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

May 21, 2019

Minute No.	Event/Action
	General
	Chairman Campo convened the meeting of the Board of Pilot Commissioners
	Minutes
(PB-2019-0521-01)	Approve the Minutes of the Board of Pilot Commissioners Meetings – April 8, 2019 and April 23, 2019
	Appearances
(PB-2019-0521-02)	Chairman Campo asked if anyone would like to address the Pilot Board; there was no response
	Pilot Matters
(PB-2019-0521-03)	RCA F1 was tabled
(PB-2019-0521-04)	Rescind the establishment of a Houston Ship Channel traffic management group
(PB-2019-0521-05)	Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain William A. Ewing III
(PB-2019-0521-06)	Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Blakeley K. Morgan
(PB-2019-0521-07)	Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Michael T. Riggle
	Adjourn Meeting

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

**Houston, Texas
May 21, 2019**

A public meeting of the Board of Pilot Commissioners for Harris County Ports (the "Pilot Board") was convened on May 21, 2019 at 10:50 a.m., at the Port of Houston Authority Executive Office, Fourth Floor Boardroom, at 111 East Loop North, Houston, Texas 77029. The following Commissioners, staff, and counsel were present:

Ric Campo, Chairman
Theldon R. Branch, III, Commissioner
Dean E. Corgey, Commissioner
Clyde E. Fitzgerald, Commissioner
Roy D. Mease, Commissioner
Roger Guenther, Executive Director
Erik Eriksson, Secretary and General Counsel
Tom Heidt, Chief Operating Officer
J. Kent Friedman, outside counsel

Chairman Campo convened the meeting of the Pilot Board.

(PB-2019-0521-01) Minutes

Chairman Campo called for a motion to approve the minutes of the April 8, 2019 and April 23, 2019 Pilot Board meetings. Commissioner Corey moved for approval, seconded by Commissioner Branch. The minutes were approved as written.

(PB-2019-0521-02) Chairman Campo asked if anyone would like to address the Pilot Board; there was no response.

(PB-2019-0521-03) RPBA F1 was presented. Commissioner Branch moved to table the item, seconded by Commissioner Fitzgerald.

Chairman Campo explained this was a non-controversial item to amend Section 15(I) of the Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel between the Galveston Bar and Turning Basin, in conjunction with discussions between the Port Authority's legal counsel and counsel for the Houston Pilots (the "Pilots"). He advised that when the Pilots approved a new rule to allow the passing of 1,110-foot ships in the Houston Ship Channel, there was a provision in Section 15(I) that required a 20-day notice for changes. Although the pilots approved the new rule, the unintended consequence was that two container ships entering the channel would have had to otherwise not pass with handy-sized ships or other similar type ships.

In response to Chairman Campo's question, Commissioner Branch responded that he was uncomfortable with the process, as there was a reason why Section 15(I) was put into place and he did not think the reason had changed. He further commented that the

item could be voted up or down, but until he received more clarification he wanted to table the item.

Chairman Campo asked for a discussion and at his request Mr. Eriksson explained that such a discussion could be held regarding the motion to table.

Chairman Campo commented that the item had been in the works for a while and noted that part of the issue was the unintended consequences that accompanied the rule. He advised that he had asked the Port Authority's legal counsel and the Pilot's legal counsel to meet in an effort to provide a solution that worked better, rather than to have a situation where the 20-day rule had to be waived to allow efficient transit in the channel. Chairman Campo commented that since both lawyers had come to an agreement on the language, he felt the Pilot Board should also agree to it.

Mr. Eriksson commented that he thought it fair to advise that the Pilot Board would not be restricting its authority but streamlining the rule, adding that it was not in place until October. He noted that he had met with the Pilots and the Pilot's counsel, Jim Brown, unlike the last time around, and advised that he felt it was a rule that both sides could live with. Mr. Eriksson also commented that under the circumstances he thought approval should be recommended, though he understood Commissioner Branch's concerns.

Commissioner Fitzgerald noted that Commissioner Branch made a motion to table the item and he had seconded and inquired as to the issue behind tabling the item and why it needed immediate approval. Chairman Campo explained that it had been an ongoing issue and that the original rule was put into place in reaction to disputes regarding containership communications and questions as to what kind of rule socializations took place at that time. He reminded everyone that as Mr. Eriksson had pointed out, the rule was not discussed with counsel for the pilots and ultimately became a point of contention.

Following further explanation and discussion, Commissioner Branch commented he felt that part of the reason why the Port Authority had been fighting legislation for the past several weeks was because rules were put into place by the Pilots that the Pilot Board was unaware of, which caused a whole set of industry to become upset and advocate in Austin for legislation on the issues. He reiterated that he was uncomfortable moving forward with the item.

Commissioner Corgey agreed and added that he thought more time was needed, as he did not fully understand the issue. He commented that he would like to revisit it in June after waiting for the outcome of a planned meeting between the Pilots and the Coalition for a Fair and Open Port, and to see if the current bills passed. Chairman Campo responded that the downside was creating more uncertainty regarding the ability of the Pilots to

maximize the efficiency of the channel. Commissioner Branch commented that there had recently been a significant amount of uncertainty and called the question.

Chairman Campo called a vote for all in favor of tabling the bill. Commissioners Branch, Corgey, Fitzgerald, and Mease voted Aye. Chairman Campo voted Nay. RPBA F1 was tabled.

(PB-2019-0521-04) RPBA F2 was presented, moved by Commissioner Corgey for approval, seconded by Commissioner Branch. Chairman Campo, and Commissioners Branch, Corgey, Fitzgerald, and Mease voted Aye. Nays none. RPBA F2 PASSED.


(PB-2019-0521-05) RPBA F3 was presented, moved by Commissioner Mease for approval, seconded by Commissioner Corgey. Chairman Campo, and Commissioners Branch, Corgey, Fitzgerald, and Mease voted Aye. Nays none. RPBA F3 PASSED.

(PB-2019-0521-06) RPBA F4 was presented, moved by Commissioner Mease for approval, seconded by Commissioner Corgey. Chairman Campo, and Commissioners Branch, Corgey, Fitzgerald, and Mease voted Aye. Nays none. RPBA F4 PASSED.

(PB-2019-0521-07) RPBA F5 was presented, moved by Commissioner Mease for approval, seconded by Commissioner Corgey. Chairman Campo, and Commissioners Branch, Corgey, Fitzgerald, and Mease voted Aye. Nays none. RPBA F5 PASSED.

At 10:59 a.m., Chairman Campo adjourned the Pilot Board meeting.

The above is a correct copy of the Minutes of the May 21, 2019 meeting of the Pilot Board of the Port of Houston Authority.



Ric Campo, Chairman



Erik A. Eriksson, Secretary

F. PILOT MATTERS

Subject	1. Consideration and possible action to amend Section 15(I) of the Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel between the Galveston Bar and Turning Basin.
Meeting	May 21, 2019 - 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 May 21, 2019 meeting, consider and take possible action to amend Section 15(I) of the Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel between the Galveston Bar and Turning Basin, 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:

Last summer, the Houston Pilots announced several protocols for handling vessels over 1,100 feet in length. Those measures limited these larger ships to daylight passage and one-way traffic, beginning north from Buoy 18, where the channel narrows to 530 feet at the intracoastal waterway.

The Pilot Board, at its October 30, 2018 meeting, adopted Section 15(I) of the Rules and Regulations Governing Pilots and Pilotage on the Houston Ship Channel Between the Galveston Bar and Turning Basin, to address circumstances that arose in connection with those protocols. In particular, the Pilot Board added the subsection to improve advance stakeholder notification of changes to Houston Pilot working rules and navigation safety guidelines, which has been largely handled by the Houston Pilots in the past.

Section 15(I) currently provides the following, in summary:

- The Houston Pilots are required to notify the Pilot Board twenty days in advance of the enactment or amendment of policies, rules, etc. applicable to them or otherwise subject to the jurisdiction of the Pilot Board, to allow the Pilot Board to review and possibly act on them.
- However, the Houston Pilots may also immediately adopt or amend navigation safety guidelines, if necessary:
 - Because of changed circumstances to maintain navigational safety; or
 - To comply with directives issued by federal or state agencies.

Staff Evaluation/Justification:

The Pilot Board may wish to deliberate and act regarding a proposed amendment to Section 15(I) in the form attached as Exhibit "A."

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." Such required measures were taken with respect to this proposed action to amend Section 15(I) on May 10, 2019.

Exhibit "A"

The Houston Pilots Association shall provide the Secretary of the Pilot Board with its current navigation safety guidelines, pilot roster, training requirements, project guidelines, and tug matrix 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 any amendment to the navigation safety guidelines goes into effect and provide a copy of amended navigation safety guidelines along with the basis for the amendment with such notice. The Pilot Board reserves the right to review and adopt rules and issue orders with respect to the regulation of pilots in accordance with Section 66.017 of the Act.

When evaluating new classes or types of vessels that may require significant restrictions on other traffic, the Houston Pilot Association shall provide notice of and periodic updates regarding these evaluations to the Pilot Board.

F. PILOT MATTERS

Subject **2. Review and possible action to rescind the establishment of a Houston Ship Channel traffic management group.**

Meeting May 21, 2019 - BOARD OF PILOT COMMISSIONERS FOR HARRIS COUNTY PORTS

Access Public

Type Action

Recommended Action The Pilot Board, at its May 21, 2019 meeting, review, and take possible action to rescind the establishment of a Houston Ship Channel traffic management group, and further authorize the Secretary 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:
At its April 8, 2019 meeting, the Pilot Board acted to create and maintain a Houston Ship Channel traffic management group.

Staff Evaluation/Justification:
Staff now requests that the Pilot Board review and take possible action to rescind the establishment of such group.

F. PILOT MATTERS

Subject	3. Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain William A. Ewing III.
Meeting	May 21, 2019 - 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 May 21, 2019 meeting, recommend to the governor the commission renewal of Captain William A. Ewing III as Branch Pilot for the Houston Ship Channel and Galveston Bar for a four-year term effective August 28, 2019, 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 William A. Ewing III 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 Chart Navigation System Training, Radar Observer (Recertification), Restricted Visibility Navigation for Pilots, Bayport Flare Turn Using Manned Model, Bridge Resource Management for Pilots (BRM-P), Legal Aspects of Pilotage, Emergency Shiphandling for Pilots, Collision Regulations for Pilots (COLREG), Fatigue Management for Pilots, 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 William A. Ewing III 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 William A. Ewing III for commission renewal as Branch Pilot for the Houston Ship Channel and Galveston Bar. Such commission is for a four-year term.

F. PILOT MATTERS

Subject	4. Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Blakeley K. Morgan.
Meeting	May 21, 2019 - 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 May 21, 2019 meeting, recommend to the governor the commission renewal of Captain Blakeley K. Morgan as Branch Pilot for the Houston Ship Channel and Galveston Bar for a four-year term effective August 26, 2019, 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 Blakeley K. Morgan 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 Legal Aspects of Piloting, Restricted Visibility Navigation for Pilots, Radar Observer (Recertification), Raven Electronic Navigation Systems Training, Incident Management for Pilots, Bayport Flare Turn Using Manned Model, 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 Blakeley K. Morgan 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 Blakeley K. Morgan for commission renewal as Branch Pilot for the Houston Ship Channel and Galveston Bar. Such commission is for a four-year term.

F. PILOT MATTERS

Subject	5. Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Michael T. Riggle.
Meeting	May 21, 2019 - 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 May 21, 2019 meeting, recommend to the governor the commission renewal of Captain Michael T. Riggle as Branch Pilot for the Houston Ship Channel and Galveston Bar for a four-year term effective August 26, 2019, 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 Michael T. Riggle 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 Post Panamax Vessels: New Challenges for Pilots, Escort Tug Operations for Pilots, Emergency Shiphandling for Pilots, Manned Model Shiphandling, Bridge Resource Management for Pilots (BRM-P), Radar Observer (Recertification), Raven Electronic Navigation Systems Training, Incident Management for Pilots, Bayport Flare Turn Using Manned Model, 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 Michael T. Riggle 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 Michael T. Riggle for commission renewal as Branch Pilot for the Houston Ship Channel and Galveston Bar. Such commission is for a four-year term.