

BILL ANALYSIS

Senate Research Center
86R26621 SLB-F

C.S.S.B. 2223
By: Creighton
Texas Ports, Select
4/12/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Board of Pilot Commissioners (board) for Harris County Ports is tasked with the licensing and regulation of vessels, pilots, and pilot services for Harris County Ports. Among the board's duties are the adoption of rules and issuance of orders to pilots and vessels to secure efficient pilot services for these ports.

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, 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.

S.B. 2223 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 until such time as the board determines that such vessels may be operated safely and efficiently under two-way traffic conditions. It authorizes the board to adopt rules authorizing larger vessels if the board receives a recommendation from an association representing at least 50 percent of the pilots operating under its jurisdiction that such vessels may be operated in a safe and efficient manner while maintaining two-way traffic. It requires the board to hold at least two public hearings before the adoption of any such rule and specifies that the board must establish the maximum acceptable length of any such vessels. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 2223 amends current law relating to the safe and efficient provision of pilot services by the board of pilot commissioners for Harris County ports.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the board of pilot commissioners for the ports of Harris County (board) in SECTION 4 (Section 66.0172, Transportation Code) of this bill.

Rulemaking authority previously granted to the board is modified in SECTION 2 (Section 66.017, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 5007.209(b), Special District Local Laws Code, as follows:

(b) Deletes existing text requiring the training program required of port commissioners appointed to the navigation and canal commission of the Port of Houston Authority of Harris County, Texas, to provide the port commissioner with information regarding the duties of the port commission as the board of pilot commissioners for Harris County ports under Chapter 66 (Houston Pilots Licensing and Regulatory Act), Transportation Code. Redesignates existing Subdivisions (5) and (6) as Subdivisions (4) and (5).

SECTION 2. Amends Section 66.017, Transportation Code, as follows:

Sec. 66.017. DUTIES. Requires the board of pilot commissioners for the ports of Harris County (board) to perform certain actions, including adopt rules and issue orders to pilots or vessels when necessary to secure efficient pilot services, including minimizing the interference of two-way routes.

SECTION 3. Amends Subchapter B, Chapter 66, Transportation Code, by adding Section 66.0171, as follows:

Sec. 66.0171. ONE-WAY TRAFFIC. (a) Defines "one-way traffic" and "port authority" for purposes of this section.

(b) Prohibits the board from imposing one-way traffic for more than one vessel per week.

(c) Provides that a vessel for which one-way traffic is imposed:

(1) is prohibited from calling and departing from a port authority terminal on the same day; and

(2) is required to be capable of turning around within the tuning basin serving the applicable port authority terminal.

(d) Provides that the executive director of the port authority is authorized to take any action necessary, including the execution and delivery of documents, to carry out this section.

(e) Provides that the limitation in Subsection (b) does not apply to one-way traffic governed by an authorization issued by the United States Coast Guard for a dredging vessel or vessel operated by military forces personnel.

(f) Provides that this section expires August 31, 2021.

SECTION 4. Amends Subchapter B, Chapter 66, Transportation Code, by adding Section 66.0172, as follows:

Sec. 66.0172. EFFICIENT PILOT SERVICE; MAXIMUM VESSEL LENGTH. (a) Defines "two-way route" and "two-way traffic" for purposes of this section.

(b) Provides that, except as provided by Subsection (c), in order to ensure safe and efficient pilot services, the maximum overall length of a vessel, including the bulbous bow, that is authorized to be piloted within the board's jurisdiction is 1,100 feet.

(c) Authorizes the board to adopt rules authorizing the piloting of vessels with a maximum overall length that exceeds the length provided for in Subsection (b) 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.

(d) Requires any rules adopted under Subsection (c) 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 an association representing not less than 80 percent of the pilots authorized to operate under the board's jurisdiction.

(e) Requires the board, before adopting any rules under Subsection (c), to conduct at least two public hearings.

SECTION 5. (a) Effective date, except as provided by Subsection (b) of this Act: September 1, 2019.

(b) Effective date, Sections 1, 2, and 4 of this Act: September 1, 2021.