unload there.

[The Potential Impacts of the Panama Canal Expansion on Texas Ports \(trb.org\)](#)

“...during the first six months of fiscal year 2021, the Panama Canal Authority has said, canal traffic saw a significant increase, as U.S. imports grew significantly due to the replenishment of inventories and drastic changes in consumer buying habits driven by online purchases.

We expect that by the end of fiscal year 2021, a total of 30 liner services will be transiting through the waterway," the ACP stated. "Almost 60% of these transits of container vessels are deployed in Asia to the East Coast of the United States route.”

<https://www.intermodal.org/panama-canal-expansion-5-years-later->

Neopanamax ships, which are up to **1,200 feet** long and **168 feet** wide.

<https://www.intermodal.org/panama-canal-expansion-5-years-later>

Project 11

THE LAW AND THE PILOT BOARD'S DUTIES

THE HARRIS COUNTY ACT - TEXAS TRANSPORTATION CODE SEC. 66.017

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EQUALITY UNDER THE LAW REQUIRED UNDER STATE AND FEDERAL LAW

Equality under the Law is mandated by Texas Article I, Sec. 3 and Sec. 3a of the Texas Bill of Rights and the U. S. Constitution, Fourteenth Amendment, Sec.1.

Texas Law

Sec. 66.018. UNFAIR DISCRIMINATION PROHIBITED. (a) In all its duties, including rulemaking, the board may not sanction discriminatory practices or discriminate against a pilot or pilot applicant because of race, religion, sex, ethnic origin, or national origin.

(b) A person seeking a remedy for a violation of this section must bring suit in a district court in Harris County.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

HOW THE INFORMAL DELEGATION OF DEPUTY PILOT SELECTION HAS BEEN WORKING

1. Applicant hears about Houston Pilot positions by word of mouth;
2. Applicant obtains application from Pilot Board;
3. Application reviewed by ARC;
4. ARC sends name and application to Pilots;
5. Houston Pilots Assoc have informally been allowed to decide how many Pilots come into their organization based on their business model;
6. The Board has informally delegated to the Houston Pilots who becomes a Pilot;
7. Pilot Board has passed on the Pilot selection by the Pilots to the Governor.

THE GALVESTON CASE

“To the extent Appellants contend that the qualifications for licensure and certification under the Galveston Act are tied to (or are in some way contingent upon) affiliation with or membership in the Pilot Association, we reject that contention. ... here, although the summary-judgment evidence supports that licensed pilots traditionally affiliate with the Pilot Association, **the Galveston Act itself contains no requirement for affiliation with or membership in the Pilot Association as a prerequisite to either licensure as a pilot or certification as a deputy pilot. See Tex. Transp. Code §§ 67.033, .034. Under the Galveston Act, as written, pilots are approved or not approved by the Board and the Governor - **not** the Pilot Association. See *id.* §§ 67.033, .037. *Gant v. Bd. of Pilot Comm'rs For Galveston Cnty. Ports*, No. 01-20-00407-CV, at *16-17 (Tex. App. Jan. 27, 2022) [My emphasis]**

PRESENT HOUSTON PILOT STATISTICS

- 91 Pilots, which includes 4 Deputy Pilots;
- Pilot Academic Achievements
 - 40 Texas A&M Galveston Graduates, 44%;
 - 19 High School Graduates, 21%;
 - 15 U. S. Merchant Marine Academy Graduates, 16.5%;
 - 11 Associate or other college experiences, 12.1%;
 - 2 Mass Maritime Graduates, 2%;
 - 1 Maine Maritime Graduate, 1%;
 - 1 State University of New York Graduate, 1%.
- Diversity statistics
 - 87 males, 95.6%;
 - 4 females, 4.4% vs 57% workforce participation;
 - 85 White, 93.4% vs 77% of the labor force;
 - 2 African Americans, 2.2% vs 13% workforce participation;
 - 3 Hispanics, 3.3% vs 18% workforce participation;
 - 1 Asian Indian, 1.0% vs 6% workforce participation.

Women's labor force participation was 57.4 percent in 2019, up from 57.1 percent in 2018, <https://www.bls.gov/opub/reports/womens-databook/2020/>; Blacks and Asians constituted an additional 13 percent and 6 percent, respectively. People of Hispanic or Latino ethnicity, who may be of any race, made up 18 percent of the total labor force. Whites made up the majority of the labor force (77 percent) [Labor force characteristics by race and ethnicity, 2020 : BLS Reports: U.S. Bureau of Labor Statistics](#)

MAJOR QUESTIONS WITH THE INFORMAL DEPUTY PILOT SELECTION ARRANGEMENT

- Are we really recognizing the future challenges of the aging Pilot demographics (27% over the age of 55), Project 11 and the completed Panama Canal Expansion?
- Does the Houston Pilots Association business model have an inherent conflict in insuring there are sufficient Pilots to provide Adequate Pilot services? More Deputy Pilots means less of a share for Full Pilots
- Do we want transparency with Deputy Pilot selection to insure there is Equality under the law in Deputy Pilot selection as required by law?
- Do the numbers say there has been Equality under the Law? In 1983 there was 1 Black Pilot and 55 Pilots. In 2022 there are 91 Pilots and 1 Commissioned Black Pilot and 1 Deputy. Only 4.4% Females are Pilots.
- Have implicit biases resulted in systemic discrimination?

MOVING FORWARD

- **ADVERTISE QUALIFICATIONS AND APPLICATION INFORMATION:**
 - PROFESSIONAL MARINER
 - gCAPTAIN
 - Attend Navy and Coast Guard retirement/separation seminars
 - Maritime school magazines
 - Maritime union publications
- **EVALUATE THE PRESENT PROCESS AND CHANGE AS NECESSARY SO THAT WE:**
 - Insure there are sufficient Deputy Pilots in the pipeline for present and future adequate Pilot services. Presently 27% over the age of 55.
 - Remove any inherent conflicts from the process that may hinder having sufficient Pilots for providing adequate Pilot services.
 - Insure there is Equality under the Law as mandated by Texas Article I, Sec. 3 and Sec. 3a of the Texas Bill of Rights and the U. S. Constitution.
 - Create transparency in the selection of Deputy Pilots
- **EVALUATE THE NUMBER OF DEPUTY PILOTS NEEDED GIVEN AGE DEMOGRAPHICS AND INDUSTRY CHALLENGES**
- **IMPROVE THE PROCESS BY CREATING A SELECTION COMMITTEE COMPOSED OF 4 PILOT COMMISSION BOARD MEMBERS, WHICH INCLUDES THE CHAIR; PLUS, THE PILOT PRESIDING OFFICER, 1 PILOT and 1 RETIRED PILOT TO MAKE RECOMMENDATIONS TO THE PILOT BOARD AS TO THE NUMBER OF PILOTS FOR ADEQUATE PILOT SERVICES and DEPUTY PILOT SELECTION.**