

SUBJECT: Restricting local government regulation of operation of aquatic aircraft

COMMITTEE: Transportation — favorable, without amendment

VOTE: 9 ayes — Alexander, Siebert, Y. Davis, Edwards, Hamric, Hawley, Hill, Noriega, Uher

0 nays

WITNESSES: For — Steven Bernstein; John Cuny; Glen Hyde; Glen Johnson; Marion Lee Quinn

Against — None

DIGEST: HB 1620 would prohibit local governmental entities from regulating aquatic aircraft on all navigable bodies of water under their jurisdiction where motorized boats are allowed to operate. The bill would prohibit restrictions on the takeoff, landing, or operation of an aquatic aircraft, and from requiring a permit or charging a fee for aircraft operation. The bill would not apply to navigable bodies of water owned or controlled by the federal government.

Governmental entities could apply to the Texas Department of Transportation (TxDOT) for the right to prohibit or restrict the operation of aquatic aircraft on an entire body of water or a specified area based on safety concerns.

TxDOT would be responsible for establishing rules to provide notice of approved prohibitions or restrictions on the use of aquatic aircraft and other rules necessary to implement the provisions of the bill.

The bill would take effect September 1, 1999.

SUPPORTERS SAY: Aquatic aircraft, or seaplanes, should have the same right to operate on public bodies of water as motorized boats. Seaplanes are safe, no louder than most motorized boats, and cause very little pollution. HB 1620 would give local governments the option to prohibit or restrict seaplanes for safety reasons if TxDOT determined there was a need. Otherwise, seaplanes should be allowed to operate without interference.

Seaplane pilots must undergo extensive training mandated by the federal government. Federal regulations for pilot licensing and aircraft safety are sufficient to ensure the safe operation of aquatic aircraft. There has been only one death attributed to an accident involving a seaplane in the entire United States over the past five years.

Local governments often issue fees and special-use permits for the operation of seaplanes for motives of profit, not safety. Many seaplanes are used for commercial purposes. Restrictions against the use of seaplanes may discourage the activities of commercial interests in the state.

The federal government requires that federally-owned, publicly-accessible bodies of water should be available to all users. The state should adopt a similar statewide policy to ensure that seaplane operators can utilize public bodies of water where safety is not a concern. Other states have followed the lead of the federal government in this manner without encountering serious problems related to seaplane operations.

OPPONENTS
SAY:

This bill would give seaplane operators the right to use any public body of water accessible to motor boats at any time, without regard for the concerns of the owners or the other users of the water. Seaplane operators should not automatically have privileges on public waterways that other public water users may not. Local governments should be allowed to consider public input from other users to regulate and, if necessary, limit the use of seaplanes.

HB 1620 would take away the rights of local governments to manage publicly-owned property. Local governments, not the state, should have the final authority to regulate the use of public waters owned by the local governments themselves.

Local governments should be allowed to regulate the operation of seaplanes based on a variety of concerns in addition to safety. For example, local governments may want to establish designated landing areas for seaplanes intended to ease traffic congestion on lakes, especially during times of heavy use. The bill would prohibit reasonable regulations of water use that could complicate efforts to manage traffic on public bodies of water.