



Port of Corpus Christi

Pilot Board Meeting

Tuesday, August 12, 2014 8:00 AM

NOTICE OF MEETING

The Port Commission (“Commission”) of the Port of Corpus Christi Authority (“PCCA”) will hold a Pilot Board Meeting on **Tuesday, August 12, 2014, at 8:00 AM**, at the Congressman Solomon P. Ortiz International Center, 402 Harbor Drive, Corpus Christi, Texas.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Sherry DuBois at 885-6174 at least 48 hours in advance so that appropriate arrangements can be made.

Si usted se dirige a la junta y cree que su inglés es limitado, habrá un intérprete inglés español en la reunión de la junta para ayudarle.

Members of the audience will be provided an opportunity to address the Port Commission. Please speak into the microphone located at the podium and state your name and address. Your presentation will be limited to three minutes.

PUBLIC NOTICE is given that the Commission may go into executive session at any time during the meeting to discuss matters listed on the agenda when authorized to do so by the provisions of Section 418.183 or Chapter 551 of the Texas Government Code. In the event the Commission elects to go into executive session regarding any agenda item, the presiding officer will publicly announce the section or sections of the Texas Government Code authorizing the executive session.

The agenda for the meeting is as follows:

1. Call meeting of the Pilot Board to order and receive conflict of interest affidavits.
2. Approve the minutes of the Pilot Board meeting held on July 8, 2014. 3
3. Comments from the public. *(Each speaker will be limited to three minutes)* 5
4. Receive an update report from Capt. Joe Harrington, Chairman of the South Texas Waterways Advisory Committee (STWAC), regarding the committee's work and a general update. 6
5. Consider and take action on the proposal to add the Work-Rest Requirements for the Aransas-Corpus Christi Pilots to the Pilot Board's Rules and Regulations Governing Pilots and Pilotage on the Corpus Christi Ship Channel. 7
6. Appoint and authorize one or more representatives of the Pilot Board to inspect the Pilot's master logbook on a regular basis. 9
7. Adjourn

**OFFICIAL MINUTES OF PILOT BOARD MEETING
JULY 8, 2014**

The Board of Pilot Commissioners for the Port of Corpus Christi Authority (the “Pilot Board”) met on Tuesday, July 8, 2014, at 8:00 a.m., at the Congressman Solomon P. Ortiz International Center, 402 Harbor Drive, Corpus Christi, Texas.

Commissioners Present: Ms. Judy Hawley
Mr. Richard Borchard
Mr. Charles Zahn
Ms. Barbara Canales
Mr. David P. Engel

Absent: Mr. Al Jones

Staff Present: Mr. John LaRue
Mr. Frank Brogan
Mr. Tony Alejandro
Mr. David Krams
Mr. John Pasch
Ms. Sherry DuBois
Mr. Tyler Fuhrken
Ms. Sarah Garza
Mr. Bland Chamberlain
Mr. Bennie Benavides
Ms. Sonya Lopez
Ms. Liz Cantu
Mr. Matt Garcia

Others Present: Mr. Leo J. Welder, Jr.

Others Present: Mr. Rick Valls
Valls Group
Capt. Jay Rivera
Capt. John Williams
Aransas/CC Pilots Assn.
Capt. Joe Harrington
Valero Refining
Mr. Roger TenNapel
Flint Hills Resources
Mr. Chris Ramirez
Caller-Times
Mr. A. Smith
USACE
Mr. Blaine Withers
Heldenfels

Mr. Stacey Black
Ross & Baruzzini/CH2M Hill
Mr. Scott Harris
LAN
Ms. Sue Zimmerman
Cheniery
Mr. Roger TenNapel
Flint Hills Resources

I.

Chair Hawley called the meeting to order and asked for any conflict of interest affidavits. None were submitted.

II.

Upon motion duly made and seconded, the minutes of the Pilot Board meeting held on June 10, 2014 were approved in the form presented to the meeting.

III.

Chair Hawley asked for comments from the public. None were received.

IV.

The Pilot Board received an update from Capt. Joe Harrington, Chairman of the South Texas Waterways Advisory Committee (STWAC), regarding the committee's work and general waterways update.

V.

On motion made by Mr. Zahn and seconded by Mr. Engel, the Pilot Board tabled discussion of the Work-Rest Requirements for the Aransas-Corpus Christi Pilots until the August 12, 2014 Pilot Board Meeting.

VI.

There being no further business, the meeting adjourned at 8:22 a.m.

AGENDA ITEM NO. 3

No Attachment

AGENDA ITEM NO. 4

No Attachment

**BOARD OF PILOT COMMISSIONERS
OF THE PORT OF CORPUS CHRISTI AUTHORITY
*REVISED NOTICE OF PROPOSED RULES**

You are hereby notified that the Board of Pilot Commissioners for the Port of Corpus Christi Authority ("Pilot Board") may adopt the following rules at a public meeting held any time after the Pilot Board has satisfied the notice requirements of Section 70.021 of the Texas Transportation Code:

WORK-REST REQUIREMENTS FOR PILOTS

A Pilot's work hours may not exceed 13 total hours in any 24-hour period. After a Pilot has completed 13 total hours of work in any 24-hour period, he or she is required to take 10 consecutive hours of rest. A Pilot who works 13 total hours in the preceding 24-hour period will not be dispatched to a Vessel until the 10-hour rest period has been satisfied. Regardless of the number of hours worked, in any 24-hour period a Pilot must have at least one consecutive 6-hour uninterrupted rest period. A Pilot has the duty to refuse an assignment if the Pilot deems himself or herself insufficiently rested or unfit.

Work is defined as the time a Pilot is performing his or her duties as a State commissioned and licensed pilot. A Pilot's work hours for a Vessel transit of the Corpus Christi Ship Channel ("CCSC") start with the Vessel's first Master-Pilot Exchange ("Start Time"). In other words, all Pilots on board a Vessel will have the same Start Time. A Pilot's work hours for a transit of the CCSC stop one hour after the Pilot steps off the Vessel or when the Pilot's work hours for his or her next transit begin, if earlier ("Stop Time"). Each Pilot will record his or her Start Time and Stop Time for each transit and will report these times to the Aransas-Corpus Christi Pilots Association's dispatcher as soon as practicable following a transit. The logbook may be in paper or electronic form, and it shall be made available for inspection by the Board of Pilot Commissioners for the Port of Corpus Christi Authority or its representatives upon request.

***Note:** The revision is underlined.

If adopted by the Pilot Board, the foregoing proposed rules will be added as a new Section to the Pilot Board's *Rules and Regulations Governing Pilots and Pilotage on the Corpus Christi Ship Channel*. The Pilot Board will determine the effective date of these proposed new rules at the time the new rules are approved.

This notice supersedes the Notice of Proposed Rules posted by the Pilot Board on 10 July 2014.

Doc# 2014880446
Pages 1
07/30/2014 2:32PM
Official Records of
NUECES COUNTY
DIANA T. BARRERA
COUNTY CLERK
Fees \$0.00



August 5, 2014

Mr. John P. LaRue
Executive Director
Secretary-Pilot Board of Commissioners
Port of Corpus Christi
PO Box 1541
Corpus Christi, TX 78403

**Re: Board of Pilot Commissioners of the Port of Corpus Christi Authority ("Pilot Board")
Notice of Proposed Rules, "Work-Rest Requirements for Pilots," dated July 30, 2014**

Dear Mr. LaRue,

In response to the above-mentioned rules proposal, Valero requests that the Pilot Board consider including the following language in any final rule adopted pursuant to the Pilot Board's proposal:

"The requirement for rest periods listed above need not be maintained in the case of emergent and unforeseen overriding operational conditions specific to a vessel's transit and where the ability to relieve a pilot is deemed impossible or impracticable. When the required rest period is not met due to an emergent and unforeseen overriding operational condition, the pilot must receive additional rest equivalent to the rest that was lost."

The first sentence was approved for inclusion by all general voting members of South Texas Waterways Advisory Committee ("STWAC") on April 24, 2014. The second sentence focuses on re-establishing required rest in the event of the unforeseen incident. Valero feels strongly that all of the above language should be included within the actual Pilot Rest Work rule. In doing so, it ensures the Aransas-Corpus Christi Pilots, the Pilot Board, the Port of Corpus Christi and its customers are given latitude in unforeseen overriding operational situations to make the necessary decisions and adjustments to Pilot rest work schedules. In an unforeseen incident such as a hurricane, Pilots could be required to work more than the 13 hours to move ships in/out in order to safely preserve and protect life and property in the Corpus Christi Ship Channel. By including these statements within the actual rule versus general conditions a distinct clarity is provided as to what can and cannot occur in respect to Pilot rest work rules.

We urge your consideration of amending the proposed Pilot Rest Work Rules to include this particular language. Valero's focus is, and will continue to be, a safe port, a safe waterway, and safe operations at our refineries. Valero takes pride in being a part of the community for more than three decades. We share in the responsibility for safety at the Port and community of Corpus Christi. We look forward to working with the Pilots and the Pilot Board to maintain the excellent safety record at the Port.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Applegate', written over a light blue horizontal line.

Ken Applegate
Senior Vice President, Transportation Services

Valero Marketing and Supply Company

Post Office Box 696000 • San Antonio, Texas 78269-6000 • Telephone (210) 345-2000

**AN ORDER OF
THE BOARD OF PILOT COMMISSIONERS
FOR THE PORT OF CORPUS CHRISTI AUTHORITY
REGARDING WORK-REST REQUIREMENTS FOR PILOTS**

Whereas, the current *Rules and Regulations Governing Pilots and Pilotage on the Corpus Christi Ship Channel* (“Pilotage Rules and Regulations”), approved and adopted by the Board of Pilot Commissioners for the Port of Corpus Christi Authority (“Pilot Board”) in accordance with Chapter 70, Texas Transportation Code, are attached hereto as Attachment One; and

Whereas, the Pilot Board wishes to amend the Pilotage Rules and Regulations by renumbering current Section V of the Pilotage Rules and Regulations as Section VI and adding a new Section V thereto regarding the work-rest requirements for pilots; and

Whereas, notice of the proposed new rule has been given and posted in accordance with the requirements of Section 70.021 of the Texas Transportation Code;

NOW, THEREFORE, BE IT RESOLVED by the Pilot Board that:

Section 1. The Pilot Board hereby amends the Pilotage Rules and Regulations by renumbering current Section V of the Pilotage Rules and Regulations as Section VI.

Section 2. Pursuant to the power and authority granted to the Pilot Board in Section 70.016 of the Texas Transportation Code, the Pilot Board hereby amends the Pilotage Rules and Regulations by adding and adopting a new Section V thereto to read as follows:

V WORK-REST REQUIREMENTS FOR PILOTS (Effective October 1, 2014)

A Pilot’s work hours may not exceed 13 total hours in any 24-hour period. After a Pilot has completed 13 total hours of work in any 24-hour period, he or she is required to take 10 consecutive hours of rest. A Pilot who works 13 total hours in the preceding 24-hour period will not be dispatched to a Vessel until the 10-hour rest period has been satisfied. Regardless of the number of hours worked, in any 24-hour period a Pilot must have at least one consecutive 6-hour uninterrupted rest period. A Pilot has the duty to refuse an assignment if the Pilot deems himself or herself insufficiently rested or unfit.

Work is defined as the time a Pilot is performing his or her duties as a State commissioned and licensed pilot. A Pilot’s work hours for a Vessel transit of the Corpus Christi Ship Channel (“CCSC”) start with the Vessel’s first Master-Pilot Exchange (“Start Time”). In other words, all Pilots on board a Vessel will have the same Start Time. A Pilot’s work hours for a transit of the CCSC stop one hour after the Pilot steps off the Vessel or when the Pilot’s work hours for his or her next transit begin, if earlier (“Stop Time”). Each Pilot will record his or her Start Time and Stop Time for each transit and will report these times to the Aransas-Corpus Christi Pilots Association’s dispatcher as soon as practicable following a transit. The dispatcher

will log these times into a master logbook for all Pilots. The logbook may be in paper or electronic form, and it shall be made available for inspection by the Board of Pilot Commissioners for the Port of Corpus Christi Authority or its representatives upon request.

Section 3. The foregoing amendments to the Pilotage Rules and Regulations shall become effective on October 1, 2014.

Section 4. The Pilot Board hereby appoints the following representatives to inspect the Pilot's master logbook described in Section 2 of this Resolution: _____
_____.

Section 5. The Pilot Board hereby authorizes its representatives named in Section 4 of this Resolution or any one of them to inspect the Pilot's master logbook described in Section 2 of this resolution on a quarterly basis beginning in January 2015.

IT IS ACCORDINGLY SO ORDERED this 12th day of August, 2014.

Judy Hawley
Presiding Officer of the Pilot Board

ATTACHMENT ONE

RULES AND REGULATIONS
GOVERNING
PILOTS AND PILOTAGE ON THE CORPUS CHRISTI SHIP CHANNEL
EFFECTIVE AUGUST 1, 2013
AMENDED EFFECTIVE MAY 13, 2014

I GENERAL

The Rules and Regulations (“Rules”) contained herein are adopted by the Board of Pilot Commission for the Port of Corpus Christi Authority to carry out the Port of Corpus Christi Pilots Licensing and Regulatory Act, Chapter 70, Texas Transportation Code.

For purposes of these Rules, the following definitions apply:

- “CCSC” means the Corpus Christi Ship Channel
- “Cut A” means the CCSC from Port Aransas to Ingleside.
- “Cut B” means the CCSC from Ingleside to the Harbor Bridge.
- “Inner Harbor” means the CCSC westward of the Harbor Bridge.
- “Tanker” means any Vessel carrying, or designed to carry, liquid cargoes in bulk.
- “Category One Tanker” means a Tanker with the following dimensions:
 - Greater than 748 feet (227.99 meters) Length Over All (LOA), and
 - Greater than 120 feet (36.58 meters) Beam (Width), and
 - Greater than 40.9 feet (12.47 meters) Draft.
- “Category Two Tanker” means a Tanker with the following dimensions:
 - Greater than 748 feet (227.99 meters) LOA, and
either
 - Greater than 120 feet (36.58 meters) Beam,
or
 - Greater than 40.9 feet (12.47 meters) Draft.

II LIMITATIONS AND RESTRICTIONS

Draft Restrictions

The Maximum Draft for any Vessel transiting the CCSC will be 45 feet (13.72 meters), and with a positive tide reading.

Combined Beam Restrictions

The following Combined Beam Restrictions will apply to all Vessels:

- Within Cut A, the permissible combined beam for passing Vessels is 265 feet (80.77 meters).
- Within Cut B, the permissible combined beam for passing Vessels is 215 feet (65.53 meters).
- Within the Inner Harbor, at the location of the ADM and Citgo Docks, the permissible combined beam for passing Vessels (including combined beam of Vessels berthed at ADM and Citgo Docks) is 357 feet (108.81 meters).

Daylight Only Passage Restrictions

The following vessels are subject to *Daylight Only Passage Restrictions*:

- All Vessels greater than 900 feet (274.32 meters) Length Over All (LOA)
- All Vessels greater than 130,000 Deadweight Tonnage (DWT)
- All Vessels greater than 250 feet (76.20 meters) transiting “Dead Ship”
- All Vessels subject to USCG Letter of Deviation requiring Tug Escort
- All Vessels with greater than 26 feet (7.92 meters) trim, when passing under the Harbor Bridge
- All Category One Tankers

The following applies to all Vessels subject to *Daylight Only Passage Restrictions* as per these Rules:

- Inbound Passages are restricted to Pilot boarding no earlier than ½ hour before Sunrise, and no later than the times detailed below for the various locations.
- Outbound Passages are restricted to Pilot boarding no earlier than Sunrise, and no later than the times detailed below for the various locations.
 - From Viola Basin - 5 ½ hours before Sunset
 - From Tule Basin - 5 hours before Sunset
 - From Chemical Basin - 4 ½ hours before Sunset
 - From Avery Basin - 4 hours before Sunset
 - From Main Basin - 3 ½ hours before Sunset
 - From Ingleside - 2 ½ hours before Sunset

One Way Traffic Restrictions

The following Vessels will be restricted to One Way Traffic within Cut B:

- All Vessels greater than 900 feet (274.32 meters) Length Over All (LOA)

- All Vessels greater than 130,000 Deadweight Tonnage (DWT)
- All Vessels greater than 250 feet (76.20 meters) transiting “Dead Ship”

The following Vessels will be restricted to One Way Traffic within both Cut A and Cut B:

- All Category One Tankers when transiting at night

Two Pilot Requirements

The following Vessels are required to retain the services of two Pilots for the transit:

- All Vessels greater than 900 feet (274.32 meters) Length Over All (LOA)
- All Vessels greater than 130,000 Deadweight Tonnage (DWT)
- All Vessels greater than 250 feet (76.20 meters) transiting “Dead Ship”
- All Vessels subject to USCG Letter of Deviation requiring Tug Escort
- All Vessels with greater than 26 feet (7.92 meters) trim, when passing under Harbor Bridge
- All Vessels with a beam of greater than 120 feet (36.58 meters), when transiting the Inner Harbor, at the ADM and Citgo Docks, when both docks are occupied
- All Category One and Two Tankers when transiting at night

Additional Requirements

All Vessels greater than 1,600 Gross Tons shall have available a functional AIS Pilot Plug.

All Aransas – Corpus Christ Pilots shall be provided with a Portable Pilot Unit for use during the transit.

III VARIANCES

Any Vessel subject to *Daylight Only Passage Restrictions* may transit the CCSC at night, with Two Pilots onboard, subject to the approval of both the Harbor Master and the Aransas – Corpus Christi Pilots Association.

Any Vessel may be exempted from *One Way Traffic Procedures* for all (or part) of the transit of the CCSC, subject to the approval of both the Harbor Master and Aransas – Corpus Christi Pilot’s Association.

Any Vessel exceeding the parameters of these Rules may be subject to various restrictions, including additional pilots, *Daylight Only Passage Restrictions*, *One Way Traffic Procedures*, mandatory Tug assistance, or be denied entry.

These Rules are based on normal traffic patterns and typical weather/tidal conditions. Variances from these Rules may be imposed at times by Federal, State or local authorities because of weather, prevailing channel conditions, or other reasons.

IV DUTIES OF ADDITIONAL PILOTS (Added May 13, 2014)

This Section IV applies only when a Vessel transiting the Corpus Christi Ship Channel requires the services of two or more Pilots. The additional Pilot(s) will assist in gaining, maintaining and assessing situational awareness, problem solving, and decision making throughout the transit. This will enable the conning Pilot to not become overloaded such that situational awareness can be maintained at all times allowing the conning Pilot to concentrate on the conduct of the Vessel in the waterway.

Only one Pilot will be conning a Vessel at any given time. It will be communicated to the Bridge Team during the Master Pilot Exchange which Pilot will be conning and which Pilot(s) will be assisting. It will be subsequently communicated to the Bridge Team when the conning Pilot and the additional Pilot(s) exchange duties. The additional Pilot(s) will be engaged throughout the transit and may assist any time needed as outlined below:

Boarding / Communications with crew:

- Assist during Master-Pilot Exchange.
- Evaluation of Vessel's navigation equipment.
- Review Under Keel Clearance (UKC) issues.
- Arrange traffic meeting situations.

Transit of waterway:

- The additional Pilot(s) may be stationed at different locations on the Vessel to aid with any visibility/deck obstruction issues.
- Assess any hazards to the safe navigation of the Vessel.
- Monitor position of Vessel in the channel.

Docking / Undocking:

- Assist during docking, undocking, close quarter situations, and turning.
- Positioning of Vessel at berth / liaising with dock personnel.
- Coordinate with line handlers.

Accident Avoidance and Response:

- Replace conning Pilot in case of incapacitation.
- Handle communications with authorities.

- Coordinate damage control and spill mitigation.
- Coordinate tug assist.

V GENERAL CONDITIONS

These Rules shall apply to all Vessels transiting the CCSC, regardless of whether the vessel is transiting under federal pilotage authority, or with a state-licensed, Aransas – Corpus Christi Pilot onboard.

In obeying and construing these Rules, due regard shall be had to all dangers of navigation and recognition is hereby given to the responsibility of the individual Pilot to exercise judgment as to any special circumstance which may render a departure from the Rules contained herein necessary in order to avoid immediate danger.

Nothing in these Rules obligates an individual pilot to move a vessel when, in that pilot's opinion, it is unsafe to do so. These Rules made in the interest of safety. They are not intended to limit or supersede the on-scene discretion of an individual Pilot or ship's Master as they navigate vessels on the CCSC. The Pilot and Master on the vessel are best situated to evaluate the specific situation confronting a Vessel and determine a proper course of action. Situations may arise in which actions that depart from or conflict with these Rules may be necessary to address special circumstances or avoid immediate danger. The Pilot, with approval of the ship's Master, may determine a variance from the Rules is appropriate without prior written request or approval.

Every foreign Vessel and every American Vessel engaged in foreign trade, including Vessels being moved dead, when underway on the CCSC shall employ an Aransas-Corpus Christi Pilot holding a valid commission or appointment as a Branch or Deputy Pilot.