

I N D E X

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

September 25, 2018

<i>Minute No.</i>	<i>Event/Action</i>
	General
(PB-2018-0925-01)	Chairman Longoria convened the meeting of the Board of Pilot Commissioners and deferred agenda items E2 and E3 to be considered at a future meeting
	Minutes
(PB-2018-0925-02)	Approve the Minutes of the Board of Pilot Commissioners Meeting – July 31, 2018
	Appearances
(PB-2018-0925-03)	Chairman Longoria asked if anyone would like to address the Pilot Commission; there was no response
	Executive
(PB-2018-0925-04)	Establish October 30, 2018 as the date for a Pilotage Rate Hearing RPBA E2 deferred to a future meeting RPBA E3 deferred to a future meeting
	Pilot Matters
(PB-2018-0925-05)	Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Patrick J. Dean
(PB-2018-0925-06)	Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Gilberto B. Martinez Jr.
(PB-2018-0925-07)	Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain David C. Reeder
(PB-2018-0925-08)	Recommendation for Deputy Branch Pilot Certificate as a Deputy Branch Pilot for the Houston Ship Channel and Galveston Bar: Captain Jonathan O. Samuell
	Adjourn Meeting

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

**Houston, Texas
September 25, 2018**

A public meeting of the Board of Pilot Commissioners for Harris County Ports (the "Pilot Board") was convened on September 25, 2018 at 10:07 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:

Janiece Longoria, Chairman
Theldon R. Branch, III, Commissioner
Dean E. Corgey, Commissioner
Clyde E. Fitzgerald, Commissioner
John D. Kennedy, Commissioner
Roy D. Mease, Commissioner
Roger Guenther, Executive Director
Erik Eriksson, General Counsel
J. Kent Friedman, outside counsel

Chairman Longoria convened the meeting of the Pilot Board.

(PB-2018-0925-01) Chairman Longoria convened the meeting of the Board of Pilot Commissioners and deferred agenda Items F2 and F3 to be considered at a future meeting.

(PB-2018-0925-02) Chairman Longoria called for a motion to approve the minutes of the July 31, 2018 Pilot Board meeting. Commissioner Mease moved for approval, seconded by Commissioner Branch. Chairman Longoria, and Commissioners Branch, Corgey, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. The minutes were approved as written.

(PB-2018-0925-03) Appearances

Chairman Longoria asked if anyone would like to address the Pilot Commission; there was no response.

The Pilot Board considered each Request for Pilot Board Action ("RPBA") attached to these minutes as Exhibit "A."

(PB-2018-0925-04) RPBA F1 was presented, moved by Commissioner Corgey, seconded by Commissioner Branch. Chairman Longoria, and Commissioners Branch, Corgey, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. RPBA F1 PASSED.

Chairman Longoria reported that a number of comment letters opposing the rate increase requested by the Houston Pilots have been received. She voiced her expectation that the Secretary of the Pilot Board will establish guidelines for those desiring to provide

the Pilot Board with more formal or extensive comments, and that there would be a presentation by the Houston Pilots. She added that the Pilot Board needs to give the stakeholders interested in commenting the same opportunity to provide the information they wish to provide.

Chairman Longoria suggested that during this process all are well advised to address the factors set out in Section 66.064 of the Transportation Code for determining reasonable and just pilotage rates, with factors that include vessel characteristics; pilots service hours; costs to the pilots; the public interest in maintaining safe, efficient, and reliable pilot services; average wages of masters of United States flag vessels in our area; economic factors affecting the shipping industry in our area; and adequate and reasonable compensation for pilots and a fair return on their equipment and vessels.

Chairman Longoria stated that the Pilot Board looks forward to working with the maritime community, both the pilots and other stakeholders, in reviewing the request, and the factors under consideration for determining fair and just pilotage rates.

Chairman Longoria asked if any commissioners had comments; hearing none she moved on to the remaining pilot matters on the agenda.

RPBA F2 deferred to a future meeting (*see above Minute No. PB- 2018-0925-01*).

RPBA F3 deferred to a future meeting (*see above Minute No. PB-2018-0925-01*).

(PB-2018-0925-05) RPBA G1 was presented, moved by Commissioner Corgey, seconded by Commissioner Fitzgerald. Chairman Longoria, and Commissioners Branch, Corgey, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. RPBA G1 PASSED.

(PB-2018-0925-06) RPBA G2 was presented, moved by Commissioner Branch, seconded by Commissioner Fitzgerald. Chairman Longoria, and Commissioners Branch, Corgey, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. RPBA G2 PASSED.

(PB-2018-0925-07) RPBA G3 was presented, moved by Commissioner Mease, seconded by Commissioner Branch. Chairman Longoria, and Commissioners Branch, Corgey, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. RPBA G3 PASSED.

(PB-2018-0925-08) RPBA G4 was presented, moved by Commissioner Corgey, seconded by Commissioner Kennedy. Chairman Longoria, and Commissioners Branch, Corgey, Fitzgerald, Kennedy, and Mease voted Aye. Nays none. RPBA G4 PASSED.

At 10:13 a.m., Chairman Longoria adjourned the Pilot Board meeting.

The above is a correct copy of the Minutes of the September 25, 2018 meeting of the Pilot Board of the Port of Houston Authority.



Janiece Longoria, Chairman



Erik A. Eriksson, Secretary

F. EXECUTIVE

Subject 1. Establish October 30, 2018 as the date for a Pilotage Rate Hearing.

Meeting Sep 25, 2018 - BOARD OF PILOT COMMISSIONERS FOR HARRIS COUNTY PORTS

Access Public

Type Action

Recommended Action The Board of Pilot Commissioners, at its September 25, 2018 meeting, establish October 30, 2018 as the date for a hearing on the Houston Pilot's September 11, 2018 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.

Category:
General

Department:
Executive

Staff Contact:
Erik Eriksson

Background:
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.

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.

By letter dated September 11, 2018, the Houston Pilots submitted an application to the Pilot Board for a change in such pilotage rates.

Staff Evaluation/Justification:
Staff recommends that the Pilot Board set such hearing for the regularly scheduled Pilot Board meeting of October 30, 2018, which would be held on the 36th day after the date the Pilot Board set the hearing date at its meeting of September 25, 2018.

F. EXECUTIVE

Subject 2. Consideration and possible actions regarding adoption of a rule with respect to policies, rules, standards, and procedures promulgated by the Houston Pilots Association.

Meeting Sep 25, 2018 - BOARD OF PILOT COMMISSIONERS FOR HARRIS COUNTY PORTS

Access Public

Type Action

Recommended Action The Board of Pilot Commissioners, at its September 25, 2018 meeting, consider and take possible actions regarding adoption of a rule with respect to policies, rules, standards, and procedures promulgated by the Houston Pilots Association, 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.

Category:
General

Department:
Executive

Staff Contact:
Erik Eriksson

Background:

Transportation Code Section 66.015 provides in part that the Board of Pilot Commissioners for the Ports of Harris County (the "Pilot Board") "has exclusive jurisdiction over the piloting of vessels in Harris County ports[.]" Section 66.016 states in part that the Pilot Board "may perform any act or function necessary to carry out its powers and duties under this chapter[.]" and "may adopt rules to carry out [Transportation Code Chapter 66.]"

In addition, Transportation Code Section 66.017(9) requires that the Pilot Board "adopt rules and issue orders to pilots or vessels when necessary to secure efficient pilot services[.]"

Staff Evaluation/Justification:

Because of the Pilot Board's exclusive jurisdiction over pilot services, staff recommends that the Pilot Board deliberate and consider whether action should be taken by it with respect to the following proposed Section 15(i) of the Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel between the Galveston Bar and Turning Basin:

The Houston Pilots Association shall provide the Secretary of the Pilot Board with its current navigation guidelines, navigation safety rules, working rules, training requirements, project guidelines, and other generally applicable policies, rules, standards, or procedures applicable to Pilots or the ports and navigable waters within the jurisdiction of the Pilot Board (collectively, "Pilot Policies"), within three (3) 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 it seeks to adopt or amend any Pilot Policy, and provide a copy of the proposed Pilot Policy or amendment with such notice. The Pilot Board may review, and adopt rules and issue orders, including without limitations denial, approval, or modification with respect to, any such request to amend or adopt Pilot Policies, pursuant to its powers and duties under the Act.

Since Transportation Code Sec. 66.020(a) provides in part that the Pilot Board "shall give at least 10 days' notice as provided by this section before the board adopts a rule[.]" and Section 66.020(b) further provides that the board "shall post the notice and a copy of the proposed rule or change at the board office for public inspection," notice of such proposed rule and a copy thereof was publicly posted on September 14, 2018 at the office of the Pilot Board.

F. EXECUTIVE

Subject 3. Consideration and possible actions regarding the "Combined Length Overall for Meeting Vessels" rule for ships transiting the Houston Ship Channel announced on August 17, 2018 by the Houston Pilots.

Meeting Sep 25, 2018 - BOARD OF PILOT COMMISSIONERS FOR HARRIS COUNTY PORTS

Access Public

Type Action

Recommended Action The Board of Pilot Commissioners, at its September 25, 2018 meeting, consider and take possible actions regarding the "Combined Length Overall for Meeting Vessels" rule for ships transiting the Houston Ship Channel announced on August 17, 2018 by the Houston Pilots, 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.

Category:
General

Department:
Executive

Staff Contact:
Erik Eriksson

Background:

On August 17, 2018, Captain Mark Mitchem, Presiding Officer of the Houston Pilots Association ("Houston Pilots"), transmitted an email message to members of the Port of Houston maritime community, which provides in pertinent part as follows:

After consideration by our membership the Houston Pilots have instituted a new "Combined Length Overall for Meeting Vessels" rule for ships transiting the Houston Ship Channel.

The new Combined Length Overall rule will not allow the combined length of vessels transiting above Buoy 18 to exceed 2030 feet overall when meeting opposing ship traffic. As you know, ships over 1100 feet in length will meet no ship traffic above buoy 18 at this time.

Traffic will be adjusted accordingly to comply with the Combined LOA rule. We expect any delays due to this new rule to be very minimal.

This new rule relating to the combined length of vessels was not brought to the Board of Pilot Commissioners for the Ports of Harris County (The "Pilot Board") before its release.

Staff Evaluation/Justification:

Transportation Code Section 66.015 provides in part that the Pilot Board "has exclusive jurisdiction over the piloting of vessels in Harris County ports[.]" Section 66.016 states in part that the Pilot Board "may perform any act or function necessary to carry out its powers and duties under this chapter[.]" and "may adopt rules to carry out [Transportation Code Chapter 66.]

In addition, Transportation Code Section 66.017(9) requires that the Pilot Board "adopt rules and issue orders to pilots or vessels when necessary to secure efficient pilot services[.]"

Through this August 17, 2018 email, the Houston Pilots seek to adopt a new rule under the exclusive jurisdiction of the Pilot Board. Accordingly, staff recommends that the Pilot Board deliberate regarding this requested rule and consider whether to issue an appropriate order with respect to it.

Since Transportation Code Sec. 66.020(a) provides in part that the Pilot Board "shall give at least 10 days' notice as provided by this section before the board adopts a rule[.]" and Section 66.020(b) goes on to

provide that the board "shall post the notice and a copy of the proposed rule or change at the board office for public inspection," the Pilot Board's attorneys have determined that any such action should be taken at a subsequent meeting of the Pilot Board in order to first comply with these Transportation Code provisions.

G. PILOT MATTERS

Subject **1. Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Patrick J. Dean.**

Meeting Sep 25, 2018 - BOARD OF PILOT COMMISSIONERS FOR HARRIS COUNTY PORTS

Access Public

Type Action

Recommended Action The Board of Pilot Commissioners for Harris County Ports (the Pilot Board), at its September 25, 2018 meeting, recommend to the governor the commission renewal of Captain Patrick J. Dean as Branch Pilot for the Houston Ship Channel and Galveston Bar for a four-year term effective November 15, 2018, 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.

Category:
Pilot Matters

Department:
Pilot Administration

Staff Contact:
Erik Eriksson

Background:

The Application Review Committee (ARC) of the Pilot Board considers whether applicants meet the statutory and regulatory requirements for pilots on the Houston Ship Channel and Galveston Bar. Among other things, applicants undergo a physical examination to determine if an applicant is in good mental and physical health in order to perform the duties of pilotage on the Houston Ship Channel and Galveston Bar, and an investigation including a criminal background check and the applicant's accident history is conducted.

Staff Evaluation/Justification:

Captain Patrick J. Dean has applied for commission renewal as Branch Pilot for the Houston Ship Channel and Galveston Bar. The application included proof of continued education training in Manned Model Shiphandling, Brownwater/Bluewater Coordination Course, PPU Electronic Navigation System Training, Radar Observer (Recertification), Incident Management for Pilots, Restricted Visibility Navigation for Pilots, Automatic Identification Systems (AIS), Fatigue, Sleep & Medication (FMS) Course, and a letter on his behalf from the Houston Pilots with evidence of his ability to enter into a faithful performance bond in the amount of \$25,000 payable to the governor.

After an assessment of his qualifications and the documents filed with his application, the ARC determined that Captain Patrick J. Dean meets the requirements of Chapter 66 of the Texas Transportation Code, Houston Pilots Licensing and Regulatory Act, Section 66.041, and the Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel and Galveston Bar.

Accordingly, the ARC respectfully submits to the Pilot Board the application of Captain Patrick J. Dean for commission renewal as Branch Pilot for the Houston Ship Channel and Galveston Bar. Such commission is for a four-year term.

G. PILOT MATTERS

Subject	2. Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Gilberto B. Martinez Jr.
Meeting	Sep 25, 2018 - BOARD OF PILOT COMMISSIONERS FOR HARRIS COUNTY PORTS
Access	Public
Type	Action
Recommended Action	The Board of Pilot Commissioners for Harris County Ports (the Pilot Board), at its September 25, 2018 meeting, recommend to the governor the commission renewal of Captain Gilberto B. Martinez Jr. as Branch Pilot for the Houston Ship Channel and Galveston Bar for a four-year term effective November 27, 2018, 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.

Category:
Pilot Matters

Department:
Pilot Administration

Staff Contact:
Erik Eriksson

Background:

The Application Review Committee (ARC) of the Pilot Board considers whether applicants meet the statutory and regulatory requirements for pilots on the Houston Ship Channel and Galveston Bar. Among other things, applicants undergo a physical examination to determine if an applicant is in good mental and physical health in order to perform the duties of pilotage on the Houston Ship Channel and Galveston Bar, and an investigation including a criminal background check and the applicant's accident history is conducted.

Staff Evaluation/Justification:

Captain Gilberto B. Martinez Jr. has applied for commission renewal as Branch Pilot for the Houston Ship Channel and Galveston Bar. The application included proof of continued education training in Bridge Resource Management for Pilots (BRM-P), Incident Management for Pilots, Collision Regulations (COLREG) for Pilots, Restricted Visibility Navigation for Pilots, Brownwater/Bluewater Coordination Course, Radar Observer (Recertification), Automatic Identification Systems (AIS), Fatigue, Sleep & Medication (FMS) Course, Azimuthing Electric Propulsion Drive (AZIPOD), and a letter on his behalf from the Houston Pilots with evidence of his ability to enter into a faithful performance bond in the amount of \$25,000 payable to the governor.

After an assessment of his qualifications and the documents filed with his application, the ARC determined that Captain Gilberto B. Martinez Jr. meets the requirements of Chapter 66 of the Texas Transportation Code, Houston Pilots Licensing and Regulatory Act, Section 66.041, and the Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel and Galveston Bar.

Accordingly, the ARC respectfully submits to the Pilot Board the application of Captain Gilberto B. Martinez Jr. for commission renewal as Branch Pilot for the Houston Ship Channel and Galveston Bar. Such commission is for a four-year term.

G. PILOT MATTERS

Subject **3. Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain David C. Reeder.**

Meeting Sep 25, 2018 - BOARD OF PILOT COMMISSIONERS FOR HARRIS COUNTY PORTS

Access Public

Type Action

Recommended Action The Board of Pilot Commissioners for Harris County Ports (the Pilot Board), at its September 25, 2018 meeting, recommend to the governor the commission renewal of Captain David C. Reeder as Branch Pilot for the Houston Ship Channel and Galveston Bar for a four-year term effective November 27, 2018, 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.

Category:
Pilot Matters

Department:
Pilot Administration

Staff Contact:
Erik Eriksson

Background:

The Application Review Committee (ARC) of the Pilot Board considers whether applicants meet the statutory and regulatory requirements for pilots on the Houston Ship Channel and Galveston Bar. Among other things, applicants undergo a physical examination to determine if an applicant is in good mental and physical health in order to perform the duties of pilotage on the Houston Ship Channel and Galveston Bar, and an investigation including a criminal background check and the applicant's accident history is conducted.

Staff Evaluation/Justification:

Captain David C. Reeder has applied for commission renewal as Branch Pilot for the Houston Ship Channel and Galveston Bar. The application included proof of continued education training in PPU Electronic Navigation System Training, Bridge Resource Management for Pilots (BRM-P), Incident Management for Pilots, Collision Regulations (COLREG) for Pilots, Fatigue, Sleep & Medication (FMS) Course, and a letter on his behalf from the Houston Pilots with evidence of his ability to enter into a faithful performance bond in the amount of \$25,000 payable to the governor.

After an assessment of his qualifications and the documents filed with his application, the ARC determined that Captain David C. Reeder meets the requirements of Chapter 66 of the Texas Transportation Code, Houston Pilots Licensing and Regulatory Act, Section 66.041, and the Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel and Galveston Bar.

Accordingly, the ARC respectfully submits to the Pilot Board the application of Captain David C. Reeder for commission renewal as Branch Pilot for the Houston Ship Channel and Galveston Bar. Such commission is for a four-year term.

G. PILOT MATTERS

Subject 4. Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Jonathan O. Samuell.

Meeting Sep 25, 2018 - BOARD OF PILOT COMMISSIONERS FOR HARRIS COUNTY PORTS

Access Public

Type Action

Recommended Action The Board of Pilot Commissioners for Harris County Ports (the Pilot Board), at its September 25, 2018 meeting, recommend to the governor the commission renewal of Captain Jonathan O. Samuell as Branch Pilot for the Houston Ship Channel and Galveston Bar for a four-year term effective November 27, 2018, 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.

Category:
Pilot Matters

Department:
Pilot Administration

Staff Contact:
Erik Eriksson

Background:

The Application Review Committee (ARC) of the Pilot Board considers whether applicants meet the statutory and regulatory requirements for pilots on the Houston Ship Channel and Galveston Bar. Among other things, applicants undergo a physical examination to determine if an applicant is in good mental and physical health in order to perform the duties of pilotage on the Houston Ship Channel and Galveston Bar, and an investigation including a criminal background check and the applicant's accident history is conducted.

Staff Evaluation/Justification:

Captain Jonathan O. Samuell has applied for commission renewal as Branch Pilot for the Houston Ship Channel and Galveston Bar. The application included proof of continued education training in Bridge Resource Management for Pilots (BRM-P), Radar Observer (Recertification), Raven Electronic Navigation Systems, Emergency Shiphandling for Pilots, Legal Aspects of Piloting, Incident Management for Pilots, Collision Regulations (COLREG) for Pilots, Fatigue, Sleep & Medication (FMS) Course, Brownwater/Bluewater Coordination Course, and a letter on his behalf from the Houston Pilots with evidence of his ability to enter into a faithful performance bond in the amount of \$25,000 payable to the governor.

After an assessment of his qualifications and the documents filed with his application, the ARC determined that Captain Jonathan O. Samuell meets the requirements of Chapter 66 of the Texas Transportation Code, Houston Pilots Licensing and Regulatory Act, Section 66.041, and the Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel and Galveston Bar.

Accordingly, the ARC respectfully submits to the Pilot Board the application of Captain Jonathan O. Samuell for commission renewal as Branch Pilot for the Houston Ship Channel and Galveston Bar. Such commission is for a four-year term.