

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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M/V *CONTI PERIDOT* COLLISION WITH

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THE M/T *CARLA MAERSK* IN THE

*

HOUSTON SHIP CHANNEL

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Docket No.: DCA-15-MM-017

MARCH 9, 2015

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Interview of: MICHAEL MORRIS and CLINT WINEGAR

Houston Pilots Offices

Deer Park, Texas

Wednesday,

July 29, 2015

The above-captioned matter convened, pursuant to notice.

BEFORE: ROB JONES

Senior Marine Accident Investigator

APPEARANCES:

ROB JONES, Senior Marine Accident Investigator
National Transportation Safety Board

ERIC STOLZENBERG, Investigator-in-Charge
National Transportation Safety Board

CARRIE BELL, Accident Investigator
National Transportation Safety Board

[REDACTED]

JIM BROWN, Esq.
(On behalf of Mr. Morris and Mr. Winegar)

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I N T E R V I E W

(12:25 p.m.)

MR. JONES: This is Rob Jones with the National Transportation Safety Board. Today is July 29th, Wednesday. It's 12:25. We're at the Houston Pilots Association office interviewing Mike Morris, president of the Houston Pilots Association and Clint -- last name?

MR. WINEGAR: Winegar.

MR. JONES: Okay, vice president of the Houston Pilots Association.

We'll go around the room and everybody can introduce themselves. Again, Rob Jones, deck operations investigator.

MR. STOLZENBERG: Eric Stolzenberg, NTSB, investigator-in-charge for the *Conti Peridot/Carla Maersk* incident.

[REDACTED]

MR. MORRIS: Mike Morris, Houston Pilots.

MR. BROWN: Jim Brown, counsel for Captain Morris and Captain Winegar.

MR. WINEGAR: Clint Winegar, Houston Pilots, vice president.

MS. BELL: Carrie Bell, NTSB investigator, human performance.

INTERVIEW OF MICHAEL MORRIS

BY MR. JONES:

1 Q. Mike, I'll start off. If you could just -- and we've
2 probably got this on record already, but a quick background of
3 your position with the association, time with the pilots and how
4 long you've been a pilot, a quick maritime background, just real
5 brief?

6 A. I've been with the pilots for 21 years. Before that I
7 sailed for Exxon, 13 of which was as master. I'm in my second
8 stint as the presiding officer or president of the group. I
9 was -- in '04 and '05 I represented the organization and now again
10 in '14 and '15 I'm representing the organization.

11 We rotate the presidency and we vote on it on an annual
12 basis. Traditionally we've done kind of 2-year terms and people
13 like to get back to the -- what they really love doing, the ship
14 handling.

15 In the role of the presiding officer, I guess I think of
16 myself as liaison between the group and industry and government,
17 so --

18 MR. JONES: Okay. And actually, Clint, could you give
19 us your background, a little brief bio?

20 MR. WINEGAR: Sure. Spent almost 10 years on product
21 and chemical tankers primarily. Been a member of the Houston
22 Pilots for the last 10 years. For the last 2 years I've been
23 serving as vice president.

24 MR. JONES: Maritime background before the Pilots?

25 MR. WINEGAR: Was on product and chemical tankers for

1 about 10 years.

2 MR. JONES: Training or schooling?

3 MR. WINEGAR: I worked everywhere from third mate up to
4 chief mate was my last position on a chemical tanker.

5 MR. JONES: Go to an academy?

6 MR. WINEGAR: Yeah, I went to Texas A&M University.

7 MR. JONES: Graduate -- well, I mean, what year?

8 MR. WINEGAR: '97.

9 MR. JONES: Thanks. Okay. Thank you both.

10 BY MR. JONES:

11 Q. Mike, I'd just like to start off with you -- it's just
12 like housekeeping for me. Can you describe the -- just tell me
13 the difference between the bar being closed and the port being
14 closed?

15 A. The bar being closed is a -- strictly a Houston Pilot
16 term. What that means is we have -- due to visibility and weather
17 are usually the two things that would -- we would close the bar,
18 but we have -- we are no longer bringing in arrivals. We're not
19 boarding arrivals.

20 It's nearly a 60-mile channel now from the GB buoy all
21 the way up to the City Dock. So it does not mean that we're not
22 moving ships; there's inner harbor shifts, sometimes there are
23 sailings. But quite often when the bar will get closed is when
24 visibility starts to deteriorate and there's outbound ships and
25 they'll say, hey, we don't want to meet anybody, please close the

1 bar; we don't want anyone boarding against us. So we call that
2 terminology and the bar is closed.

3 Q. Okay. So if I could just go in a little further. The
4 bar can be closed for inbound ships but ships can be departing?

5 A. Correct.

6 Q. And the bar can be closed and ships in the channel can
7 be still moving up or down if they're already in?

8 A. Correct.

9 Q. Okay.

10 MR. WINEGAR: Also, once the bar is closed we stop
11 assigning sailings as well. The bar won't be closed, we can do
12 sailings one way, arrivals one way, but when we close the bar we
13 stop assigning more sailings. So there's no more assigning of --

14 MR. JONES: More sailings, describe that, what you mean.

15 MR. WINEGAR: So a ship going from --

16 MR. JONES: A berth?

17 MR. WINEGAR: A berth outbound, so anything moving
18 outbound would be a sailing. So there's no more assignment of any
19 jobs once the bar is closed.

20 MR. JONES: So again, just so for my -- so the bar gets
21 closed, sailings stop --

22 MR. WINEGAR: Well, the assignment does.

23 MR. JONES: Assignment of sailings.

24 MR. WINEGAR: Yes.

25 MR. JONES: So --

1 MR. WINEGAR: There might be still some transiting
2 outbound. It doesn't mean that they stopped while they're going
3 outbound, but we don't --

4 MR. JONES: They just -- if they're at the dock, they
5 stay at the dock?

6 MR. WINEGAR: From the office we don't keep assigning
7 people to --

8 MR. JONES: Okay.

9 MR. WINEGAR: -- to more jobs.

10 MR. MORRIS: And I guess that's not always true though
11 because -- and I understand this can, to someone not in -- from
12 within the organization gets -- it's easy to get this confused.
13 But there are days that we say, okay, you know, visibility looks
14 like it's lightening up, we'll start assigning sailings. We never
15 really open the bar, so the bar is closed but we're still
16 assigning sailing. So that usually happens after the bar has been
17 closed for the night or the day, 2 days, and we'll say, well,
18 it's -- looks like it's going to lighten up a little bit, the
19 weather looks like it's favorable to clear, so we'll go one way
20 only and we'll do just sailings.

21 MR. JONES: Okay. And, just Clint, if you're going to
22 jump in, which is fine --

23 MR. WINEGAR: Uh-huh.

24 MR. JONES: -- just identify yourself.

25 MR. WINEGAR: Sorry.

1 MR. JONES: Okay. That's all right. Just for the
2 reporter --

3 MR. WINEGAR: Sure.

4 MR. JONES: -- the transcriber.

5 BY MR. JONES:

6 Q. All right. Now, I thought of another question while
7 we're on it. The Galtex Pilots, if you're coming out of Galveston
8 or Texas City, they take the ships out to the bar and board them
9 out at the same place?

10 A. Same sea buoy.

11 Q. Okay. Do they have the same authority closing the bar?

12 A. Yeah, I think they use the same terminology that we use.

13 Q. Would it be just -- if they determine -- is it possible
14 that they could say the bar is closed for their boardings?

15 A. Yes.

16 Q. And you could still be running in?

17 A. Correct.

18 Q. Okay. Or vice versa?

19 A. But we're only talking about -- when we say we close the
20 bar, we are only talking about ships coming to Houston.

21 Q. Okay.

22 A. We would never speak for them.

23 Q. For them.

24 A. I'd like to speak to -- like to think they wouldn't
25 speak for us.

1 Q. And, again, this is just hypothetical, might never have
2 happened or happen, but it's possible with the scenario I just
3 gave you -- with that -- that you could say the bar is closed for
4 your boardings but Galtex Pilots could continue to board?

5 A. It happens all the time --

6 Q. Okay.

7 A. -- because it may be foggy --

8 Q. Okay.

9 MR. WINEGAR: In transit.

10 MR. MORRIS: In a different area of the channel very
11 thick and still clear down below or clearing up. So that
12 happens --

13 MR. JONES: Okay.

14 MR. WINEGAR: This is Clint. Also our pilot boats are
15 much different, so what's safe for our pilot boat to operate in
16 different sea conditions is maybe not as safe for them to operate
17 in their pilot boat.

18 MR. JONES: Okay, great.

19 BY MR. JONES:

20 Q. And if that decision's made -- and I don't want you to
21 speak for Galtex Pilots certainly if you don't know. The bar gets
22 closed, who makes that decision?

23 A. The decision is usually made by the -- what we call the
24 number one pilot, the person that is next to board a vessel.

25 Q. Okay.

1 A. And if a pilot for whatever reason, whether it's fog on
2 the bar, whether it's outbound pilots asking that particular pilot
3 not to board against them, whether it's rough weather and we're
4 afraid of damaging our equipment out there or getting someone
5 hurt -- I'm sure there's other reasons too, but it falls to
6 that -- whoever's due to board the next vessel. We would call
7 that the number one pilot on the boat.

8 Q. Okay. And following along with the hypothetical, they
9 make the decision I'm not going to board anything, I'm going to
10 close the bar, does he notify anybody or she -- he or she?

11 A. He tells the boat operator; the boat operator tells
12 dispatch.

13 Q. Any further than that? Do you get notified?

14 A. Dispatch will then call the Coast Guard. And they do
15 not always call the committee, but usually if it's -- the
16 committee is notified at some point.

17 Q. Okay. Is that a decision that you're consulted on or is
18 that solely --

19 A. No. We really have no say in it whatsoever.

20 Q. Okay. Do you know what the Coast Guard does then
21 afterwards, after they get notified by dispatch?

22 A. They send out an email alert that indicates -- they use
23 a little better verbiage than we probably do. They will say the
24 Houston Pilots have suspended sailings or the Houston Pilots have
25 suspended arrivals, whichever way it is, and then they'll send out

1 another email that Houston Pilots have resumed arrivals or resumed
2 sailings.

3 Q. Is that something that's also done by radio in addition
4 to email?

5 A. I suspect at times they have, on 5 Alpha, where they put
6 out general broadcast, they will -- they will quite often in the
7 wintertime give visibility alerts; fog is predicted. I'm not 100
8 percent sure if they put out that the Houston Pilots have
9 suspended boardings, is -- would be their terminology when we say
10 we close the bar.

11 Q. Right.

12 A. They would certainly offer that to anybody that asks
13 though.

14 Q. Okay.

15 A. They're aware of that information.

16 Q. I know I might be jogging your memory but do you
17 remember -- again, with specifics to the *Conti Peridot* and the
18 *Carla Maersk* accident, was the bar closed at the time of the
19 accident or any time that day?

20 A. Yeah. We actually were going down to a meeting at the
21 Corps that day so I remember it pretty well. And just as we were
22 leaving here about 11, I believe we got word that the bar closed.
23 I don't remember the specific time. And the fog rolled in just
24 very quickly that day, blanketed the entire bay in 30 or 40
25 minutes.

1 Q. Okay. And do you remember, the *Conti Peridot*, was that
2 boarded at the anchorage?

3 A. I think it was boarded offshore.

4 Q. Offshore?

5 A. It was an arrival.

6 Q. And that's captain -- that was Captain Reeser?

7 A. Captain Reeser.

8 Q. So if it was boarded offshore, obviously the bar was
9 open at the time?

10 A. The bar was open at the time.

11 Q. And then was closed sometime after?

12 A. It closed after he was well underway.

13 Q. Now -- okay, now, specific to the accident, is
14 there -- with that type of scenario, vessels underway, the bar
15 gets closed afterwards, you're in the ship channel. I'm getting
16 kind of familiar with the ship channel after the last couple
17 years. Are there any procedures that you guys have to deal with
18 that, whether it's -- well, whatever you have, whatever you might
19 know of?

20 A. No, other than, I think, all pilots will do what's
21 required of them of the inland rules. I mean, they'll -- I mean,
22 he might post an extra lookout, he might start the whistle,
23 certainly -- and take, if you're up on any extra rpms, most
24 everybody will reduce it back to at least maneuvering full. And
25 but it's really up to every individual pilot to run the channel,

1 and some of that's really dependent on the vessel and on how the
2 radars are working with the -- you know, what kind of support does
3 the bridge team give me. So --

4 Q. Okay. Under those conditions that day, I mean, normal
5 circumstances -- and you're a party to the investigation so you do
6 have -- we haven't talked to anybody else about the specifics, but
7 you know the specifics because you were there on some of the
8 interviews. Is there an alternative to what was going on, other
9 than unless -- if you're in the channel and fog sets in, it's just
10 keep going?

11 A. Well, the only alternative is anchoring and most of the
12 pilots -- once one anchors, everybody anchors because there's no
13 room to safely maneuver around an anchored vessel. No telling
14 with wind, a little bit of current, which way they're going to
15 lay, and the channel's only 530 feet wide. Quite often the ships
16 are going to lay up into the wind so they'll be crossways in the
17 channel. Certainly don't -- you know, the preference is for
18 pilots -- I mean, I think probably speaking for all 95 pilots, I
19 would say we'd rather get up to the berth, and most of them think
20 they've got the tools to get them there.

21 We do not like to get started in fog. We do not like to
22 meet ships in fog. And usually we have enough time. I mean, we
23 know the fog, it's predicted, it's going to come in. We see, you
24 know, the ceiling falling and there's time to say one way only at
25 this point; you know, let's just do arrivals because there's more

1 on that end or let's just do sailings.

2 As I said, that particular day fog wasn't predicted at
3 that time and we were still in kind of a cleanup recovery from
4 previous few days of fog and the -- there was a lot of traffic
5 both directions.

6 Q. Okay. Now, you mentioned sometimes the only choice
7 might be to anchor. To your knowledge, how many times has it
8 happened before with conditions where fog sets in and vessels are
9 underway, if you can remember, and certainly during your time as
10 presiding officer?

11 A. I would say over the course of a year, maybe a half a
12 dozen times we'll find out there's ships anchored in the channel.
13 Most of the -- it's -- most of the time pilots will either get
14 them out to the sea buoy or get them up to the docks. I think the
15 exception becomes when you get on a ship and the radar craps out
16 or, you know, you get on there and the radar doesn't -- you know,
17 loses its tuning or something. But, you know, it's kind of a last
18 resort. Pilots would rather get the job done.

19 Q. Okay. But you said it has happened. And if that
20 happens, you did mention once one does, then they all kind of --

21 A. Yeah.

22 Q. -- is that the standard or does someone try to creep by
23 or --

24 A. No.

25 Q. -- is that a procedure or is that just knowledge handed

1 down from pilot to pilot that they all know if one drops, they all
2 do it?

3 A. For the most part, the exception might be is if a person
4 is on a small ship way over on the edge of the channel, maybe
5 even -- didn't even -- maybe lost steering and kind of pushed into
6 the bank or, you know, just -- so there's room then. Pilots talk,
7 kind of decide where you are. But I would tell you that if once
8 one ship drops the anchor, everybody's going to drop the anchor.

9 Q. Okay.

10 A. Because it's not just -- usually if there's several
11 ships going both directions, it's not just one ship you've got to
12 get around maybe, maybe several.

13 Q. And if the pilot drops the -- if they go to anchor, do
14 they then have to radio VTS and let them know that?

15 A. Yes, they would. And the trouble with that, and I'm
16 sure I said this back in the spring, that sounds easy, let's just
17 anchor it. But as we interviewed both those captains, I know they
18 both said kind of the same thing differently. One said, you know,
19 if I'm doing 8 knots to -- if he was anchoring his vessel in the
20 channel it would probably take him -- one said 4 or 5 miles, I
21 believe, the other said about 30 minutes to slow down, comfortably
22 slow down to a speed where he could come astern easy so the ship
23 didn't get too catawampus, out of the position, and let go. But
24 when you've got ships every couple miles that then becomes
25 extremely difficult.

1 When the fog does lift -- let's just say, we went to
2 more spacing, which I think might be something the group will want
3 to consider and when reduced visibility is predicted or fog is
4 predicted. Again, that sounds pretty good. Well, okay, it's easy
5 to anchor, but when you get up in the morning and the fog lifts,
6 you're technically aground in most cases because you're -- either
7 your bow or your stern because you've set.

8 And today you've got to worry about salvage plans. So
9 do I get a tug, do I not get a tug? Do we need 20 salvage masters
10 for 20 ships anchored in here? In the past we all know it's all
11 soft, silty, fluffy mud, but it's kind of a new day, a new era
12 today with this salvage plan. So I don't necessarily think
13 it's -- everyone going to anchor is as simple a solution as it
14 might seem; why didn't we just drop the hook?

15 Q. Could you -- well, I've got a couple of questions that I
16 don't want to lose track of.

17 A. Okay.

18 Q. Just to clarify, when you were talking about that that
19 we interview the two -- you said captains. Did you mean the
20 captains of the ships or the pilot --

21 A. The masters.

22 Q. -- the masters? Actual ship masters, okay. That was
23 just for clarification.

24 Also, the salvage plan, is that a requirement by the
25 Coast Guard that if you touch bottom there has to be a salvage

1 plan? You can't just say I laid it up against soft mud and I know
2 I'm okay, we can get underway?

3 A. That's my understanding. Technically I think that's
4 still being a little debated locally. But if you're aground I
5 think a salvage -- you know, they don't want us to just try to
6 come astern and back off anymore, so --

7 Q. So if I understand it at all, it's just -- it's more
8 than just, like I said, coming out of soft bottom, anchored due to
9 that situation --

10 A. As I understand it --

11 Q. -- it needs more precaution?

12 A. -- there is -- it's not as, as simple as it used to be,
13 you get soft bottom, no big deal, just back up. Now they want --

14 Q. They, who's they?

15 A. The Coast Guard has a salvage plan.

16 Q. Okay.

17 MR. [REDACTED] Rob, if you'll let me interject here for a
18 second. Certainly each one will probably be evaluated on a case
19 by case, but it is likely that they would require an underwater
20 survey and anyone that had gone, let's say, more hard aground than
21 other ones, it is likely that they would require a salvage plan.

22 MR. MORRIS: Which requires a salvage master to come
23 aboard the ship and then he becomes in charge so the pilot really
24 isn't even --

25 BY MR. JONES:

1 Q. And, then, again, this is all good information, Mike,
2 and we're doing it with your expertise. The chances of a fog
3 event with someone having to anchor which then, domino effect,
4 everybody's got to anchor. If it's over the course of 12 hours or
5 would that be two tides, an in and out?

6 A. On most days it would be, yes.

7 Q. Okay. So then what are the chances of any of the ships
8 that are anchored going aground, either hard or just in the soft
9 mud?

10 A. I think most of the ships will be in the soft mud.

11 Q. Okay. And even soft mud, though, there's no difference?
12 Soft mud is aground as opposed to in the --

13 MR. [REDACTED] That's correct.

14 MR. JONES: Okay.

15 [REDACTED] [REDACTED] from the Coast Guard. The
16 regulations say that you're aground, you're aground and they don't
17 make any distinction whether you're soft aground or just barely
18 touched the bottom.

19 MR. JONES: I always liked the term touched bottom, but
20 that's my own -- but, all right, well, that's very good
21 information.

22 BY MR. JONES:

23 Q. The other thing you said was, you know, with regards to
24 dispatching, it's weather -- you know, we look at the weather. So
25 who is we when we look at the weather?

1 A. If nobody's out in the boat, it's been foggy now for 2
2 days, just overnight everybody's come home from the boat, no one's
3 still sitting at the dock on a ship, then it becomes the
4 committee, Clint and myself, looking at the weather conditions,
5 working with our dispatchers. We subscribe to a meteorological
6 service that we usually bring in. We get two or three reports a
7 day, but we'll usually get on the -- you know, a conference call
8 with them and say, what's it look like and do we even want to try
9 it.

10 So it is usually -- we'll usually start with sailings
11 and we'll try just four or five and we'll say, hey, we -- you
12 know, best guess is it's going to clear at 11:00. So we're
13 starting to call at 9 to be down to the ship about 11. The pilots
14 know it's completely their choice whether they go or watch or come
15 home.

16 Not always, but the trend for the fog in the wintertime
17 is for it to clear in the upper part of the channel first. So
18 most pilots will not even consider getting underway until it's
19 clear where they are. When they realize it's getting -- they've
20 got visibility and it's lifting in places in the bay and
21 there's -- our dispatchers have access to camera systems that are
22 always on. They also have websites they go to that they can look
23 down at Kemah Boardwalk and several other websites they use to get
24 a sense for visibility in the bay. Once there is a sense that
25 it's lifting in the bay, I think most pilots will actually get

1 underway, but one way only.

2 Q. Okay.

3 A. It takes either a big front to come through where it's
4 crystal clear and they say, yeah, let's board against us or start
5 up the boardings. But the first pilot that gets off on that
6 sailing will never board an inbound unless the rest of the pilots
7 that are outbound say, yeah, we're good with this; you know, it's
8 clear and we think it will stay clear. So --

9 Q. Okay. Well, we kind of talked about the challenges of
10 the Houston Ship Channel, whether it's weather, traffic. It's
11 certainly long enough. Are there any things with regards to the
12 pilots and training that if something was to block -- like I said,
13 if there's -- if a ship's outbound and was scheduled to
14 just -- they were anticipating where the pilot and the master on
15 ship, aboard, heading south and then something blocked their way,
16 are there any pullouts where ships can go if there's no berths?

17 A. No. And it's certainly a lot of people wish there were,
18 one, a lot more lay berths in this port or, two -- this is really
19 an issue right now because the only safe refuge for the *Carla*
20 *Maersk* in the aftermath of the collision was Barbours Cut and that
21 was kind of an open little basin. But Enterprise has taken over
22 that whole basin now so that's no longer going to be a safe
23 refuge. So there's going to be a need to find a place for someone
24 like the *Carla Maersk* if there's another unfortunate incident for
25 a vessel to go. But right now it's, if a vessel breaks down, we

1 will -- tugs will take it dead ship, either to Galveston to a lay
2 berth down there, to the anchorage, or to a lay berth up in
3 Houston. There's no place -- a pocket outside the channel to
4 anchor.

5 Q. So, whether we're dealing with fog or even if it was
6 clear weather, if we have an accident like just below Morgans
7 Point like *Conti Peridot* and *Carla Maersk*, and a ship -- a
8 following inbound was north of Bayport, what would they do?

9 A. They would anchor and probably wait there, if they
10 thought they could get a tug and turn around. If it's a 500 foot
11 ship with a tugboat they can probably get turned around and they'd
12 go so --

13 Q. Have 15 feet to spare?

14 A. Yeah. They'd go back to, back to sea, back to
15 anchorage, back into Bayport possibly for a lay berth, but --

16 Q. And the same scenario, if someone was south of Bayport,
17 I guess at least you've got Bayport then to --

18 A. To go into and you can always turn around in either the
19 flare or the basin if you didn't have a lay berth. But --

20 Q. Now, are those -- that little scenario, like a
21 contingency, do you train for those or is that something you just
22 rely on the individual pilot's knowledge to have or do?

23 A. You know, a pilot goes through a 3-year training process
24 and a lot of that is -- for 6 months is riding with all branch
25 pilots, full pilots, if you will. So I guess there's -- I don't

1 think there's anything formal in our training program specific to,
2 you've got to turn a ship -- you know, what are you going to do in
3 this scenario. But I think it is something the pilot after his 3-
4 year deputyship will have the skill set to do.

5 A lot of piloting is -- and I think that's what -- I
6 think this group has a bunch of really, really good ship handlers.
7 And I sailed on the West Coast and when I first heard in this
8 group there was a 50/50 mix of brown water and blue water, I
9 thought that seemed kind of crazy because West Coast were all deep
10 sea guys. And but coming here I really think that blending of
11 experiences makes us all better pilots. And sometimes it's just
12 sharing a story over a cup of coffee on the pilot boat when you're
13 waiting for jobs or maybe up here at the office when we're having
14 a meeting someone tells a sea story. A true sea story and they're
15 all true, right, but --

16 Q. Yeah. As long as they start out with this is --

17 A. This -- nobody asks, right.

18 So I tend to think there's a lot of learning that
19 happens really not only in that deputyship but throughout your
20 career. I think any of us, when we hear a very unusual situation,
21 want to talk to that pilot: what'd you do; how'd you get out of
22 that; where'd you turn; what kind of waters did you feel there?
23 So, and I think that is just, you know, pilots being professional.

24 MR. WINEGAR: This is Clint.

25 MR. JONES: Yeah.

1 MR. WINEGAR: Usually pilots that -- in the first 6
2 months the deputy does 250 transits in the first 6 months. Within
3 his 3 year apprenticeship he'll do almost 1,000 jobs, so quite a
4 bit of experience on the waterway for that deputy to see -- be
5 involved in 1,000 transits.

6 BY MR. JONES:

7 Q. Yeah, and I know I'm, I know I'm probing here when I say
8 this kind of stuff, but do you do emergency scenarios? Like, what
9 if I lost the plant right here, what next? What if I lost my
10 rudder right here?

11 And let me expand on it before you answer. During the
12 course of our investigations and I don't know how much and I know
13 you've retired for a little while now, Mike. But you read the
14 company SMSes and when a ship pulling in at your port or any port,
15 their SMS describes what the voyage plan should be and what they
16 should go over with the pilot and where the turnout points are,
17 which kind of was like I was referring to before, if something
18 goes wrong, what are you and the pilot going to do?

19 And when I read those, I wonder, you know, would a
20 ship's master be bringing this to the attention of the pilot? And
21 especially here in -- you know, you come aboard, you're in Bolivar
22 Roads. You know, if they came to you with what's required in
23 their SMS -- and I'll be honest with you, I haven't heard much of
24 that conversation on their part asking you that, but it's in their
25 SMS for voyage planning -- you know, they said, well, what if

1 something happened here, what are we going to do?

2 If they gave you a scenario just like I did, if north of
3 Bayport's closed and we're going along, what do we do next,
4 Mr. Pilot, just so I know as a captain and I can tell you what my
5 ship's capable of? Do they bring those -- that to your attention?
6 And if so -- if not, I'm asking you if I just did -- I'm bringing
7 a ship in and I'm asking you that, what do we do?

8 A. Twenty-one years and I haven't been asked that. Most of
9 the time I find I'm working hard to pull information from
10 especially a foreign master, let alone him being pretty aggressive
11 with, you know, pilot, talk to me about this, talk to me about
12 that scenario.

13 But if you did, if you asked me as an individual pilot,
14 I would -- hey, Cap, if that ship up there loses engines, we've
15 got to do an emergency anchoring. And, you know, you know, if
16 you're going to ask what the plan's going to be, it may be that,
17 well, I'm going to have you let out one quick shot and we're just
18 going to try to let that thing catch on the bottom and try to slow
19 our speed. You know, I may go put my rudder hard port, hard
20 starboard, hard port, starboard, and then slow the vessel down
21 some. So I guess I'd go over the scenario you asked about with,
22 you know, my most honest answer of what I think would happen.

23 MR. WINEGAR: I think --

24 BY MR. JONES:

25 Q. But you're -- are you actively piloting now?

1 A. Yes. I haven't done many ships in the last 2 years, but
2 when I go back in January, which may only be for a few months
3 before I decide to retire, I will be right back to piloting. Our
4 bylaws say that we should be doing three or four ships a month on
5 piloting.

6 Q. Okay. All right. I just want to get specific now to
7 the accident again and as your role as a presiding officer. The
8 two pilots that were involved, the one on the *Carla Maersk* and the
9 one on the *Conti Peridot*, they've both been actively
10 shipping -- or sailing as pilots since the accident?

11 A. Yes.

12 Q. What happens next with them with regards to the
13 accident?

14 A. Probably the -- I mean, of course they went through a
15 series of Coast Guard and NTSB interviews immediately after the
16 accident.

17 Q. Right.

18 A. The next -- usually PBIRC will be the first hearing that
19 they'll put up, I think, on -- so on August 18th, both of those
20 are being heard at the subcommittee level of PBIRC. So instead of
21 nine members there's, I think, five. About half of them come and
22 we decide if some of these cases, if -- I think there's a half a
23 dozen. I just got the booklet the other day. There's probably
24 about six or seven cases we're hearing and some will get thrown
25 out and some will be recommended to go to the full PBIRC.

1 There's one case where it's really for just knowledge
2 only, but a ship lost its engines, never went aground, drifted,
3 stopped kind of in the Bayport flare, right in the middle of the
4 channel, and eventually -- I think the ship was called the
5 *Kingfisher* -- got its engines and they went on. So that, on the
6 surface at least, unless I hear something different, seems like a
7 pretty good example of one that we would throw out at the
8 subcommittee level that it does not need to go before the full
9 board.

10 It's a no brainer that if there's a collision, you know,
11 we don't spend much time on it, they go before the full board.
12 So --

13 Q. And what action can that board take, like action against
14 the pilot or recommendation?

15 A. The subcommittee doesn't do anything but decide if it
16 goes to or not to the full board. It's either thrown out at that
17 point or goes to the full board.

18 At the full PBIRC hearing that board will make, will
19 make recommendations to the port commissioners, and that's what
20 you saw the aftermath of yesterday, and it can range from closing
21 the case and doing nothing to giving an accommodation, to giving a
22 letter of caution, a letter of warning, suspension or revocation.

23 Q. And are they in --

24 MR. WINEGAR: And additional training.

25 MR. MORRIS: Oh, and excuse me, thank you, and

1 additional training.

2 BY MR. JONES:

3 Q. Okay. And the order you gave them in, that's increasing
4 veracity --

5 A. Yes, yeah.

6 Q. -- a letter of caution, warning?

7 A. A letter of caution, letter of warning, suspension,
8 revocation.

9 Q. Okay. And with these two specific gentlemen, do you
10 have any knowledge of any action taken before on their licenses?
11 We might have asked them each, but I can't remember.

12 A. I don't think Captain Reeser, to my knowledge, has
13 ever -- certainly over 20 years has been involved in any kind of
14 collision. I think they both answered that neither one had been
15 involved in any collision. I think Captain Evans maybe a few
16 years back had been involved in one collision up at City Docks
17 where the wind gusted up just as he was coming off the berth, but
18 for the most part -- and that's how it is on just about all these
19 cases. We don't -- there's no one pilot that shows up every year
20 at PBIRC.

21 And I know some think that it's not as punitive as it
22 should be, but, you know, I think we recognize that -- over my 21-
23 year career I've been to PBIRC twice and both times it was closed
24 to file. One, I was on the *Elissa* volunteering my time and I
25 was -- it was just -- I was -- I couldn't figure it out. It

1 bothered me. Jim will remember this. It bothered me so much
2 because --

3 MR. BROWN: Interesting legal issues there.

4 MR. MORRIS: -- I couldn't figure it out, and I remember
5 Jim calling me and said, did you read the depositions of the
6 people? Because we asked, I said -- I told the captain, I said, I
7 can't figure out -- I have no idea what caused this; you know,
8 unless he lost engines or unless that quartermaster went the wrong
9 way. And, you know, you're up on this sailing vessel, I'm on a
10 platform 50 feet from where the engine and the rudder steering
11 wheel is.

12 MR. [REDACTED] You should have called us, Mike, we could
13 have helped you figure it out.

14 MR. MORRIS: Yeah. Well, in her deposition the senior
15 quartermaster, she said -- verbally that day she said nothing
16 happened, but in her deposition she actually said she let go of
17 the wheel. And it was one of those old, old, big steering wheels
18 where once you let it go -- you know, you cranked it one way and
19 if you let it go it spun freewheeling the other way and --

20 MR. [REDACTED] You guys were under sail as well. It was a
21 tall ship, yeah.

22 MR. MORRIS: Yeah, we were under sail. So it -- you
23 know, once that thing turned, it was like a magnet going into a
24 ship called the *Eagle Augusta*, I think it was, big Aframax tanker.

25 But that was -- and there was actually talk that I

1 really shouldn't even go to PBIRC because I was volunteering and I
2 would -- but I said, no, I feel like I want to go. And so that
3 was dismissed basically because the quartermaster went the wrong
4 way. And the other case, it was --

5 BY MR. JONES:

6 Q. Well, I'm certainly not asking you to --

7 A. No.

8 Q. -- tell us about your accidents, I mean, but I --

9 A. I think what I'm, I think what I'm really saying is
10 there's always -- it's never as simple. What I guess I'm really
11 trying to say is it's never as simple as the pilot just screwed
12 up. That doesn't happen very often. You know, it's, it's usually
13 a combination of several things.

14 And, again, I think of the three investigations, if you
15 will, if it's a major accident, the PBIRC is the first one to
16 usually have their hearing but it's also the more -- most narrowly
17 focused. You know, they're not looking at was there errors by the
18 ship's crew or by the other vessel. They're only looking at, you
19 know, was the pilot negligent? Did he do -- did he screw up, he
20 or she screw up?

21 MR. JONES: Okay. That's all I have right now. Do you
22 want to go around the room or --

23 [REDACTED] Yeah. I have a question if you, if you got
24 something. Okay. Go ahead.

25 MR. STOLZENBERG: Eric Stolzenberg, NTSB. I didn't know

1 if [REDACTED] wanted to follow up with that exact line of thinking
2 right there?

3 [REDACTED] No, it's okay.

4 MR. STOLZENBERG: Okay.

5 BY MR. STOLZENBERG:

6 Q. For a layman like me, I wanted to clarify, earlier you
7 had mentioned outbound pilots versus -- or sailings versus
8 arrivals. Just to clarify, can an outbound pilot, if he's the
9 number one pilot, can he close the bar?

10 A. Yeah. I would say, yes. Some people think, no. it's
11 kind of a gray area that do you have to be on the boat to close
12 the bar? And -- but traditionally I think the number one pilot
13 will say, yeah, close the bar.

14 And what that's doing is, it's, it's 9:00 at night, it's
15 getting foggy. In fact, it's maybe completely foggy but it just
16 so happens there's a slow night, there's no one on the boat to
17 officially close the bar, and we're going to continue assigning
18 sailings. That's just how it's going to work until someone says
19 shut it down.

20 So if I was outbound at 31/32 and saw it was that and it
21 was 5 minutes of 9 and I saw three sailings at 2300 that they were
22 going to call a pilot for and wake him up, I would say, hey, I'm
23 number one right now, close the bar. It's 0 from Red Fish out
24 maybe or from wherever you're at, and close the bar because I'm
25 going to do it in 40 minutes when I'm out there anyway.

1 Q. And just -- you said 31/32, where are there?

2 A. Oh, beacons 31/32. It's just above the ICW.

3 Q. Okay.

4 A. About 2 miles above the ICW.

5 Q. Along the same lines --

6 MR. MORRIS: Can I -- Clint might have a different
7 opinion because some of this stuff is kind of gray, so I'd just
8 like to hear if -- or he thought the same answers as I did?

9 MR. WINEGAR: I agree with you, Mike. I just, that --

10 MR. MORRIS: Okay, yeah.

11 MR. WINEGAR: That the -- it's traditionally done,
12 though, when the number one pilot gets on the boat.

13 MR. STOLZENBERG: On the boat.

14 MR. MORRIS: Yeah.

15 MR. WINEGAR: But why he's number one is he's going to
16 get the first inbound ship. So if he's not going to board, it's
17 technically closed. The bar's technically closed if he's not
18 going to board. So whether he waits until he gets on the boat or
19 not -- you know, that's technically what's happening when he
20 closes the bar, he's just -- he's not boarding back. Does that
21 make any sense?

22 BY MR. STOLZENBERG:

23 Q. I guess, I'm still confused as to the one point. If the
24 next vessel's going to leave from somewhere up in Buffalo Bayou
25 and it's -- there's fog in that part of the channel, can that

1 pilot close the bar?

2 A. I'm guessing if he's just arriving on a sailing and it's
3 foggy up there but down below it's clear, he wouldn't be number
4 one so he couldn't close the bar. Two, he doesn't have to sail
5 that vessel, it's totally his choice. If he says it's foggy, and
6 in most cases he'll be aboard the ship, he'll -- a lot of times
7 the captain will say, you know, I watched that news tonight and it
8 looks like it's foggy and I've watched, you know, the San Jacinto
9 Monument go out of sight and there's only a third of the monument
10 showing so I know that the ceiling is lowering, I'd rather not go.
11 So that pilot can just call up and say, hey, we're not sailing and
12 the captain may not want to go and assign me to another ship or
13 something like that. So -- but it's always the pilot's choice.

14 Q. Okay. And back to a more traditional closing of the
15 bar, not my theoretical example there, is there any procedure or
16 training for pilots to make the determination?

17 A. Any --

18 Q. Is there any formal -- is there a procedure that's been
19 formalized or a training that's been formalized or how do they
20 make the decision to close the bar?

21 MR. BROWN: That's two questions, two separate
22 questions.

23 BY MR. STOLZENBERG:

24 Q. And what tools do they use?

25 A. It's -- whatever training it is, it's informal. We

1 don't go to -- within our continuing ed there's no meteorological
2 courses. So whatever training it is, it's just kind of the
3 experience of your -- of going through the winters around here
4 when we do have the fog. So as a deputy you have three winters
5 you'll go through and you'll see what other pilots do, and that's
6 always a tough decision for a brand new full pilot, oh, gosh, am I
7 going to close the bar or not? It's a tough decision. But it
8 gets easier as with -- with the more seniority you have, you say,
9 nah.

10 MR. WINEGAR: Get a lot of -- there's a lot of input too
11 from especially the outbound ships.

12 MR. MORRIS: Yeah.

13 MR. WINEGAR: I mean, that's --

14 MR. MORRIS: Yeah, a lot of times --

15 MR. WINEGAR: -- that's usually what makes up your
16 mind --

17 MR. MORRIS: Yeah.

18 MR. WINEGAR: -- is, is the outbound ships like, uh-uh,
19 don't board; I don't want you to board against me. So --

20 MR. MORRIS: So then, okay, close the bar.

21 MR. WINEGAR: That's easy. That makes it easy.

22 BY MR. STOLZENBERG:

23 Q. So there's communication going on between all the --

24 MR. WINEGAR: Absolutely.

25 MR. MORRIS: Yes.

1 BY MR. STOLZENBERG:

2 Q. -- pilots in the waterway that may assist, if I
3 understand it?

4 MR. WINEGAR: Right. And I don't know, Rob, if we ever
5 got to your question about the difference between closing the bar
6 and closing the channel. I think that sometimes gets confused.

7 MR. JONES: That's right, you didn't.

8 MR. WINEGAR: You know, we're just talking about ship
9 traffic, where, you know, the Coast Guard is the one that closes
10 the port.

11 MR. JONES: Right.

12 MR. WINEGAR: And all we're doing is trying to manage
13 the ship traffic and so closing the bar is much more -- it's more
14 about just scheduling and, you know, are we assigning more or are
15 we -- you know, there's a lot of factors that go into it of what
16 we're doing when we're closing the bar.

17 MR. JONES: Well, we can leave closing the port to the
18 Coast Guard and we'll just use what you -- your definition or your
19 explanation of what closing the bar meant. We can leave that,
20 what -- the difference between closing the port and the bars for a
21 separate issue, because I think we know. I just was looking for
22 that difference -- or isolating the bar.

23 MR. WINEGAR: All right. Thank you.

24 MR. JONES: Good. Thanks for pointing it out, Clint.

25 MR. WINEGAR: Okay.

1 BY MR. STOLZENBERG:

2 Q. A little further -- earlier you said the Coast Guard,
3 after describing how the bar is closed and the system of
4 communication, thereafter said that -- I believe you said dispatch
5 calls the Coast Guard. Is that -- who in the Coast Guard? Is
6 that VTS, is it Sector, or is it --

7 A. They'll call over to VTS.

8 Q. VTS. Thank you.

9 Earlier also you talked about the weather predictions.
10 And I saw, you know, back in March on scene you provided the
11 weather service predictions for fog on the mornings of the
12 accident. Just who -- what service do you subscribe to, the name
13 or the type of service?

14 A. I guess they recently changed names. They're called
15 StormGeo now, G-E-O, is the service that we're using today. They
16 were -- StormGeo just bought out ImpactWeather was -- you
17 may -- if you still have a few of those weather maps, it may say
18 ImpactWeather but it's now StormGeo.

19 Q. And --

20 A. Same company; it just got bought out by StormGeo.

21 Q. How often does the Pilots Association receive updates?
22 Is it on a set schedule or is it dependent on --

23 A. At least two a day. I think one comes in around 6 or so
24 in the morning and one comes in around 6 at night. There's a link
25 on our pilot sheet so anyone can look at the latest weather

1 report.

2 When it's -- we also can -- anyone can call over there,
3 and their number's right on the weather map, and talk directly to
4 a meteorologist. So I find that -- I've done that a lot over the
5 last two winters.

6 Q. And the report you had provided, it was a fog prediction
7 report, if I recall. Are there other reports in this service or
8 is it -- what type of package is supplied generally?

9 A. Yeah. We have a couple contracts with them. They do
10 one in the hurricane season for hurricanes, and we get -- now we
11 get an offshore weather report we actually got them to add for us.
12 Some of the pilots wanted that.

13 We -- in the wintertime we get a, I guess, kind of a
14 normal weather report and then they do this fog report. And they
15 were kind of excited. No one's ever asked for this so it's, I
16 think -- the hope is they'll get better every year at predicting
17 fog, but sometimes I'm not so sure anyone can predict the fog.
18 You know, it just seems like just putting your own finger out
19 there and sensing it, because we've -- it seemed like the first
20 year they were very accurate in the middle of the season but at
21 the beginning and at the end when the fog was trailing off they
22 weren't as accurate at picking it up.

23 This last winter they seemed to miss the mark on several
24 occasions and culminating actually on that day when I said -- went
25 to them and said, you guys are missing the mark, what is this?

1 And that's when they kind of wrote that report and said this is
2 really almost a different fog, different kind of winter fog. And
3 it was a little bit over my head, but -- as to one versus the
4 other. I haven't looked at that since, you know, that day or
5 within a few days of that report. But, you know, that was their
6 explanation for why they were not -- their predictions weren't as
7 good as they had hoped.

8 Q. Okay. Thank you. Also regarding fog, earlier you had
9 said group would want to consider increased spacing in the fog.
10 And just for me, what is -- what are you describing when you say
11 increased spacing in the fog?

12 A. Normally to do our maneuver of meeting ships, when we're
13 all coming head-on, it takes a mile and a half or so to -- of
14 separation to be ready to meet the next ship. So as we are
15 managing ship traffic amongst ourselves, we'll get no closer than
16 a mile and a half. If I'm on something very slow and I'm going to
17 be overtaken -- different scenario, but in general on a normal day
18 everybody doing 10 knots out there, 11 knots, we're going to meet,
19 we're going to keep a mile and a half from the ship ahead of me at
20 a minimum.

21 Q. So if the ship's going -- traveling in the same
22 direction, as I understand it --

23 A. Right.

24 Q. -- will have a spacing of 1.5 miles between them?

25 A. Correct.

1 MR. WINEGAR: At a minimum.

2 BY MR. STOLZENBERG:

3 Q. At a minimum?

4 A. At a minimum.

5 Q. And so in fog, you were referencing, was that this
6 spacing would be increased beyond 1.5 miles to some degree?

7 A. I think that's a -- of course, kind of a group decision
8 that maybe -- we certainly saw after the accident there was a lot
9 of internal talk that, wow, we've got to do something different.
10 You know, I mean, we've had the *Summer Wind*, we've had
11 the -- 5 days before the *Monte Alegre* and *Chembulk Houston* and,
12 you know, the *Conti Peridot*, three accidents in -- three major
13 accidents in less than a year.

14 I think increased spacing and the concept of -- so that
15 you could anchor. Maybe anchoring's not such a bad thing. I
16 mean, maybe we ought to give more consideration. We'd all like to
17 get these ships up to the berths or out to the sea buoy so they
18 can go on their way. But you know what, you know, certainly
19 there's 12, 14 pilots that wish they had anchored that morning.
20 So the only way to do that is to get more spacing when -- in the
21 winter months or when you -- fog is predicted.

22 MR. STOLZENBERG: Okay.

23 MR. JONES: Can I follow up on that a minute?

24 MR. STOLZENBERG: Absolutely.

25 BY MR. JONES:

1 Q. Just, the mile and a half, that's mostly though to
2 facilitate the maneuver to meet someone?

3 A. Correct.

4 Q. So if no one was outbound and we were just talking about
5 inbound ships, would the spacing be closer?

6 A. No, no.

7 Q. Okay.

8 A. We keep that just in case the ship does break down or
9 stop in front of me --

10 Q. Okay.

11 A. -- I have time to maneuver a little bit. So -- and but
12 even then, let's say we were running one way, we still might say,
13 let's go to -- you know, maybe -- I'm not sure this is going to
14 happen, but maybe 2½ miles is better than a mile and a half --

15 Q. Yeah.

16 A. -- if we're all going to be possibly anchoring. Because
17 if I'm a heavier ship it's going to take me a little -- heavier,
18 deeper draft, bigger ship, it may take me a little longer to get
19 to a comfortable speed to drop the anchor than the light draft
20 ship running ahead of me.

21 Q. Okay. But the mile and a half gives you enough time to
22 meet a ship head to head --

23 A. Correct.

24 Q. -- maneuver around it and get back on a steady course to
25 meet the next one with the same --

1 A. Right, yeah.

2 Q. Okay.

3 A. And that's some -- that's kind of seen as a minimum.

4 Q. Okay. And it wouldn't change or it would even get maybe
5 greater --

6 A. Right.

7 Q. -- if you weren't in that maneuver?

8 A. So, and if I'm on a ship that's deep loaded, wide body,
9 I might say, you know what, I'm going to stay 2 miles from that
10 guy ahead of me.

11 Q. Okay.

12 A. Because, you know, I'm thinking it might take just a
13 little bit more to --

14 Q. Get back.

15 A. -- just go back in the middle where I want her.

16 MR. JONES: Okay. All right. So thanks.

17 BY MR. STOLZENBERG:

18 Q. Eric Stolzenberg again. When you said a group, do you
19 mean within the Houston Pilots Association --

20 A. Yes.

21 Q. -- when you speak to this discussion on spacing?

22 A. Speaking internally to the 96 members.

23 Q. Okay. Thanks. The other thing, in the course of the
24 last couple days I've learned about the PCT, the Port Coordination
25 Team, and, you know, about starting and stopping port operations.

1 When the deep drafts start up again after a stoppage, do they
2 coordinate with the Port Coordination Team or is there a pilot in
3 the Port Coordination Team?

4 A. Oh, we're on the Port Coordination Team and we've even
5 experimented with putting a pilot in VTS this last winter at the
6 request of Steve Nerheim.

7 But, yeah, we work -- I think we're a very important cog
8 in that PCT, you know, so we'll -- maybe 9:00 in the morning and
9 it's after a 24-hour or more delay, but we'll get on there, and it
10 works very well in this port. I don't think anyone abuses it but,
11 you know, we'll listen. There may be 30, 35 people on this
12 conference call and we'll hear -- the emergencies usually end up
13 being someone -- maybe there's a medical, ships are running out of
14 fuel, got bananas rotting on a ship. Very seldom is it, you know,
15 my charter -- my window for my next charter is about to run out
16 and I'm hoping to get up there ahead of everyone else. It's more
17 legitimate reasons than that. The refineries are down to 12 hours
18 of needing some kind of feed stock to -- or they're going to have
19 to shut down or go into a slower pace.

20 So, those are what we hear and then we prioritize. We
21 leave the list for the most part as ships ordered. And, but then
22 as we're hoping to get underway, we'll hear what the emergencies
23 are and we'll tweak our schedule based on that phone call, and
24 then we send that schedule -- most people can see it, so -- or
25 they can call up an hour later and say, hey, where -- when do you

1 think I may get boarded based on how many ships you have sitting
2 there, so --

3 MR. STOLZENBERG: Okay.

4 MR. WINEGAR: Eric, this is Clint. I'm not quite sure,
5 was your question specifically -- I mean, the PCT, all it really
6 does it help us organize our schedule. It's not really to help
7 determine whether we should move traffic or not. It's just more
8 of a function of getting industries' involvement on what's a
9 priority, if it does open, you know, what would your first ship in
10 want to be. That's what that PCT is is designed to do. It's
11 a -- what commercial interest mainly from an emergency standpoint.
12 If I could have one vessel in, I'd -- you know, please bring this
13 one in.

14 MR. STOLZENBERG: So, for instance, just for a
15 theoretical example, if there's four vessels down at the anchorage
16 with four pilots on them ready to go because sailings are
17 beginning again, it might be that the order might be changed due
18 to a PTC conversation?

19 MR. WINEGAR: That's right.

20 MR. MORRIS: But truly what we're looking at, some days
21 after 2 or 3 days of fog, if we're looking at 80 or 90 ships.

22 MR. WINEGAR: Right.

23 MR. MORRIS: And we're going to board, you know, a ship
24 about every 25, 30 minutes, you know, just three or four an hour
25 because we run out of tugboats with only 14, 15 tugs in the

1 harbor. So it's prioritizing that list based on -- and as a state
2 pilot I feel very strongly we've got to treat everybody very
3 equally. You know, all things considered, we're going to take
4 them as you put your orders in, but -- so this helps us facilitate
5 ships that have true emergencies.

6 BY MR. STOLZENBERG:

7 Q. Okay. Thank you.

8 I'd like to move into the ship notes. On scene we were
9 provided a, quote/unquote, a "ship note" for the *Conti Peridot*
10 from yourself, Mike, that indicated the ship may be of poor
11 handling characteristics, possibly a small rudder, hard to
12 maneuver, and recommended to have 1.5 feet of trim by the stern.
13 If you could explain to me in general what are ship notes and how
14 are they developed or why does a pilot indicate a note like this?

15 A. And I think it's a system we're kind of proud of, you
16 know, I mean, that we -- you know, pilots will have the ability
17 right while they're on the ship for -- there's a link to that.
18 Some of the guys may not like to type will just say -- call the
19 dispatchers and say, hey, I'm going to give you a quick ship note,
20 will you -- I'll dictate and you write it down for us. Either way
21 works.

22 But any pilot can write a ship note on a vessel that
23 they have had, and it might -- sometimes it's something about
24 rpms. Probably more than -- over the last -- this year we've seen
25 a lot of reduced rpms because of the new low sulfur fuel. But

1 sometimes it's more significant. A ship doesn't steer very well
2 or -- and they may or may not make a recommendation: You know,
3 ship needs to be daylight only because visibility's bad; ship
4 needs to, you know, have a meter of trim because she -- you know,
5 so a pilot may make a recommendation, he may not.

6 But those are pushed to the safety committee and the
7 safety committee will evaluate it. Sometimes it's just a note
8 that -- so a pilot is aware. We'd almost like to get two or
9 three, three notes on the same ship to be sure. You know, we were
10 scratching our head recently with one. You know, some ship note
11 came in on one ship just recently that talked -- boy, this is
12 really a bad handling, ship needs -- probably needs to put a meter
13 of trim. And we decided to do that, but when we pulled up the
14 ship history as kind of either the safety committee or -- and we
15 said, wow, the ship's been in here, running in here pretty
16 steadily for 3 or 4 years and here's two ship notes in a row, but
17 how come no one else wrote this? So we'll try to reach out and
18 we'll try to say, maybe that ship's got a new problem. Did it
19 just get out of the yard? Did it change something? Did something
20 change?

21 So, but at the very least it's very easy to see when
22 there's a ship note. If you looked on our sheet, it's a different
23 color. So, and all you have to do is click on the name and up
24 will pop all the ship notes for that particular vessel.

25 Q. So, as I understand it, a ship note's written after a

1 pilot departs a vessel?

2 A. Could be afterwards, could be while he's right there
3 aboard the ship, could be while he's tying the ship up.

4 Q. And so when -- in the future when another pilot gets on
5 board the same vessel, how does he see the ship note or at what
6 point would he see this piece of information?

7 A. When he pulls up -- a very good chance the dispatchers
8 will tell him there's a ship note when he's called. But as soon
9 as he opens up his computer and looks on our pilot schedule sheet,
10 that ship is denoted in green. Everyone else is in black.

11 MR. WINEGAR: It's a clickable link and you click on it.

12 MR. MORRIS: So -- and you just click right on it. So
13 it's -- it stands out at you. And when they're boarding, you
14 know, I may be -- when I'm doing an arrival, I'm done sailing and
15 I've gone down to take a 2-hour nap and they wake me 10 minutes
16 before I'm ready to jump up on a ship, our boat operator or
17 deckhand will usually say, hey, Cap, just so you know, here's a
18 ship note on the ship. So it's not a standard policy for them to
19 do that, but quite often they will alert you to -- here's
20 something -- you know, a good deckhand will do that for us.

21 BY MR. STOLZENBERG:

22 Q. Do you know about how long the ship note procedure,
23 policy or program's been in place at Houston Pilots?

24 A. You might have -- Jim might have a better guess than me.
25 Six, 7, 8 years, I think with this.

1 MR. BROWN: In its formal form now where it's -- you
2 know, the nice hand -- you click on it, probably not that long.

3 MR. MORRIS: Okay.

4 MR. WINEGAR: Not that long. A few years, I think.

5 MR. BROWN: Maybe a few years. But it was an in
6 process, you know.

7 MR. MORRIS: Yeah.

8 BY MR. STOLZENBERG:

9 Q. Okay.

10 A. I mean, but I think for probably 6, 7, 8 years, I mean,
11 there's been something where you could write it down. But
12 it -- you know, but then we got a little smarter and made it
13 available right on our webpage, so -- like anything else, it's a
14 process.

15 Q. And I -- is there -- are these ship notes shared more
16 broadly, in other words, beyond the Houston Pilots? Are they
17 shared with the Galtex or anywhere at this time?

18 A. No formal thing that we share. We discussed within
19 Texas State Pilots if we should.

20 I reached -- recently reached out to -- so we get a big
21 containership coming in that we've -- slightly over guidelines
22 that we approved, a ship called the *Maersk Semakau*. So, you know,
23 the Lloyd software that most all dispatchers are using, the
24 different kinds of software systems, I can pull up where that ship
25 has been trading, and this one has been over in the Far East for

1 several years but she's got three sister ships. So I see that,
2 you know, look they've been coming into New York pretty regularly.
3 They've been coming to Charleston and Long Beach on the West
4 Coast, one of the -- so I reached out to all three of those pilot
5 groups and just said, hey, we've got this ship that we've never
6 handled before; you guys got any negative -- I'm not even sure
7 those ships -- those pilot groups, excuse me, keep any kind of a
8 ship note system. But I reached out to them just trying to do a
9 little due diligence on this particular vessel to make sure that,
10 you know, she wasn't going to be a problem ship.

11 Q. And along the same lines is, are these alerted or shared
12 with the APA, American Pilot Association, or has there been
13 discussions about how to maybe enlarge a program like this or
14 just -- if you know?

15 A. No. We've -- they've never been interested in being a
16 clearinghouse like that.

17 MR. STOLZENBERG: Okay. Thank you.

18 BY MR. JONES:

19 Q. Can I follow up with that? Just to give you a chance
20 to -- when was that ship note written, if you recall?

21 A. Don't remember. We could pull it to see.

22 Q. Is it a few years?

23 A. It will have a date on it if that's it.

24 MR. WINEGAR: 2013.

25 MR. JONES: Okay. So --

1 MR. WINEGAR: We have the note here.

2 BY MR. JONES:

3 Q. So we're just referring to the ship note, and that was 3
4 years ago, June. Do you know if the *Conti Peridot's* been in a few
5 times since then?

6 A. I'm not sure. I never pulled her history, so --

7 Q. Okay.

8 UNIDENTIFIED SPEAKER: That's a good question.

9 BY MR. JONES:

10 Q. Well, the follow-up would be if it -- and if it had
11 been, then you have one note from one pilot. You did mention
12 before, actually if you saw a bunch of notes from pilots
13 aboard -- you know, the validity or the weight of it would
14 actually be a little bit more.

15 MR. WINEGAR: Right.

16 BY MR. JONES:

17 Q. You know, you'd be starting to see a trend or whatever.
18 So if the ship's been in before and other pilots have ridden it
19 and no other notes have been produced, how do you justify -- or
20 you just say, okay, it's nice to know, I'll keep it in mind?

21 A. I think it's up to that individual pilot, you know, but
22 there's some -- you know, and that's what Captain Reeser did that
23 day, he said, you know, I'm 5 or 6 feet less draft, so I
24 think -- you know, but, you know, he also indicated that -- you
25 know, on the very first turn he realized this was not going to be

1 a -- she wasn't a good steering ship, if you will, didn't like to
2 steady up. So, but -- you know, so he saw the ship note. It was
3 crystal clear. Weather was supposed to be good. He felt he
4 could, you know, make it up there. And he saw the ship note, said
5 maybe take a tug assist but he said, I'm 6 feet less draft than
6 she was, which is pretty significant, especially in the upper
7 channel. You know, if I'm 29 instead of 35; 35's a lot of draft
8 in our 300-foot channel. So, you know, Captain Reeser looked it
9 over and determined -- sized it up and said, I think this is fine.

10 Q. Well, do you know of any times where like a note like
11 that might have been written about a certain ship, the conditions
12 that the ship was boarding in didn't meet what was probably
13 recommended, whether -- and obviously if it was at anchor, it
14 would be a lot easier, and you said, wait a minute, captain, give
15 me another foot and a half trim before we take it up.

16 A. When we put a requirement on a ship --

17 Q. That's more than this, though, right?

18 A. That -- which is a result of this.

19 Q. Okay.

20 A. The agent is re-notified of that. There's a note on the
21 side of the sheet that must require 1 meter of trim.

22 Q. What's the criteria for the requirement? Five --

23 A. The safety committee will --

24 Q. Okay.

25 A. -- kind of come up with -- again, reviewing the ship

1 notes that come in, they'll come up and say, yeah, it's time
2 to -- you know, let's do something with this ship. Here's a
3 couple notes on it.

4 Q. And what's the criteria to get to the safety committee,
5 one person screaming loudly or at least five?

6 MR. WINEGAR: Maybe I can chime in a little bit?

7 MR. JONES: Sure, Clint.

8 MR. WINEGAR: Clint. I chair the safety committee. So
9 we don't like to put any unnecessary burden on the ship owners.
10 The Coast Guard, you know, gives us a list and said, hey,
11 everything has been cleared; these are good to come in. So we
12 don't want to then say, well, we don't really care what the Coast
13 Guard says, we want you to have 3 meters of trim or whatever it
14 is, you know. So we don't necessarily try to do it just, you
15 know, just to put an undue burden on the customers. So we kind of
16 use for the most part just an understanding, just some ships
17 handle better than others. It's just -- you know, we all know
18 that. But it's getting it to the point where, okay, we
19 potentially have a problem here, multiple people are saying it;
20 it's not at that particular draft or that particular day, it's now
21 a more common occurrence, so I think it's time now to put
22 something in place to make this a safer maneuver.

23 MR. JONES: Well, and let me follow-up with a question
24 and almost a -- that you can answer, if I can? I appreciate what
25 you're saying, you don't want to look at maybe minimal information

1 or any information to put an undue burden on the ship owner. But
2 we've been down here a while now and we've seen -- going all the
3 way back to Port Arthur, and we won't mention any ships names or
4 accidents, but ships, big ships traveling on an even keel, which
5 have a tendency to stray from their path so to speak --

6 MR. WINEGAR: Right.

7 MR. JONES: -- which I think even could be putting an
8 undue burden on the pilot.

9 MR. WINEGAR: Uh-huh.

10 MR. JONES: And that, you know, may be a
11 burden -- putting a burden back on the ship owner to make it
12 easier on your transit up, might even be something to think about
13 more, or establish -- you know, if you see it, if you see a trend
14 there, you know, or certain ships that come in that you know
15 are -- for lack of a better term, a dog. You know, it's --

16 MR. WINEGAR: That's right.

17 MR. JONES: Because, okay, and that's what kind of we
18 saw here, and we're talking amongst people that are part of this
19 accident investigation. It was okay at first; I'll take it up
20 because everything's good right now. But then the negatives
21 played in as it got further up river with the fog.

22 So I think we were looking at the notes and saying,
23 that's great, but I also -- with the notes, with what's written
24 down, if you don't get a few of them or if it's just one, you
25 know, I think you have to watch out for the, well, why didn't you

1 do that? If someone wrote that down, then why didn't you do that?
2 So I just -- I think, like I said, you need to see a few of them
3 before you take action, so that's good but --

4 [REDACTED] Rob, this is [REDACTED]
5 [REDACTED] I'd like to follow up on that. I've got a couple
6 questions directly related to that.

7 MR. JONES: Sure.

8 BY [REDACTED]

9 Q. I'm aware of the note too, and you -- Mike Morris handed
10 that to us back when this thing was not a well handling ship. A
11 couple little notes that I put down here is -- I don't think you
12 have this in place and it's not necessarily a question; it's an
13 observation. Is there any reason why you couldn't mandate that
14 the pilots, if they have a note like that, that it's a poor
15 handling ship, mandate that the next pilot that handles it has to
16 put a note in there either affirming that or finding, listen, I
17 didn't find it poorly handling? So the next person, as Mr. Jones
18 said, now has a history that he can go by, especially if it's a
19 continuous one, saying that number one pilot said it was a poor
20 handling ship and number two confirmed that. So the third pilot
21 is on there saying, I better watch this ship because I've had two
22 of my brother pilots here say this is pretty bad handling.

23 I know I thought that was a good idea in the -- you
24 know, I don't think the Coast Guard has that, but if we had it, we
25 could possibly -- I would have to look into this further -- put a

1 note into the MISLE system saying that this ship was a poor
2 handling ship. I don't think that would give the pilots any
3 advantage but it would just make us aware of it.

4 A. And Clint was looking at a system by a company called
5 RightShip earlier this year that would -- maybe would give us a
6 little more insight to that too. I don't think we've ever
7 developed it or thought it would do quite what the company
8 representative said it would do. But --

9 MR. WINEGAR: Think it's a great idea.

10 MR. MORRIS: Yeah, I do too. That's, I mean --

11 MR. WINEGAR: And, and --

12 MR. MORRIS: -- I said this was a progression and that's
13 probably the next step.

14 [REDACTED] Right.

15 MR. WINEGAR: I think this is moving a lot further
16 towards that. I think we've done more of that over the last year
17 and a half than had ever been done because of having that extra
18 man in the office to be able to help out with these kind of
19 projects. You know, more times than not we get one of these now
20 that's exactly what we're doing. One of us is able to track that
21 down and find the history and see who's on it next and call them
22 and say, hey, how did that one go?

23 So I think that's exactly -- maybe a formal policy,
24 maybe not a bad idea, but I think that that's been our response
25 over the last year and a half, has been following up on this a

1 little more and having the time to do it.

2 BY MR. [REDACTED]

3 Q. I think everybody would agree with this, and then
4 especially since I'm in the Coast Guard I can attest to this.
5 Sometimes the information is out there but getting the information
6 communicated to everybody. And by that -- when your dispatcher
7 gets an information and he pulls this thing up, is he -- is there
8 a procedure that mandates that he check the history on the vessel
9 or does he do this as a matter of routine or a matter of training?

10 MR. BROWN: Well, (indiscernible) it's on the sheet.

11 MR. WINEGAR: The dispatcher doesn't pull up this
12 information.

13 MR. [REDACTED] How -- it's just simply the pilot that
14 pulls this up?

15 MR. WINEGAR: No, it's -- as soon as the dispatcher
16 takes the order, it goes -- the ship note is tied to that IMO
17 number.

18 MR. [REDACTED] It is hard wired, yeah.

19 MR. WINEGAR: So it's -- it is already --

20 MR. [REDACTED] It comes up.

21 MR. WINEGAR: It's already there. He doesn't have to do
22 anything; it's automatically on the sheet.

23 MR. [REDACTED] So the pilot is then aware of it unless
24 he --

25 MR. WINEGAR: Absolutely.

■

■■■■■

2 Q. -- doesn't, inadvertently doesn't look at it, but he has
3 that information. Okay.

4 A question about -- we were talking about closing the
5 bar and the decision is made by pilot number one. I think I
6 understand who pilot number one is but can you explain how number
7 one is designated, the pilot that closes the bar?

8 MR. BROWN: Well, there's always a number one, whether
9 the bar's going to be closed or not, right?

10 MR. WINEGAR: That's right.

11 MR. BROWN: Okay.

12 MR. WINEGAR: It's the first one.

13 UNIDENTIFIED SPEAKER: Next one up.

14 MR. WINEGAR: It's the first one to come back up. It's
15 the first guy in line to take the next ship inbound.

16 MR. ■■■■■: That's what I thought it was. I just
17 wanted to make sure we had that clear on the --

18 MR. MORRIS: Which doesn't necessarily mean it's the
19 ship furthest outbound, you know, because someone -- the next one
20 up could be on a longer job and someone could have sailed out of
21 Bayport or Barbours Cut and turned out in front of them. So it's
22 not necessarily the one closest to the sea buoy; it's the one that
23 is due to board back next.

24 BY MR. ■■■■■

25 Q. Another issue concerning the closing of the bar. I know

1 we said there is no further assignments made once the bar is
2 closed. Let's say, for example, a pilot was assigned. He goes up
3 to City Dock to move a vessel. Before he actually starts moving
4 the vessel the bar is closed. What does that pilot -- what is he
5 mandated to do? He's on the vessel, then he gets the word that
6 the bar was closed?

7 A. His choice. It's totally his choice.
8 Sometimes -- dispatchers will usually get the word out as fast as
9 possible. Sometimes a person's still in their car and it's -- he
10 can -- if he wants to turn around and go home, he can. If he
11 wants to go down to the ship and look things over, which is
12 probably what -- you know, 75 percent of the pilots will -- I'm in
13 the car, I'm going to go down there and take a look at things, see
14 if it's short lived. If its 10:00 at night and fog's predicted he
15 may say, you know what, I think it's foggy for the night. But
16 it's -- really it's totally that individual pilot's choice.

17 MR. WINEGAR: Because the guy who closed the bar, he
18 might be on a lot of draft going to, say, City Dock, the very end
19 of the turning basin, right, versus maybe the guy who's already
20 been dispatched might be at Bayport and it's pretty much clear.

21 So he might say, well, I can safely get from Bayport, a
22 3-hour job. He doesn't want to board back because he's got a
23 6-hour job and knows that fog's coming and he doesn't think that
24 he has a good chance of getting to the dock, so he's just going to
25 close the bar. So those are circumstances like that where that

1 outbound ship may still get underway. But it's an individual,
2 like Mike said.

3 BY MR. [REDACTED]

4 Q. Okay. Question about the PBIRC. The individuals on the
5 board, they're given the information. Let's say you're doing an
6 investigation into an accident. Do you know the time frame, for
7 example, if you're on the board, you're given the information by
8 Mike Usher, how long do you have to review that information?

9 A. Usually several weeks beforehand we'll get -- he puts a
10 package together and sometimes it's several hundred pages of
11 information that's been submitted. And I figure, Jim, you --

12 MR. BROWN: This is Jim Brown.

13 MR. [REDACTED] Estimate is fine.

14 MR. BROWN: No, I can tell you exactly. Because the
15 pilot who is going before the review board, the rules state that
16 that pilot has to be given all the evidence 30 days before the
17 hearing, which means they get it at least then or even before. So
18 it's at least 30 days you would have or probably longer.

19 MR. MORRIS: Thirty days, okay. Yeah.

20 BY MR. [REDACTED]

21 Q. Okay. Now, a follow-up question to that. I mean, I
22 think every time I've been to one of those hearings, but maybe
23 with one exception, there's been expert testimony provided by the
24 pilot and an expert that he hired. Is the PBIRC members given a
25 copy of the expert's opinion and whatever graphics he has also

1 been -- they're given that, let's say, a minimum of 30 days before
2 that?

3 MR. BROWN: Do you want me to respond to that as well?

4 MR. [REDACTED] Yes.

5 MR. BROWN: The timetable is the PBIRC provides their
6 evidence package, 30 days, all the materials. Then the pilot has
7 a right to submit a written brief in evidence, expert reports,
8 things like that. That has to be submitted 14 days before the
9 hearing.

10 MR. [REDACTED] Do the PBIRC members get that?

11 MR. BROWN: You have to submit it to them, yes, sir.

12 MR. [REDACTED] Okay. That's all I have.

13 MR. MORRIS: I know this is could be hard to record. I
14 just wanted to -- here's our sheet and I've kind of blown it up.
15 You can see there's one ship there in green, one of the arrivals.

16 MR. [REDACTED] Yeah.

17 MR. MORRIS: I click on it and up will come the ship
18 note. And it's --

19 MR. BROWN: It's automatic. Once the order is in --

20 MR. MORRIS: It's very, very -- and there it is, so -- I
21 can go back to the other.

22 MR. JONES: Yeah, go -- we got that one. Go back to the
23 other one.

24 MR. WINEGAR: Do you want it on a screen that you can
25 see?

1 MR. BROWN: Do you want a bigger one, Rob?

2 MR. JONES: Actually if you want to print it and just
3 send it -- scan it and send it to us. But I'd thought I'd be cool
4 like a kid and take a picture. Oh, here you go.

5 MR. MORRIS: So the American Pilots Association --

6 MR. JONES: Thanks.

7 MR. MORRIS: -- also they just didn't seem to bite on
8 that, kind of keeping like a national database on what the ships
9 were not that well handling under certain circumstances and
10 they -- just, you know, as an observation, I thought that might be
11 pretty helpful, especially, for example, if you're going from in
12 the Houston Waterway and the Port Arthur Waterway, which is, say,
13 similar in nature, you would have probably similar handling
14 problems. But if the Port Arthur wasn't, you know, Sabine pilots
15 aren't associated directly with you, they wouldn't be aware of
16 that until they found out for themselves, which could have been
17 too late.

18 BY MR. [REDACTED]

19 Q. Has it been formally presented to the APA like that?

20 A. About 15 years ago Lou Vest, one of the members here,
21 and I got involved with this Panel H10. It's a SNAME ship
22 controllability panel that's primarily looking at Aframax tankers.
23 It was -- we were in the 400-foot channel and we started looking
24 at why 5 percent of these ships handled terribly in our channel.

25 There aren't many narrow channels in the APA. So I know

1 we went to the APA at that time and said you guys interested in
2 keeping a database? And I think they had a little bit of
3 heartburn over liability issues and just in general the Chesapeake
4 was -- Delaware was a completely different animal than Houston was
5 and each area had its own set of issues. But, you know, one ship
6 may handle poorly here but not in the next port. So we never have
7 figured out some of this stuff and we had -- at one point this
8 Panel H10 had quite a bit of activity and we probably had a good
9 12 or 15 naval architects, marine engineers really trying to help
10 us with this issue. They like pilots being involved. It gave a
11 theoretical -- some real, real data testing it and -- but we never
12 quite got there. Fast forward 15 years, ships have generally
13 gotten nicer, better, but we still tend to see ships that
14 handle -- smaller ships that handle really crummy in our ship
15 channel.

16 We've got a class called the *Bow Architect*. They're not
17 a very big ship. I'm thinking they're 550 by 95 or something,
18 little chemical tankers. There's three of them: *Mechanic*, the
19 *Architect*, the *Engineer*.

20 MR. WINEGAR: *Engineer*.

21 MR. MORRIS: And when on it you're in for quite a ride.
22 And so we put a 1-meter requirement for trim and a tractor tug
23 above a certain point to help on that. But for me it's like, why
24 does that ship handle so poorly? Right. And I tend to think it's
25 an economy class ship. Someone's -- a shipyard's come up with a

1 design and they've changed the lines on the ship a little bit and
2 they've put a little smaller engine, a little smaller rudder,
3 maybe a little smaller propeller, and just cut costs a little bit.
4 And when you add them all up -- a little smaller steering pump on
5 there. So when you add it all up you get this bad handling ship
6 and no one knows it.

7 I mean, we get a ship and we say something about, oh,
8 your ship does not handle good. We've never heard -- we'll reach
9 out to the owners via the agent and -- that's crazy, we'll sue
10 you; you can't tell us to put a restriction on this ship. You
11 know, never have we heard this. We built a good ship; we have a
12 good ship. That's the kind of responses we get. So even putting
13 a meter of trim requirement, which is kind of a minimum, is
14 usually met with all kinds of threats against our organization
15 when we do that.

16 So we don't take it very lightly and we -- you know,
17 I'll usually -- if it's me, I'll usually say, yeah, but where else
18 do you run into a 300-foot channel? And most of the time they
19 don't when you look at where they're trading. But until you get
20 into a narrow channel, you just don't maybe realize how she -- she
21 does fine out at sea or in a big bay, wide open bay, but when she
22 starts in a channel that's -- where you're smelling the banks, the
23 ships don't tend to steer as good.

24 I don't think that there's a lot of -- you know, I can
25 get on a real high horse here, but I don't think there's a lot of

1 stuff done -- you don't see much on zigzag tests anymore that
2 supposedly I thought are required. And I don't think there's
3 anything on size of a rudder. There's some general guidelines,
4 but if someone wants to put a rudder half the size of what it says
5 to save \$500,000, I don't think there's anything preventing them
6 that. I mean, if they can get class to buy in on it.

7 Some -- Lou Vest tells a story of a ship couldn't -- it
8 was taking 29 seconds to go from hard over to hard over instead of
9 the 28. So the ship owners' response, cut 3 feet off the rudder.
10 So you got a faster rudder but you've lost a lot of surface area
11 too. So, I mean, that's the reality of what we kind of deal with
12 on ships sometimes.

13 BY MR. STOLZENBERG:

14 Q. I'd like to follow up because that was a question I was
15 going to ask you about was the ship maneuverability H10 panel.
16 You've answered it was done about 15 years ago?

17 A. Yeah.

18 Q. And you were -- Houston Pilots were involved. What
19 was -- you know, briefly, what was the role of engagement for the
20 pilots?

21 A. We took several of these bad handling Aframax tankers up
22 to this group of naval architects and said -- kind of laid it on
23 the table, you know, are we -- most of the ships are good, they're
24 great, but here's four or five ships that are ugly when we're
25 handling them. And tried to get them to look at the ship

1 characteristics, reach out and come up with something. And they
2 did that. There was a lot of interest to try to help us figure
3 this out. And but, in the end it was -- the result was, well,
4 it's complicated, you know, and it's not -- we can't seem to find
5 one thing on any of these four or five ships we've given you. So
6 that's kind of -- Alex may have a different recollection. I think
7 you've spoken with him.

8 Q. Mr. Alex Landsburg?

9 A. Landsburg. But that's kind of my recollection. But I
10 felt there was a real genuine effort to help us because, I mean,
11 this was -- these guys felt like this is what -- this was a great
12 problem for them to work on. It was something we were really
13 struggling with and it's just their professional pride of being
14 naval architects and engineers, they wanted to help us figure this
15 out.

16 Q. And, again, this is Eric Stolzenberg, NTSB. I read some
17 of the studies that Mr. Landsburg supplied and they did show that
18 the vessels were running the Houston Ship Channel by your pilots,
19 I'm assuming. Would you suggest that the study be continued or
20 recommended to other ports?

21 A. It seems like this Panel H10, which was the only thing
22 we knew about at the time, hasn't -- it was in its heyday maybe 10
23 to 15 years ago and it just seems like they don't meet very much
24 anymore whatsoever.

25 But as I've said, there's something there. And 95

1 percent of the ships handle good. There's always, you know, a
2 sports car type ship, you know, Becker rudder, bow and stern
3 thrusters. Of course, that's a really nice handling ship, you
4 know.

5 But, again, there's 2 to 5 percent of the ships is what
6 I would estimate are just really crappy, and what makes them so,
7 I'm not sure. I don't know -- and I reached out to you all on
8 this because I think NTSB maybe has a little more resources or a
9 little more ump to help us figure out how to -- to figure out what
10 the issue is.

11 Q. And another follow-up along the same lines, and
12 is -- you know, we've heard a lot of talk about trim by the stern.
13 Just in laymen's term, what does trim by the stern do to help
14 assist the handling of the vessel?

15 A. It gives more positive stability to that, to steadying a
16 ship up or keep it going a straight course.

17 Q. Understood. So --

18 A. Less rudder is needed to usually keep the ship going
19 straight and, when you are in a turn, less rudder is needed to
20 stop the turn.

21 Q. Thank you. Let me just --

22 A. I'd like to jump on that too, because you mentioned
23 that. And just so -- again, we see that all the time. I haven't
24 done an outreach on that this time I've been in -- as president,
25 but I did in '04 and '05, saying, you know, ship owners' agents,

1 you could help us make our channel safer if you would, you know,
2 put a meter of trim on all your ships. And we realize that
3 sometimes when you're coming up at max draft for a particular
4 berth or max draft in the channel you can't. But there
5 are -- more often than not, no one's at max draft. I mean,
6 there's very few 45-footers on any day. So even if you're coming
7 up at 42 foot, you could put -- you know, if you put 4 feet of
8 trim on, you'd become 40 and 44.

9 And, but we have a very hard time getting anyone to buy
10 into that. And I don't -- there's a little differential on
11 the --because of the draft it would be a little bit more for the
12 pilotage fee. I think that's --

13 MR. BROWN: Does it cut down on the cargo, the revenue
14 earning and capability?

15 MR. MORRIS: No. I think usually what we hear is, well,
16 the ships are told to arrive even keel for the gaugers.

17 MR. WINEGAR: Gaugers.

18 MR. MORRIS: And my response has always been, that's why
19 they built --

20 UNIDENTIFIED SPEAKER: Trim tables.

21 MR. MORRIS: -- trim tables, yeah. But it's something
22 we fight all the time.

23 UNIDENTIFIED SPEAKER: Computer does that now anyway.

24 MR. MORRIS: You know, ships are 32 foot and they're
25 even keel all the time.

1 BY MR. JONES:

2 Q. And you pointed to me, Mike, when you started this.

3 A. Well, you had kind of mentioned those questions before
4 and I thought that would --

5 Q. Only so you can expand on them, which I appreciate.

6 A. Yeah.

7 Q. So, I mean, for the record, would a pilot rather pilot a
8 vessel even trim or trim by the stern?

9 A. Absolutely, positively trim by the stern.

10 MR. WINEGAR: Trim by the stern.

11 BY MR. JONES:

12 Q. Okay. You had mentioned that you talk to ship owners.
13 Is that a recommendation; is that a request to trim other ships by
14 the stern if they were light on cargo?

15 A. This outreach program was strictly a request to -- you
16 know, you could help our channel become safer if you would -- when
17 it was feasible to come up with some trim.

18 Q. Could you make it mandatory?

19 A. We have in a few instances with some ships that, again,
20 has had a bad ship note but we have not tried to make it mandatory
21 for all ships.

22 Q. And what happens -- what would happen if you tried to?
23 You'd chase ships away?

24 A. I think that's the fear that --

25 Q. Yeah.

1 A. You know, I think we're probably not like other pilot
2 groups but there's kind of a -- amongst us there's kind of
3 a -- we'd rather be seen as "can do" pilots versus "can't do"
4 pilots. And so we -- we'd rather have the trim on there, but is
5 it worth saying you must have trim? We haven't quite felt it is
6 or we would have done that, I guess.

7 Q. Did you hear the results of one of the investigations,
8 the *Eagle Otome*, that was mentioned during the -- and in the board
9 report. But one of the tanker companies actually and one of the
10 members of the LoneStar, who I think is also a member of PBIRC,
11 Captain Russell, he was the party member to the accident for AET.
12 AET immediately went to 1-foot trim by the stern on all their
13 vessels. Now, I know that's just one single company and you deal
14 with a lot of companies in Houston.

15 So it's just -- I mean, I hear you. It sounds like a
16 desire, it's just the tough -- trying to close the loop on there
17 is an issue that, you know, you have to work out with the
18 customers of the port.

19 A. Yeah, good point.

20 Q. But it certainly seems like it's -- it doesn't seem like
21 it would be too hard to do if the ship was not fully loaded,
22 lightened in any way, you know. And I heard Mr. Brown say, and
23 you, it seems like to make it easy on the gaugers but hard on the
24 transit, a 60-mile possible transit, by coming in even keel and
25 maybe fully loaded or -- it seems like they're putting the cart

1 before the horse.

2 A. Well, and we have a -- again, I love this waterfront
3 down here and when I just see this effort that's gotten behind
4 this menhaden issue that they were spending 3 hours on this
5 afternoon, and as a community we've probably had 30 hours of
6 information on this, it may be a great new outreach to attempt.
7 You know, I think we've got a lot of people that really care and
8 can help us spread that word, so -- I will try again.

9 Q. Would that be something that a committee like LoneStar
10 would take up?

11 A. Uh-huh, I think so.

12 MS. BELL: I've got a few.

13 MR. JONES: Well, I want to keep going on one thing
14 unless you want to keep talking about -- where you were going.

15 MR. STOLZENBERG: I was going to -- this is Eric, NTSB.
16 I was going to go along the same lines, a little further.

17 MR. JONES: Yeah, sure, and then Carrie.

18 MR. STOLZENBERG: Okay.

19 BY MR. STOLZENBERG:

20 Q. Mike, back here in March when the parties were working
21 on the investigation with the NTSB, several meetings and other
22 things were held during that time. I took the liberty of
23 listening and writing down some of the suggestions that I heard as
24 possible solutions to ongoing issues involving fog and developing
25 fog, the weather, and other potential issues that came up in that

1 *Conti Peridot/Carla Maersk* accident and I wrote them down.

2 I'd like to just get your opinion, understanding this is
3 just, you know, your opinion or Clint's opinion as to what each
4 one of these things I read off might mean towards safety.

5 A. Good.

6 Q. And so I'd start with -- you know, one of the issues I
7 heard as a potential issue is ship-to-ship communication and what
8 that has to do with safety or how that might be improved.

9 MR. BROWN: In regard to the situation confronting those
10 two vessels in this case?

11 BY MR. STOLZENBERG:

12 Q. Yeah, let me -- yeah, let me make sure we're clear.
13 These are things that were, were potential solutions to issues we
14 saw on scene in the *Conti Peridot* or just that had come up.

15 So, you know, one of the solutions that had been talked
16 about -- or not talked about, just discussed or that had come up
17 was one way traffic -- you know, what would one way traffic help
18 in a meeting situation. So I'm just -- what I'd like to ask is,
19 you know, are these viable solutions or what kind of problems they
20 might present or, I guess, I'm searching a little bit here trying
21 to stay out of trouble.

22 A. Well, the first one I don't really -- when you mentioned
23 communications, ship to ship there's usually no problem because
24 two pilots were communicating. I don't remember that being an
25 issue.

1 Q. Okay.

2 A. And usually -- especially when it's ship to ship the
3 pilot -- the two pilots are talking, I don't think there's ever a
4 communication issue there. I can't remember why -- that wasn't
5 even being brought as communication between ships. Do you
6 remember anything more than that about it?

7 Q. I don't recall specifically.

8 A. Okay.

9 Q. These are just notes I had, and if they're not correct,
10 then that's fine, we can move quickly on and --

11 MR. WINEGAR: Well, let me pipe in there.

12 MR. MORRIS: Sure.

13 MR. WINEGAR: I think the communication was, is that the
14 *Conti* was in a shear and the pilot knew he was in trouble because
15 he mentioned about the closed-in visibility and if he had some
16 visual references he might have been able to recover it. And I
17 think the communication issue was is if he had told the downbound
18 pilot, listen, I'm in trouble here, whether or not that would have
19 prevented the accident is a guess, but I think that was the
20 communication issue. I think that was brought up.

21 MR. MORRIS: Yeah.

22 MR. BROWN: Yeah. Could he have called Evans and said
23 give me a little bit more room or slow down or something,
24 something like that.

25 MR. WINEGAR: Or, yeah, or whatever, just said that,

1 listen, I'm in trouble here.

2 MR. MORRIS: Yes. That, yeah --

3 MR. WINEGAR: I think that was the communication issue.

4 MR. MORRIS: I think that's -- I forgot that and I think
5 in that case it's probably -- Captain Reeser had his hands full,
6 no doubt about it, you know. And when I listen to those
7 tapes -- and Chris is one of my closest friends in this
8 organization, but, ah, it's heartbreaking. But certainly what
9 that would have led to is -- the pilot could say, hey, I'm going
10 bank to bank here, stay in the middle, I'll tell you which side I
11 need to meet you on.

12 And we've all been there and done that.

13 So had -- you know, Larry had committed maybe just 5
14 seconds, 10 seconds before -- I'm not sure what it was, but he
15 started that starboard turn to meet port to port and it could have
16 been done a little bit later with a little more rudder had he
17 stayed right in the middle and waited to see which -- if Chris was
18 able to recover. So I think that's a fair --

19 BY MR. STOLZENBERG:

20 Q. Like I say, it's speculative.

21 A. Yeah. No, I'd totally forgotten that issue.

22 Q. It's speculative. But I believe that was the issue.

23 A. I'm glad Clint remembered. I think that's a fair -- I
24 think his hands were really full and it's hard enough in clear
25 visibility when you get a ship starting to run on you, but when

1 it's -- when you're also in this zero visibility that popped in
2 fast, it's even tougher, so --

3 Q. Well, yeah. And let me -- and Eric, again. Let me
4 tighten up my scope. What I -- that is specifically what I'm
5 meaning to have asked there was, we had discussed in a group was
6 whether or not early communication on a pilot who was struggling
7 may have helped in some fashion.

8 A. Yeah.

9 Q. I think we've covered that. The next one down would be
10 one-way traffic, you know, maybe how one-way traffic might have
11 helped with meeting ships in fog. Is there thoughts on that?

12 A. And we do that. You know, again --

13 UNIDENTIFIED SPEAKER: Or you wouldn't be meeting.

14 MR. BROWN: Yeah, you wouldn't have the situation then.

15 MR. MORRIS: Yeah. You know, we -- and we try to do
16 that when we're anticipating reduced visibility. You know, we
17 know during the daylight we usually have that window of -- in fog
18 season, when it is a foggy day, we may get a 4 to 5; 4 to, say, 8-
19 hour window of clear visibility.

20 That particular day fog wasn't supposed to roll in until
21 that evening, I believe. So we were pretty comfortable running
22 two-way traffic. Had it been maybe by 3 or 4 in the afternoon as
23 people saw the cloud cover dropping a little bit, they would have
24 said -- you know, the pilots on the channel would have said, let's
25 go to one-way traffic, you know.

1 And usually it's just a balance; you have more arrivals,
2 more sailings. But, you know, let's -- there may be lots of
3 sailings so the guys will say, hey, let's do no more boardings,
4 close it for the arrivals, and we'll just come out and get off
5 because, you know, it sure looks like it's going to get foggy
6 tonight.

7 BY MR. STOLZENBERG:

8 Q. How often does one-way traffic happen in a given year?

9 A. During the 3 or 4 months of fog season, several dozen
10 times.

11 MR. WINEGAR: Very often. I mean --

12 MR. MORRIS: Yeah.

13 MR. WINEGAR: -- during the fog season it's usually -- I
14 would say more often than not, it's one way.

15 MR. BROWN: That's what the two of you guys are using to
16 address reduced visibility.

17 MR. WINEGAR: That's right.

18 MR. MORRIS: Sure, to keep ships moving, and pilots have
19 gotten comfortable with that. You know, weather pattern in the
20 wintertime is very predictable. You get a cold front blows
21 through and it's north wind and it's -- it blows out all the smog
22 and it is crystal clear. And depending on how strong that front
23 is, we lose water. We may lose 2 or 3 feet in our bay, but it may
24 stay crystal clear for 3 to 5 days, 2 to 5 days, depending on how
25 strong that north wind is blowing and how long it blows. But it

1 eventually veers around, comes more out of the south/southeast,
2 picks up that moisture and it gets foggy again.

3 And it's just that pattern repeats itself and
4 it'll -- every -- it almost seems like the first night it gets
5 foggy, may not get foggy till 4:00 in the morning. The second
6 night maybe 10:00 at night it's starting to get foggy. It just
7 seems like every day leading up to another cold front the fog gets
8 a little thicker, a little -- moves in a little bit faster. Your
9 clear visibility window is shorter.

10 BY MR. STOLZENBERG:

11 Q. And that's another thing that I had down here was
12 weather scenarios developing. I think we talked about that
13 earlier, what -- are there any improvements to the weather
14 predictions or scenarios for developing fog that might be
15 available or on the near horizon that anyone knows of?

16 MR. WINEGAR: We've tried with the fog cameras. So
17 we --

18 MR. MORRIS: Yeah.

19 MR. WINEGAR: -- there's a company that had a fog
20 camera. We were hoping to see if that could help us. It didn't
21 turn out it worked too well, but --

22 MR. MORRIS: We were experimenting with a quarter-
23 million dollar camera, infrared, mid-wave cooled camera that had
24 worked on the West Coast, we were told. And we thought, well,
25 this was expensive, a really expensive tool, but if someone could

1 stand up on the bow and see out a mile, a mile and a half, that
2 maybe it would be worth it for a cruise ship to get up or, you
3 know, a container ship possibly that was in a liner service or
4 ship that was needing fuel that may -- you know, they were too
5 expensive to put on every ship, but we put them on our pilot
6 boats.

7 In fact, it was military grade camera. It had to be on
8 an American bottom for testing. And so we put them on our pilot
9 boats and they'd come down every week and they were recording and
10 look and they would adjust it. And we went through the winter
11 before last, like January and February of '14, and without any
12 success here at all. We had thicker, wetter fog than the West
13 Coast seemed to have.

14 MR. WINEGAR: And the other thing we're doing is
15 constantly providing impact with more tools and more information
16 or now it's --

17 MR. BROWN: Geo.

18 MR. WINEGAR: Geo, StormGeo -- providing them with more
19 information on what's going on. So they're using the water temps,
20 the wind speeds, the dew points and all this stuff to help them
21 better forecast. So every year they're gaining more and more
22 information to get their report better.

23 There was a few times last year that we were able to
24 point out like 2 or 3 in the morning we were just -- the fog would
25 disappear, which was very strange to us. We're like, where'd the

1 fog go, because you'd always expect it at night. But it had to do
2 with whatever current came in would just open it up for a few
3 hours. So it's providing them with that information that we never
4 knew really existed before to help them better understand, well,
5 why did it lift.

6 BY MR. STOLZENBERG:

7 Q. And along the same lines, another note I had was, fog
8 sensors in Galveston Bay with NOAA?

9 A. Yep, we talked about that. We've been trying to get a
10 good mid-bay station. We've been working with NOAA on that. We
11 actually -- one of our pilots -- I was just trying to remember.

12 Clint, you might remember what company that Marcus
13 reached out to.

14 MR. WINEGAR: It was on the East Coast. Wind, wind
15 something.

16 MR. MORRIS: Yeah, I thought I might see. But it's
17 a -- one of our pilots sails a lot and it's an app he uses, but
18 they have weather stations throughout Galveston Bay. And we
19 thought, wow, maybe we could tie them with ImpactWeather and so we
20 had -- kind of had a --

21 MR. WINEGAR: WeatherFlow.

22 MR. MORRIS: WeatherFlow, okay. We had ImpactWeather
23 and WeatherFlow get together to see if there was some synergy
24 there that could better impact weather fog prediction by using
25 some of their equipment. I don't think it was successful. That

1 was about the time StormGeo was buying them out. But we're
2 constantly looking for new tools to help us predict fog.

3 BY MR. STOLZENBERG:

4 Q. Okay. So the sensors are an idea but they haven't come
5 to fruition at this point in time?

6 A. No. And I guess the other thing I would tell you is,
7 pre *Cosco Busan*, we were probably a little more aggressive with
8 moving in fog than we are today. And I think the perception's a
9 little wrong, but perception is, wow, a pilot was navigating and
10 made a mistake and went to jail. I think it was deeper than that
11 if you've read at all on that, but that's the perception of a lot
12 of pilots. So pilots have gotten much more conservative. There
13 is no doubt that they're much more conservative, I think, as we
14 move into the fog season in November, December this year after our
15 previous 12 months, you know, starting with the *Summer Wind*.

16 I mean, at least two of the accidents were in reduced
17 visibility. A third was in a still -- a fog cleanup time frame.
18 So, I mean, some ways you could tie all three to reduced
19 visibility, but certainly two of the three had reduced visibility.

20 Q. And one of the last things I had down for a note was the
21 feasibility of emergency anchoring. I know earlier we definitely
22 discussed the spacing increase as a means to improve that. Is
23 there another potential way to make emergency anchoring more
24 feasible?

25 A. No, that's really why we'd be increasing that spacing,

1 so that we could for what would be needed. And I think, you know,
2 my two big ones, if that was it, was I still thought -- we're
3 really proud of what we do here and now, you know, we'd like to
4 think that we -- we meet in a very narrow channel and we're proud
5 of how much ship we stuff up this channel and how close we meet.
6 And Captain Penoyer, who could have really been badmouthing us
7 after his 2 -- first 2 years here, has continued to say
8 that -- you know, it's a miracle as close as they pass there
9 aren't more incidents in this ship channel.

10 So we are very proud as a group, but to me at some point
11 do we need a wider channel? I mean, I --

12 Q. That's my follow-on question.

13 A. Yeah.

14 Q. I know that there had been discussion back in March that
15 coming Suezmax ships are going to further reduce the margin for
16 error in the channel as they're wider and the channel width is
17 constant. Is there thoughts on what would a larger channel, how
18 would that help the pilots or make transit safer? Or I guess a
19 wider channel is what we're talking about.

20 A. Yeah. I think it gives a little more room in the
21 meeting situations. If you're -- got 1,000 feet of deep water
22 versus 530, there's going to be less bank effect if
23 you're -- unless you're right up against the bank. I mean, we see
24 that in our channel below the ICW. It's, you know, 800 or 1200,
25 depending on where you are and most -- you know, we don't meet

1 head on in those channels. Everyone just kind of goes to one side
2 and there's quite a bit more spacing when you do pass in most
3 cases. There's current out there and that can change the
4 situation, but on a good average day there's -- it feels like a
5 lot more room out there than it does in our main channel.

6 I'd love to show you, if we get done -- we did a video,
7 a 3-, 4-minute video of a simulation we did in January of last
8 year up at MITAGS.

9 MR. JONES: We saw it.

10 MR. MORRIS: Did I show that to you?

11 MR. STOLZENBERG: We saw that back in March. That's the
12 nature of my question, is whether --

13 MR. JONES: Maybe we could show -- I don't think we
14 showed -- maybe we could show it on a laptop to Carrie, but it's
15 very interesting. Yeah.

16 MR. MORRIS: Yeah, and --

17 BY MR. STOLZENBERG:

18 Q. Is there potential or is there ongoing work or studies
19 to address the Suezmax vessels or other vessels that will --

20 A. And these are the bigger container ships really. The
21 Suezmaxes have been coming up ever since we went from a 400 to a
22 530-foot channel. So we've been bringing Suezmax vessels up since
23 2005.

24 Q. Oh, thank you. My error.

25 A. So it's these bigger -- you know, in the last 10 years

1 the container ships are the ones that have grown and it's that
2 added length that is -- you know 900 and 900 -- two 900 ships, no
3 problem, but throw a 900-foot and a 1200-foot ship in the mix and
4 it creates a whole different dynamics in our channel.

5 So, yeah, there's a -- what they call a 216 study that's
6 going to happen in three ports next year -- actually starting in
7 September/October of this year, and we're one of the three ports
8 that was selected. And I'm hoping that, that that comes up. I
9 know I'm actually talking at some kind of a chemical conference
10 that Economic Alliance puts on next month there towards the end of
11 August, supposed to be 5- or 600 people there, and I'm going to
12 show that video and talk about it saying the need for a wider
13 channel is here. These are ships that want to come in today
14 and --

15 UNIDENTIFIED SPEAKER: Well, and the port wants them,
16 right?

17 MR. MORRIS: And the port really wants them and I know
18 the port's kind of struggling. They're the sponsor for this
19 channel but they need the oil and gas to get behind them. I'm not
20 sure I understand that process, but -- but that's my intent to do
21 this talk is to try to say, you know, this is going to, you know,
22 be kind of a group effort. Between now and when I talk I've got
23 to figure out what they can do because I'm not sure I know,
24 but --to help in this process. But it's going to be a big port-
25 wide effort, not just the public entity.

1 MR. STOLZENBERG: Thank you.

2 BY MR. JONES:

3 Q. While we're talking, I mean, I know it's -- it
4 was -- it's like a wish list, a wider channel. But and I just was
5 curious, would a wider channel at this point be as good or would
6 two channels with a -- if you're going to make it wider, instead,
7 just go over a little further and take what you're dredging from
8 one side and just put it in the middle as a berm.

9 A. Two one-way channel?

10 Q. Two one-way channels. And I'm sure there's naval
11 architects are a heck of a lot, you know, more on the ball than
12 what I've -- I just was thinking it though at the same time
13 because it -- and then make it shallow enough where you just run
14 into the mud if you do have a problem.

15 A. Yeah.

16 Q. You're not going to -- because, otherwise, if it's
17 just -- you could still have those two same-size ships hitting
18 each other if you're going bank to bank. Anyway, that's just --

19 A. Conceptually, my first thought is, you're probably
20 right, that's probably even a safer -- I don't know of any place
21 like that, but -- that has two complete separate --

22 Q. Yeah. Otherwise, the only other option is what like
23 Suez does and you pull off to an apron, a side road, while the
24 convoy comes down and then you come back out.

25 A. And our port is thinking that might be an answer and one

1 of the things they're asking to study. I'm not -- we haven't
2 really polled out group or discussed it much. I think Savannah's
3 got these little passing areas. But we get so much traffic that
4 I'm not sure those would work.

5 Q. Yeah, yeah, and that's a logistic for you and your
6 committees and the VTS and like everybody else.

7 But I want to give Carrie a chance to ask but -- and I'm
8 sorry, before I -- I just want -- we've been going like for almost
9 2 hours, so do you want to take a quick break or anything?

10 MR. MORRIS: (Indiscernible).

11 MR. WINEGAR: Yeah, a head break.

12 MR. JONES: A head break? Yeah. Let me just go to
13 pause for a minute.

14 MR. MORRIS: Getting tired.

15 MR. JONES: Yeah, take a break here.

16 MR. MORRIS: Just in time for the human factors.

17 MR. JONES: We'll go off the records for a minute.

18 (Off the record.)

19 (On the record.)

20 MR. JONES: We're back on the record with Captain Morris
21 and Captain Clint Winegar at the Houston Pilots Association.
22 Okay.

23 BY MS. BELL:

24 Q. Okay. So I've just got a few questions. The first one
25 is related to basically looking at the risk versus the benefit of

1 moving in the fog. So say -- not when the bar is closed or open
2 necessarily, it's the pilot that's in transit in the channel and
3 the fog is there. The fog has come in. He's at a point now where
4 he's, you know, he's got to look at the safety of his ship, yet
5 all the factors that are -- we've already talked about that affect
6 his decision: anchoring in the channel is going to affect the
7 people behind him, getting where he's got to go, trying to -- you
8 know, the preference you had mentioned was to get up to the berth.
9 So, all of these things are coming into play at this point
10 so -- and obviously fog has been an issue, has always been an
11 issue, you know, during the winter.

12 Have there been discussions to address this kind
13 of -- what do they do here to decide, you know, what's the risk of
14 moving versus the benefit of staying right here?

15 A. Again, it becomes an individual pilot decision, and I
16 don't think any pilot if he got on -- if all of a sudden a radar
17 went out on him or someone stepped across and his laptop hit the
18 deck and it crashed. And if a pilot lost a tool that he felt was
19 important to him or her for the sake of navigation, I feel pretty
20 strongly that that pilot would anchor and that word would get out
21 and that person may not be the most -- win the most -- the
22 popularity contest that day, but we've all been there. We all
23 understand. You know, some ships have good equipment, others have
24 bad. We know equipment breaks.

25 So most of us feel like with the equipment we have we

1 can get there. We don't want to meet other ships. We prefer not
2 to, but --

3 MR. WINEGAR: I could chime in maybe.

4 MR. MORRIS: Sure, yeah.

5 MR. WINEGAR: There was two -- there's two instances
6 where I think it's not a documented rule but we don't meet if it's
7 bad, if it's zero. So we'll all anchor if we've got two-way
8 traffic, and then if we can, we start slowing down to -- we don't
9 meet. And then if we're -- we don't want to travel above Morgans
10 Point in zero. So if we know there might be some fog in the bay,
11 we feel more comfortable, there's straight lines, we can make
12 those course changes. But we don't want to navigate with all the
13 docks and all the berths up there, we don't want to navigate
14 above. So we won't dock a ship in zero; we'll anchor before.

15 MS. BELL: Okay.

16 MR. WINEGAR: So if we're up above and we can't -- we'll
17 anchor if it's safe to do so before we get to the dock; we'll try
18 to find a place to anchor.

19 BY MS. BELL:

20 Q. So how do you -- how does -- how did the pilots --

21 MR. WINEGAR: Is that (indiscernible), Mike?

22 MR. MORRIS: Yeah. It's just sometimes hard to find a
23 spot to anchor if you get above Lynchburg for sure.

24 MR. WINEGAR: Like I've seen in Shell. We've anchored
25 at Shell Basin. I've seen that.

1 MR. MORRIS: Yeah.

2 MR. WINEGAR: I've seen them right below Lynchburg. A
3 couple of --

4 MR. MORRIS: And that's maybe the last, yeah. But, I
5 mean, that particular day we had to -- I mean, we don't like to
6 meet traffic, but even if they're -- if the fog rolled in fast
7 like it did on that particular day, they kind of still thought
8 that they could get the job done.

9 BY MR. JONES:

10 Q. Maybe you can expand on this. Chris Reeser said that
11 sometimes -- at least in his opinion -- it's more unsafe to anchor
12 if you have traffic patterns as opposed to if your tools are
13 working, getting up to the dock, if zero visibility hits you?

14 A. And I think --

15 Q. I don't know if that's your feeling or if you're
16 experienced that?

17 A. And I think that's why I asked each of the masters on
18 those ships how long is it going to take you to get anchored up
19 and one said the 30 minutes, the other said, you know, 4 or 5
20 miles. And you just don't have that kind of spacing so, again,
21 you're forced to do these -- what really becomes kind of an
22 emergency anchoring when that happens and everyone's catawampus
23 when you lift up and you look down on from a satellite and you see
24 everybody, you know, aground in the channel or going sideways in
25 the channel. To me, I think that's what Chris was talking about

1 and --

2 UNIDENTIFIED SPEAKER: He was so close to Morgans Point.

3 MR. MORRIS: Yeah, and visibility was just above him
4 too, you know what I mean? It was --

5 BY MR. JONES:

6 Q. Good visibility.

7 A. Good visibility was just above him so I think he felt
8 even though he had a -- I think, his first sense of trouble was
9 maybe really meeting that car ship, you know, and he realized it
10 was going to be -- he -- Chris is a guy that normally gives a
11 little more room than what he gave Jim, but he realized that, you
12 know, he had a bad handling ship and he kept a little closer to
13 the center line than he normally would have, just because he knew
14 it was a bad handling ship. And he knows what he's on and that
15 ship still just went crazy on him.

16 And I remember wondering if -- you know, I mean,
17 because, you're right, you're in that dark room and, as you
18 mentioned, you can't see. But as I was up there with the
19 transcription, it certainly is best -- in my professional opinion,
20 he seemed to know. I mean, the rudder was all put on at the right
21 time. You know, it was put on quickly hard over. It wasn't like
22 he got disoriented and which I think could happen to anybody at
23 any time. So, but it sure seemed like he put on hard over rudder.
24 And as -- my recollection is that thing would steady up and he
25 would reduce it to like 10 degrees of rudder and it would take off

1 flying again to the left. It was kind of crazy to -- I mean, the
2 ship just -- I think twice there it looked like it was checked up,
3 he reduced the rudder and it would all of a sudden tick, tick and
4 then tick, tick, tick, tick, tick.

5 So it was -- what caused that, I don't know. But it
6 wasn't like he got too far over initially whatsoever. It
7 just -- you know, he kind of hogged the center because I think he
8 knew what he had, so --

9 That might have diverted from your question a little bit
10 there, but --

11 MS. BELL: That's okay. That's all right.

12 MR. MORRIS: But, again, I think everybody is evaluating
13 or they're not -- anchoring should be a tool that we use a little
14 bit more often than we're doing now. But we balance that with the
15 risk of -- I mean, even if I'm the only one out there and I
16 anchor, when I wake up in the morning I know I may be aground on
17 one end or the other, I may be facing the other way and somehow
18 the ship magically turned. And you've got a 530-foot channel and
19 you've got a 600-foot ship, you say, how the heck did it do that?

20 MR. BROWN: You've got pipeline crossings depending
21 where you are.

22 MR. MORRIS: Yeah. You've got pipeline crossings out
23 there, but --

24 MR. BROWN: There's a lot of pipelines in this channel.

25 MR. MORRIS: -- but you say, you know, it's -- you know,

1 you'd never attempt to turn it on -- a 600-foot channel, but
2 somehow it magically did it on its anchor out there, and --

3 MR. STOLZENBERG: You also have the risk of -- if it's
4 deep loaded, the anchor going through the bottom of the ship.

5 MR. MORRIS: Yeah.

6 MR. STOLZENBERG: So you kind of have that one going for
7 you too, not always wanting to anchor in that case.

8 MR. MORRIS: Esso Bayway, 1979, in Sabine, spilled a lot
9 of oil. I was over there for a long time in the cleanup
10 with -- when I was -- had just come shore with Exxon and I spent 3
11 months living in the Holiday Inn in Grove, Texas cleaning that oil
12 spill up, so -- and the thing, you know, she -- kind of an
13 emergency anchoring. Coast Guard got on scene of a couple -- a
14 barge was sinking at the dock and they looked up and, hey, ship go
15 to anchor, don't go by this dock. And it was kind of full astern
16 and they thought they had it, but he had 40 foot in a 40-foot
17 channel and still had a little headway. And when he anchored
18 the -- the anchor went up through the hull, single hull ship, and
19 spilled about 8,000 barrels.

20 BY MS. BELL:

21 Q. Okay. So would it be safe to say then that they have to
22 look beyond the safety to -- at the repercussions that might come
23 about if they do anchor as opposed -- not the anchor is going to
24 come up, you know, and damage the ship, but all of the other
25 things, factors?

1 A. I'm not sure this is answering your question, but I
2 don't think anchoring is as simple as it sounds.

3 Q. No.

4 A. Maybe is how I want to -- my first response to you. A
5 lot of things to be considered and you're shutting down all the
6 traffic and you may be aground, and if that's the case, are we
7 going to have to get salvage masters out here and how are they
8 going to get out here and now who's in charge, and so --

9 UNIDENTIFIED SPEAKER: Causing headache for the tow
10 traffic as well a lot of times.

11 MR. MORRIS: Yeah.

12 MS. BELL: So what would you --

13 MR. BROWN: Because tows are still moving --

14 BY MS. BELL:

15 Q. If, in a situation where there's fog like this and
16 they're trying to decide if they're going to anchor, they're going
17 to keep going, how do the pilots communicate with each other in
18 this type of a situation? All the pilots that are transiting.

19 A. Most of us talking on 74 to one another. And, hey, I'm
20 having a little problem here, my radar's out, I'm going to have to
21 go to anchor. I've just lost engines, whatever it may be. But
22 ship to ship, you know, we can all get on 74 and if someone's not
23 reading us, the dispatchers will do -- play a good hand in letting
24 everybody --

25 Q. Okay.

1 A. -- letting all those other ships know.

2 Q. Okay.

3 A. I think we're pretty good too at getting right on with
4 traffic and saying --

5 UNIDENTIFIED SPEAKER: VTS.

6 MR. MORRIS: -- that we're having problems. So tow
7 traffic's another one. And I think VTS usually jumps on kind of a
8 Sécurité type broadcast saying something's going on down in this
9 particular area, use caution.

10 BY MS. BELL:

11 Q. So the pilots are informing VTS along the way when
12 they're talking about what they might do and their concerns with
13 the fog?

14 A. Sure.

15 Q. Okay.

16 A. And we're usually giving traffic visibility reports out
17 there too. I'm at Red Fish and give my report; by the way, it
18 looks like we're down to about a mile down here now, you know, and
19 falling. So --

20 Q. Okay. My other questions are related more to training.
21 So, let me see. One of the questions I had, do you look at trends
22 in accidents or miss -- what's the word I'm looking for?

23 MR. JONES: Near misses.

24 BY MS. BELL:

25 Q. Near misses when determining the kinds of training that

1 you want the pilots to take?

2 A. No. I think we have a pretty well developed in-house
3 continuing education program and a lot of time it's just pilots
4 will hear of a course or a safety committee explores a course,
5 MITAGS or MPI -- or PMI may put out an advertisement for a new
6 course that peaks our interest. A school up in Quebec started
7 using -- they peaked our interest with a radar detection course.
8 So it sounded pretty good. It got into some theory on radar, and
9 so --

10 MR. WINEGAR: Mike, PBIRC and LoneStar as well.

11 MR. MORRIS: Yeah, PBIRC, of course. You heard
12 yesterday that -- I think you guys followed the trend on that
13 *Overseas Alomar* [sic]. I think I heard you guys recommended a
14 restricted visibility course maybe for the pilots. I thought I
15 heard that but on that open bay bridge allision out there, the
16 second one.

17 MR. JONES: Oh, *Overseas Reymar*?

18 MR. MORRIS: Yeah. I think one of the recommendations
19 was some kind of a reduced visibility training for pilots and
20 that's what came up in 2011 after that. I mentioned yesterday
21 after that *Harvest Sun/Charleston* collision. So we developed that
22 course kind of in-house. It was for one pilot. We had a senior
23 pilot sit through it and I think maybe a member of the safety
24 committee and everyone said, wow, this is pretty good.

25 And so the group then decides as a group if it's one of

1 these approved training classes that we can participate in, but --

2 MR. WINEGAR: Blue water, brown water training class
3 after this *Summer Wind* --

4 MR. BROWN: Yeah, these arose from accidents that
5 happened here on the channel --

6 MR. MORRIS: Yeah.

7 MR. BROWN: -- and the recommendation of the PBIRC for
8 specific training modules.

9 BY MS. BELL:

10 Q. Okay.

11 A. With the *Summer Wind*, we thought -- communications came
12 up, you know, and --

13 Q. Okay.

14 A. -- it wasn't as good as it could have been and what
15 could we do. And we had to, of course -- and I'm hoping Rob may
16 come down for in September and --

17 MR. JONES: Is it going to be cooler?

18 MR. MORRIS: Yeah, I hope so.

19 UNIDENTIFIED SPEAKER: Probably not, no.

20 MR. WINEGAR: Not much.

21 MR. MORRIS: Maybe below 98.

22 So, so programs get into our program through different
23 ways but we don't necessarily study near misses and say, oh, you
24 know what, here's a trend. I don't think -- we might do that
25 informally. I'm trying to think of how that would be -- how we do

1 that without even realizing it. But we generally try to find
2 courses that we think will improve our professionalism.

3 BY MS. BELL:

4 Q. Uh-huh. Let's see. Okay, so for initial training you
5 had said that they -- the pilots are expected to do 250 transits
6 in 6 months and 1,000 over a short amount of time.

7 MR. WINEGAR: Three years.

8 BY MS. BELL:

9 Q. So as they continue to be a pilot, do you require a
10 certain number of hours of training with your continuing ed per
11 year?

12 MR. WINEGAR: In their 3-year training program there's a
13 whole list of courses they're required to have.

14 MS. BELL: Just in the first 3 years?

15 MR. WINEGAR: Yes.

16 MS. BELL: And then continuing on beyond that?

17 MR. WINEGAR: The first 6 months there's quite a few.
18 There's -- mostly in the first 6 months they're required to have
19 so much training and then it's a little spread out towards their
20 last 2½ years, but the big one is at the last year they have to
21 take a manned model course so --

22 MR. BROWN: Like Grenoble or one of those places?

23 MR. WINEGAR: Yes, uh-huh. They have to go to France
24 and do the manned -- there's a manned model. And so it's a 1/20th
25 scale -- it's a ship 1/20th the size, and so you actually get in a

1 little boat, but it's all to scale of a ship so --

2 MS. BELL: Like a simulator type training?

3 MR. WINEGAR: It is, but it's actually a reg --

4 MR. BROWN: It's a vessel and like the propeller's only
5 that big so she won't --

6 MR. WINEGAR: Right.

7 MS. BELL: Oh, okay.

8 MR. WINEGAR: Yeah.

9 MR. BROWN: You know, it's --

10 MR. WINEGAR: So you actually sit in it and you drive it
11 around a little lake and you run through all kinds of exercises
12 and they do emergency maneuvers with -- doing anchoring --

13 MR. BROWN: Anchoring.

14 MR. WINEGAR: -- and docking a ship with an anchor. You
15 don't have a tug and you have to dock the ship with an anchor and
16 different --

17 MS. BELL: Scenarios.

18 MR. WINEGAR: -- scenarios, meeting in narrow channels
19 and get to go through all these kind of things, so --

20 MS. BELL: So that happens in the first 3 years, and is
21 that type of training ever given again after they've been --

22 MR. WINEGAR: Yes. Every commission cycle you get to do
23 it all over again, so --

24 MR. JONES: How often's that?

25 MR. WINEGAR: Every 4 years.

1 MS. BELL: Every 4 years?

2 MR. WINEGAR: Uh-huh.

3 MS. BELL: Okay. Throughout the --

4 MR. MORRIS: And we have a few courses that are kind of
5 one time only. But at least 50 percent of the classes are with
6 your cycle so, you know, BRMP emergency ship handling, manned
7 models, fatigue, medicines, and I forget the name of the course
8 now, but legal aspects.

9 MR. BROWN: We've got a list of the courses if you'd
10 like to see them.

11 MR. MORRIS: Yeah.

12 MR. WINEGAR: Right.

13 MS. BELL: Yeah, that would be interesting.

14 MR. BROWN: Give you a list. Yeah, I'll get you one
15 made up now. I'm going to go get it.

16 MR. MORRIS: Yeah, we've got -- probably the one in
17 here, but I can email it to you easy enough.

18 MS. BELL: Okay.

19 MR. MORRIS: And it's kind of a living, breathing
20 document. We -- you know, we're always adding training to it,
21 but --

22 MS. BELL: So who keeps a record of the pilots'
23 training?

24 UNIDENTIFIED SPEAKER: Their certificates and stuff?

25 MS. BELL: Oh, thank you. Yes.

1 UNIDENTIFIED SPEAKER: They would have that and to an
2 extent it would be here as well.

3 BY MS. BELL:

4 Q. Someone keeps track of how many hours they have per year
5 or when they're up for their 4 year?

6 A. Yeah, yeah, the port wants to see that at every renewal.
7 And so the certificates themselves are kept by the individual
8 pilots, but Susie, who is my assistant, will keep track of
9 everybody's training, so --

10 Q. Okay.

11 A. And when it renews, like in a commission cycle. And she
12 actually sends out a sheet to everybody as a reminder every year,
13 you're --

14 MR. WINEGAR: You're eligible for these courses.

15 MR. MORRIS: -- you're eligible for these courses.

16 BY MS. BELL:

17 Q. Okay. And back to -- one other question. Back to we
18 were talking about in the channel when they're considering what
19 they're going to do if the fog is setting in. Does the number or
20 type of vessels that are also underway around them affect that
21 decision, who's -- how many vessels are in front or behind or
22 coming toward them inbound or --

23 A. Yeah, sure. I think an example of that might be the
24 *Summer Wind*. You know, Mike Pizzitola was on this light draft
25 grain ship and he contacted the two outbound ships because they

1 were wide body tankers, a little more draft. And, again, we don't
2 like to meet in fog. It was kind of clear on that day. It was
3 still patchy. He reached out to both ships and said, you guys
4 care if I get underway? I'm on a very light draft ship. I can
5 get over -- way over on the edge of the channel. And, you know,
6 both vessels -- both the pilots on both vessels indicated, yeah,
7 no problem.

8 But, again, had that been 10:00 at night and the fog was
9 just rolling in, the answer -- he probably wouldn't have even
10 asked, you know, because it would have already been put on the
11 radio that, hey, don't -- no more arrivals, you know, we don't
12 want to meet anybody. So --

13 Q. Okay. So is it typical for them to call and say, is it
14 okay to board, I'm going to, you know?

15 MR. JONES: You know, how's it look up there?

16 MS. BELL: Yeah.

17 MR. JONES: How's it -- is it really up in the bay --

18 MR. MORRIS: Yes, there's a lot of that.

19 MS. BELL: It's typical, uh-huh. I think that's all the
20 questions I have right now.

21 BY MR. JONES:

22 Q. Okay. Yeah, Rob Jones again. I just have a couple
23 follow-ups.

24 The training that Carrie had just mentioned, can you try
25 to induce a shear? Like whether it's at MITAGS or ask them to put

1 you in a simulator where you can induce a shear and then try to
2 pull out of it, and is that something you guys do?

3 A. The technology really isn't there for bank effect in the
4 simulators. It's getting there. It's not -- I mean, we've got
5 the latest and greatest Kongsberg now that we're doing modeling
6 at, but that's not there. That's probably done more in the manned
7 models.

8 Q. Like Grenoble?

9 A. Like at Grenoble.

10 MR. WINEGAR: We have, you know, our own. We built a
11 manned model here in Covington, Louisiana, so --

12 MR. MORRIS: Over with George Burkley over at MPI we
13 have -- we built a big container ship that we've been modeling,
14 turning into Bay Port with the flare widened there as we get to
15 these bigger ships, so -- again, another one of those things that
16 I don't think any other pilot groups ever done, but we've put a
17 half a million dollars into this. That's what it cost to build
18 the model, and we approved internally a 2-day training course over
19 there to go over and practice this maneuver with this big, big
20 model.

21 MR. WINEGAR: But the bank effect does mimic very well
22 to real life on those manned models in the way that that
23 bottom -- you know, how it shears off.

24 BY MR. JONES:

25 Q. And so in that one that as closely resembles it as you

1 can get, not as much the simulators, do you just try to induce a
2 shear and then pull out of it?

3 MR. WINEGAR: Yes.

4 MR. JONES: Or do you just handle the bank -- okay.

5 MR. WINEGAR: Yeah.

6 MR. JONES: Is that some --

7 MR. WINEGAR: Part of that training in France will do --

8 MR. JONES: Like recover from it?

9 MR. WINEGAR: -- overtaking situations --

10 MR. JONES: Okay.

11 MR. WINEGAR: -- in narrow channels, will actually do
12 meeting in narrow channels. And so it's just like the Houston
13 Ship Channel. You'll have the -- the vessel interaction is very
14 similar. You'll have the bank interaction. So we run --

15 MR. JONES: But is that like -- okay, so you're going
16 through your list of what to do, you know. You're overtaking,
17 you're meeting, but, you know, recover from a shear, is that a
18 checkmark? You know, do you -- so without a meeting, without
19 meeting another vessel, do you induce shear? So you head to the
20 bank as if -- and you know you're going to shear off, and then you
21 give the rudder orders needed or the engine orders needed to
22 recover from that shear?

23 MR. WINEGAR: Well, that's what happens when you do that
24 meeting situation in that narrow channel, so you'll have --

25 MR. JONES: But that's more controlled. I was kind

1 of -- if you could, you know, if you could exaggerate that
2 oscillation --

3 MR. WINEGAR: Yeah.

4 MR. JONES: -- to the point where you're really out of
5 control heading for one bank and then just -- because that's what
6 we -- you know, it kind of had on *Eagle Otome* and we have here,
7 you know, with the *Conti Peridot* prior to the collision. I mean,
8 you're the experts with regard to that, so that's all I was
9 wondering. I mean, I know you're working bank effect, but that
10 was really like the start of a shear that's --

11 MR. BROWN: Like practice like a serious shear
12 (indiscernible) --

13 MR. JONES: Yeah, yeah, just really set it up for
14 yourself to know you're going to be in trouble using hard rudder
15 and hard engine orders to stop it, to bring it back to the, you
16 know, center of the channel steady state. Anyway, just something
17 that I was wondering if it was done and something you could think
18 about.

19 MR. WINEGAR: Right.

20 MR. JONES: I'm sure Grenoble wouldn't want -- mind
21 putting it on their repertoire.

22 MR. WINEGAR: Right.

23 BY MR. JONES:

24 Q. The other thing you had mentioned was -- and that
25 training is recurrent like every 4 years?

1 MR. WINEGAR: Yes.

2 MR. JONES: So they have to go to Grenoble or have to go
3 to a simulator before --

4 MR. WINEGAR: Well, you do as a deputy.

5 MR. JONES: I mean, after you're full branch and
6 everything?

7 UNIDENTIFIED SPEAKER: It's not, it's not -- most people
8 do go --

9 MR. WINEGAR: Yeah.

10 UNIDENTIFIED SPEAKER: -- multiple times over the years,
11 but I don't think it's mandatory.

12 MR. JONES: Okay.

13 UNIDENTIFIED SPEAKER: Maybe I'm --

14 MR. MORRIS: No. I mean, if you took every course in
15 there every 4 years that you're able to, I forget how many hours
16 you'd have. But you can kind of pick and choose the courses that
17 you want to do to.

18 MR. JONES: Okay.

19 BY MR. JONES:

20 Q. All right. After you're a full branch, what training is
21 mandatory other than remaining on the river, on the channel and,
22 you know, with enough time?

23 A. What the port is going to is, and it's in their latest
24 set of regulations that haven't -- changes to regulation haven't
25 been approved, but they're wanting them so many hours per --

1 MR. WINEGAR: Commission cycle.

2 MR. MORRIS: -- per commission cycle. So when you
3 renew --

4 MR. BROWN: Four years, 4 years is your state --

5 MR. JONES: Commission.

6 MR. BROWN: -- commission cycle.

7 MR. MORRIS: Yeah.

8 MR. BROWN: So the port's going -- they're going to
9 require so many hours continuing education every 4-year commission
10 cycle. Right now it's -- they do it as much as they want. They
11 do the Coast Guard stuff they had to do, what, radar, collision
12 avoidance training --

13 MR. WINEGAR: Radar.

14 MR. BROWN: that's got to be every 5 years, right?

15 MR. WINEGAR: Uh-uh.

16 BY MR. JONES:

17 Q. And what about BRMP, is that once or is that recurrent?

18 A. No, that's every 4 years.

19 Q. Every 4?

20 A. Yeah.

21 Q. And is -- ECDIS is going to be a part of that
22 eventually, if I've got that right?

23 A. ECDIS --

24 MR. WINEGAR: ECDIS is in there, but I think it's a one-
25 time.

1 MR. JONES: One time ever?

2 MR. MORRIS: ECDIS was at one time and I can't remember
3 if we've changed that. So we might have changed that to
4 recurring. I don't remember.

5 BY MR. JONES:

6 Q. Here it is, Number 17.

7 A. So now go to, go to 17 in the document there.

8 MS. BELL: Oh, okay. So that's a description of --

9 MR. MORRIS: Yeah, and it --

10 MR. WINEGAR: It says at the bottom how often.

11 MS. BELL: -- each of the trainings.

12 MR. MORRIS: Yeah, someplace on the bottom it will tell
13 you.

14 MR. JONES: This 4- to 5-day course, Coast Guard
15 approved.

16 MR. WINEGAR: Bottom left.

17 MS. BELL: Oh, it's this -- or this course, and here is
18 where it tells you how --

19 MR. JONES: Yeah.

20 MS. BELL: Recommended every 5 years.

21 MR. JONES: Recommended one every 5 years, ECDIS --

22 MR. MORRIS: Every 5 years, okay. So that's kind of an
23 oddball one. Instead of the commission cycle, it's timed with
24 your Coast Guard license.

25 MR. JONES: Coast Guard, yeah.

1 MR. MORRIS: Yeah.

2 BY MR. JONES:

3 Q. Okay. Now, this is a question I posed or even offered
4 to the LoneStar Committee, and with regards to Richard Russell,
5 if -- as the owners' tanker, the rep for them and their voice, if
6 they have issues they bring to him that he brings to the LoneStar
7 Committee. So I -- you know, in a way I'd like to give you that
8 voice, if you bring -- as the pilots bring it to the LoneStar
9 Committee to filter out, so --

10 One of the things in the course of some of these
11 investigations we've heard is the -- you know, the crew or the
12 bridge team, which BRM, and the pilots take the BRMP and
13 it's -- the crews take BRM, that they interact with the pilots and
14 the pilots interact with them. And sometimes I've heard that the
15 crew is just standing there. The pilot's giving the orders, the
16 crew's reacting and responding to the orders -- and I think we
17 said that with Captain Reeser; I think he said he got the orders,
18 you know, that he gave, but there might not have been a lot of
19 interaction with the crew or help on their part to him.

20 Do you see that as a pilot and is it often, is it a lot,
21 is it 50 percent of the time? Is it something that you want to
22 make owner and operators aware of that even though the courses are
23 being mandatory and they're taking them and they're getting
24 certificates, are you seeing that result on the waterway? And, if
25 not, is that something that you bring up to LoneStar to have

1 LoneStar go back to the owner/operators that are bringing their
2 ships in here to say, hey, we'd like to address it, we'd like to
3 talk about it, it's a workshop?

4 A. I certainly -- the first part of the answer's easy. We
5 don't get much support on ships. When a pilot comes on, for the
6 most part there's -- everybody goes into a relaxed mode. Captain
7 will go to the back and do his paperwork or messaging -- you know,
8 I will actually give a mate hell that's back there working on his
9 paperwork instead of being out in -- by the telegraph. And that's
10 quite often. You know, I find the older I get the less patience I
11 have with that and I -- they're back there doing paperwork, which
12 I find is crazy.

13 Q. And what should they be doing?

14 A. They should be monitoring the transit and --

15 MR. WINEGAR: Well, they've got -- the vetters now are
16 giggling them because they don't have positions on the chart every
17 3 minutes, so they're --

18 MR. MORRIS: Yeah.

19 BY MR. JONES:

20 Q. Well, let me just, let me just stick with that. I mean,
21 what should the bridge team be doing to assist you as a pilot
22 going upriver? Any condition, whether it's fog or not, obviously.

23 A. You know, I've given a lot of thought to this lately but
24 from kind of a completely different viewpoint in that I might
25 have -- as I retire next year, I might have a skill set to give

1 back a little bit on training bridge teams. I don't know if
2 it -- I'll ever develop it or not, but I've thought about that,
3 you know, hey, what can you guys do to help that pilot, you know.

4 And trouble is, we get on a ship today like -- you know,
5 if I get on a SeaRiver ship, I don't know what to do with all that
6 help usually because it's not normal for me to get that. I kind
7 of get used to being, as a pilot, kind of, you know, an island,
8 if you will. I'm working on my own and then when somebody wants
9 to --

10 Q. And, sorry, before you go any further.

11 A. Yeah.

12 Q. Just for the record, when you say a SeaRiver ship,
13 you're saying you don't know what to do with all that help because
14 they are?

15 A. They're constantly saying, okay, you're 200 yards from
16 your turn and -- or a cruise ship --

17 Q. What nationality are they?

18 A. American flag or even cruise ships offer a lot of help.

19 Q. American crews though?

20 A. No --

21 UNIDENTIFIED SPEAKER: SeaRiver is.

22 MR. MORRIS: Crews -- yeah, on the SeaRiver ships
23 American flag tankers. But same thing with Princess or Norwegian,
24 good officers.

25 MR. WINEGAR: It's usually the value of the cargo. It

1 depends on the value of the officer.

2 MR. MORRIS: Yeah, a lot to be said for that. So you'll
3 find better officers on gas ships, if you will, than bulkers.

4 But, and for the most part, we get used to doing -- I
5 would just be happy if I could get a third mate to look at that
6 rudder angle indicator every time I give an order. And I can't
7 tell you how many times I will tell a mate, I want to see your
8 eyes look up there every time you hear me give a command. And
9 I'll repeat that, hey, mate, I sure have not seen you ever look up
10 there, you know, you're look --

11 BY MR. JONES:

12 Q. If you say -- can I just go a little further. If you
13 say it once to them, do they do it and --

14 A. No.

15 Q. No?

16 A. Un-huh. That's my experience.

17 Q. Does it matter nationality? Is there a trend with
18 certain crews or --

19 A. You know, I think --

20 Q. And I'm talking foreign crews right now as opposed to
21 the American ones.

22 A. Yeah. No, I can't pin it on -- poor performance on any
23 one particular nationality.

24 Q. Okay.

25 A. But I would be happy with that alone, because on average

1 probably once every other transit a quartermaster makes a mistake
2 and, you know, it's usually corrected real quickly, no big deal,
3 you move on and, you know, and -- but I love it -- in fact, I
4 usually have a couple caps in my bag and when a captain or a mate
5 picks that up before I do, that the quartermaster went the wrong
6 way, they get a baseball cap from me. But I doesn't happen -- I
7 don't give many away for that. I give them away for other
8 reasons, but --

9 Q. If I knew that's all it took to get a baseball cap, I'd
10 come take a ride with you.

11 But just to -- well, let me close the loop on this then,
12 because, you know, we heard from Captain Russell that, you know,
13 the -- we hear -- the LoneStar's a bottom up. You know, we hear
14 at the ground floor and they bring it up to the subcommittees.
15 The subcommittee brings it up to the committee and then they move
16 it forward to the ranking organization or whatever in the port
17 that can do something about it.

18 So is this then something that you as the pilots would
19 bring to the members of the LoneStar Committee, other than talking
20 to the crew directly to yourself while you are a pilot, that they
21 would then be able to disseminate through owner/operators that are
22 using the port that they just -- they see this as an issue and can
23 expand upon it or talk about it more? The only other thing is
24 IMO.

25 A. And that's where I get a little confused, at what level?

1 Is this a local issue or is it a national issue; is it an
2 international issue?

3 Q. Well, right now it's your -- it's the Port of Houston's
4 issue with regards to the LoneStar Committee and, you know, your
5 issues. So, you know --

6 A. I mean, I --

7 Q. We might look at it more nationally dependent upon
8 different accidents, different ports. But I'm trying to close a
9 loop between two -- two separate organizations, owner/operator,
10 pilot, both on the same committee. If they've recognized
11 problems, within that committee they can probably talk it out and
12 deal with it and get to the bottom of it and, again, you know, a
13 hopefully positive outcome or at least discussion.

14 I don't want to go too far into it because, one, I
15 haven't witnessed any myself and, two, I don't have the
16 right -- you know, it's your committees and it's your port. So
17 it's just something to -- we don't have to dwell on it. It's just
18 if you see it.

19 A. Yeah, think about.

20 Q. Think about it. Talk to the people that need to
21 disseminate that information and --

22 A. I think over the years --

23 Q. -- because there are -- what I can talk to is what's on
24 the books of how ships should be operated, both by the pilot and
25 by the bridge team and how those two entities should act together.

1 So that's really where we're trying to make -- and if everything
2 goes well, we're all good.

3 A. You know, and I think over the years pilots have gotten
4 so used to not getting much help that I'm not sure a lot of pilots
5 even see it as a problem. I know that sounds --

6 Q. Until there's a problem.

7 A. Yeah, until there's a problem. You know, I think the
8 *Conti Peridot*'s a pretty good example. Pretty good officers, it
9 appeared, all spoke better English than on a lot of ships, and not
10 one person -- and there were a lot of people in that wheelhouse,
11 and I think the chief mate was up there, the captain, the mate on
12 duty. Not one person realized that ship was going bank to bank
13 except the pilot.

14 Q. Or did they realize it and just not speak up?

15 A. No, my recollection from the testimony is they thought
16 that the *Carla Maersk* was coming at them, and here the ship had
17 been in this violent bank-to-bank move for a mile and a half and,
18 you know, when -- I think everyone kind of indicated to a person
19 on that bridge that when they looked up and saw that ship they
20 thought the ship was coming at them, was coming on their side of
21 the channel.

22 Q. Yeah.

23 A. So, and they've got the equipment there. They've got
24 the radar, they've got ECDIS, the same equipment we're using other
25 than our laptop and no secrets on the laptop. I mean, it's there

1 for anyone to look at.

2 MR. JONES: That's all the questions I had, Captain, we
3 can --

4 MR. MORRIS: Okay.

5 MR. JONES: Anybody else or any follow-ups?

6 MR. STOLZENBERG: I think I have one last follow-up
7 unrelated, maybe more to Clint. I've heard a couple references to
8 the safety committee and I believe it's a reference to the Houston
9 Pilots safety committee.

10 MR. WINEGAR: Yes, yes.

11 MR. STOLZENBERG: Could you just quickly, a brief
12 history of the committee, what it generally does, who it reports
13 to?

14 MR. WINEGAR: So the -- it's actually called the Rules
15 and Safety Committee and it's -- the vice president chairs the
16 committee. It has participation from three other members who get
17 voted on. It's a 3-year commitment.

18 We, half of the time we discuss our working rules and we
19 look at different ways of discussing those issues with a way of
20 dispatching different -- I'm trying to think of other examples.
21 It's our whole working rules looking at identified areas in there,
22 whether from the membership or through ourselves of them saying,
23 hey, you know, maybe there's something else we can do here or
24 there.

25 The other side of it is we look at all the new dock

1 construction that's going on on the channel. So everyone that's
2 got a new dock that wants to come on, they come and meet with us
3 and show us their new -- or if they got a new vessel they want to
4 bring into the port. We look at all those -- all those different
5 situations, come up with a recommendation that we bring to the
6 group at the next meeting.

7 So nothing gets changes in our working rules or in our
8 guidelines without an 80 percent vote from the membership. It's
9 just -- it's a small committee that just kind of tries to get all,
10 gather all the information together so the group has an
11 educated -- makes an educated decision.

12 MR. STOLZENBERG: And this is the same committee that
13 reviews the pilot notes we discussed earlier?

14 UNIDENTIFIED SPEAKER: Ship notes, yes.

15 MR. STOLZENBERG: Excuse me, ship notes. Thank you.

16 MR. WINEGAR: Uh-huh, yes.

17 MR. STOLZENBERG: All right.

18 MR. [REDACTED] I have no other questions.

19 MS. BELL: I have four more questions.

20 BY MS. BELL:

21 Q. We were talking about the -- well, just talking about
22 the bridge team not being that involved in -- you know, once the
23 pilot is on board kind of doing their own thing. Would you
24 say -- how often would you say that the captain, the master or
25 someone on the bridge team does get involved in -- affects a

1 decision that the pilot makes or there's conversation about a
2 decision the pilot is making?

3 MR. WINEGAR: Very seldom.

4 MR. MORRIS: Yeah, yes.

5 MR. WINEGAR: Most of the -- I think the best -- Mike
6 and I both came from ships and deep sea and I think it's -- you
7 know, the night orders always say, you know, no vessel within 2
8 miles of you. So you're keeping this 2 mile distance bubble
9 around you going deep sea and then you're coming into the Houston
10 Ship Channel when you're passing 75, 100 feet from each other,
11 it's so far out of their -- what's normal for them that they don't
12 even know how to question it.

13 They just sometimes -- some of them don't even want to
14 see what's happening. I mean, to be honest, they are like so
15 thankful that they're not in control anymore, that someone else is
16 taking care of that, that it's too far beyond their abilities to
17 really even question.

18 MS. BELL: So they've said that that's beyond their
19 abilities or that you feel like that's the reason that they never
20 speak up is because it's out of their --

21 MR. WINEGAR: I think so much is coming at them and
22 going on and different traffic situations, that it's just hard for
23 them to really -- I mean, it's so --

24 MR. MORRIS: They haven't been trained in that skill set
25 of in close navigation, if you will, or even turning in a channel,

1 as basic as that can be to any of us. You know, they
2 just -- there's -- not that it's -- there's any magic to it, it's
3 just repetition and training and they just don't get that
4 opportunity.

5 MR. WINEGAR: If I feel like some of the ship's crew is
6 kind of nervous, I'll start telling them some situations that,
7 hey, that vessel over here, he's going to do that and so he goes,
8 okay, okay, now I understand what's going on. I try to coach them
9 through some of the events a little more, but --

10 MS. BELL: To possibly alleviate any concern they have?

11 MR. WINEGAR: Right.

12 MR. MORRIS: Most of the time the questions don't even
13 make sense. I mean, you'd think they'd know the channel a little
14 bit, you know, from working up a voyage plan and they'll look up 2
15 miles and there's two different reaches and they'll say, ship
16 looks like he's on the wrong side of the channel. I say, well,
17 we're not in that reach yet, Captain, and it'll be fine when we
18 get up there. But you take more questions like that than probably
19 legitimate questions.

20 I remember scaring myself silly one night outbound on a
21 big old ebb tide; just enjoying my 16 or 17 knots on a Stolt ship.
22 And they have better officers than most, and I missed my turn at
23 25/26. And I think the mate might have been whispering to the
24 captain, he thought I had missed my turn. Instead of, pilot,
25 don't you want to turn? And somehow, I have never, ever been that

1 far to the right just below the ICW there. Oh, my God, it just
2 scared me something silly and -- but that's the kind of time you'd
3 say, pilot, isn't it time for your turn or something.

4 But, you know, I'd be appreciative of that kind of
5 support but you usually don't get it.

6 BY MS. BELL:

7 Q. So would you say in general, then, the pilots here would
8 welcome any kind -- the feedback like that?

9 A. I'll qualify that with -- changes, you know, we're
10 traditionalists in this maritime industry and change is a little
11 hard. We get so used to working by ourselves. So when I get on
12 that American flag ship and I get all these officers trying to
13 help me, I'm not sure what to do with that. And some of us have
14 better skill sets dealing with people than others, so -- but you
15 just don't -- you get so used to being a one-man show that you
16 don't know what to do with that.

17 But, in general, I think if all the pilots really
18 thought about it and said, would it be safer if that third mate
19 was verifying that rudder angle indicator every time and if he
20 knew approximately when you were at your next course and, you
21 know, made a gesture of, hey, it looks like you're a couple
22 hundred yards from your next course, I think everyone would say
23 that would help make a safer transit.

24 Q. So would they be willing to get -- when they get on
25 board, to say that to the crew, you know, what their expectations

1 are in terms of help assisting?

2 A. Yeah. But, again, that's a lot. It sounds real easy,
3 but when you -- again, just start with the basics: Mate, I want
4 you to watch that rudder angle indicator; you know, there is not
5 anything more important than that, then you're done.

6 MR. WINEGAR: Yes, yes.

7 MR. MORRIS: One simple thing, that's all I want you to
8 do for me. If you do this every time, I will be so happy. And,
9 you know, doesn't get done. I mean, so that's just kind of the
10 reality of it.

11 I think this could be interesting with this VTS change
12 of monitoring an extra channel. I think some of the pilots are
13 going to say -- to some pilots they don't like the idea of
14 monitoring another one. I'm going to give that to crew and if
15 someone -- in fact, I'm going to give the mate the responsibility
16 of reporting in. I'm not even going to bother reporting in
17 anymore.

18 And I tried that once and it was a very failed
19 experiment. I just said -- Filipino mate, I said, hey, when we
20 get to Exxon here, I want you to get on that channel 12 and I just
21 want you to say -- you know, you say the name of the ship, *Bow*
22 *Spring*. Just say outbound at Exxon. And they'll listen at
23 Traffic and I'll be listening and then we'll tell them, okay.
24 Seven, 8 minutes later after tying up that channel for all that
25 long, you know, and I would (indiscernible) who is this calling?

1 What pilot is this? It just -- it was a failed experiment.

2 But, you know, I don't think there's a lot of guys, but
3 I happen to be one of them that actually thinks sometimes
4 how -- what can I do to engage these guys a little bit more? And
5 but I haven't come up with any good, easy solutions.

6 MS. BELL: That's all I have.

7 MR. JONES: All right. Well, usually questions beget
8 questions so I've got two more now.

9 MR. WINEGAR: Good.

10 BY MR. JONES:

11 Q. You mentioned -- what drove this new ruling for VTS to
12 monitor? I mean, do you know of what the --

13 A. I'm still trying -- we just got it today and I
14 haven't --

15 Q. You heard about it at the WGMA.

16 A. That it was coming.

17 Q. Right.

18 A. He said it was on his desk Friday afternoon, but -- so
19 there was this -- a district pulled back -- what do they call it,
20 not a memo but --

21 MR. BROWN: The exception.

22 MR. MORRIS: Yeah, an exemption, I guess, on --

23 MR. BROWN: Exemption.

24 BY MR. JONES:

25 Q. There was an exemption, because we knew about that

1 there. There's an exemption for pilots to guard or listen to
2 channel 12?

3 A. Right. And I think we forwarded that to you in some of
4 our data.

5 Q. And that's been --

6 MR. BROWN: No one knew about it until we found it.

7 MR. MORRIS: -- that's been pulled. But I actually
8 thought there was still a requirement to -- I just want to send
9 the laws to the pilots. Say, just so you know, here's what they
10 are, but --

11 BY MR. JONES:

12 Q. Right.

13 A. I thought it was either 16 or the VTS frequency, but
14 I'm --

15 Q. But we don't know -- you don't know what the driving
16 force was to put that back in?

17 MR. BROWN: *Summer Wind*.

18 MR. JONES: It was?

19 MR. WINEGAR: Yeah.

20 MR. MORRIS: Yeah.

21 MR. BROWN: That's my guess. And, off the record, I
22 have some more opinions.

23 MR. WINEGAR: Yeah.

24 MR. JONES: Well, we can listen to them off the record.

25 MR. MORRIS: Yeah.

1 MR. JONES: But -- because I was wondering with the
2 proximity of that, I was wondering if that was it because it
3 was -- that's when I -- that's the only time I had heard about it.

4 MR. WINEGAR: Yes.

5 BY MR. JONES:

6 Q. Okay. And I just want to go here because we were
7 discussing, and I think half the great information that we've got
8 here is from the discussion.

9 But, Clint, you had mentioned as Carrie was asking you
10 about the crews coming in and you said, you know, I think this
11 channel is so much for them that they just don't know what to do
12 at times. I mean, if I'm paraphrasing, is that okay?

13 MR. WINEGAR: Sure. Yes.

14 MR. JONES: You know what the rules are for the Panama
15 Canal, right? Well, if --

16 MR. WINEGAR: I've been through there a bunch, but --

17 MR. JONES: Yeah, but -- actually you relinquished
18 command of the vessel, the captain.

19 MR. WINEGAR: Right.

20 MR. JONES: And the Panama Canal pilot takes over.

21 MR. WINEGAR: Uh-huh.

22 MR. JONES: You know, in the Houston Ship Channel, do
23 you think the challenges are -- you know, or the uniqueness of it
24 and what you do with regards to the maneuver, the meeting
25 maneuver, and I'm not going to go by its old name?

1 MR. WINEGAR: Uh-huh.

2 MR. JONES: When you meet head-on and -- other than what
3 Mike's asking for with rudder and stuff, you know, and knowing
4 that the captain always retains command of the vessel and they're
5 there to assist and help and -- but, I don't know, it just struck
6 me the way you said that, it was unique.

7 I mean, we've even had actually in some of our accidents
8 where the pilots have been very forthcoming when I've asked what
9 could the captain have done; what could -- no, there was nothing
10 they could have done at that time; I mean, I had it. So I
11 actually welcomed their honesty that the captain couldn't have
12 jumped in and done anything. I mean, do you see that? Do you see
13 any role that the bridge team could play other than as an assist
14 role and monitoring?

15 MR. WINEGAR: I really don't. Mike, do you?

16 MR. MORRIS: No.

17 MR. WINEGAR: I really don't. I mean, you know, me
18 coming from a ship that there's no way I could pretend to have
19 gotten that ship up here. I mean, I could have gone to much of
20 the places in the world that we went to, but not in Houston.

21 MR. BROWN: When you were an officer on a ship?

22 MR. JONES: When you're an officer.

23 MR. WINEGAR: On a ship, before I was a pilot.

24 MR. JONES: So, oh, boy, we really are going on
25 speculation but I think we're on good ground. I know Jim will

1 pull me back in, if I -- so if that -- maybe it's happened.
2 You're in the middle of the channel, not near Bay Port, you know,
3 not near Red Fish, just the straightaways. What would happen if a
4 pilot had a heart attack or, you know, was incapacitated? What do
5 you think the masters would do? Do they ever ask? What would
6 they -- what would their be emergency procedure?

7 MR. WINEGAR: Try to anchor.

8 MR. MORRIS: Yeah, anchor.

9 MR. WINEGAR: Yeah.

10 MR. JONES: Do you think they'd know who to call on the
11 radio or would they just pick up the open mike or --

12 MR. BROWN: Probably know to call VTS, I would think, at
13 least.

14 MR. WINEGAR: That and 74. We have 74 on the ship set,
15 so -- and all the captains -- I mean, all the ships know that, you
16 know, our dispatch is on 74. They contact the pilot boat on 14.
17 So I think that they for sure would get on 74 or 14 and say, hey,
18 I just had a problem with the pilot.

19 MR. JONES: Yeah. Okay. I was just kind of like --

20 MR. WINEGAR: That's okay.

21 MR. JONES: -- going along with what you had talked
22 about, and so -- but that's about as far as I'm going to go.

23 Are we all done?

24 All right. Thank you very much. Unless either one of
25 you have anything to say -- you're more than welcome, but --

1 MR. MORRIS: No.

2 MR. JONES: -- you've given us plenty of information and
3 I appreciate your candor. It's been great information. So that
4 will conclude the interview.

5 (Whereupon, the interview was concluded.)

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: M/V *CONTI PERIDOT* COLLISION WITH
 THE M/T *CARLA MAERSK* IN THE
 HOUSTON SHIP CHANNEL
 MARCH 9, 2015
 Interview of Michael Morris and
 Clint Winegar

DOCKET NUMBER: DCA-15-MM-017

PLACE: Deer Park, Texas

DATE: July 29, 2015

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.

Cheryl Farner Donovan
Transcriber