

I N D E X

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

September 24, 2013

<i>Minute No.</i>	<i>Event/Action</i>
	General
	Commissioner Phelps, Acting Chairman, convened the meeting of the Board of Pilot Commissioners
	Minutes
(PB-2013-0924-01)	Approve the Minutes of the Board of Pilot Commissioners Meeting – August 20, 2013
	Pilot Matters
(PB-2013-0924-02)	Approve the Pilot Board Investigation and Recommendation Committee’s proposed findings and recommendations regarding the tanker MERCINI LADY collision with the towing vessel BELLE, January 2, 2013, Houston Ship Channel
(PB-2013-0924-03)	Approve the Pilot Board Investigation and Recommendation Committee’s proposed findings and recommendations regarding the bulk carrier HARVEST SUN collision with the tanker CHARLESTON, December 13, 2011, Houston Ship Channel
(PB-2013-0924-04)	Enter into an Interlocal Agreement with the Port of Houston Authority regarding the performance of certain governmental functions and services
(PB-2013-0924-05)	Establish October 22, 2013 as the date for a Pilotage Rate Hearing
	Adjourn the meeting of the Board of Pilot Commissioners

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

**Houston, Texas
September 24, 2013**

A public meeting of the Board of Pilot Commissioners for Harris County Ports (the "Pilot Board") was convened on September 24, 2013 at 11:48 a.m., at the Port of Houston Authority Executive Offices, Fourth Floor Boardroom, at 111 East Loop North, Houston, Texas 77029. The following Commissioners, staff, and counsel were present:

Steve L. Phelps, Acting Chairman
Theldon R. Branch, III, Commissioner
Dean E. Corgey, Commissioner
Stephen H. DonCarlos, Commissioner
Clyde E. Fitzgerald, Commissioner
John D. Kennedy, Commissioner
Len Waterworth, Secretary
Erik Eriksson, General Counsel and Assistant Secretary
David H. Brown, Brown & Kornegay, LLP
J. Kent Friedman, Haynes and Boone, LLP

(PB-2013-0924-01) Commissioner Phelps, Acting Chairman, asked for a motion to approve the Pilot Board minutes of its August 20, 2013 meeting. The motion was brought by Commissioner Corgey, seconded by Commissioner Branch. Commissioners Phelps, Branch, Corgey, DonCarlos, Fitzgerald, and Kennedy voted Aye. Nays none. The minutes were approved as written.

The Pilot Board then considered each Request for Pilot Board Action ("RPBA"), submitted by Commissioner Phelps, attached to these minutes as Exhibit "A."

(PB-2013-0924-02) RPBA E1 was presented, moved by Commissioner Corgey, seconded by Commissioner Fitzgerald. Commissioners Phelps, Branch, Corgey, DonCarlos, Fitzgerald, and Kennedy voted Aye. Nays none. RPBA E1 PASSED.

(PB-2013-0924-03) RPBA E2 was presented, moved by Commissioner Kennedy, seconded by Commissioner Branch. Commissioners Phelps, Branch, Corgey, DonCarlos, Fitzgerald, and Kennedy voted Aye. Nays none. RPBA E2 PASSED.

(PB-2013-0924-04) RPBA E3 was presented, moved by Commissioner Branch, seconded by Commissioner Fitzgerald. Commissioners Phelps, Branch, Corgey, DonCarlos, Fitzgerald, and Kennedy voted Aye. Nays none. RPBA E3 PASSED.

(PB-2013-0924-05) RPBA E4 was presented, moved by Commissioner DonCarlos, seconded by Commissioner Branch. Commissioners Phelps, Branch, Corgey, DonCarlos, Fitzgerald, and Kennedy voted Aye. Nays none. RPBA E4 PASSED.

At 11:50 p.m. Commissioner Phelps adjourned the meeting of the Pilot Board.

The above is a correct copy of the Minutes of the September 24, 2013 meeting of the Pilot Board.



Steve L. Phelps, Acting Chairman

ATTEST:



Erik A. Eriksson, General Counsel and
Assistant Secretary

Request for Pilot Board Action

Category: General	Agenda Date: September 24, 2013	Agenda Section: E - 1
Division: Legal Department: Pilot Administration	Staff Contact: Erik Eriksson	
Summary Recommendation: Approve the Pilot Board Investigation and Recommendation Committee's proposed findings and recommendations regarding the tanker MERCINI LADY collision with the towing vessel BELLE, January 2, 2013, Houston Ship Channel.		
Background: The Secretary of the Pilot Board may refer reports of marine casualties and complaints alleging violations of the Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel and Galveston Bar to the Pilot Board Investigation and Recommendation Committee ("PBIRC") for investigation, hearing and recommendation to the Pilot Board.		
<p>Staff Evaluation/Justification: The PBIRC convened on July 11, 2013 and held a formal hearing to receive testimony and consider the facts in the matter of the MT MERCINI LADY collision with UTV BELLE January 2, 2013, and propose findings and recommendations regarding the matter.</p> <p>The following PBIRC members were in attendance:</p> <ul style="list-style-type: none"> Marcus Woodring (PBIRC Chairman) Captain Robert Thompson (Presiding Officer, Houston Pilots) Captain Michael Curtiss (Houston Pilot) Tim Leitzell (At-Large) David A. Foret, Jr. (At-Large) Paul A. Caruselle (Maritime Industry) Thomas Marian (At-Large) Richard Ford (At-Large) <p>Mike Usher, acting as Compliance Coordinator for the PBIRC, presented materials he collected regarding the collision; Houston Pilot Captain James J. Hensley gave testimony regarding the circumstances.</p> <p>Erik Eriksson and David McNamara attended the hearing as counsel representing the Pilot Board; Jim Brown attended as counsel representing Captain Hensley. Finally, Mr. Davies and Lt. Storm of the United States Coast Guard Sector Houston-Galveston were also present at the hearing, in the capacity of advisors.</p> <p>Following the hearing, the PBIRC voted 9-0 to approve proposed findings and recommendations regarding the collision. The PBIRC proposes that no willful misconduct on the part of Captain Hensley be found, and recommends that (i) the Pilot Board take no action and close matter to file, and (ii) Captain Hensley standardize communications as recommended by the National Transportation Safety Board following its investigation of the tank ship EAGLE OTOME matter. The PBIRC's full report on the matter, with its proposed findings and recommendations, is attached to this RCA.</p>		

Full Recommendation:

The Pilot Board, at its September 24, 2013 meeting, approve the Pilot Board Investigation and Recommendation Committee's proposed findings and recommendations regarding the matter of the MT MERCINI LADY collision with UTV BELLE January 2, 2013, Houston Ship Channel, and further authorize the Secretary of the Pilot Board to do any and all things in his opinion reasonable or necessary to give effect to the foregoing.

Pilot Board Investigation and Recommendation Committee

In the Matter of MT MERCINI LADY collision with UTV BELLE

Summary of Proceedings:

1. On May 20, 2013, the Pilot Board Investigation and Recommendation Committee (“PBIRC”) Advisory Subcommittee held a meeting and determined that this matter warranted a PBIRC full hearing to hear testimony and consider the facts.
2. On July 11, 2013, the PBIRC held a full hearing.
3. The PBIRC entered into the record each member’s qualifications to hear and make recommendations regarding the matter.
4. The following undisputed chronology of events was provided to the PBIRC by PBIRC Compliance Coordinator Mike Usher, who entered into the record a binder of case materials regarding his investigation of the matter (the “Case Materials”):
 - a. On January 2, 2013, the chemical tanker MERCINI LADY collided with the UTV BELLE in the vicinity of Greensport Houston Ship Channel.
 - b. United States Coast Guard Sector Houston Galveston opened an informal marine casualty investigation into the matter.
 - c. The PBIRC was designated as Party-in-Interest into the investigation.
 - d. The PBIRC Compliance Coordinator attended marine casualty site assessments and witness interviews.
 - e. Submissions and further evidence by the Pilot Affected was included in the Case Materials and entered into the record.

Summary of Facts: (references below are to documents also contained in the Case Materials, or the transcript of the hearing)

1. Houston Pilot Captain James J. Hensley boarded the MT MERCINI LADY on January 1, 2013, at Kinder Morgan 3, at about 23:15, for an outbound transit to sea. (See Case Materials Exhibit “A” Pilot Statement, Page 1).
2. Captain Hensley held a master-pilot exchange with ship’s master who noted his ship’s draft of 37.5 feet and the steering characteristics of the heavily-laden tanker. (See Case Materials Exhibit “A” Pilot Statement, Page 1; Interview Transcript Page 15, lines 21 – 25, Page 16, line 1).

3. Last line at Kinder Morgan was 23:55 and the vessel began to proceed with the intended transit. (See Case Materials Exhibit "A" Pilot Statement, Page 1).
4. During outbound transit, in the vicinity of Cotton Patch, Captain Hensley established communications with the inbound UTV DANE MORGAN with two barges doubled up outside of the narrow portion of the channel just east of Greensport and to then meet the MERCINI LADY in a one-whistle, port-to-port meeting as soon as the MERCINI LADY was coming through the narrows. The DANE MORGAN agreed. (See Case Materials Exhibit "A" Pilot Statement, Page 1; Interview Transcript Page 16 lines 14 – 24).
5. Captain Hensley then established communications with the second inbound UTV BELLE with two barges doubled up, and asked the BELLE to meet the MERCINI LADY in a one-whistle, port-to-port meeting in the vicinity of Greensport. (See Case Materials Exhibit "A" Pilot Statement, Page 1).
6. As the MERCINI LADY was half-way through the narrows at Greensport, Captain Hensley requested the DANE MORGAN to come ahead as soon as he saw daylight. The DANE MORGAN acknowledged, but then came ahead later than Captain Hensley anticipated and forced the MERCINI LADY to stay on the green side of the channel longer than expected. The MERCINI LADY and DANE MORGAN met as agreed, but the MERCINI LADY had less time to recover and line up for the meeting with the BELLE. (See Case Materials Exhibit "A" Pilot Statement, Page 1; Interview Transcript Page 17 lines 1 – 10).
7. Captain Hensley ordered 5-6 degrees port rudder to move the MERCINI LADY into the center of the channel to meet the BELLE. (See Case Materials Exhibit "A" Pilot Statement, Page 1).
8. The MERCINI LADY experienced stern suction and started swinging to port and then steadied up. Captain Hensley ordered starboard 20. The vessel would not come to starboard, so he ordered hard over starboard and still nothing. The MERCINI LADY could not correct herself. (See Interview Transcript, Page 17 lines 11 – 15).
9. At this point, Captain Hensley realized collision with the BELLE was imminent. He called the BELLE and suggested the BELLE start backing down and possibly try to see the MERCINI LADY on a starboard-starboard meeting. (See Case Materials Exhibit "A" Pilot Statement, Page 1; Interview Transcript Page 17 lines 21 – 25).
10. As the MERCINI LADY approached the BELLE, Captain Hensley ordered the port anchor to be dropped. (See Case Materials Exhibit "A" Pilot Statement, Page 1; Interview Transcript Page 17 line 22).
11. At point of impact, the bulbous bow of the MERCINI LADY collided with the center of the doubled up configuration tow of the BELLE. Consequently, the BELLE lost its port tow, that slid down the starboard hull of the MERCINI LADY. (See Case Materials Exhibit "A", Interview Transcript, Page 18 lines 8 – 9).

12. There were no reported injuries or pollution.

Proposed Finding: Following its deliberations, the PBIRC proposes the following finding:

No willful misconduct on the part of Captain Hensley.

Proposed Recommendations: Following its deliberations, the PBIRC proposes the following recommendation to the Board of Pilot Commissioners for Harris County Ports:

1. Take no action, and close matter to file.
2. That Captain Hensley standardize communications as recommended by the National Transportation Safety Board following its investigation of the tank ship EAGLE OTOME matter.

Request for Pilot Board Action

Category: General	Agenda Date: September 24, 2013	Agenda Section: E - 2
Division: Legal Department: Pilot Administration	Staff Contact: Erik Eriksson	
Summary Recommendation: Approve the Pilot Board Investigation and Recommendation Committee's proposed findings and recommendations regarding the bulk carrier HARVEST SUN collision with the tanker CHARLESTON, December 13, 2011, Houston Ship Channel.		
Background: The Secretary of the Pilot Board may refer reports of marine casualties and complaints alleging violations of the Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel and Galveston Bar to the Pilot Board Investigation and Recommendation Committee ("PBIRC") for investigation, hearing and recommendation to the Pilot Board.		
Staff Evaluation/Justification: The PBIRC convened on July 11, 2013 and held a formal hearing to receive testimony and consider the facts in the matter of the MV HARVEST SUN collision with MT CHARLESTON on December 13, 2011, and propose findings and recommendations regarding the matter. The following PBIRC members were in attendance: Marcus Woodring (PBIRC Chairman) Captain Robert Thompson (Presiding Officer, Houston Pilots) Captain Michael Curtiss (Houston Pilot) Tim Leitzell (At-Large) David A. Foret, Jr. (At-Large) Paul A. Caruselle (Maritime Industry) Thomas Marian (At-Large) Richard Ford (At-Large) Mike Usher, acting as Compliance Coordinator for the PBIRC, presented materials he collected regarding the collision; Houston Pilot Captain Donald C. King gave testimony regarding the circumstances. Erik Eriksson and David McNamara attended the hearing as counsel representing the Pilot Board; Keith Letourneau attended as counsel representing Captain King. Finally, Mr. Davies and Lt. Storm of the United States Coast Guard Sector Houston-Galveston were also present at the hearing, in the capacity of advisors. Following the hearing, the PBIRC voted 8-1 to approve proposed findings and recommendations regarding the collision. In summary, the PBIRC proposes that no willful misconduct on the part of Captain King be found, but recommends that his actions support issuance of a Letter of Caution and the requirement to undertake additional training. The PBIRC's full report on the matter, with its proposed findings and recommendations, is attached to this RCA.		

Full Recommendation:

The Pilot Board, at its September 24, 2013 meeting, approve the Pilot Board Investigation and Recommendation Committee's proposed findings and recommendations regarding the matter of the MV HARVEST SUN collision with MT CHARLESTON, December 13, 2011, Houston Ship Channel, and further authorize the Secretary of the Pilot Board to do any and all things in his opinion reasonable or necessary to give effect to the foregoing.

Pilot Board Investigation and Recommendation Committee

In the Matter of MV HARVEST SUN collision with MT CHARLESTON

Summary of Proceedings:

1. On May 20, 2013, the Pilot Board Investigation and Recommendation Committee (“PBIRC”) Advisory Subcommittee held a meeting and determined that this matter warranted a PBIRC full hearing to hear testimony and consider the facts.
2. On July 11, 2013, the PBIRC held a full hearing.
3. PBIRC entered into the record each member’s qualifications to hear and make recommendations regarding the matter.
4. The following undisputed chronology of events was provided to the PBIRC by PBIRC Compliance Coordinator Mike Usher, who entered into the record a binder of case materials regarding his investigation of the matter (the “Case Materials”):
 - a. On December 13, 2011, the bulk carrier HARVEST SUN collided with chemical tanker CHARLESTON in the vicinity of beacons 35/36 Houston Ship Channel.
 - b. United States Coast Guard Marine Safety Unit Texas City opened an informal marine casualty investigation.
 - c. Submissions and further evidence by the Pilots Affected were included in the Case Materials and entered into the record.

Summary of Facts: (references below are to documents also contained in the Case Materials, or the transcript of the hearing)

1. Houston Pilot Captain Donald C. King boarded the MV HARVEST SUN at City Dock 23 for an outbound transit to beacons 25/26 Houston Ship Channel. (See Case Materials Exhibit “A” Pilot Statement, Page 1).
2. Captain King held a punctual and detailed master-pilot exchange with the ship’s master, and the vessel was in good order. (See Case materials Exhibit “A” Pilot Statement, Page 1; Interview Transcript, Page 22 lines 16 – 17).
3. Last line at City Dock 23 was 03:15 and the vessel backed down turned around and headed outbound for the intended transit. (See Case Materials Exhibit “A” Pilot Statement, Page 1; Interview Transcript, Page 22 lines 18 – 19).

4. While operating in the vicinity of JacintoPort, Captain King heard Coast Guard warnings on VHF channel 13 about reduced visibility in Galveston Bay. (See Interview Transcript, Page 22 lines 20 – 23).
5. When the HARVEST SUN reached Morgan's Point, visibility fell to near zero. Captain King ordered fog signals to be sounded, posted two lookouts forward on the bow and had a bridge team member (mate) stand by the radar to identify any targets. (See Case Materials Exhibit "A" Pilot Statement, Page 2; Interview Transcript, Page 22 lines 24 – 25, Page 23 lines 4 – 13).
6. The HARVEST SUN continued outbound on the intended transit. The ship channel was not closed to traffic and Captain King did not think it was safe to stop and anchor in the channel. (See Case Materials Exhibit "A" Pilot Statement, Page 2).
7. Captain King was aware of three ships that had been boarded and were heading inbound. (See Interview Transcript, Page 24 lines 6 – 12).
8. The first ship inbound at Bolivar Roads, the MT CHARLESTON, boarded with Houston Pilot Captain William S. Frailey, spoke with Captain King and asked how the visibility was. Captain King responded that visibility was zero. (See Case Materials Exhibit "A" Pilot Statement, Page 2; Interview Transcript, Page 24 lines 23 – 25).
9. Captain King spoke with Captain Frailey twice before the incident, and reached a one whistle passing arrangement agreement more than three miles before the meeting was to take place in the vicinity of markers 37/38. (See Case Materials Exhibit "A" Pilot Statement, Page 2; Interview Transcript, Page 25 lines 6 – 8).
10. The HARVEST SUN proceeded at full ahead, making 12 knots. (See Exhibit "A" Case Materials Pilot Statement, Page 2).
11. As the HARVEST SUN approached the CHARLESTON, Captain King began the process of reducing speed to slow ahead. The HARVEST SUN's speed just prior to the collision was approximately 11 knots. (See Case Materials Exhibit "A" Pilot Statement, Page 3).
12. Visibility still restricted, Captain King navigated using his Raven AIS unit and the HARVEST SUN's radar and AIS. (See Case Materials Exhibit "A" Pilot Statement, Page 3).
13. Within 8/10 of a mile from the CHARLESTON, Captain King gave a course change to the helmsman to come starboard. (See Case Materials Exhibit "A" Pilot Statement, Page 3; Interview Transcript Page 25 lines 11 – 13).
14. At that time, Captain King started checking his starboard rate of turn by giving rudder instead of course commands, and reported that "some instinct" was telling him that something was not right. Captain King "took over the helm" and started giving port

rudder commands. (See Case Materials Exhibit "A" Pilot Statement, Page 3; Interview Transcript, Page 25 lines 24 – 25, Page 26 lines 1 – 2).

15. Over the next minute or so, Captain King ordered the rudder amidships, to port 10, and repeated back and forth again several times. (See Case Materials Exhibit "A" Pilot Statement, Page 3)
16. At this point, Captain King reported he was disoriented, and started thinking that the HARVEST SUN was moving to starboard, when in fact, it was moving to port. (See Case Materials Exhibit "A" Pilot Statement, Page 3; Interview Transcript Page 26 lines 9 – 13).
17. As the HARVEST SUN and CHARLESTON closed for passage, the CHARLESTON came into visible sight. Captain King reported that all he could see was the superstructure of the CHARLESTON, and he tried to drive around the quarter, when the collision occurred. (See Case Materials Exhibit "A" Pilot Statement Page 4, Interview Transcript Page 26 lines 20 – 23).
18. There were no reported injuries or pollution.

Proposed Findings: Following its deliberations, the PBIRC proposes the following findings:

No willful misconduct on the part of Captain King, but his actions supports issuance of a Letter of Caution and the requirement to undertake additional training.

Proposed Recommendations: Following its deliberations, the PBIRC proposes the following recommendation to the Board of Pilot Commissioners for Harris County Ports:

1. That Captain King be issued a Letter of Caution (See Attachment "1").
2. That Captain King:
 - a. Attend a practical Raven unit training course at a simulation facility, which would incorporate low visibility scenarios if possible;
 - b. Work with the Houston Pilots Association to determine the best facility for such training;
 - c. Complete the training by November 30, 2013;
 - d. Notify the PBIRC upon your completion of the training; and
 - e. Share "lessons learned" with other members of the Houston Pilots Association.

Board of Pilot Commissioners for Harris County Ports

Executive Offices: 111 East Loop North – Houston, Texas 77029-4327
Mailing Address: P.O. Box 2562 – Houston, Texas 77252-2562
Telephone: (713) 670-26

_____ 2013

Captain Donald C. King
c/o Houston Pilots
203 Deerwood Glen Drive
Deer Park, TX 77536

Subject: Letter of Caution: MV HARVEST SUN collision – December 13, 2011

Dear Captain King:

The Pilot Board Investigation Recommendation Committee (PBIRC) convened on July 11, 2013 to review the collision between the MV HARVEST SUN and MT CHARLESTON which occurred in the Houston Ship Channel on December 13th, 2011. The full PBIRC was in attendance, and you appeared, represented by counsel.

This hearing was held pursuant to “The Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel and Galveston Bar” (Rules and Regulations) as adopted by the Board of Pilot Commissioners for Harris County (Pilot Board) to carry out the provisions of Chapter 66 of the Texas Transportation Code, the Houston Pilots Licensing and Regulatory Act.

Following its review of the matter, the PBIRC voted 8-1 to issue a Letter of Caution to you in connection with your role as the Pilot Affected.

On September 24, 2013, the Pilot Board met to consider the PBIRC recommendations, and authorized me as its Secretary to issue this Letter of Caution and require that you undertake additional training, as authorized by Section 11 of the Rules and Regulations.

1. On behalf of the Pilot Board, I first note that the PBIRC expressed its appreciation of your honesty and the forthright manner in which you answered questions during the PBIRC interview process.
2. This Letter of Caution is issued (in part) as a result of your admission of mistakes made, and disorientation, in the immediate timeframe leading up to the collision. You displayed prudent seamanship in low visibility before becoming disoriented, and in the aftermath of the collision.
3. During the PBIRC hearing, several alternative courses of potential action in similar circumstances were discussed; however, each course of potential action is predicated on the unique and specific circumstances of an event. Furthermore, you clearly described

several new or different methods of navigation and radar usage which you have incorporated into your routine in low visibility as a result of this incident.

4. Accordingly, you are to use “all means available” for navigation, and you must consider all transit alternatives in low visibility as well, to include anchoring, seeking a lay berth, and implementing potential changes in speed, to facilitate ship meetings in places conducive to passing.
5. Finally, you are directed to:
 - a. Attend a practical Raven unit training course at a simulation facility, which would incorporate low visibility scenarios if possible;
 - b. Work with the Houston Pilots Association to determine the best facility for such training;
 - c. Complete the training by November 30, 2013;
 - d. Notify the PBIRC upon your completion of the training; and
 - e. Share “lessons learned” with other members of the Houston Pilots Association.

Sincerely,

Leonard Waterworth
Secretary

Copies: Erik Eriksson
Marcus E. Woodring
Keith Letourneau

Request for Pilot Board Action

Category: General	Agenda Date: September 24, 2013	Agenda Section: E - 3
Division: Legal Branch: Pilot Administration	Staff Contact: Erik Eriksson	
Summary Recommendation: Enter into an Interlocal Agreement with the Port of Houston Authority regarding the performance of certain governmental functions and services (Related to Port Authority RCA to enter into an Interlocal Agreement with the Board of Pilot Commissioners for Harris County Ports, considered at the public meeting of September 24, 2013).		
Background: Prior authorizing Pilot Board action: Minute No. 29 from the June 23, 1993 public meeting of the Pilot Board. Regulation of pilot services by the Board of Pilot Commissioners for Harris County Ports (Pilot Board) is a necessary adjunct to the Port Authority's state-mandated exercise of control over the channels and waterways within the Port Authority limits. Cooperation between the Port Authority and the Pilot Board in performing their respective functions is beneficial and improves the efficiency and effectiveness of both the Port Authority and the Pilot Board. Interlocal agreements, referenced in the preceding paragraph, have previously been entered into between the governing bodies of these entities, which provided for use by the Pilot Board of Port Authority staff time and resources, and for the funding of certain expenses of the Pilot Board.		
Staff Evaluation/Justification: The Interlocal Agreement described above had a one year renewable term that continued until cancelled by either party. Due to the age of the prior agreement and to laws since enacted, staff recommends that the prior agreement be cancelled and a new agreement be entered into. Accordingly, Legal Division staff recommends that the Pilot Board enter into an Interlocal Agreement with the Port Authority for the performance of governmental functions and services by the Port Authority for the Pilot Board, including use of Port Authority staff time and resources, and for the funding of certain expenses of the Pilot Board, for a one-year term beginning September 1, 2013, to be automatically renewed annually until canceled by the Chairman of either body. Both parties are authorized under the Texas Government Code Section 791 (the Interlocal Cooperation Act) to enter into an interlocal contract for such services.		
Full Recommendation: The Pilot Board, at its September 24, 2013 meeting, enter into an Interlocal Agreement with the Port of Houston Authority for the performance of certain governmental functions and services, and further authorize the Secretary of the Pilot Board to do any and all things in his opinion reasonable or necessary to give effect to the foregoing.		

Request for Board of Pilot Commissioner Action

Category: General	Agenda Date: September 24, 2013	Agenda Section: E - 4
Division: Legal Branch: Pilot Administration	Staff Contact: Erik Eriksson	
Summary Recommendation: Establish October 22, 2013 as the date for a Pilotage Rate Hearing.		
Background: <p>The Houston Pilots Licensing and Regulatory Act, Chapter 66 of the Texas Transportation Code (the "Act"), requires the Board of Pilot Commissioners for the Ports of Harris County ("Pilot Board") to establish pilotage rates for the ports of Harris County, as provided therein.</p> <p>Section 66.062(c) of the Act requires the Pilot Board to set a hearing date on any application for a change in pilotage rates within two weeks of its receipt. Section 66.062(c) additionally requires that the hearing be held not earlier than the 20th day and not later than the 40th day after the date the Pilot Board sets the hearing date.</p> <p>By letter dated September 16, 2013, the Houston Pilots submitted an application to the Pilot Board for a change in such pilotage rates.</p>		
Staff Evaluation/Justification: Staff recommends that the Pilot Board set such hearing for the regularly scheduled Pilot Board meeting of October 22, 2013, which would be held on the 28th day after the date the Pilot Board set the hearing date at its meeting of September 24, 2013.		
Full Recommendation: The Board of Pilot Commissioners, at its September 24, 2013 meeting, establish October 22, 2013 as the date for a hearing on the Houston Pilot's September 16, 2013 application for a change in pilotage rates, and further authorize the Secretary of Board of Pilot Commissioners to do any and all things in his opinion reasonable or necessary to give effect to the foregoing.		