

**Board of Pilot Commissioners for Harris County Ports  
Pilot Board Investigation and Recommendation Committee  
Hearing**

**October 6, 2014**

A hearing of the Pilot Board Investigation and Recommendation Committee (the "PBIRC") was convened on Monday, October 6, 2014 at 09:00, at the Port of Houston Authority Executive Offices, Fourth Floor Boardroom, at 111 East Loop North, Houston, Texas 77029. The following members, U.S. Coast Guard ("USCG") advisory member, and staff were present:

Captain Marcus Woodring, Chairman  
Paul Caruselle  
Captain Sean Arbogast  
Captain Michael Curtiss  
Captain Richard Ford  
Captain David Foret  
Captain Michael Morris  
Captain Richard Russell  
Ray Gentry, USCG Senior Investigation Officer, Marine Safety Unit, Texas City, Texas  
Erik Eriksson, General Counsel  
Captain Mike Usher, Pilot Board Compliance Coordinator

Chairman Woodring called the meeting to order to hear the following matter:

M/V SUMMER WIND collision with Kirby barge 27706 being pushed by the UTW MISS SUSAN March 22, 2014 IVO HSC Lt. 25/26.

1. **Summary of PBIRC Hearing.**

- a. Statements by PBIRC members, staff, and the USCG advisory member identifying themselves and describing their maritime expertise.
- b. Statement by Chairman Woodring as to the conduct of the hearing;
- c. Introduction as Exhibit "A" of Incident Materials gathered by Captain Usher regarding of the above-referenced incident (Exhibit "A" and "C" below reflect that the USCG prohibited the PBIRC from using witness interviews or the USCG Hearing transcript, advising that these were as a "part of a Coast Guard report of marine casualty investigation, and therefore not admissible as evidence or subject to discovery in any civil or administrative proceeding, except for an administrative proceeding initiated by the United States as per 46 USC §6308.").
- d. Introduction and review of Exhibit "B," U.S. Coast Guard Vessel Traffic Service Ports and Waterway Safety System ("PAWSS") data.
- e. Introduction of portions of the submission of Houston Branch Pilot Captain Michael Pizzitola, pilot of the SUMMER WIND at the time of the incident, as Exhibit "C" (excluding Exhibits E and F thereof).

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- f. Introduction of a Memorandum of Law Regarding Use of Witness Testimony by James Brown, attorney for Captain Pizzitola, as Exhibit "D."
  - g. Testimony by, and questions put to, Captain Pizzitola.
  - h. Testimony by Captain Brian F. Boyce, an expert witness testifying on behalf of Captain Pizzitola, including presentation materials, with presentation assistance by Cameron Hatzel, attorney for Captain Pizzitola, and questions put to Captain Boyce.
  - i. Request by Chairman Woodring for additional testimony (the Captain of the MISS SUSAN was requested to appear but declined); there was no additional testimony.
  - j. Concluding statement by Mr. Brown.
  - k. Executive Session.
  - l. Announcement by Chairman Woodring of Proposed Findings and Recommendations and description of appeal rights.
2. **Proposed Findings.** Following its deliberations, by a vote of 8-0, the PBIRC proposed the following findings:
- No willful misconduct on the part of Captain Pizzitola in the handling of the SUMMER WIND, based on the agreed-to one whistle (port-to-port) passing arrangement, by maneuvering as far as possible to the red (inbound) side of the Houston Ship Channel.
3. **Proposed Recommendations.** Following its deliberations, by a vote of 8-0, the PBIRC proposed the following recommendations to the Board of Pilot Commissioners for Harris County Ports:
- a. Take no action (except as provided below) and close matter to file.
  - b. That Captain Pizzitola be the Houston Pilot's representative to the Lone Star Harbor Safety Committee group that develops a training module focusing on the interface of tows and deep drafts, that may enhance the situational awareness of mariners that operate in the Houston, Galveston/Texas City Port Complex, such that whether there are periods of low visibility, imminent port closures, or prolonged restrictions, mariners would be more cognizant of the concerns of the various vessels that they would meet or overtake.

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- c. That it require Captain Pizzitola to report the progress of the training module to the PBIRC.

Meeting adjourned at 13:12.