

September 14, 2018

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 September 25, 2018. The Pilot Board will meet at 9:15 a.m., or thereafter, immediately following the adjournment of the regular Port Commission meeting, at the Port of Houston Authority Executive Office Building, Fourth Floor Boardroom, 111 East Loop North, Houston, Texas 77029, with the Executive Session convening following the adjournment of the Public Session and the Public Session reconvening following the adjournment of the Executive Session, to consider any items from the Executive Session that may require action and conduct any further business.

BOARD OF PILOT COMMISSIONERS
PORTS OF HARRIS COUNTY, TEXAS



SECRETARY



Tuesday, September 25, 2018
BOARD OF PILOT COMMISSIONERS FOR HARRIS COUNTY PORTS

9:15 a.m.
111 East Loop North
Houston, TX 77029
Fourth Floor Boardroom

A. CALL TO ORDER

B. CHAIRMAN'S REMARKS

C. APPROVAL OF MINUTES

1. Board of Pilot Commissioners Public Meeting - July 31, 2018

D. APPEARANCES

1. Public Comment

E. STAFF REPORTS

F. EXECUTIVE

1. Establish October 30, 2018 as the date for a Pilotage Rate Hearing.
2. Consideration and possible actions regarding adoption of a rule with respect to policies, rules, standards, and procedures promulgated by the Houston Pilots Association.
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.

G. PILOT MATTERS

1. Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Patrick J. Dean.
2. Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Gilberto B. Martinez Jr.
3. Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain David C. Reeder.
4. Recommendation for renewal of Branch Pilot Commission for the Houston Ship Channel and Galveston Bar: Captain Jonathan O. Samuell.

H. RECESS OPEN MEETING AND CONVENE EXECUTIVE SESSION

1. Consultation with Attorneys (Section 551.071, Texas Open Meetings Act)
2. Real Estate (Section 551.072, Texas Open Meetings Act)
3. Economic Development Negotiations or Incentives (Section 551.087, Texas Open Meetings Act)
4. Employment and Evaluation of Public Employees (Section 551.074, Texas Open Meetings Act)
5. Security-Related Matters (Sections 418.175-418.183 of the Texas Government Code, and Section 551.076, Texas Open Meetings Act)
6. Adjourn Executive Session

I. RECONVENE OPEN MEETING

1. Announce any items from Executive Session requiring Pilot Board action

J. ADJOURN MEETING

1. Next Meeting Requested - October 30, 2018
2. Adjourn Pilot Board Meeting

E. 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.