

By: Creighton

S.B. No. 2223

A BILL TO BE ENTITLED

AN ACT

relating to the efficient provision of pilot services by the board of pilot commissioners for Harris County ports.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 5007.209(b), Special District Local Laws Code, is amended to read as follows:

(b) The training program must provide the person with information regarding:

(1) the legislation that created the authority;

(2) the programs, functions, policies, rules, and budget of the authority;

(3) the results of the most recent formal audit of the authority;

(4) ~~[the duties of the port commission as the board of pilot commissioners for Harris County ports under Chapter 66, Transportation Code,~~

~~(5)]~~ the requirements of laws relating to open meetings, public information, administrative procedure, financial disclosure, and conflicts of interest; and

(5) ~~(6)]~~ any applicable ethics policies adopted by the port commission or the Texas Ethics Commission.

SECTION 2. Section 66.016, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) The board may adopt a rule under this chapter involving

1 ship movement strategies, including navigation safety guidelines,
2 for use by pilots in the navigable water in this state only on a
3 recommendation from not less than 80 percent of the pilots
4 authorized to operate under the board's jurisdiction.

5 SECTION 3. Section 66.017, Transportation Code, is amended
6 to read as follows:

7 Sec. 66.017. DUTIES. The board shall:

8 (1) establish the number of pilots necessary to
9 provide adequate pilot services for each Harris County port;

10 (2) accept applications for pilot licenses and
11 certificates and determine whether each applicant meets the
12 qualifications for a pilot;

13 (3) submit to the governor lists of applicants the
14 board finds to be qualified for appointment as pilots;

15 (4) establish pilotage rates;

16 (5) approve the locations for pilot stations;

17 (6) establish times during which pilot services will
18 be available;

19 (7) hear and determine complaints relating to the
20 conduct of pilots;

21 (8) recommend to the governor each pilot whose license
22 or certificate should not be renewed or should be revoked;

23 (9) adopt rules and issue orders to pilots or vessels
24 when necessary to secure efficient pilot services, including
25 minimizing the interference of two-way routes;

26 (10) institute investigations or hearings or both to
27 consider casualties, accidents, or other actions that violate this

1 chapter; and

2 (11) provide penalties to be imposed on a person who is
3 not a pilot for a Harris County port who pilots a vessel into or out
4 of the port if a pilot offered those services to the vessel.

5 SECTION 4. Subchapter B, Chapter 66, Transportation Code,
6 is amended by adding Section 66.0171 to read as follows:

7 Sec. 66.0171. ONE-WAY TRAFFIC. (a) In this section:

8 (1) "One-way traffic" means a limitation on any part
9 of the area where Galveston Bay reaches the Houston Ship Channel,
10 including the channel immediately north of Morgan's Point, where
11 the meeting, turnaround, and overtaking of any ships are
12 prohibited.

13 (2) "Port authority" means the Port of Houston
14 Authority of Harris County, Texas.

15 (b) Subject to Section 66.016(c), the board by rule shall
16 adopt navigation guidelines for the transit of vessels under the
17 board's jurisdiction.

18 (c) Notwithstanding Section 66.016(c) and except as
19 provided by Subsection (d), rules adopted under Subsection (b) may
20 not authorize:

21 (1) more than one vessel per week for which one-way
22 traffic has been imposed to call on a port authority terminal at
23 Bayport or Barbours Cut;

24 (2) more than one vessel for which one-way traffic has
25 been imposed to call on or depart from a port authority terminal at
26 Bayport or Barbours Cut on the same day; or

27 (3) the passage of a vessel calling on a port authority

1 terminal at Bayport or Barbours Cut that is not capable of turning
2 around within the turning basin that serves the port authority
3 terminal on which the vessel calls.

4 (d) Rules adopted under Subsection (c) do not apply to
5 one-way traffic:

6 (1) governed by an authorization issued by the United
7 States Coast Guard, a dredging vessel, or a vessel operated by
8 military forces personnel; or

9 (2) that occurs between Morgan's Point and the Houston
10 Turning Basin.

11 (e) The executive director of the port authority is
12 authorized to take any action necessary, including the execution
13 and delivery of documents, to carry out this section.

14 (f) This section expires August 31, 2021.

15 SECTION 5. Subchapter B, Chapter 66, Transportation Code,
16 is amended by adding Section 66.0172 to read as follows:

17 Sec. 66.0172. EFFICIENT PILOT SERVICE; MAXIMUM VESSEL
18 LENGTH. (a) In this section:

19 (1) "Two-way route" means a directional route within
20 defined limits inside which two-way traffic is established, and
21 which is intended to improve safety in waters where navigation is
22 difficult.

23 (2) "Two-way traffic" means that traffic flow by all
24 vessels is permitted in opposing directions.

25 (b) Except as provided by Subsection (c), in order to ensure
26 safe and efficient pilot services, the maximum overall length of a
27 vessel, including the bulbous bow, that may be piloted within the

1 board's jurisdiction is 1,100 feet.

2 (c) Subject to Section 66.016(c), the board by rule may
3 authorize piloting a vessel with an overall length that exceeds the
4 maximum overall length provided by Subsection (b) if the board
5 determines that the proposed rules would allow two-way routes to be
6 maintained efficiently and two-way traffic to be conducted
7 efficiently. Before adopting a rule under this subsection, the
8 board must hold at least two public hearings. This subsection does
9 not apply to the adoption of rules governing vessel traffic between
10 Morgan's Point and the Houston Turning Basin.

11 SECTION 6. (a) Except as provided by Subsection (b) of
12 this section, this Act takes effect September 1, 2019.

13 (b) Sections 1, 3, and 5 of this Act take effect September 1,
14 2021.