

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

January 28, 2019

A hearing of the Pilot Board Investigation and Recommendation Committee (the "PBIRC") was convened on January 28, 2019 09:02, at the Port of Houston Authority Executive Offices, Fourth Floor Boardroom, at 111 East Loop North Houston, Texas 77029. The following members, and staff were present:

Captain Marcus Woodring, Chairman
Captain Mark Mitchem
Captain Michael Curtiss
Captain Steve Nelson
Captain David Foret
Captain Richard Russell
Captain Richard Ford
Tom Marian
Paul Caruselle
Erik Eriksson, Board of Pilot Commissioners for Harris County Ports (the "Pilot Board")
General Counsel
Captain M. Tyler Gavis, PBIRC Compliance Coordinator

Chairman Woodring called the hearing to order to hear the following matters:

M/T EAGLE KLANG allision with Exxon Berth #5 on September 27, 2018, in the Houston Ship Channel.

M/V OKINAWA allision with M/T KING DARWIN near Magellan Terminal on July 4, 2018, in the Houston Ship Channel.

1. **Summary of Hearing re M/T EAGLE KLANG allision with Exxon Berth #5 on September 27, 2018, in the Houston Ship Channel**
 - a. Statements by PBIRC members and staff 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 Gavis regarding the above-referenced incident M/T EAGLE KLANG allision with Exxon Berth #5 on September 27, 2018, in the Houston Ship Channel.
 - d. Introduction as Exhibit "B" of submission of Captain Robert Arthur Jr.
 - e. Testimony by and questions put to Captain Arthur.
 - f. Concluding statement by Pilot counsel, Mr. Keith Letourneau.
 - g. Testimony by and questions put to Captain Julian Platon.
 - h. Concluding statement by Pilot counsel, Mr. Jim Brown.
 - i. Executive Session.
 - j. Announcement by Chairman Woodring of Proposed Findings and Recommendations and description of appeal rights.

2. **Proposed Findings re Captain Arthur** Following its deliberations, by a vote of 8-0 (with Captain Russell recusing), the PBIRC proposed the following findings:

Captain Arthur did not have full situational awareness, resulting in an allision with Exxon Berth #5, with the following contributing factors noted:

- 1) Tug THOR did not report proximity to the pier, nor the allision, to Captain Arthur.
- 2) Stern lookouts on the EAGLE KLANG did not report proximity to the pier.

3. **Proposed Recommendations for Captain Arthur** Following its deliberations, by a vote of 8-0 (with Captain Russell recusing), the PBIRC proposed the following recommendations to the Board of Pilot Commissioners for Harris County Ports (“the Pilot Board”):

Take no action (except as provided below) and close matter to file.

Captain Arthur and the Houston Pilots Safety Committee are directed to review this case and the need for robust tug/pilot communications with G&H Towing during their next Captain/Mate Safety Seminar (or similar gathering of harbor tug crews).

The PBIRC notes, and applauds the fact, that this incident has been added to future Blue Water/Brown Water classes as a case study.

4. **Proposed Findings re Captain Platon** Following its deliberations, by a vote of 8-0 (with Captain Russell recusing), the PBIRC proposed the following findings:

Captain Platon, as the non-conning Pilot, was not involved in the allision.

5. **Proposed Recommendations for Captain Arthur** Following its deliberations, by a vote of 8-0 (with Captain Russell recusing), the PBIRC proposed the following recommendations to the Board of Pilot Commissioners for Harris County Ports (“the Pilot Board”):

Take no action and close matter to file.

6. **Hearing Break**

7. **Hearing Reconvened**

8. **Summary of Hearing re M/V OKINAWA allision with M/T KING DARWIN near Magellan Terminal on July 4, 2018, in the Houston Ship Channel**

- a. Statements by PBIRC members and staff 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 Gavis regarding the above-referenced incident M/V OKINAWA allision with M/T KING DARWIN near Magellan Terminal on July 4, 2018, in the Houston Ship Channel.
- d. Introduction as Exhibit “B” of submission of Captain Thomas Goodwin.
- e. Testimony by, and questions put to Captain Goodwin.

- f. Concluding statement by Pilot counsel, Mr. Jim Brown.
 - g. Executive Session
 - h. Announcement by Chairman Woodring of Proposed Findings and Recommendations and description of appeal rights.
9. **Proposed Findings** Following its deliberations, by a vote of 9-0, the PBIRC proposed the following findings:

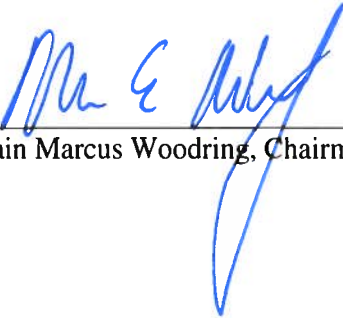
Captain Goodwin exercised prudent seamanship in planning the turning evolution, and in responding to unanticipated changes to the situation.

It is noted by the PBIRC that Captain Goodwin did an excellent job in maneuvering the M/V OKINAWA to lay flat alongside the M/T KING DARWIN when he realized an allision was imminent, reducing potential damage.

Proposed Recommendations Following its deliberations, by a vote of 9-0, the PBIRC proposed the following recommendations to the Board of Pilot Commissioners for Harris County Ports ("the Pilot Board"):

Take no action (except as provided below) and close matter to file.

Captain Goodwin is directed to work with the Lone Star Harbor Safety Committee and the Houston Pilots Safety Committee (of which he is a member) to investigate the potential need, benefits, locations, costs, and logistics of current meters on the Houston Ship Channel to improve safety.



Captain Marcus Woodring, Chairman