

## **BILL ANALYSIS**

C.S.H.B. 4445  
By: Canales  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been noted that the board of pilot commissioners for the ports of Harris County is tasked with the licensing and regulation of vessels, pilots, and pilot services for Harris County ports. While Harris County ports and the board have been able to accommodate two-way vessel traffic under normal weather conditions without significant interruption, recent developments in the shipping industry have resulted in increasingly larger vessels. Unfortunately, reports indicate that these larger vessels often cannot safely and efficiently access Harris County ports while maintaining two-way traffic conditions, thereby causing unnecessary delays for many vessels. C.S.H.B. 4445 seeks to ensure the safe and efficient provision of pilot services for pilots and vessels seeking to access Harris County ports by limiting the size of vessels that may operate within the jurisdiction of the board and by providing a temporary prohibition against imposition of one-way traffic for more than one vessel per week.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 4445 amends the Transportation Code to prohibit the board of pilot commissioners for the Harris County ports from imposing one-way traffic for more than one vessel per week. The bill exempts from this prohibition one-way traffic governed by an authorization issued by the U.S. Coast Guard for a dredging vessel or vessel operated by military forces personnel. The bill prohibits a vessel for which one-way traffic is imposed from calling and departing from a Port Authority of Harris County terminal on the same day and requires such a vessel to be capable of turning around within the turning basin serving the applicable port authority terminal. The bill authorizes the executive director of the port authority to take any action necessary to carry out these provisions, which expire August 31, 2021.

C.S.H.B. 4445 sets at 1,100 feet, to ensure safe and efficient pilot services, the maximum overall length of a vessel, including the bulbous bow, that may be piloted within the jurisdiction of the board of pilot commissioners for the ports of Harris County. The bill authorizes the board to adopt rules authorizing the piloting of vessels with a maximum overall length that exceeds 1,100 feet if the board determines, upon recommendation from not less than 80 percent of the pilots authorized to operate under the board's jurisdiction, that two-way routes may safely and efficiently be maintained and that two-way traffic may safely and efficiently be conducted. The bill requires any such rules to establish the maximum overall vessel length that may be piloted in

a manner that maintains safe and efficient two-way routes and safe and efficient two-way traffic as recommended by the minimum percentage of such pilots. The bill requires the board, before adopting any such rules, to conduct at least two public hearings. These provisions take effect September 1, 2021.

C.S.H.B. 4445 amends the Special District Local Laws Code, effective September 1, 2021, to remove the requirement for the Port of Houston Authority of Harris County, Texas, commissioner training program to provide information regarding the duties of the navigation and canal commission as the board of pilot commissioners for the Ports of Harris County under the Houston Pilots Licensing and Regulatory Act.

#### **EFFECTIVE DATE**

Except as otherwise provided, September 1, 2019.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 4445 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a temporary prohibition against the board of pilot commissioners for the Harris County ports imposing one-way traffic for more than one vessel per week. The substitute includes temporary provisions relating to such a vessel for which one-way traffic is imposed.

The substitute changes the basis on which the board makes a determination that two-way routes may safely and efficiently be maintained and that two way traffic may safely and efficiently be conducted from a determination based on the recommendation of an association representing not less than 50 percent of pilots authorized to operate under the board's jurisdiction to a determination based on the recommendation of not less than 80 percent of pilots authorized to operate under the board's jurisdiction.

The substitute revises the definitions for "two-way route" and "two-way traffic."

The substitute includes effective date provisions.