

May 28, 2022

NOTICE OF MEETING
OF
THE BOARD OF PILOT COMMISSIONERS
FOR
THE PORTS OF HARRIS COUNTY

In accordance with official practice of the Board of Pilot Commissioners for the Ports of Harris County, there is attached hereto a copy of the Agenda of the meeting of the Board of Pilot Commissioners for the Ports of Harris County to be held on June 9, 2022. The Pilot Board will meet at 10:00 a.m., via video conference (Zoom webinar) and at the offices of the Houston Pilot Board, 203 Ivy Avenue, Deer Park, Texas 77536. The Pilot Board intends to have a quorum present at the offices of the Houston Pilot Board as required by Section 551.127(b) of the Texas Open Meetings Act. The instructions for accessing the meeting via Zoom webinar are provided on the following page.

BOARD OF PILOT COMMISSIONERS
PORTS OF HARRIS COUNTY, TEXAS



SECRETARY

Instructions to Join Virtually Via Zoom

Topic: Houston Pilot Board Meeting

Time: June 9, 2022 10:00 AM Central Time (US and Canada)

Every 3 months on the Second Thu, until Dec 8, 2022, 4 occurrence(s)

- Thursday March 10, 2022
- Thursday June 9, 2022
- Thursday September 8, 2022
- Thursday December 8, 2022

Join Zoom Meeting

<https://us06web.zoom.us/j/84961707329?pwd=NmR1QUVZN0Nlbc9PSXBFZHIwOEovQT09>

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Passcode: 287433

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Signup Procedures for Speaking During Posted Public Comment Section

Members of the public may speak during the posted public comment section by signing up as follows:

- Please register to speak no later than two hours before the meeting by emailing to Tyler Gavis tgavis@houstonpilotboard.com. Please provide the name of the speaker, and the organization the speaker represents (if applicable).
- Sign up in person at the meeting venue before the start time of the meeting.

Speakers shall comply with the Public Comment Policy adopted by the Pilot Board on September 9, 2021: <https://houstonpilotboard.com/public-comment-policy/>

AGENDA
BOARD OF PILOT COMMISSIONERS
for
HARRIS COUNTY PORTS

June 9, 2022
10:00 a.m.

Offices of the Houston Pilot Board
Boardroom
203 Ivy Avenue
Deer Park, Texas 77536

And via Zoom

- 1. CALL TO ORDER** (Chairman Reginald McKamie)
- 2. ROLL CALL AND CONFIRMATION OF QUORUM** (Captain M. Tyler Gavis)
- 3. CHAIRMAN’S REMARKS** (Chairman Reginald McKamie)
- 4. RECOGNITIONS AND PRESENTATION OF AWARDS** (Chairman Reginald McKamie)
 - Resolution of the Pilot Board in honor of Captain Marcus Woodring
 - Recognition of the Houston Pilots and Houston Pilot Boat Crew for the March 31, 2022 rescue of two personnel lost at sea
- 5. PUBLIC COMMENT** (Captain M. Tyler Gavis)
- 6. APPROVAL OF MINUTES** (Chairman Reginald McKamie)
 - a. March 10, 2022 Public Meeting
- 7. EXECUTIVE DIRECTOR REPORT** (Captain M. Tyler Gavis)
 - Report on day to day operations
- 8. PILOT BOARD COMMITTEE REPORTS** (Chairman Reginald McKamie)
 - a. Executive (Chairman Reginald McKamie)
 - Update on response to letters received by the Pilot Board Chairman requesting funding of

a Houston Pilot study over the possible effects on navigational safety and efficacy of the Coastal Barrier Project

- b. Legislative (Commissioner Michel Bechtel)
 - Update on the status of the Pilot Board seeking subpoena power, the Coastal Barrier Project, and local legislative changes
- c. Navigation (Commissioner Brad Hance & Captain J.J. Plunkett)
 - Report from the May 6, 2022 Lone Star Harbor Safety Committee meeting and other pertinent navigational matters
- d. USCG Liaison (Commissioner Darrell Morrison)
 - Update on activity
- e. Pilot Diversity (Commissioner Roland Garcia)
 - Update on activity
- f. Professional Development (Commissioner Parris Beverly)
 - Update on potentially hosting U.S.C.G. intern
 - Update on Professional Development Guide
 - Report from the April 29, 2022 Maritime and Logistics Youth Expo
- g. Ad Hoc Rules, Policies, and Procedures (Captain M. Tyler Gavis)
 - Report on the proposed update to the Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel Between the Galveston Bar and Turning Basin

9. FINANCIAL REPORT (Pilot Board Treasurer Frances Dyess)

- a. Report of 2021 Financial Audit by Belt Harris Pechacek LLLP
- b. Update on the status of Pilot Board Admin. Fee payments collected by the Houston Pilots
- c. Update on current financial status of the Pilot Board

10. HOUSTON PILOTS ASSOCIATION REPORT (Captain Robert Thompson)

- a. Report on vessel traffic and navigational issues facing the Houston Pilots
- b. Presentation on industry and community initiatives

11. ARC & PBIRC REPORTS (Captain Stephen Polk and Captain David Foret Jr.)

- a. Pilot Board Application Review Committee (ARC) report on the April 12, 2022, and May 10, 2022 ARC meetings
- b. Approve the Pilot Board Application Review Committee's recommendation for renewal of Branch Pilot Commission in and for the Houston Ship Channel and Galveston Bar:

- Captain Jason W. Charpentier
 - Captain Mark W. Mitchem
 - Captain Michael C. Phillips
 - Captain Philip P. Reed
 - Captain Scott E. Roberts
 - Captain Kristi J. Taylor
 - Captain Jeremiah W. Walcik
- c. Approve the Pilot Board Application Review Committee’s recommendation for original Branch Pilot Commission in and for the Houston Ship Channel and Galveston Bar:
- Captain Justin W. Conway
- d. Amend appointment of the Houston Pilots Presiding Officer to the ARC to allow the Houston Pilots Presiding Officer or the Houston Pilots Second Officer to vote at ARC meetings
- e. Appointment of Jacquie Young-Hall to the ARC
- f. Pilot Board Investigation and Recommendation Committee (PBIRC) report on the March 16, 2022 PBIRC Rehearing
- g. Consideration and possible action regarding the PBIRC’s proposed findings and recommendations regarding the M/V GOLDEN GLORY allision with Kinder Morgan #3 mooring dolphin on January 30, 2019, in the Houston Ship Channel
- h. Appointment of Captain Amy Arrowood to the PBIRC

12. EXECUTIVE SESSION (Chairman Reginald McKamie)

- a. Consultation with Attorneys (Section 551.071, Texas Open Meetings Act)

13. ADJOURN EXECUTIVE SESSION AND RECONVENE OPEN MEETING (Chairman Reginald McKamie)

14. GENERAL MATTERS (Chairman Reginald McKamie)

- a. Briefings, public comment, deliberations, and possible actions regarding the following:
- i. Pilot Board deliberation and possible action regarding the amended Houston Pilots Navigation Safety Guidelines approved by the Houston Pilots on April 20, 2022, which would amend Section VT-4 to state: Saudi Ships (Bahri Vessels) restricted to 2 Pilots, daylight above Morgan’s Point, Tractor escort above Shell, 2 Tractors docking/undocking. These vessels shall not be assigned when sustained wind speeds exceed 20 knots above Shell, amend Section VT-4 to state: Stena Polaris class

vessels – 600'x132' (Stena Penguin, Stena Performance, Stena Polaris, Stena President, Stena Primorsk, Stena Provence, etc.): Vessels of this class are permitted to transit above Boggy Bayou to the following docks: Magellan Valero Pasadena #1, ITC Pasadena #1, and ITC Pasadena #2. All wide body rules apply, amend Section VT-5 A. to state: City Dock 27 (no encroachments from City Dock 26) and that portion of City Dock 28 north of the 50' mark must be clear of all vessels when turning the following vessels at Brady Island Turning Basin: • a car carrier of any size [See also VT-2]. • a vessel with LOA greater than 660' • a vessel with LOA greater than 580' but less than or equal to 660' with draft greater than 30', remove Section VT-5 C., and amend Section XII. to state: ABOVE BOGGY BAYOU (SHELL) TO MAGELLAN/TARGA #5 • Routine transit vessel size: Less than 750 ft. LOA and 106 ft. beam • Maximum vessel size: 811 ft. LOA and 125 ft. beam [See DK-10, KMD exception] [See VT-4 for Stena Polaris class (600'x132') exception]. (See redlined changes to Section VIII. VT-4 (pg. 10), Section VIII. VT-5 A. and C. (pg. 10 and pg. 11), and XII. (pg. 17) of the attached Navigation Safety Guidelines)

- b. Approve the updated Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel Between the Galveston Bar and Turning Basin developed by the Ad Hoc Rules, Policies, and Procedures Committee (see attached proposed updated Rules and Regulations with redlined changes)
- c. Approve the U.S. Coast Guard Mutual Training Agreement (MTA) for Marine Industry Training of MSSD3 Kimberly McLean with the Houston Pilot Board
- d. Deliberation and possible action regarding follow-up items to the 2021 Financial Audit completed by Belt Harris Pechacek LLLP

15. OTHER MATTERS (Chairman Reginald McKamie)

- No Activity

16. ADJOURN (Chairman Reginald McKamie)

HOUSTON PILOTS

Navigation Safety Guidelines

for the Houston Ship Channel

Updated April 20, 2022



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I. General Provisions

1.01 Purpose

- A. As authorized by the Texas Transportation Code, Title 4, Subtitle B, state commissioned Pilots are responsible for conducting vessels safely and efficiently through the navigable waters of the state and ports in which the pilot is licensed or certified as a pilot. Pilot services include the adoption and implementation of ship movement strategies, such as Navigation Safety Guidelines, for use by Pilots. These Navigation Safety Guidelines represent the collective experience and judgement of the state licensed Pilots for Harris County ports and have been developed to ensure the safe and efficient movement of vessels on the Houston Ship Channel and its navigable deep draft tributaries.

- B. Ships and the waters they ply represent a dynamic, ever-changing environment. On the Houston Ship Channel traffic density and location are other dynamic factors which can change from minute to minute. One cannot set forth firm rules to address every possible situation that may occur aboard ship, nor is it safe to do so. The individual pilot conning a vessel is in the best position to determine what action should or should not be taken at any given moment. The pilot at the conn is best situated to evaluate the specific situation confronting a vessel and determine a proper course of action. The on-scene discretion of each individual pilot should not be hindered, nor would it be safe to do so. These Guidelines are made in the interest of safety. They are in no way intended to limit, hinder, or override the on-scene discretion of individual Pilots as they navigate vessels on the Houston Ship Channel. There may be situations in which actions that depart from or conflict with these Guidelines may be necessary to react to specific circumstances or to avoid danger. 06.01.12

- C. In cases of severe weather, fog, extreme/unique traffic, or any other condition that may compromise navigational safety, Houston Pilots reserve the right to manage traffic in a manner that may depart from these Guidelines to ensure navigational safety on the Houston Ship Channel.

1.02 Definitions

- A. Barge – A vessel designed with no means of self-propulsion.

- B. Beam – The linear distance from the molded surface on one side to the molded surface on the other side measured at the widest portion of a vessel hull at the nominal waterline, or from the most outboard appurtenance or cargo on one side to the most outboard appurtenance or cargo on the other side, whichever is more.

- C. Dead Ship – A self-propelled vessel unable to utilize its engine or steering gear. This also includes a vessel originally designed to be self-propelled that has subsequently had its means of propulsion removed.

- D. Foreign Towing Tug – Any towing vessel registered in a country other than the United States.

- E. Houston Pilots – An unincorporated association of mariners licensed by the state of Texas and the United States Coast Guard to serve as ship Pilots on vessels that transit the Houston Ship Channel enroute to Harris County ports.
- F. Houston Pilots Rules and Safety Committee – A committee comprised of a number of Pilots that evaluates issues involving safe navigation on the Houston Ship Channel.
- G. Houston Ship Channel – The navigable waterway which extends from the Galveston Sea Buoy to the Port of Houston Authority Turning Basin.
- H. Large Sail Area Vessel – A vessel that due to its large sail area presents a risk to safe navigation during periods of high winds, such as: Large Container ships, Large Gas Ships, Large Ro-Ro's, Car Ships, Cruise Ships, etc.
- I. Pilot – An individual member of the Houston Pilots.
- J. Under Keel Clearance – The distance from the bottom of a ship's keel to the seabed.
- K. Vessel Agent – Local ship agent retained by vessel's owner/operator.
- L. Widebody Vessel - A vessel of any type with a beam of 120 ft. and greater.

II. Notification Requirements and Guidelines Regarding Vessel Safety

2.01 Notification of Safety Defects:

A. The Master of the vessel, the person directing the vessel's movement, the vessel's agent, and/or the United States Coast Guard shall, at the time Pilot assistance is requested, notify the Pilot Dispatch office¹ of any vessel or equipment malfunction, limitation or condition which could possibly affect the safe navigation of the vessel in the Houston Ship Channel. Such conditions requiring notice include, but are not limited to:

- Equipment covered by 33 CFR 164.53 such as: radars, nav radios, gyro, echo equipment and steering gear.
- Any other equipment, crew, or vessel conditions (such as inoperative windshield wipers or clearviews) that could have an effect on the handling or navigation of the vessel, and
- Any recent maintenance or repairs conducted while in port that might impact engine performance or vessel maneuverability; and
- Fuel or other issues that may impact the responsiveness and operating condition of the ship's engines

2.02 Obstructed Visibility

A. Due to the restrictive nature of the Houston Ship Channel, all vessels must afford proper visibility from the bridge in accordance with 33 CFR 164.15. A 20 degree arc of visibility dead-ahead cannot be obstructed by more than 5 degrees, and a 225 degree arc of visibility (from dead ahead to 112.5 degrees abaft each beam) cannot be obstructed by a total of more than 20 degrees.

¹ This DOES NOT absolve the vessel crew of the duty to engage in a Master-Pilot Conference and provide the required information to the Pilot.

B. If, because of vessel design, trim, or obstructive deck cargo, a vessel cannot offer the Pilot satisfactory visibility in accordance with 33 CFR 164.15 then, at the discretion of the Pilot or the Houston Pilots Rules and Safety Committee, two Pilots and/or daylight restrictions may be imposed.

2.03 Trim

A. A vessel's trim should be such that the Pilot is ensured sufficient propeller and rudder action and be in accordance with International Marine Organization, MARPOL Annex I, Regulation 18 guidelines, or:

1. Vessels less than 800 ft. shall have a minimum forward draft equal to the length overall X .0225 and a minimum after draft equal to the length overall X .035.
2. Ships 800 ft. and over in length shall have a minimum forward draft of 18 ft. and a minimum after draft of 28 ft.
3. In any case the after draft shall not be less than that which is necessary to obtain full immersion of the propeller(s).
4. All ships shall be trimmed so the Pilot can see the ranges over the forecastle from the center of the navigation bridge.

B. A vessel whose draft does not meet the minimum draft requirements above may, at the discretion of the Pilots, be accepted for transit on a one-time basis provided that the Captain of the vessel, the person directing movement of the vessel, or the vessel's agent, requests permission from the Houston Pilots and provides them with the following as soon as possible but no later than 12 hours before the vessel arrives at the Pilot station or 6 hours before shifting or sailing

1. Principal dimensions of the ship;
2. Deepest attainable fore and aft drafts;
3. Reason the vessel cannot be properly ballasted; and
4. Suggestions as to how the vessel will be maneuvered to ensure safe passage.

C. Vessels that are not able to comply with these guidelines and have historically transited the Houston Ship Channel without problems, may be granted continuance.

2.04 Engine Revolutions

A. The maneuvering revolutions and resultant speeds established for a vessel by her builders and designers must be posted and made available to the Pilot upon boarding. All vessels maneuvering in the Houston Ship Channel must be capable of promptly attaining the maneuvering RPMs as posted in the vessel's wheelhouse.

B. All vessels must be able to alter engine speed and direction promptly considering vessels of similar class and engine type. Vessels must be able to answer all engine and helm commands at all times while underway. Any load limiting or automatic acceleration limiting devices or software that would limit the speed of response to engine orders must be capable of being overridden immediately by the Master or Mate on watch from the bridge in case of an emergency.

C. Any vessel without the capacity to attain its posted RPMs in a timely fashion will, at the discretion of the Pilot or the Houston Pilot Rules and Safety Committee, be restricted to daylight transit and/or additional Pilotage or tug requirements.

D. It is recognized that due to a vessel's draft and hydrodynamics of the Houston Ship Channel, a vessel may not achieve the posted resultant speed for given RPMs.

2.05 Pilot Plug

A. All vessels requesting Pilotage are required to provide an operational AIS Pilot plug, including heading, in accordance with IMO regulations. 02.11.09

III. Docking Facilities on the Houston Ship Channel

3.01 Dock Design & Docking Procedures

A. To maximize safe navigation, new dock projects, dock repurposings, or substantial repairs to a dock should comply with the Houston Pilots Dock Project Guidelines. Although approval by the Houston Pilots does not ensure the economic or operational success of a marine terminal or facility, it has been found that adhering to these Guidelines will contribute to safely achieving this goal.

B. The Houston Pilots Rules & Safety Committee will use the Houston Pilots Dock Project Guidelines (DPG) to evaluate all projects that are presented to the Houston Pilots for review. Industry is urged to present proposed plans well in advance of commencement of construction.

C. All docks should be built as far back as possible from the channel to minimize surging due to passing vessels and to maximize the navigable water available to transiting vessels. This guideline shall not supersede any existing minimum setback.

D. All docks should provide bollards that allow vessels to obtain proper leads in order to maximize the efficiency of their mooring lines.

E. While it is the Pilot's duty to provide advice that assists a vessel in arriving safely alongside a dock, it is the duty of the vessel's Captain to ensure that his vessel is securely moored to the dock facility. It is the Captain's decision whether or not to secure the vessel to a particular dock and how to secure it.

F. All berths should have sufficient landing area to provide the ship's gangway with an adequately clear run in order to maintain safe, convenient access to a berthed ship at all states of tide and changes in freeboard.

3.02 Proper Fendering & Lighting

A. To protect the dock and the vessel, adequate fendering systems should be installed and properly maintained.

B. Docks should have sufficient lighting to allow vessels to come safely alongside and also to work their mooring lines.

C. If a particular dock's suitability is called into question, the Houston Pilots Rules and Safety Committee shall notify the Coast Guard and they will make an assessment of that particular dock.

D. For slip arrangements, the outermost mooring dolphin should be lit with an all-around white light and be adequately fendered. In addition, consideration should be given to downward-facing lighting of any large structure that is in deep water adjacent to the navigable channel.

E. Many vessels carry fuel in single skin tanks which could be punctured in the event of a collision with a mooring structure. Consideration should be given to providing fendering to any structure (mooring structure, emergency fire pump installation, etc.) if it is possible, though not likely, for a ship to contact it. Fendering should anticipate vessels working at other docks that may come close aboard the fendered object.

3.03 Docking Clearance

A. Before starting any docking operation, adequate clearance with adjacent berths must be provided to safely complete the docking evolution. For adjacent berths, there will be at least 30 ft. or 5% of LOA between docked ships at any facility on the Houston Ship Channel whichever is greater.

3.04 Bunkering & Special Operations

A. There are certain areas where docks encroach on the channel. When a vessel is docked in these areas and a barge is placed alongside the vessel for bunkers or cargo, a hazardous constriction of the channel may be created.

B. A list of restricted mooring, bunkering, and/or lightering locations will be jointly developed and maintained by Houston Pilots and CG VTS. They can be found in the VTS User's Manual issued by Vessel Traffic Service Houston/Galveston. Recent changes or modifications can be obtained by direct call to VTS.

3.05 Vessel Size Restrictions for Berth

A. The length of vessels docking in the Port of Houston is restricted to adequately allow for proper mooring of the vessel. Ships should not extend over the end of the dock without prior notification and approval by Houston Pilots and the terminal. Houston Pilots will maintain specific maximum vessel sizes within Dispatch as dock notes.

3.06 Light Pollution

A. All facilities bordering the Houston Ship Channel and its deep draft tributaries should shield their lights, so they do not interfere in any way with the safe navigation of vessels or barges. Interference includes, but is not limited to, interference with or obstruction of aids to navigation, or diminishing the night vision of mariners transiting the waterway.

B. If anyone believes that a particular facility's lights interfere with safe navigation, they should immediately notify the Coast Guard.

IV. Vessel Grounding

4.01 Vessel Grounding

A. If a ship grounds in the confines of the federal channel or responds abnormally due to shoaling, soundings should be taken to ascertain the depth of water in the area. The soundings should be taken within 24 hours. If the Corps of Engineers is unable to perform this task, then an independent source should be employed. If there is shoaling, the draft of vessels transiting this area shall be limited as per Pilot's recommendation.

B. Timely and accurate soundings of suspect areas are necessary for the Pilots to assess the situation and give advance notice to users of the Houston Ship Channel in the event there will be a draft restriction imposed.

V. Vessel Restriction

5.01 Specific Requirements

A. Requirements for specific vessels can be found in Section VIII – Vessel Type (VT) Rules.

5.02 Large Sail Area vessels

A. Wind restrictions are to be applied to large sail area (LSA) vessels as stipulated in these Navigation Safety Guidelines. For these vessels the wind is to be measured at the terminal and not on the bar. Only LSA vessels going to and from the anchorage shall use the wind gauge on the North Jetty. When applying wind restrictions, the wind speed shall come from a certified weather station that measures sustained wind from an appropriate height. Wind restricted vessels shall not be assigned when sustained winds exceed their stated restrictions. Based on projected weather, affected jobs will be pushed back accordingly in the queue.
02.14.18

5.03 Dead Ships

A. Notification of dead ship tows should be made to Houston Pilots at least 48 hours in advance. Coast Guard VTS also requires notification via their Category 1 obstruction process. If deemed necessary by the Executive Committee, a pre-transit meeting shall be held at least 24 hours prior to a dead ship movement. The pre-transit meeting shall include representatives from Coast Guard, dead ship company, tow company, and Houston Pilots. In addition to all other applicable guidelines for dead ships, the towing company shall notify the Houston Pilots (three hours prior to any movement) of the number and type of tugs scheduled for the movement.

B. Dead ships shall not be allowed to transit in less than three miles visibility over the entire route, with due consideration given to volume of traffic and severe weather. Dead ships shall not be navigated at night on the Houston Ship Channel.

C. Other ships or offshore tugs and barges shall not overtake dead ships.

D. Any barge that was converted from a ship or vessel of unusual construction will be handled on its initial transit like a dead ship, (i.e. 2 Pilots, proper tugs and daylight only). The Houston Pilots Rules and Safety Committee reserves the right to decide after one or more passages of a nondescript vessel as to whether it can safely transit the Houston Ship Channel and if so, what permanent restrictions will be in place.

E. Any dead ship 450 ft. long or longer must have two Pilots, regardless of length of movement.

F. If a dead ship is less than 450 ft. long and employs a foreign flag-towing tug or a U.S. non-local tug a Pilot shall also be required on the towing tug.

G. The owner or operator of a dead ship has the duty to provide adequate onboard facilities for the Pilots(s), such as: adequate crew onboard to handle lines, shelter, food, water, and restroom facilities.

H. The increase in size caused by the addition of tugs alongside a dead vessel shall necessitate the reduction in the size of vessels it will meet in accordance with the established safety guidelines for powered vessels.

VI. Channel Restrictions

6.01 Houston Ship Channel

A. Widebody vessels are subject to restrictions as per Section X, Widebody (WB) rules.

B. Below Morgan's Point, the maximum LOA for all vessel types is limited to 1100 ft. per Texas State Statute, effective September 1, 2019, unless certain criteria are met as set forth in the statute.

6.02 Bayport Channel

A. There shall be no meeting or overtaking of ships in the Bayport Channel.

6.03 Upper Ship Channel

A. Vessels with a beam of over 105 ft. shall not meet any ship traffic (of any beam) above Boggy Bayou

VII. Navigation Aids

7.01 Official Navigation Aids

A. The Official Navigation Aids used by a Pilot are those navigational aids placed and maintained by the Coast Guard, and in some cases privately owned and maintained aids to navigation in the process of being transitioned to Coast Guard ownership.

B. In order to maintain two-way traffic at night between Morgan's Point and Lynchburg, all ranges established by the Coast Guard are to be functioning properly. If any one of these navigational aids becomes inoperable, traffic may be stopped or restricted, at the discretion of the Houston Pilots.

C. Between Morgan's Point and the Sea Buoy at gated turns 25 & 26, 51 & 52, and 75 & 76, all navigational aids are to be operational for unrestricted traffic flow. If both aids at any one of these turns are inoperable, traffic may be stopped or restricted, at the discretion of the Houston Pilots.

D. If there are inoperative navigational aids at any point on the Houston Ship Channel, traffic may be restricted by draft, vessel size, and to daylight only, at the discretion of the Houston Pilots. Temporary lighted buoys may be acceptable.

E. Due to the strong set encountered at times between the Sea Buoy and buoys 7 & 8, traffic may be restricted by draft during the hours of darkness, if the entrance ranges are extinguished, and the Houston Pilots, at their discretion, deem such a restriction is necessary.

VIII. Vessel Type (VT) Rules

VT-1 All LPG tankers: All LPG tankers less than or equal to 560 ft. LOA have no daylight restriction, 1 pilot day and night.

All LPG tankers can shift 24 hours a day with one pilot within one zone above Morgan’s Point. LPG tankers greater than 560’ LOA with cargo can shift between Enterprise HSC (including Stolt 11) to Kinder Morgan Deep, 24 hours a day, with 2 Pilots at night. [Enterprise HSC to Kinder Morgan Deep is a 2 zone shift, but docks are in close proximity to each other.] 05.20.20 See also applicable widebody rules.

Ballasted LPG tankers: Ballasted LPG tankers greater than 560 ft. and less than 600 ft. LOA have no daylight restriction, 2 Pilots at night above Buoy 18 (B-18).

Ballasted LPG tankers greater than or equal to 600 ft. LOA will be daylight restricted above Boggy Bayou with 2 Pilots at night above B-18.

Ballasted LPG tankers greater than or equal to 600 ft. and less than 750 ft. LOA, with a beam of less than 107 ft. will be daylight restricted above Targa with 2 Pilots at night above B-18.

LPG tankers proceeding with cargo: LPG tankers proceeding with cargo greater than 560 ft. but less than 600 ft. LOA will be daylight restricted above Boggy Bayou/Kinder Morgan Deep, 2 Pilots at night above B-18. 05.20.20 12.20.20 11.03.21

LPG tankers proceeding with cargo greater than or equal to 600 ft. will be daylight restricted above B-18. 05.22.19

LPG Tankers		
	In ballast	Proceeding with cargo
Shifting, one zone above Morgans Point	No daylight restriction 1 Pilot day, 1 Pilot night See applicable widebody rules.	No daylight restriction 1 Pilot day, 1 Pilot night See applicable widebody rules
Shifting between Enterprise HSC (including Stolt 11) to Kinder Morgan Deep, LOA>560’	[No daylight restriction 1 Pilot day, 1 Pilot night] [See applicable widebody rules.]	No daylight restriction 1 Pilot day, 2 Pilots night See applicable widebody rules.
LOA<=560 ft.	No daylight restriction 1 pilot day; 1 Pilot night	No daylight restriction 1 pilot day; 1 Pilot night

LPG Tankers		
	In ballast	Proceeding with cargo
560 ft.<LOA<600 ft.	No daylight restriction 1 pilot day; 2 Pilots at night above B-18	Daylight restricted above Boggy Bayou/Kinder Morgan Deep 1 pilot day; 2 Pilots at night above B-18
600 ft.<=LOA<750 ft. Beam <107 ft.	Daylight restricted above Targa 1 pilot day; 2 Pilots at night above B-18	Daylight restricted above B-18 1 Pilot day; no night transit
LOA=>600 ft.	Daylight restricted above Boggy Bayou 1 pilot day; 2 Pilots at night above B-18 2 Pilots in accordance w/ widebody rules	Daylight restricted above B-18 1 Pilot day; no night transit 2 Pilots in accordance w/ widebody rules

VT-2 Car carriers shall be operated on a 24-hour basis but shall be turned at City Docks in daylight only. They shall not meet any ship traffic above Shell; sailing and arrival times shall be adjusted accordingly. Allow car carriers to schedule sailings one (1) hour before dark. 09.05.01. The maximum LOA of car carriers above Shell is 660 ft. Car carriers and ro/ro's, including those transiting to Bayport and Barbours Cut, shall not be assigned when sustained wind speeds exceed 25 knots at the terminal. Ship agents or representatives shall notify VTS of estimated sailing times for outbound car carriers and ETAs at Shell for inbound car carriers so that wide or long tow traffic can be restricted.08.11.10

Car carriers may dock at City Dock 25 and extend into City Dock 24. Restrictions are as follows for all car ships proceeding above the 610 bridge: 05.04.11

- A. No barges alongside ships from City Dock 25 through City Dock 28
- B. No ships gear extending into the channel from City Dock 26 through City Dock 28

VT-3 H, I, J, K, & O Class Star Ships:

- I, J, & O: 24 hours below City Dock 20 & daylight above City Dock 20.
- H: Daylight only above Shell. 08.20.14
- K: Daylight only above Barbours Cut. 08.20.14
- Beam restrictions at City Docks 1, 2, 14, 15, 16 & 17 enforced. [See DK-7]
- Two Pilot jobs.
- Tugs and wind conditions remain at Pilot's discretion. 05.26.04
- They shall not meet any ship traffic above Greens Bayou; sailing and arrival times shall be adjusted accordingly. 04.27.05

VT-4 Specific Vessels:

- Atlantic Sun - Banned.
- Ireland class vessels (751 ft. x106 ft.) - Two Pilots. If draft is less than 30 ft., no daylight restriction out of Vulcan.
- Cotinga Arrow - Daylight restricted above Shell. 08.19.15
- Genesis River and sister vessels - (Builder: Kawasaki Heavy Industries, 754'x122'; Crystal River, Crystal Sunrise, Galaxy River, Maple Gas, NS Dream, NS Frontier, Pyxis Alfa, & Sumire Gas). Minimum 0.5m of trim. 06.02.21
- MV Green Magic - 456 ft. x 54 ft. with a working bow thruster and a tethered tug assist is excluded from the 256 ft. restriction.
- Navigator/450-11 on hawser – Daylight only, 1 large tug escort, no meeting above Shell.
- Pelicana, Providana, Posidana, and Panamana (similar to Star Ship K class) - Daylight restricted above Shell. 08.19.15
- Saudi Ships (Bahri Vessels) restricted to 2 Pilots, daylight above Morgan's Point, Tractor escort above Shell, 2 Tractors docking/undocking. These vessels shall not be assigned when sustained wind speeds exceed 25-20 knots above Shell. 01.22.14 04.20.22
- Seven Seas Highway car carrier and all vessels of that class restricted to 2 Pilots due to visibility and daylight above Morgan's Point. 01.22.14
- Stena Polaris class vessels – 600'x132' (Stena Penguin, Stena Performance, Stena Polaris, Stena President, Stena Primorsk, Stena Provence, etc.): Vessels of this class are permitted to transit above Boggy Bayou to the following docks: Magellan Valero Pasadena #1, ITC Pasadena #1, and ITC Pasadena #2. All wide body rules apply. 04.20.22
- Stolt Integrity class vessels, 607 ft. x 106 ft. (including but not limited to Stolt Excellence, Stolt Integrity, Stolt Loyalty, Stolt Pride, Stolt Sincerity, and Stolt Tenacity): Minimum of 0.5m of trim; anchors walked out from windlass to tipping point; minimum of 2 tugs for docking/undocking. With a fully operational working thruster (capable of operating at 100% rated capacity), 1 tug may be used for undocking only when the ship does not need to turn around. 08.15.18 06.02.21
- Teal Arrow - Daylight restricted above Morgan's Point. 02.18.15
- Tug Betty S/Bahia de Tampa – 24 hours loaded, daylight above Buoy 18 in ballast.
- Tug Crosby Service/American Trader – One tug escort above Buoy 18, daylight above Shell.
- Tug Mister Jean/Delaware Trader or Z Big 1 - One tug escort above Buoy 18, Jacintoport 3 only. 01.19.05
- Viking Adventure class (LOA=656 ft., molded beam=106 ft., extreme breadth=114.5 ft.) – Permitted to transit to City Docks, 2 Pilots, daylight restricted above Lyondell Basin.
- Warsaw and all vessels in this class – Daylight only, two Pilots, trimmed by the stern 18 inches, no meeting ship traffic above Shell, and no transiting above Green's Bayou. 8.31.05

VT-5 Brady Island Turning Rule

A. ~~No car carrier of any size, and no other vessel of 625 ft. LOA or longer will arrive/depart City Docks 20 – City Dock 32 when required to turn at Brady Island Turning Basin when there is a vessel docked or encroached into City Dock 27. City Dock 27 (no encroachments from City Dock 26) and that portion of City Dock 28 north of the 50' mark must be clear of all vessels when turning the following vessels at Brady Island Turning Basin:~~

- a car carrier of any size [See also VT-2].

- a vessel with LOA greater than 660'
- a vessel with LOA greater than 580' but less than or equal to 660' with draft greater than 30'. 12.12.12 04.20.22

~~A. No vessel 580 ft. LOA or longer loaded to more than 30 ft. draft when required to turn at Brady Island Turning Basin will arrive/depart City Dock 20 – City Dock 32 when there is a vessel docked or encroached into City Dock 27. 02.18.15~~

B. Any jobs (sailings or arrivals) that have to back to/from Brady's Island above City Dock 20 due to draft restrictions from shoaling will have 2 Pilots assigned. 08.15.18

~~C. No vessel 660 ft LOA or longer when required to turn at Brady Island Turning Basin will arrive/depart City Dock 20 – City Dock 32 when there is a vessel docked or encroached in City Dock 27 or docked at City Dock 28. 12.1.21 02.09.22~~

VT-6 Cruise ships shall not be assigned a Pilot when sustained wind speeds exceed 20 knots as measured at the terminal.

VT-7 Vessels or barges, carrying ammonia and requiring Pilots, shall transit the Houston Ship Channel only during daylight hours. The daylight restriction is for the entire transit.

IX. Dock (DK) Rules

DK-1 Vessels bunkering/lightering at docks identified as restricted mooring, bunkering, and /or lightering locations by the CG VTS must request prior approval and report the operation to VTS; must have an attending towboat present at all times; must maintain an active wheelhouse watch and standby at all times on VHF Channel 13; and be prepared to shut down, disconnect, or move at the discretion of Pilots on passing ships within 60 minutes.

DK-2 LBC-5: Vessels with maximum dimensions of 910 ft. x165 ft. permitted. For vessels with dimensions greater than 900'x150' the following restrictions apply: 2 Pilots, daylight restricted, all dredges outside of navigable channel, no barges at the adjacent LBC barge dock, for vessels with drafts less than 34 ft., maximum 20 knots sustained wind at the berth, no bunkering barges alongside container vessels at Bayport Container Docks, and special traffic management protocol to be implemented (VTSA Cat 2 obstruction process).

DK-3 Enterprise Barbours Cut Ethane Export Terminal: Docks 7 and 8: Maximum vessel dimensions: 900 ft. x138 ft. 05.25.16

DK-4 Exxon Mobil Baytown 4 & 5: The combined beam of all vessels moored and/or docking/undocking must not exceed 210 ft.

There shall not be any vessels or barges docked across from Exxon Mobil Baytown #3 when any vessel or barge is berthing at Exxon Mobil Baytown #3.

DK-5 Bostco: Bostco #1 Ship dock. Vessels with length not greater than 900 ft. and beam not greater than 150 ft. will be allowed. Vessels with beams greater than 138 ft. will require a Z-tech class tug on the bow and two Dolphin class tugs on the stern. For vessels with a beam greater

than 138 ft. and a draft of greater than 40 ft., no doubled-up barges will be allowed across from dock #1 when a vessel is docking. 08.31.16

DK-6 Houston Fuel Oil: HFO ship dock 2: Vessel dimensions restricted to 900 ft. x 144 ft. or less. When docking or undocking a widebody vessel at HFO 2, no barges may be alongside widebody vessels docked at HFO 3 & 5. If only one dock is occupied, a single barge may remain alongside at Pilot's discretion. Under all circumstances and for all vessels transiting into or out of Jacintoport the available space must exceed 2 times the beam of transiting vessel plus 150 ft. HFO 3 to HFO 5 dock face to dock face total distance equals 785 ft. When docking vessels 106 ft beam or over, no barges may remain at HFO 5 barge dock. When undocking vessels 106 ft beam or smaller, in ballast, one set of doubled up barges may remain at the northern end of HFO 5 barge dock. All barges may be required to be moved at Pilot's discretion. HFO ship dock 5: Maximum vessel dimensions: 900 ft. x 165 ft. 08.31.16, 08.15.18

DK-7 Contanda-Inbesa and Jacintoport:

1. The cross-slip distance, breast line to breast line, from Contanda-Inbesa to Jacintoport #1 is 395 feet. When docking vessels at Contanda-Inbesa or Jacintoport #1 the following applies: If a 106 beam vessel is at one dock, the max beam allowed at the other dock is 90 feet and vice versa. The max combined beam of any two vessels at Contanda-Inbesa and Jacintoport #1 cannot exceed 196 feet.
2. If there are vessels at Contanda Inbesa and Jacintoport #2, the following is required for a vessel to dock or undock at Jacintoport #1:
 - a. The vessel at Jacintoport #2 must be spotted 250 feet east of the J1/J2 line or 250 feet east of the docking or docked ships final position, whichever is furthest east. If there is no ship at J3 that distance should be increased to 300 feet.
3. Max vessel size for Jacintoport is: Dock 1 and 2 - 690 x 106; Jacintoport 3 - 750 x 106. The overall length of Jacintoport wharf is 1950 feet. At no time can the combined LOA of vessels in Jacintoport exceed 1,810 feet. This allows for 35 feet of space between all vessels.

DK-8 Mosaic: Mosaic must be clear when docking a vessel at Cargill 2 and vice versa.

DK-9 Enterprise HSC: Maximum ship dimensions: ET7: 950 ft. x160 ft.; ET8: 950 ft. x165 ft.; ET9: 950 ft. x140 ft. Combined beam for vessels at ET7 and ET8 not to exceed 310 ft. 04.29.15

There shall not be any other vessels or barges alongside a berthed vessel or barge when another vessel is docking or undocking in the same slip at Enterprise HSC, unless there is a prior agreement with the Pilot.

DK-10 KMD (Kinder Morgan Deepwater): Vessels with lengths not greater than 855 ft. and up to 142 ft. beam will be allowed. All other widebody rules apply. 08.31.16 05.20.20

DK-11 ITC Pasadena: Maximum ship dimensions: Dock #1 (west): 751 ft. x 125 ft.; Dock #2 (east): 751 ft. x 125' ft. 05.25.16 02.09.22

DK-12 Bulk Load: Vessels with an overall length between 800 ft. to 820 ft. with a beam up to 106 ft. are limited to 38 ft. in draft and will be allowed to dock starboard side to Bulk Load. There will be no vessels at Bulk Lay or South Central Cement 2 during docking maneuvers. 11.12.03 Vessels greater than 535 ft. dock SST only. 4.14.03

DK-13 Agrifos: Vessels at Agrifos are limited to 96 ft. beam or less. 02.21.01

DK-14 Targa: Targa #4 Vessels of up to 760 ft. with a maximum beam of 123 ft. will be allowed. For vessels with a beam greater than 120 ft., special traffic management protocol to be implemented (VTSA Category 2 obstruction process). For vessels with LOA greater than 750 ft., maximum sustained wind is limited to 20 knots at the berth. 08.16.17

Targa #5: Vessels of up to 800 ft. with a maximum beam of 123' will be allowed. For vessels with a beam greater than 120 ft., special traffic management protocol to be implemented (VTSA Category 2 obstruction process). For vessels with LOA greater than 750 ft., maximum sustained wind is limited to 20 knots at the berth. 08.16.17

Minimum clearance between ships at Targa shall be 125 ft. Distance between dock #1 and #2 faces is 365 ft. 05.23.14

DK-15 Kinder Morgan Galena Park: Barge Dock at Kinder-Morgan #3 will have only a single barge at the inner barge berth when vessels are arriving at #3 ship dock. Single barges at inner barge berth and outer barge berths are permitted during undocking of vessels at #3 ship dock. Additionally, barge transfers will be shut down and no towboats alongside barge during vessel maneuvers at #3 ship dock. 05.04.11

DK-16 Manchester Terminal: Vessels at Manchester Terminal Sims Bayou Docks (D, E, and F) must comply with the following:

- A. Working bow thruster.
- B. Alternate dock in case of extreme weather.
- C. Maximum beam of any vessel at Petro Tex Dock B, to be no more than 54 ft. 9.24.08
- D. Maximum beam of 69 ft. 09.24.08
- E. A vessel will not go around another vessel in this slip.

DK-17 Houston Cement West: When docking/undocking the following shall apply:

- o No barges/vessels shall be across from Houston Cement West.
- o No barges/vessels at Valero barge dock 4.
- o Barges at Valero barge dock 1 cannot be doubled up.
- o The beam of vessels berthing at Manchester A shall not exceed 75 ft.
- o Vessels over 650 ft. LOA will be reviewed on a case by case basis by the Executive Committee prior to arrival.
- o Vessels 700 ft. LOA and over will be assigned two Pilots. 09.04.13

DK-18 City Dock: Between City Dock 17 and the Turning Basin the combined beam of any two opposing moored vessels plus the beam of the transiting vessel shall not exceed 256 ft.

DK-19 City Dock 32. When required to back down from City Dock 32/Old Manchester to Lyondell basin or from Lyondell basin to City Dock 32/Old Manchester, to turn, the following restrictions apply: 2 Pilots, daylight restricted during backing, 2 tractor tugs. Restricted bunkering at Manchester A & B. 08.16.17

X. Widebody (WB) Rules

A widebody vessel is defined as any vessel type with a beam of 120 ft. and over. Startup times for ships over 120 ft. in beam shall be 30 minutes before daylight when no combined beam rules apply.

Nothing in this rule shall limit a Pilot's discretion on the amount or use of tugs.

In the interest of safety, Houston Pilots reserve the right to modify these guidelines based on operational experience, and may require a certain amount of drag for selected widebodies, which handle poorly in the Houston Ship Channel.

WB-1 Any widebody tanker or bulker transiting above Buoy 18 (B-18) will require two Pilots at all times.

WB-2 Any widebody tanker proceeding with cargo will be daylight restricted above B-18.

WB-3 Widebody tankers and bulkers without an all-around rudder angle indicator are daylight restricted above B-18. 08.31.16

WB-4 The maximum beam of any vessel allowed to come to Houston without prior approval from the Houston Pilots and the respective terminal is 166 ft.

WB-5 The maximum LOA above Morgan's Point High Lines without prior approval from the Houston Pilots and the respective terminal is 950 ft.

WB-6 Two widebody vessels meeting in the Houston Ship Channel between Buoy 18 and beacons 75/76 shall be restricted to a combined beam 310 ft. and shall be limited to a combined draft of 85 ft.

WB-7 Two widebody vessels meeting in the Houston Ship Channel between beacons 75/76 and Boggy Bayou shall be restricted to a combined beam of 272 ft. and shall be limited to a combined draft of 77 ft.

WB-8 Deep loaded vessels transiting above Morgan's Point will be assigned an escort tug from Morgan's Point to their dock, or from their dock to Morgan's Point in accordance with the tug matrix. In addition, deep loaded vessels transiting inside the Bayport land cut will be assigned an escort tug between the land cut and their dock and their dock and the land cut in accordance with the tug matrix. An escort tug to or from the flare to the land cut is at Pilot's discretion.

WB-9 Widebody tankers and bulkers 150 ft. or less in beam and 900 ft. or less in LOA will be sailed in ballast on a 24 hour basis provided there is no conflict with any other safety rules or guidelines. The vessel must meet the following criteria:

- Maximum draft of 32 ft. or less, with a drag of at least 3 ft.
- Have a rudder angle indicator that is visible from all angles.
- Be of double-hulled construction

Any widebody tanker or bulker over 150 ft. in beam and/or over 900 ft. in LOA will be daylight restricted above B-18 at all times.

WB-10 All widebody vessels can shift 24 hours a day with one pilot within one zone Exceptions include widebodies that do not have a rudder angle indicator that is visible from all angles. 12.10.14

WB-11 Two vessels with a combined LOA of 2080 ft. or greater will not be permitted to meet above B-18. 08.15.18 02.09.21

XI. Container Terminal (Bayport and Barbours Cut)

CT-1 Container vessels: The following restriction applies for all container vessels with LOA greater than 900 ft. and less than or equal to 1100 ft.: Maximum sustained wind less than 20 knots at the berth.

The following restrictions apply for all container vessels with dimensions greater than 1000 ft. LOA or 138 ft. beam: 2 Pilots, daylight restriction, cranes raised, restricted bunkering in place with no dredges in the navigable channel of Bayport Ship Channel or Barbours Cut (when transiting to Bayport or Barbours Cut, respectively). [see also WB-6 for combined LOA restriction] For the purposes of this guideline, "daylight restricted" means boarding 60 minutes before sunrise. This boarding time will allow a typical container vessel to reach B-18 at the beginning of civil twilight. 06.02.21

As per Texas State Statute, effective September 1, 2019, all vessel types with an LOA greater than 1100 ft. cannot transit the lower Houston Ship Channel unless certain conditions are met, per the statute.

Prior to the implementation of this statute, the following restriction applied for all container vessels with an LOA greater than 1100 ft.: No meeting any other ships in the Houston Ship Channel above B-18. Maximum sustained wind not over 15 knots at the berth. 08.15.18 Notwithstanding the above, container vessels with an LOA less than or equal to 1120 ft. and beam less than or equal to 150 ft. may meet other vessels subject to current widebody guidelines. 04.10.19 06.02.21

CT-2 Notwithstanding the approved maximum permitted dimensions for container vessels transiting to Bayport Container Terminal or Barbours Cut #1 in this section, the Presiding Officer at his/her discretion may approve vessels with differing maximum dimensions, pending further review if necessary by the Rules & Safety Committee, provided the following condition is met:

1. Maximum effective beam proposed \leq maximum effective beam approved, where:

Maximum effective beam proposed = (beam of proposed vessel) + (Tan 4 degrees)(LOA of proposed vessel)

Maximum effective beam approved = maximum beam permitted by Houston Pilot Working Rules + (Tan 4 degrees)(maximum LOA permitted by working rules)

This rule factors in a maximum of 4 degrees of leeway which is normally associated with holding up a container vessel in 15 knots of beam wind. This rule does not affect or allow operational restrictions to be changed, i.e. daylight, 2 Pilots, wind restrictions of 15 knots, or tug requirements. 01.18.17 05.22.19

CT-3 Service enhancements for container vessels transiting to or from Barbours Cut

1. Maximum container vessel size permitted to transit to Barbours Cut Dock 1 is 1158 ft. x 142 ft.²
2. Container vessels greater than 1000'x138' and less than 1100'x143' may berth and unberth at BCT-2 provided all of the following conditions are met:
 - BCT-1 does not have a vessel of any size alongside during berthing operations at BCT-2.
 - If BCT-1 is occupied by a vessel of any size, it will not be permitted to shift into the channel to allow a vessel greater than 1000'x138' to berth at BCT-2.
 - Cranes at BCT-1 and BCT-2 must be raised during berthing operations at BCT-2.
 - For vessels with dimensions less than or equal to 1000'x138', the provisions of Section XII of these Navigation Safety Guidelines are applicable. See also CT-1. 11.03.21
3. Container vessels greater than 1000'x138' and less than 1100'x143' may berth and unberth at BCT-3 provided all of the following conditions are met:
 - BCT-1 and BCT-2 do not have a vessel of any size alongside during berthing operations at BCT-3.
 - BCT-2 does not have a vessel of any size alongside during unberthing operations at BCT-3
 - If BCT-1 or 2 is occupied by a vessel of any size, it will not be permitted to shift into the channel to allow a vessel greater than 1000'x138' to berth at BCT-3.
 - During berthing at BCT-3, cranes at BCT-1, BCT-2 and BCT-3 must be raised and during unberthing operations at BCT-3, cranes at BCT-2 and BCT-3 must be raised.
 - For vessels with dimensions less than or equal to 1000'x138', the provisions of Section XII of these Navigation Safety Guidelines are applicable. See also CT-1. 11.03.21
4. Maximum container vessel permitted to transit to Barbours Cut Docks 2-6: 1000 ft. x 138 ft. 08.16.17 [see Interim Rule 01-2020] 05.20.20 12.02.20

CT-4 Service enhancements for container vessels transiting to or from the Bayport Industrial Complex

1. The maximum size of container vessels permitted to transit the Bayport Ship Channel is 1160 ft. x 150 ft. x 45 ft.³ 09.02.15; 08.16.17

XII. Criteria for Routine Vessel Transits and Maximum Vessel Sizes

² All vessels are limited to less than 1100 ft. LOA by Texas State Statute, unless the vessel can safely meet all other vessel traffic as per statute.

³ All vessels are limited to less than 1100 ft. LOA by Texas State Statute, unless the vessel can safely meet all other vessel traffic as per statute.

The following shall govern the routine transit of vessels on the Houston Ship Channel between Galveston Bar and the Turning Basin, Houston Texas. Vessels exceeding either dimension (LOA or beam) given for the maximum vessel size are not permitted to transit the Houston Ship Channel without prior approval.

Although a certain ship size may be permitted within a zone under these Guidelines, this does not mean that every dock within that zone is approved for ships of that size. Specific dock requirements can be found in Section IX Dock (DK) Rules and by contacting Houston Pilot Dispatch.

Vessels exceeding routine guidelines listed below, or vessels of unusual size, construction, or unusual maneuvering characteristics that result in excessive transit times, or vessels with obstructed visibility will be subject to various restrictions including additional Pilots, tug escorts, or daylight only passage, or may be denied entry. In determining which restrictions to apply, the following factors, amongst others will be considered:

- Vessel's dimensions and deadweight tonnage
- Risk associated with type of cargo
- Total transit time, job difficulty, fatigue and increased cognitive demands
- Restricted visibility ahead and athwartship, inability to see tow traffic, especially close up
- Increased risk to navigational safety
- Maintaining optimal situational awareness and redundancy

BOLIVAR ROADS TO BAYPORT AND BARBOUR'S CUT

- Routine transit vessel size (container vessel) –Less than 1000 ft. LOA and 138 ft. beam
- Routine transit vessel size (tank vessel) – Less than 825 ft. LOA and 120 ft. beam
- Maximum vessel size (container/Bayport) – 1160 ft. LOA and 150 ft. beam**
- Maximum vessel size (container/Barbours Cut, to BCT#1) – 1158 ft. LOA and 142 ft. beam**
- Maximum vessel size (container/Barbours Cut, to BCT#2 & 3) – 1100 ft LOA and 143 ft beam. 11.03.21
- Maximum vessel size (container/Barbours Cut, west of BCT#3) – 1000 ft. LOA and 138 ft. beam 05.20.20 12.02.20 11.03.21
- Maximum vessel size (tank vessel/Bayport) – 910 ft. LOA and 165 ft. beam
- Maximum vessel size (tank vessel/Barbours Cut) – 900 ft. LOA and 138 ft. beam

** All vessels are limited to less than 1100 ft. LOA by Texas State Statute, unless the vessel can safely meet all other vessel traffic as per statute.

ABOVE BARBOUR'S CUT HIGHLINES TO BOGGY BAYOU (SHELL) 04.29.15

- Routine transit vessel size – Less than 825 ft. LOA and 120 ft. beam.
- Maximum vessel size: 950 ft. LOA and 166 ft. beam [as per WB rule #6]
- Daylight above Baytown for vessels with over 40 ft. draft. [See WB-9]. 12.07.2005

ABOVE BOGGY BAYOU (SHELL) TO MAGELLAN/TARGA #5

- Routine transit vessel size: Less than 750 ft. LOA and 106 ft. beam
- Maximum vessel size: 811 ft. LOA and 125 ft. beam [See DK-10, KMD exception] [\[See VT-4 for Stena Polaris class \(600'x132'\) exception\]](#) 05.20.20 [04.20.22](#)

- Daylight above Beltway 8 Bridge for vessels over 750 ft. LOA or over 39 ft. draft. For drafts over 39 ft below Greens Bayou, 2 pilots at night. [see interim rule 02-2021] 11.18.09, 04.29.15 08.25.21

ABOVE MAGELLAN/TARGA #5 TO SIMS BAYOU (LYONDELL)

- Routine transit vessel size- Less than 750 ft. LOA and 106 ft. beam
- Maximum vessel size: 811 ft. LOA and 106 ft. beam
- Daylight above Beltway 8 Bridge for vessels over 750 ft. LOA or over 39 ft. draft. 11.18.09, 04.29.15

ABOVE SIMS BAYOU TO PORT OF HOUSTON TURNING BASIN

- Routine transit vessel size: Less than 700 ft. LOA and 106 ft. beam
- Maximum vessel size: – 750 ft. LOA and 106 ft. beam
- Daylight restricted above SP slip to the POHA Turning Basin.for vessels over 700 ft. LOA

Draft Restrictions:

Draft formula for vessels going to docks from North Texas Slip (Old SP Slip) to City Dock 26 will be 36 ft. plus or minus tide, not to exceed 37 ft., as measured by the closest tide gage. Vessels with draft over 36 ft. will take two Pilots above the North Texas Slip (Old SP Slip). Rule will be void if project depth for this area is changed.

Maximum permitted draft for vessels transiting the Houston Ship Channel above Boggy Bayou and below North Texas Slip shall not exceed 40 ft. (fresh water). Maximum draft shall be decreased due to weather conditions and the state of the tide to ensure one foot under keel clearance. 40 ft. is allowed at 0 tide. Height of tide shall be measured by the tide gauge system adopted by the Houston Pilots.

Maximum permitted draft for vessels transiting the Houston Ship Channel below Boggy Bayou (including Bayport and Barbours Cut) shall not exceed 45 ft. (fresh water). Maximum draft shall be decreased due to weather conditions and the state of the tide to ensure one foot under keel clearance. 45 ft. is allowed at 0 tide. Height of tide shall be measured by the tide gauge system adopted by the Houston Pilots.

Anchorage Draft Restrictions:

BOLIVAR ROADS ANCHORAGE (See 33 CFR 110.197)

<u>Name</u>	<u>Draft restrictions</u>	<u>Duration</u>	
Anchorage A	Over 22 ft./34 ft max	48 hours max.	05.25.16
Anchorage A East			
Anchorage B	22 ft. or less		
Anchorage C	16 ft. and over	48 hours max.	

***XIII.* Interim Rules**

Interim rule 02-2021: Section XII. Provisions for drafts over 39 ft between Shell and Greens Bayou at night with 2 pilots expires 8/30/22.

RULES AND REGULATIONS
GOVERNING
PILOTS AND PILOTAGE ON THE HOUSTON SHIP CHANNEL
BETWEEN THE GALVESTON BAR AND TURNING BASIN

The Rules and Regulations (“Rules”) contained herein are adopted to carry out the Houston Pilots Licensing and Regulatory Act, Chapter 66 of the Texas Transportation Code (Vernon 2008) (the “Act”), and not to supersede specific provisions of the Act. Thus, in the event of conflict between the Rules and the Act, the Act shall control.

1. APPLICABILITY.

The Rules contained herein pertaining to the appointment of certain committees and regulation of pilots are applicable to all Branch Pilots and Deputy Pilots commissioned or appointed to act as such on the Houston Ship Channel between Galveston Bar and Turning Basin, Houston, Texas.

2. APPOINTMENT OF A PILOT BOARD APPLICATION REVIEW COMMITTEE.

- A. A Pilot Board Application Review Committee (the “ARC”) shall be appointed annually by the Chairman of the Board of Pilot Commissioners (“Pilot Board”), with the appointees to such ARC subject to approval by the Pilot Board. The ARC shall be composed of voting members from the Houston Pilots Association, the Port of Houston maritime industry, ~~and the Harris County community at large, and the Port of Houston Authority (“Port Authority”).~~ The ARC shall be chaired by ~~someone with significant maritime experience, a Port Authority voting member.~~ It is the intent of this provision that the ARC, to the extent possible, generally reflect the diversity of the population within Harris County.
- B. The ARC shall review each applicant for Branch Pilot or Deputy Pilot (“Applicant”) as set out in Section 4(C) of these Rules.
- C. The ARC shall review applications for renewal of commissions for Branch Pilots as set out in Section 5(A) of these Rules.

3. APPLICANTS’ QUALIFICATIONS.

A. DEPUTY PILOT

- 1) To be eligible for a certificate as a Deputy Pilot pursuant to Section 66.034 of the Act, a person must:
- (a) be at least twenty five (25) and less than sixty eight (68) years of age;
 - (b) be a United States citizen; and
 - (c) be licensed by the U.S. Coast Guard as a First Class Pilot of Steam and Motor Vessels, for Galveston Bar and Houston

Commented [TG1]: The reference to Port of Houston Authority has been removed throughout the document

Ship Channel to Turning Basin, Houston, Texas, unlimited tonnage and current unlimited radar endorsement.

2) The Applicant must be found by the Pilot Board to be in good mental and physical health, to have good moral character, and to possess the requisite skill to perform competently and safely the duties of a Deputy Pilot.

B. BRANCH PILOT

1) To be eligible for a commission as a Branch Pilot pursuant to Section 66.033 of the Act, a person must:

- (a) be at least twenty five (25) and less than sixty eight (68) years of age;
- (b) be a United States citizen;
- (c) as of the date that the commission is issued, have resided in the State of Texas for a continuous period of not less than one year;
- (d) be licensed by the U.S. Coast Guard as a First Class Pilot of Steam and Motor Vessels, for Galveston Bar and Houston Ship Channel to Turning Basin, Houston, Texas, unlimited tonnage and current unlimited radar endorsement.
- (e) have at least three years of service as a Deputy Pilot or equivalent service piloting vessels of at least 5,000 gross tons on the Houston Ship Channel and Galveston Bar;
- (f) have exercised command or have exercised control of navigation of vessels such as he or she would pilot; and
- (g) have extensive experience in the docking and undocking of oceangoing vessels.

2) The Applicant must be found by the Pilot Board to be in good mental and physical health, to have good moral character, and to possess the requisite skill as a navigator and pilot to perform competently and safely the duties of a Branch Pilot.

4. APPLICATION REQUIREMENTS.

A. DEPUTY PILOT

Any person who may desire to be appointed as a Deputy Pilot shall file an official application, in writing, with the Secretary to the Pilot Board. The application may be obtained from the office of the Secretary and it must include the following attachments:

~~1) Doctor's written report of a physical examination (performed within three months of application by a doctor approved by the Pilot Board) indicating that Applicant is physically and mentally qualified to perform the duties required of a Deputy Pilot. In the event the results of the physical examination raises the issue of an Applicant's ability to perform the duties required of a Deputy Pilot, the Applicant shall have the right to have his or her own doctor confer with the approved doctor. If both doctors cannot mutually recommend a decision to the Pilot Board, a third impartial doctor approved by the parties will examine the Applicant and may confer with the other two doctors. The recommendation of the third doctor shall be conclusive.~~

1) Completed copy of Section IX of USCG Form CG-719K (or current equivalent) reporting a medical evaluation performed within twelve (12) months of application indicating that Applicant is physically and mentally qualified to perform the duties required of a Deputy Pilot.

2) Copy of birth certificate or other proof of age.

3) Evidence of at least two (2) years of experience on the Houston Ship Channel between Galveston Bar and Turning Basin, Houston, Texas, with recent experience of not less than six (6) round trips thereon within the previous six months. One such trip shall have been made within thirty (30) days prior to date of application for initial appointment.

In lieu of the experience required in paragraph (3) above, the Applicant may draw ~~without reference to other materials~~ an accurate chart of the Houston Ship Channel showing all prominent features of the route, courses, distances, shoals, aids-to-navigation, depths; widths, Vessel Traffic System reporting points and other features between the Galveston Bar and Turning Basin, Houston, Texas.

4) Names of three personal references who have known Applicant for at least five years.

5) Evidence of ability to enter into faithful performance bond as required by Tex. Transp. Code §66.039 in the amount of Twenty Five Thousand Dollars (\$25,000.00), payable to the Governor of the State of Texas, conditioned upon compliance with the laws, rules, and orders relating to pilots and upon the faithful performance of Deputy Pilot duties. The term of the required bond shall be concurrent with the term of commission.

6) A signed statement that the Applicant agrees to be bound by the Act and these Rules as provided for thereunder.

7) A release permitting a complete background check of the Applicant into all matters pertinent to the position of Deputy Pilot, such check to be conducted by the Secretary of the Pilot Board pursuant to a checklist compiled by the

Commented [TG2]: May 24, 2011 Amendment

ARC.

8) Evidence that Applicant has at least six (6) years sea-going experience, including 1,080 eight-hour days or 720 twelve-hour days of actual sea service, as an unlimited licensed deck officer and a second mate license or six (6) years inland operating experience, including 1,080 eight-hour days or 720 twelve-hour days of actual sea service, and a 1,600 ton master's license with current unlimited radar endorsement.

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B. BRANCH PILOT

Any person who may desire to be commissioned a Branch Pilot shall file an official application in writing with the Secretary to the Pilot Board. The application may be obtained from the office of the Secretary, and it must include the following attachments:

1) Evidence of at least three years of experience on the Galveston Bar and Houston Ship Channel to the Turning Basin, Houston, Texas, with recent experience of not less than six (6) round trips thereon within the previous six months, provided, however, when a Deputy Pilot seeks to become or is applying to become a Branch Pilot, such evidence must be in the form of sworn statements from others and business records in the control of others. One such trip shall have been made within thirty (30) days prior to date of application for initial appointment.

~~2) Doctor's written report of a physical examination (performed within three (3) months of application by a doctor approved by the Pilot Board) indicating that Applicant is physically and mentally qualified to perform the duties required of a Branch Pilot. In the event the results of the physical examination raises the issue of an Applicant's ability to perform the duties required of a Branch Pilot, the Applicant shall have the right to have his or her own doctor confer with the approved doctor. If both doctors cannot mutually recommend a decision to the Pilot Board, a third impartial doctor approved by the parties will examine the Applicant and may confer with the other two doctors. The recommendation of the third doctor shall be conclusive.~~

2) Completed copy of Section IX of USCG Form CG-719K (or current equivalent) reporting a medical evaluation performed within twelve (12) months of application indicating that Applicant is physically and mentally qualified to perform the duties required of a Branch Pilot.

3) Copy of Applicant's current U. S. Coast Guard License, as First Class Pilot of Steam and Motor Vessels, for Galveston Bar and Houston Ship Channel to Turning Basin, Houston, Texas, unlimited tonnage, and current unlimited radar endorsement.

4) Evidence of ability to enter into faithful performance bond as required by Tex. Transp. Code §66.039 in the amount of Twenty Five Thousand Dollars

(\$25,000.00), payable to the Governor of the State of Texas, conditioned upon compliance with the laws, rules, and orders relating to pilots and upon the faithful performance of Branch Pilot duties. The term of the required bond shall be concurrent with that of the term of commission.

5) Documentary evidence sufficient to show that as of the date the commission is issued, the Applicant has resided in the State of Texas for a continuous period of not less than one year.

6) When a Deputy Pilot is applying to become a Branch Pilot, a written recommendation from the Branch Pilot who originally appointed the Deputy Pilot or the Presiding Officer of the Houston Pilots Association.

7) A signed statement that the Applicant agrees to be bound by the Act and these Rules as provided for thereunder.

8) A release permitting a complete background check of the Applicant into all matters pertinent to the position of Branch Pilot, such check to be conducted by the Secretary of the Pilot Board pursuant to a checklist compiled by the ARC.

C. APPLICATION REVIEW AND RENEWAL

1) The Secretary shall keep a record of each application received, the date of receipt and the date and description of each action taken on the application.

2) The ARC shall review each application and shall determine whether each Applicant has met the qualifications prescribed by the Act and complied with these Rules. Such review shall be conducted at a meeting to be held at least once each quarter for this specific purpose. Reasonable notice of such meetings shall be given to each Pilot Board member, each ARC member, the Applicant, and any other parties who have requested notice. Each application received shall be reviewed no later than the quarter following its receipt. If any application submitted is incomplete, the Applicant shall be promptly notified of the deficiency and provided an opportunity to bring the application into compliance. The ARC shall promptly notify each Applicant whether the Applicant has been deemed qualified by the ARC. The ARC's determination whether a Deputy Pilot Applicant has met the qualifications prescribed by the Act and complied with these Rules expires if the Applicant is not appointed as a Deputy Pilot within five (5) years following such approval. Such applications shall be removed from the ARC Committees files and destroyed pursuant to Tex. Loc. Gov't. Code Title 6 and other applicable laws and regulations. The recommendations of the ARC as to those Branch Pilot Applicants who are qualified under the Act shall be submitted for review and approval to the Pilot Board.

3) The ARC shall maintain a file containing the applications of all qualified Applicants, and from time-to-time provide an updated listing thereof

to the Houston Pilots Association. The Secretary, on behalf of the ARC, shall then recommend to the Pilot Board such action as is appropriate for the approval of a Branch Pilot, and following notification to the ARC by the Houston Pilots Association, a Deputy Pilot.

4) The Pilot Board shall accept or reject each ARC recommendation within sixty (60) days of receipt of such recommendation and shall notify, within ten (10) days in writing, any Applicant whose application for a certificate or commission has been denied, stating the basis for such rejection.

5) Upon approval by the Pilot Board of the ARC's recommendation, the Secretary to the Pilot Board shall advise the Applicant that he or she is eligible for appointment as a Deputy Pilot and shall advise the Presiding Officer of the Houston Pilots Association that the Applicant is among the pool of persons qualified to serve as a Deputy Pilot. In the event that any Applicant in the qualified pool is appointed as a Deputy Pilot by a commissioned Branch Pilot and after such Applicant posts the required bond, the ARC will, at that time, confirm that the Applicant continues to meet all requirements.

6) When a Deputy Pilot has completed his or her training period, he or she shall apply for appointment as Branch Pilot as set out in Section 4(B). Upon approval by the Pilot Board of the ARC's recommendation and the posting of a bond, the Pilot Board shall forward same to the Governor of the State of Texas, recommending issuance of the commission for the Branch Pilot for a four year period, provided no Branch Pilot may furnish pilot services under the authority of his Commission once attaining the age of sixty eight (68) years as set forth in Tex. Transp. Code §66.040(a).

7) Before entering into service as a Branch Pilot or Deputy Pilot, the Applicant shall take the official oath.

8) No more than one Deputy Pilot certificate may be approved for issuance to any one person within any period of five (5) consecutive years.

5. RENEWAL OF COMMISSIONS AND CERTIFICATES AND REVIEW OF QUALIFICATIONS

A. BRANCH PILOT

1) A Branch Pilot's commission expires four years from the date of its issuance. No later than one hundred twenty (120) days prior to the expiration of a Branch Pilot's commission, the Branch Pilot shall apply in writing for renewal to the Secretary to the Pilot Board. The application shall meet the requirements described in Section 4(B) of these Rules.

2) The Secretary shall keep a record of each application for renewal received, the date of receipt and the date and description of each action taken on the application.

- 3) The ARC shall review each application for renewal and shall determine whether each Applicant continues to meet the qualifications prescribed by the Act and these Rules or whether probable cause may exist for not renewing the commission.
- 4) Upon determination that the Branch Pilot continues to meet the qualifications for commissioning prescribed by the Act and these Rules and that no probable cause may exist for not renewing the commission, the ARC shall recommend that the Pilot Board recommend to the Governor that the Branch Pilot's commission be renewed.
- 5) In the event a temporary medical condition renders a Branch Pilot not medically competent at the time of application for, or renewal of, a Branch Pilot's commission, and said Applicant's physician indicates the condition will resolve and Applicant will be fit-for-duty in the future, the issuance of the commission may be approved, provided however, the Branch Pilot shall surrender the commission to the Secretary of the Pilot Board upon receipt and shall not pilot vessels until the condition has resolved and the physician approved by the Pilot Board as per Section 4(B)(2) has declared the Pilot fit-for-duty.
- 6) If the ARC determines that the Applicant for renewal of a Branch Pilot's commission does not otherwise meet one or more of the qualifications for commission prescribed by the Act or these Rules as provided for under the Act, the ARC shall inform the Secretary that probable cause may exist for not renewing the Branch Pilot's commission.
- 7) The Secretary shall then recommend to the Pilot Board that it consider whether probable cause exists not to renew Branch Pilot's commission, and give notice of such recommendation to the Branch Pilot.
- 8) If the Pilot Board determines that it has probable cause not to renew such Branch Pilot's commission, the board shall notify the Branch Pilot of that determination not less than sixty (60) days before expiration of the commission and, on request, shall offer the Branch Pilot the opportunity for a hearing after proper notice to consider whether or not cause exists for not renewing the commission. The Branch Pilot shall be provided at least thirty (30) days written notice of the hearing date.
- 9) If the Pilot Board finds at the conclusion of the hearing that no probable cause exists for nonrenewal, the Pilot Board shall recommend that the Governor renew the commission for another term.
- 10) If a Branch Pilot does not contest the Board's decision not to renew the commission or if the Pilot Board after the hearing determines that there is probable cause not to renew the commission, the Pilot Board shall recommend to the Governor that the commission not be renewed.

11) Denial of renewal of a Branch Pilot's commission does not prevent the former Branch Pilot from applying for a new commission and being reappointed by the Governor if the former Branch Pilot meets all the qualifications for a commission under the Act.

B. DEPUTY PILOT

A Deputy Pilot's certificate expires three (3) years from the date of its issuance and is not renewable.

6. NAVIGATION GUIDELINES.

A. The following guidelines shall govern the routine transit of the Houston Ship Channel between Galveston Bar and the Turning Basin, Houston, Texas. Request for variance from these restrictions must be written and reach the Secretary of the Pilot Board at least five (5) working days prior to the date such variance is required. Upon receipt of such a request for variance, the Secretary shall promptly forward such request to the appropriate parties for decision.

B. These guidelines may be varied if prior arrangements are made between the vessel owner and/or agent and the Branch Pilot or Deputy Pilot ("Pilot"). Upon request, the Pilot shall notify the Secretary to the Pilot Board of variances granted.

C. Guidelines:

The Houston Pilots Association Navigation Safety Guidelines most recently approved by the Board of Pilot Commissioners for Harris County Ports shall serve as the guidelines governing transits on the Houston Ship Channel Between the Galveston Bar and Turning Basin. The most recent version of approved Houston Pilots Association Navigation Safety Guidelines is attached at the conclusion of the Rules and Regulations below:

BOLIVAR ROADS TO BARBOURS CUT

Maximum Vessel Size— 950 feet LOA; 135 feet BEAM

BARBOURS CUT TO BAYTOWN

Maximum Vessel Size— 900 feet LOA; 135 feet BEAM

BAYTOWN TO BOGGY BAYOU (SHELL)

Maximum Vessel Size— 860 feet LOA; 120 feet BEAM

BOGGY BAYOU TO SIMS BAYOU (LYONDELL)

Maximum Vessel Size— 750 feet LOA; 116 feet BEAM

~~SIMS BAYOU TO HOUSTON TURNING BASIN~~

~~Maximum Vessel Size— 750 feet LOA; 106 feet BEAM~~

~~Vessels exceeding 700 feet LOA or 37 feet draft will be restricted to daylight passage only, between Sims Bayou and the Houston Turning Basin. Permitted draft may be less than 37 feet because of conditions of the Houston Ship Channel or tide.~~

~~ENTIRE LENGTH OF HOUSTON SHIP CHANNEL~~

~~Dead ships will be restricted to handling/shifting during daylight hours only.~~

~~LNG and LPG Tank Ships exceeding 550 feet LOA will be restricted to daylight transit only.~~

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- D. The above limitations are based on normal traffic and weather conditions. Variances from the above guidelines may be imposed at times by Federal, State, local authorities or the Pilot because of weather, prevailing channel conditions, or other reasons.
- E. These Navigation Guidelines are guidelines made in the interest of safety. They are not intended to limit or supersede the on-scene discretion of an individual Pilot or ship's Master as they navigate vessels on the Houston Ship Channel between Galveston Bar and the Turning Basin, Houston, Texas. The Pilot and Master on the vessel are best situated to evaluate the specific situation confronting a vessel and determine a proper course of action. There may arise situations in which actions that depart from or conflict with these Guidelines may be necessary to address special circumstances or avoid immediate danger. The Pilot, with approval of the ship's Master, may determine a variance from the Guidelines is appropriate without prior written request or approval.

7. WHEN PILOTAGE REQUIRED.

Every foreign vessel and every American vessel engaged in foreign trade, including vessels being moved dead, when underway on navigable waters of the Houston Ship Channel between Galveston Bar and the Turning Basin, Houston, Texas shall employ a Pilot holding a valid commission or appointment as a Branch or Deputy Pilot.

8. ORDERING OF PILOTS.

Requests for Pilots must be received by the Pilot's dispatch agent and firm boarding times provided as indicated below:

INBOUND TRAFFIC: ~~Eight (8) Four (4) hours prior to required Pilot boarding, unless the vessel is in Galveston, Texas City or at anchorage, in which case only four (4) hours shall be required. Cancellation or revision within 4 hours of Pilot boarding time shall subject the vessel to additional fees as published in the approved tariff.~~

~~EXCEPTIONS: Cancellation or revision, not to exceed one hour, of the original estimated boarding time, may be made prior to four (4) hours of such original estimate without penalty.~~

~~Should a vessel arrival be delayed two hours or more beyond the boarding time originally ordered by agent/operator, a Pilot shall be provided within four (4) hours of the last notice to the Pilot's dispatch agent. Such delays shall entitle the Pilot to additional fees as published in the current tariff.~~

**OUTBOUND TRAFFIC
OR SHIFTING:**

~~Two (2) Four (4) hours prior to required Pilot boarding. Cancellation or revision within 2 hours of Pilot boarding time shall subject the vessel to additional fees as published in the approved tariff, with a preliminary notice of four (4) hours prior to boarding time.~~

Failure of the vessel to present itself ready for Pilot boarding and sailing at the appointed time and place shall entitle the Pilot to additional fees as published in the current schedule of pilotage rate. ~~s-~~

Inbound traffic is encouraged to provide a preliminary time for Pilot boardings as soon as practicable followed by a firm boarding time as stated above. An early preliminary boarding time is requested as it enhances the Pilots ability to more efficiently manage vessel traffic.

9. PILOTAGE CHARGES.

~~A. Before the Pilot Board shall establish or change any pilotage rates, it shall call a public hearing chaired by the Secretary. The rate hearing shall be held within the time prescribed in the Tex. Transp. Code §66.062(e), and notice of the hearing shall be provided by the party requesting a change in pilotage rates as provided in Tex. Transp. Code §66.062(d).~~

~~B. At such hearing it shall be the responsibility of the party requesting a change in pilotage fees or charges to present to the Pilot Board all information required by law and such other relevant information supporting the necessity for such change at least ten (10) days before the date set for the hearing and said party shall submit such additional information as the Pilot Board may require.~~

~~C. A proposed rate change shall be posted at building where the Pilot Board meetings are held for public inspection at least ten days prior to the effective date of adoption of said rate(s). New rates shall not be established less than one year after the Board has previously established rates unless emergency rates are established in accordance with the Act.~~

~~D. The rates of pilotage charged by the pilots operating under the law and these regulations shall at all times be the rates established by the Pilot Board in accordance with the Act. A schedule of such rates shall at all times be on file in the office of the Secretary. No Pilot shall demand or receive any greater, lesser or different compensation for rendering pilotage service than the rates established by the Pilot Board. Any person who charges different rates shall be liable to each person charged for double the amount of pilotage.~~

9. PILOTAGE RATES

~~A. All provisions of Subchapter D of the Act, namely Sections 66.061 through 66.071, are incorporated into these Rules by reference. Sections 66.061, et seq., are repeated in bold font, followed by the Rules adopted by the Pilot Board.~~

Sec. 66.061. PILOTAGE RATE CHANGE. The board may not change pilotage rates before the first anniversary of the preceding rate change.

Sec. 66.062. PILOTAGE RATE CHANGE APPLICATION. (a) An application for a change in pilotage rates may be submitted to the board by:

- (1) a pilot;**
- (2) an association of pilots;**
- (3) a consignee liable under Section 66.070 to pay pilotage rates; or**
- (4) an association of consignees.**

(b) The application must be written and must state specifically the changes requested.

(c) The board shall set a hearing date within two weeks of receipt of an application. The board shall hold the hearing not earlier than the 20th day and not later than the 40th day after the date the board sets the hearing date.

(d) An applicant shall give notice of the application and the hearing date, by certified mail to the last known address, to:

- (1) all pilots licensed or certified in the port;**
- (2) all known pilots' associations; and**
- (3) all steamship agencies and associations in the port.**

~~B. An application made under Section 66.062 of the Act shall be delivered to the office of the Secretary of the Pilot Board, who shall note the date of receipt thereon and inform the Pilot Board thereof.~~

- ~~1) Any interested party may provide a written submission supporting, opposing or otherwise addressing an application.~~
- ~~2) Ex parte communications with members of the Pilot Board on substantive issues posed by an application by parties having an interest in pilot rates for the Ports of Harris County are prohibited.~~
- ~~3) No submissions received after the deadline posted on the Pilot~~

Board's website for the submission of written materials shall be considered by the Pilot Board.

C. The application, the pilot financial report required by Section 66.063 of the Act, all written submissions received, and all reports of any consultant, expert, or other persons or entity providing substantive advice to the Pilot Board regarding the application, as well as a transcript of the oral presentations received by the Board, shall be made available for inspection, as well as for copying or via electronic transfer, to the parties listed in Section 66.062 of the Act, upon their request and reasonable advance notice. Copying expense incurred by or on behalf of the Pilot Board shall be paid by the requesting party.

D. The Chairman of the Pilot Board shall direct the course of proceedings under this section and shall determine all matters of procedure and schedule, subject to the provisions of the Act, including the deadlines and dates by which the pilot financial report and written submissions by interested parties must be received by the Secretary, the date on all written materials received must be provided to the members of the Pilot Board, the date and time at which the Pilot Board will hear oral presentations, and the date by which parties may submit post-presentation submissions. The Chairman of the Pilot Board may make reasonable adjustments to the schedule and time periods stated by any of these Rules in the interest of fairness to all parties.

1) The Chairman of the Pilot Board shall appoint such persons as are necessary to administer the process provided by these Rules, including a Secretary.

2) The Secretary, or the Secretary's staff, shall note the date of receipt on each application or submission received. The terms "received," "date of receipt," "receipt," "delivered" or "delivery" as used by these Rules means the date noted on an item by the Secretary's staff as reflecting the date of receipt.

3) The Secretary shall promptly post the schedule and all dates and deadlines on the Pilot Board's website.

Subject to a majority vote of the Pilot Board making a superseding decision, the Chairman of the Pilot Board may engage consultants, experts, or others, including an auditor or accountant, as contemplated by Section 66.063(c) of the Act, to assist the Pilot Board in analyzing the application, the pilot financial report required by Section 66.063, and any submissions received, and may engage attorneys, including an attorney to act as general counsel to the Pilot Board and to assist in preparing the Pilot Board's written decision, as required by Section 66.065 of the Act.

E. The hearing required by Section 66.062(c) of the Act shall be informal, without the formal admission of evidence as in a court of law. The hearing shall include:

1) The submission to all members of the Pilot Board on an announced date of the written application, the pilot financial report, all written submissions received from interested parties, and all reports of all consultants, experts, or other persons or entities providing substantive advice to the Pilot Board members on the rate issue; and

2) Oral presentations by the applicant and any other interested parties to the Pilot Board while meeting in public session. The Chairman of the Pilot Board may establish appropriate time limits for oral presentations and may require advance notice from those desiring to make oral presentations to the board.

F. The Chairman of the Pilot Board shall determine, and the Secretary shall post, a deadline by which any party may deliver to the Secretary an additional or rebuttal written submission responding to information provided by the Pilot Board by another party or to the oral presentations presented to the Pilot Board. The Secretary shall submit all such additional submissions to each member of the Pilot Board promptly after such deadline and shall post the date of such submission to the Pilot Board members.

G. The hearing referenced by Sections 66.062(c) and 66.065 of the Act shall be deemed complete and the written decision required by Section 66.065 shall be publicly announced and posted by the Secretary on the thirtieth (30th) day after the date of submission posted by the Secretary under Section 9(G).

Sec. 66.063. PILOT FINANCIAL REPORT.

(a) Not later than the 10th day before the date set for a pilotage rate hearing, the pilots who are licensed or certified to serve the port for which the rates are being considered shall submit in writing to the board and to any party designated by the board complete accounts of:

(1) all amounts received from performing pilot services, organized by categories or classifications of rates, if rates are set in that manner;

(2) all earnings from capital assets devoted to providing pilot services;

(3) all expenses incurred in connection with activities for which amounts described by Subdivisions (1) and (2) were received and earned; and

(4) estimates of receipts and expenses anticipated to result from the requested changes in pilotage rates.

(b) The pilots shall provide the information for:

(1) the calendar or fiscal year preceding the date of the pilotage rate change application; and

(2) the subsequent period to within 60 days of the date of the application.

(c) The board may require an independent audit of financial information submitted under Subsection (a) by an accountant selected by the board. The board, as it considers fair and just, shall assess the costs of the audit against one or more of

the applicants and objecting parties.

(d) The board may require relevant additional information it considers necessary to determine a proper pilotage rate.

I. The financial report required by Section 66.063 of the Act shall be delivered to the Secretary on or before the date provided by the schedule announced per Section 9(D). In addition to the information listed in Section 66.063, the required report shall:

- 1) Set forth the pilots' analysis of the requested rate change in view of each of the factors stated by Section 66.064 of the Act;
- 2) Address the issue of pilotage rates at other representative United States ports and the reasons for the differences, if any, between pilotage rates at those ports and the rates proposed by the applicant for the Port of Houston; and
- 3) Address the impact, if any, on the proposed pilotage rates of an award of costs as permitted by Section 66.066 of the Act.

If the applicant for the rate change is other than the licensed pilots, and if the applicant's application does not contain the information in addition to that required of the licensed pilots in Section 66.063 of the Act, then the applicant shall deliver to the Secretary a written submission providing the additional information required by this rule on or before the deadline posted under Section 9(D) and the pilots shall submit the information set out in Section 66.063 of the Act on or before the deadline posted under Section 9(D).

Sec. 66.064. FACTORS FOR BOARD CONSIDERATION. In establishing pilotage rates, the board shall consider factors relevant to determining reasonable and just pilotage rates, including:

- (1) characteristics of vessels to be piloted;
- (2) the average number of hours spent by a pilot performing:
 - (A) pilot services on board vessels; and
 - (B) all pilot services;
- (3) costs to pilots to provide the required pilot services;
- (4) the public interest in maintaining safe, efficient, and reliable pilot services;
- (5) the average wages of masters of United States flag vessels that navigate in the board's jurisdiction and for which the pilotage rate is to be established;
- (6) economic factors affecting the shipping industry in the area in which the port is located; and
- (7) an adequate and reasonable compensation for the pilots and a fair return on the equipment and vessels that the pilots employ in connection with their duties.

Sec. 66.065. RATE DECISION. Not later than the 10th day after the date of the completion of a hearing on an application for a change in

pilotage rates, the board shall issue a written decision that:

- (1) grants or denies the application in whole or in part;**
- (2) states the reasons for the decision; and**
- (3) states each new pilotage rate.**

Sec. 66.066. COSTS. The board, in a final order under this subchapter, may charge all or part of the costs of processing an application to the parties in the proceedings.

Sec. 66.067. APPEAL OF BOARD DECISION. Any party aggrieved by a board decision on pilotage rates, after exhausting all administrative remedies, may appeal the order to a court.

- J. **A rate decision under Section 66.065 of the Act shall state the date on which any change in pilotage Rules becomes effective. Such date shall be no earlier than the fifteenth (15th) day after the date on which the decision is publicly announced.**
- K. **A party aggrieved by a Pilot Board decision under Section 66.065 of the Act and desiring to appeal to a court shall, prior to filing an appeal, submit a request for reconsideration to the Secretary on or before the fourteenth (14th) day after the public announcement of the rate decision. The request shall set forth in reasonable detail the basis for the request.**
 - 1) **The Chairman of the Pilot Board shall promptly determine, and the Secretary shall post on the Pilot Board's website, a timetable and procedures for disposition of the request for reconsideration on or before the thirtieth (30th) day after the request is received by the Secretary.**
 - 2) **The timetable shall state the point in time at which all administrative remedies shall have been exhausted.**
- L. **The Secretary's timely receipt of a request for reconsideration shall have the effect of suspending any change in pilotage rates for a period of thirty (30) days after the date of the Secretary's receipt of the request for reconsideration unless otherwise determined by the Pilot Board.**
- M. **The Pilot Board may amend its rate decision in any respect prior to the point in time that the decision becomes effective under these Rules.**

Sec. 66.068. EMERGENCY PILOTAGE RATES. (a) The board may establish emergency pilotage rates for the period of an emergency, not to exceed 30 days, if the board finds that:

- (1) a natural or man-made disaster has created a substantial hazard to piloting vessels into and out of a port; and**
- (2) the existence of the hazard overrides the necessity to comply with**

normal pilotage rate-setting procedures.

(b) In adopting emergency pilotage rates, the board is not required to comply with the procedures in this chapter or in its rules relating to adoption of pilotage rates.

(c) Emergency pilotage rates may not be appealed.

(d) The board shall adopt rules to carry out this section.

Sec. 66.069. PILOT SERVICES REQUIRED. The consignee of a vessel under the consignee's control shall obtain pilot services for the vessel and shall pay the pilot who pilots the vessel into and out of the port area compensation according to the pilotage rates filed by the board.

Sec. 66.070. PILOTAGE RATE LIABILITY. (a) A consignee who declines the services of a pilot offered outside the bar and enters the port without the aid of a pilot is liable for the payment of pilotage to the first pilot whose services were declined.

(b) A consignee is liable for the payment of pilotage to the pilot who brings a vessel in if the vessel goes out without employing a pilot.

(c) A consignee is liable for the payment of pilotage for a vessel that goes out without the aid of a pilot and that came in without the aid of a pilot to the pilot who first offered services before the vessel came in.

(d) A consignee is not liable for the payment of pilotage for a vessel going out without a pilot if the vessel came in without the aid of a pilot or came in without the offer of a pilot outside.

(e) Subsections (a)-(d) do not apply to a consignee exempt under this chapter from payment of pilotage rates.

(f) A pilot who charges a rate for pilot services different from the pilotage rates established under this chapter for the port in which the pilot serves is liable to each person who was charged the different rate for double the amount of pilotage.

(g) A court may include in a judgment in favor of a person who files suit to collect an amount owed under this chapter an award to cover court costs and reasonable attorney's fees.

N. The rates of pilotage charged by the pilots operating under the Act and these Rules shall at all times be the rates established by the Pilot Board in accordance with the Act and these Rules.

1) A schedule of such rates shall at all times be on file in the office of the Secretary.

2) No Pilot shall demand or receive any greater, lesser or different compensation for rendering pilotage service than the rates established by the Pilot Board.

Sec. 66.071. RECOVERY OF COMPENSATION. A pilot who offers pilot services to a vessel required under this chapter to obtain pilot services and whose services are refused is entitled to recover from the consignee the pilotage rate for the services.

Commented [TG7]: July 23, 2013 Amendment

10 COLLECTION OF PILOTAGE CHARGES.

- A. All invoices for pilot services shall be issued within fifteen (15) days after the services are rendered and shall contain a written demand for payment. Invoices shall be due and payable within ten (10) days of demand.
- B. Payments incident to the provisions of this section shall be the responsibility of the owner or agent of vessel for which service was ordered and performed in accordance with rates published in the current tariff. Failure to pay invoices for pilot services in accordance with the provisions of the foregoing paragraph shall constitute grounds for the refusal of future pilot services and other remedies provided by the Act if such invoices remain unpaid.

11. REVOCATION AND SUSPENSION.

On complaint or on its own motion, the Pilot Board may, after notice and hearing, if the Pilot Board finds that the Branch Pilot or Deputy Pilot ("Pilot") has committed any act deemed sufficient by the Act: (1) require that the Pilot undertake additional training, (2) issue a letter to the Pilot cautioning him or her with regard to the Pilot's actions (referred to as a Letter of Caution), (3) issue a letter to the Pilot reprimanding him or her with regard to the Pilot's actions, (referred to as a Letter of Reprimand) (4) suspend a Pilot's commission for not more than six (6) months; or (5) recommend to the Governor of the State of Texas that the Pilot's commission be revoked. The Pilot Board may also: (1) take no action, or (2) issue a Letter of Commendation.

12. REPORT OF ACCIDENTS, CERTAIN CONVICTIONS AND CHANGES IN PHYSICAL AND MENTAL CONDITION.

Any Pilot appointed or commissioned in the State of Texas, shall report the following to the Secretary of the Pilot Board:

- A. All marine casualties in which the Pilot was involved, within seven (7) days following such casualty or accident.
- B. The Pilot's conviction on any charges other ~~that than~~ those involving a non-alcohol-related traffic violation, within seven (7) days following such conviction.
- C. Any significant change in physical or mental condition since the Pilot's most recent physical examination that negatively affects the Pilot's ability to perform the Pilot's duties skillfully, efficiently and safely, within two (2) days of a physician's determination of such change.
- D. The observance of any Pilot performing pilot services as defined by the Act while under the influence of drugs or alcohol or in a physical or mental condition that negatively affects the ability of the Pilot to perform pilot services skillfully, efficiently and safely.

13. INVESTIGATION OF COMPLAINTS AND ACCIDENTS.

- A. The Secretary may refer complaints alleging violations of these Rules and reports of marine casualties to the Pilot Board Investigation and Recommendation Committee (“PBIRC”) for investigation, hearing and recommendation to the Pilot Board. The PBIRC shall be appointed annually by the Chairman of the Pilot Board, with the appointees to such PBIRC subject to approval by the Pilot Board. The PBIRC shall be comprised of voting members from the Houston Pilots Association, ~~the~~ Port of Houston maritime industry, ~~and the Port Authority;~~ and ~~a~~ nonvoting advisory members from the U. S. Coast Guard, if participation is permitted by the Captain of the Port for U.S.C.G. Sector Houston-Galveston, who is not directly engaged in the U.S.C.G. investigation of the matter. The PBIRC shall be chaired by someone with significant maritime experience. ~~a Port Authority voting member.~~ It is the intent of this provision that the members of the PBIRC, to the extent possible, generally possess the industry expertise and background necessary to carry out the duties of the PBIRC. The Chairman of the PBIRC may appoint a PBIRC Advisory Subcommittee comprised of the PBIRC Chairman, the Presiding Officer of Houston Pilots Association, and three other voting members of the PBIRC. The function of the Advisory Subcommittee is to periodically review marine casualties to determine if they warrant a full hearing before the PBIRC, or whether the matter does not warrant such a hearing and may be closed to file. The Advisory Subcommittee procedures are found in Section 13(B) below.

Any person subject to investigation by the PBIRC shall have the right to advice of counsel. The PBIRC chairperson shall advise all persons having been the subject of investigation by the PBIRC of the findings and recommendations upon conclusion of the investigation and prior to submission of such findings and recommendations to the Pilot Board.

- B. The following procedures shall govern the conduct of investigations and hearing by the PBIRC and the Pilot Board:
- 1) The Chairman of the PBIRC shall, whenever he deems it appropriate, refer any complaints concerning or notice taken of any marine casualties and/or alleged violations of the Pilot Rules to the PBIRC’s compliance coordinator, who shall be appointed by and serve at the direction of the Pilot Board (the “Compliance Coordinator”). The function of the Compliance Coordinator shall be to gather, summarize, and present information regarding a marine casualty to the PBIRC in a neutral fashion. The Compliance Coordinator’s function is not to present recommendations to the PBIRC. It is the duty of the PBIRC, and not the Compliance Coordinator, to make recommendations to the Pilot Board.
 - 2) (a) Immediately after notification of the marine casualty that is the basis of the complaint or the subject of the PBIRC’s notice (the “Incident”), the Compliance Coordinator shall gather available, relevant information, including records and transcripts of any United States Coast Guard investigation, and any necessary additional statements from witnesses and others with information

about the incident.

- (b) The Compliance Coordinator shall then provide the PBIRC Chairman and the Advisory Subcommittee the following: (1) a copy of the information gathered, and (2) a neutral summary thereof. The PBIRC Chairman shall then convene a meeting of the Advisory Subcommittee either in person or by teleconference, to review any materials gathered by the Compliance Coordinator relating to any new Incident(s). The Compliance Coordinator shall present the materials to the Advisory Subcommittee.
- (c) The PBIRC Chairman and the Advisory Subcommittee shall determine if the Incidents being reviewed warrant a full hearing before the entire PBIRC, or whether the matter does not warrant such a hearing and may be closed to file.

3) In cases where the Advisory Subcommittee has determined a full hearing is warranted, the Compliance Coordinator shall provide (1) a copy of the information gathered, and (2) a neutral summary thereof, to all members the PBIRC. The Compliance Coordinator shall also provide such summary and the information gathered, to the Deputy Pilot or Branch Pilot who might be affected by the investigation ("Pilot Affected") at least thirty (30) days prior to any scheduled hearing. In the event any such information is subject to third-party confidentiality restrictions, the Pilot Affected shall agree to those restrictions, provided the Pilot Affected has the right to use such information for proceedings under these Rules and the Act. The Compliance Coordinator shall also notify the Pilot Affected of the opportunity to respond in writing and/or appear with counsel before the PBIRC at least thirty (30) days prior to any scheduled hearing.

4) The Pilot Affected shall have twenty (20) working days in which to provide to the PBIRC a statement in writing, and any additional information, including additional statements in writing from witnesses and others familiar with the Incident. Such information should be provided within seven (7) days prior to the hearing; however, failure to provide such information by that time does not preclude the offering of additional evidence at such hearing. If such information is provided less than seven (7) days prior to a hearing, the PBIRC may, at its discretion, reschedule such hearing.

5) The PBIRC shall provide the Pilot Affected the opportunity to present a statement and/or statements from other parties and answer questions and/or present witnesses at a hearing before the PBIRC. The presentation of evidence by the Compliance Coordinator and Pilot Affected and any sworn testimony before the PBIRC shall be open to the public and transcribed by a certified court reporter. Notwithstanding the foregoing sentence, witnesses shall be excluded from hearing the testimony of other witnesses prior to giving their own testimony, but the Pilot Affected shall not be excluded from hearing the testimony of any witness. The PBIRC's deliberations shall be closed to the public.

6) Following consideration of materials gathered by the Compliance Coordinator, or presented by the Pilot Affected, or of any oral presentations, the PBIRC shall prepare and vote upon proposed findings and recommendations (“Proposed Findings and Recommendations”) to be presented to the Pilot Board. Two-thirds of the then serving members of the PBIRC shall constitute a quorum to act, with the majority of such quorum controlling. Prior unrelated incidents may not be considered by the PBIRC when making its determination. After approving its Proposed Findings and Recommendations as stated above, the PBIRC can review any sanctions issued to the Pilot Affected during the five (5) years prior to the incident in question to determine if there are any recurring issues of concern. If after a vote the PBIRC determines that there is a recurring issue of concern, it may supplement its Proposed Recommendations and Findings to the Pilot Board to include a recommendation for additional training for the Pilot Affected. The PBIRC shall deliver the Proposed Findings and Recommendations along with a tally of the PBIRC vote on the Proposed Findings and Recommendations, copies of all materials it considered and the transcript of the hearing to the Pilot Board for its consideration.

7) Prior to presentation of the Proposed Findings and Recommendations, the vote tally and material to be considered by the Pilot Board, the PBIRC shall provide a copy of the Proposed Findings and Recommendations to the Pilot Affected, who shall have fourteen (14) days in which to make a Request for Reconsideration in a written document filed with the Chairman of the PBIRC. Such Request shall state the grounds and cite any evidence. The determination of whether to grant or deny such Request shall be solely within the discretion of a majority of the PBIRC members who participated in the hearing at issue.

8) The PBIRC members who participated in the hearing at issue shall act on any Request for Reconsideration within ten (10) days from the date it is received and, if such request is granted, conduct any further proceedings it deems appropriate. Such action may include another hearing, or a conference telephone call convened by the Chairman of the PBIRC. If no Request for Reconsideration is received, the PBIRC shall present the Proposed Findings and Recommendations to the Pilot Board within fourteen (14) working days from the date the Proposed Findings and Recommendations are provided to the Pilot Affected.

14 HEARING BEFORE THE PILOT BOARD.

- A. The Pilot Affected has a right to a hearing before the Pilot Board pursuant to Tex. Transp. Code §66.043. The Secretary shall place the PBIRC’s Proposed Findings and Recommendations on the Pilot Board agenda for its consideration at (i) its next regularly scheduled meeting occurring at least thirty (30) days after the Secretary’s receipt of the PBIRC materials, or (ii) a special meeting called for such purpose, upon application of a Pilot Affected, and in the sole discretion of the Chairman of the Pilot Board.
- B. The Secretary of the Pilot Board shall notify the Pilot Affected in writing of the

receipt of the Proposed Findings and Recommendations and of the opportunity to appear before the Pilot Board at least twenty (20) days before the Pilot Board considers the Proposed Findings and Recommendations. The notice shall inform the Pilot of his or her right to submit materials in writing to the Pilot Board, appear with counsel before the Pilot Board, and present and examine witnesses at the Pilot Board hearing. The Compliance Coordinator shall provide the PBIRC materials to any Pilot Affected requesting them.

- C. A Pilot Affected shall submit to the Pilot Board his or her statement in writing, statements in writing from witnesses and others familiar with the matter, and other relevant materials that he or she intends to rely upon or introduce at the Pilot Board hearing, including materials supplementing those presented at the PBIRC's hearing(s) on the matter, no later than seven (7) days prior to the date of the Pilot Board's meeting. If the materials are not timely submitted, the Pilot Board may in its sole discretion, consider the tardy materials, refrain from considering the tardy materials, or the Chairman of the Pilot Board may reschedule the Pilot Board hearing.
- D. The Compliance Coordinator shall present the Proposed Findings and Recommendations to the Pilot Board. Counsel for Pilot Affected, or the Pilot Affected, shall be allowed an opportunity to present the evidence described in Section 14(C) above, along with any new evidence, and any written argument or oral argument on behalf of the Pilot Affected. Such proceedings shall be transcribed by a certified court reporter and be open to the public.
- E. Upon consideration of the entire record provided by the PBIRC, evidence and argument on behalf of the Pilot Affected, the presentation by the Compliance Coordinator, and any other matters, the Pilot Board shall within forty-five (45) days issue an order that either adopts, changes or rejects the Proposed Findings and Recommendations. The order shall include the action to be taken by the Pilot Board based on the finding and conclusions it adopts. The Recommendations of the PBIRC shall not be effective until adopted by the Pilot Board.
- F. The action taken by the Pilot Board may include, without limitation, a decision to:
- take no action;
 - issue a Letter of Commendation;
 - require that the Pilot Affected undertake additional training;
 - Issue a Letter of Caution to the Pilot Affected cautioning the Pilot Affected with regard to their ~~Pilot Affected's~~ actions in the Incident that is the subject of the hearing;
 - issue a Letter of Reprimand;
 - suspend for up to six (6) months any Branch Pilot commission or Deputy

Pilot certificate held by parties determined to be at fault in the Incident;
or

- recommend to the Governor that the Branch Pilot commission or Deputy Pilot certificate held by the Pilot be revoked.
- G. The Pilot Affected shall be notified of the decision of the Pilot Board and shall have twenty (20) working days in which to file a Request for Rehearing. Such Request shall state the grounds and cite any evidence supporting a rehearing. A majority of those Pilot Board members who presided at the hearing at issue shall act on the Request for Rehearing within thirty (30) days, and if such request is granted, conduct any further proceedings deemed appropriate. If the Pilot Board denies the Request for Rehearing, such action is considered final and appealable to district court.
- H. In the event that any member of the PBIRC or Pilot Board member shall have a direct conflict of interest with respect to a matter being investigated (e.g., is a Pilot who is the subject of an investigation, or a business owner whose property, or other proprietary interest, has been damaged in an incident which is under investigation), such member shall not serve on the PBIRC or Pilot Board for the consideration of the matter which has created the conflict. No person who is so affected shall be replaced on the PBIRC or Pilot Board, which will undertake such investigation without the conflicted member or members.
- I. Should new evidence become available within 12 months after a PBIRC recommendation has been forwarded to and adopted by the Board of Pilot Commissioners, the PBIRC Advisory Subcommittee or The Board of Pilot Commissioners may review such new evidence to determine whether the prior recommendation was consistent with the goal of maintaining a safe ship channel. Should the PBIRC Advisory Subcommittee or The Board of Pilot Commissioners determine that a PBIRC recommendation was inconsistent with the goal of maintaining a safe ship channel based on the newly obtained evidence, then the matter shall be reheard according to the Hearing procedures outlined within the Pilot Board Rules and Regulations.

Commented [TG8]: Amendment approved March 20, 2022

15. GENERAL.

- A. Every Pilot, while acting under the authority of a certificate or commission as Deputy Pilot or Branch Pilot, shall act with safety as the highest priority and, when possible, without sacrificing the interest of safety, in the best interest of the vessel owner, giving primary consideration to the safety of the vessel, its crew and cargo, and comply with the Act. No Pilot, either individually or in concert with other pilots, shall arbitrarily withhold piloting services when such services are requested in accordance with these Rules, except as provided by Tex. Transp. Code §66.043(a). To do otherwise will violate the Act and subject such Pilot to disciplinary action including suspension or revocation of commission or certificate.

- B. In obeying and construing these Rules, due regard shall be had to all dangers of navigation and recognition is hereby given to the responsibility of the individual Pilot to exercise judgment as to any special circumstance which may render a departure from the Rules and Navigational Guidelines contained herein necessary in order to avoid immediate danger.
- C. The Pilot Board, on written complaint or on its own motion, may institute an investigation or hearing, or both, pursuant to its duties set forth in Tex. Transp. Code §66.017.
- D. No later than ninety (90) days following the written request of the Pilot Board or Secretary, the Houston Pilots Association shall provide the Secretary a report of operations and finances for the preceding fiscal years, containing such specific financial information required by Tex. Transp. Code §66.063(a) and other information as the Pilot Board or Secretary may request.
- E. The Pilot Commission is a political subdivision of the State of Texas and is subject to the provisions of the Texas Public Information Act, Chapter 552 of the Tex. Gov't. Code ("PIA"). If a request is made under the PIA for any Branch Pilot or Deputy Pilot records held by the Pilot Commission, ~~or the Port Authority acting on its behalf,~~ in connection with these Rules, ~~the Port Authority, on behalf of~~ the Pilot Commission, shall notify the Houston Pilots Association of the requests, and take such other actions as required under Tex. Gov't. Code §552.305, regarding information involving privacy or property interests of a third party. Without limiting the foregoing, if a request is made for information pertaining to pilots or Applicants that may be deemed Safety Sensitive Information ("SSI") as defined by federal law and as contemplated by Attorney General Open Records Letter OR2007-13737, ~~the Port Authority, on behalf of~~ the Pilot Commission, shall decline to release the information for the purpose of requesting an attorney general decision, and shall notify the Presiding Officer of Houston Pilots Association of the request so that the pilot(s) affected may have the opportunity to submit to the attorney general reasons why the information should be withheld. The information shall thereupon be handled by the Pilot Commission ~~and the Port Authority acting on its behalf,~~ as the attorney general determines. Records held under the Rules by the Pilot Commission, ~~or by the Port Authority on behalf of the Pilot Commission,~~ shall be subject to the Pilot Commission's ~~Port Authority's~~ Records Management Program.
- F. The Houston Pilot's Association shall provide, and the Secretary shall maintain, a roster of currently active Branch Pilots and Deputy Pilots. The roster shall include each Pilot's name, address, birth date, formal education data, date of certification as Deputy Pilot, date of commissioning as Branch Pilot, Coast Guard licenses held, and date of initial and subsequent issue, and detailed employment history including military service, and specific dates of employment. The Houston Pilot's Association shall update this information provided to the Secretary as necessary from time to time to maintain its accuracy and upon the request of the Secretary.

G. In all of their duties and actions, including the provision of any assistance in obtaining experience required for commissioning, the Houston Pilots Association, Pilots, and Pilot Board shall not sanction discriminatory practices or discriminate against any Applicant or potential applicant, Branch Pilot, or Deputy Pilot on account of race, religion, sex, ethnic origin or national origin.

H. These Rules supersede any previously authorized Rules and shall remain in full force and effect until changed by the Pilot Board. The Pilot Board shall give at least ten days notice of its intention to adopt a rule by posting [such notice](#) at the building where ~~Port Commission Pilot Board~~ meetings are held. All actions and proceedings of the Pilot Board are to be in compliance with Tex. Transp. Code §66.019 regarding the Open Meetings Law. ARC and PBIRC members acting under these Rules are deemed to be acting in a governmental capacity, to the extent permitted by law.

I. The Houston Pilots Association shall provide the Secretary of the Pilot Board with its current navigation safety guidelines, working rules, tug matrices, pilot availability and training requirements, project guidelines, pilot ordering, mariners booklets, and other informational circulars, and other generally applicable policies, rules, standards, or procedures applicable to Pilots or the ports and navigable waters subject to the jurisdiction of the Pilot Board (collectively, "Pilot Policies"), within three (3) business days following the request of the Pilot Board or Secretary. The Houston Pilots Association shall give at least twenty (20) days written notice to the Secretary of the Pilot Board before the effective date of any proposal to adopt or amend a Pilot Policy, and with such notice provide a copy of the proposed Pilot Policy or amendment and describe the considerations supporting such action. The Pilot Board may review, and adopt rules and issue orders, including without limitation denial, approval, or modification, with respect to any such proposed adoption or amendment of Pilot Policies, pursuant to its powers and duties under the Act.

Notwithstanding the foregoing, the Houston Pilots Association may adopt or amend navigation safety guidelines, prior to consideration by the Pilot Board, if necessary:

1) as a result of changed circumstances to maintain navigational safety within the ports and navigable waters under the jurisdiction of the Pilot Board; or

2) to comply with directives issued by:

(a) the United States Coast Guard;

(b) the ~~federal~~U.S. Department of Transportation, including the Maritime Administration;

(c) the ~~federal~~U.S. Department of Homeland Security; or

(d) any other federal or state agency with authority over the ports and navigable waters within the jurisdiction of the Pilot Board.

The Houston Pilots Association shall notify the Secretary of any such adoption or amendments not later than forty-eight (48) hours after such action, and with such notice provide a copy of such new or amended navigation safety guidelines, and describe the considerations supporting such action. The Pilot Board reserves its right to review and adopt rules and issue orders with respect to any such action.

Commented [TG9]: October 30, 2018 Amendment