

BILL ANALYSIS

C.S.H.B. 2678
By: Cook
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Given the state's rapidly growing population, Texas is facing ever-increasing challenges to meeting its residents' transportation needs. Advanced air mobility (AAM) technology is a new, innovative mode of transportation that aims to streamline and modernize the future of mobility for passengers and cargo by relying on underutilized aerial transit routes. While several private industry stakeholders have taken different approaches to AAM technology, most aim to develop highly automated electric vertical takeoff and landing (eVTOL) aircraft with the aim of eventually unveiling autonomous, unmanned eVTOLs. Texas is expected to be an early test location for this technology for the Federal Aviation Administration in the coming years, as well as a growing hub for AAM commercial operations and investment. As this is a highly advanced and emerging technological industry, private sector development and coordination with state and local governments is essential to public safety. The 87th Legislature enacted S.B. 763, which established the "Urban Air Mobility Advisory Committee" to assess necessary changes to state law to facilitate the development of urban air mobility. C.S.H.B. 2678 reactivates and renames the advisory committee as the Advanced Air Mobility Advisory Committee to better suit the technology's applicability in all areas of the state.

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

Advanced Air Mobility in Texas

C.S.H.B. 2678 amends the Transportation Code to require the Texas Department of Transportation (TxDOT) to do the following with respect to "air mobility technology," defined by the bill as an aviation transportation system that uses highly automated aircraft, which may be manned or unmanned, to operate and transport passengers or cargo at lower altitudes for commercial, public service, private, or recreational purposes:

- review existing state aviation standards and guidelines, airport facility planning, and compatibility guidance to ensure that the standards, guidelines, planning, and guidance are applicable to advanced air mobility;
- support the development of federal and industry standards for advanced air mobility technology that prioritize safety as the technology develops;
- designate a TxDOT employee as a liaison to the Federal Aviation Administration for such support;

- develop a statewide plan, or an update to the Texas Airport System Plan, that specifies potential locations for and classifications of vertiports and other associated infrastructure to guide the future operational environment of advanced air mobility; and
- provide resources and assistance on the use of advanced air mobility technology and infrastructure to local governments, regional councils of government, transportation planning organizations, the advanced air mobility industry, and other entities for the purpose of identifying governmental methods to integrate industry innovation and community vision and help promote advanced air mobility technology.

C.S.H.B. 2678 requires TxDOT, the Texas Education Agency (TEA), Texas Higher Education Coordinating Board (THECB), and Texas State Technical College System to jointly collaborate with public school districts, institutions of higher education, and interested public and private stakeholders on educational opportunities related to advanced air mobility technology. Implementation of these provisions by these agencies is mandatory only if a specific appropriation is made for that purpose.

Advanced Air Mobility Advisory Committee

C.S.H.B. 2678 requires the Texas Transportation Commission to appoint an advisory committee to assess current state law and any potential changes to state law that are needed to facilitate the implementation of advanced air mobility technology in Texas. The bill requires the commission to appoint committee members to represent the following:

- diverse geographic regions of the state;
- state and local law enforcement;
- the advanced air mobility industry;
- transportation experts;
- commercial airport representatives;
- vertical takeoff and landing operators and vertiport operators;
- local governments; and
- the general public.

C.S.H.B. 2678 requires the committee to hold public hearings in locations across the state or via electronic means and to receive comments through a website, by mail, and by other methods, if appropriate. The bill requires the advisory committee, not later than November 1, 2024, to submit to the commission and the legislature a written report that includes the committee's findings and recommendations on any changes to state law that are needed to facilitate the implementation of advanced air mobility technology in Texas. The bill abolishes the committee, and the bill's provisions relating to the committee expire, on January 1, 2025.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2678 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The introduced included a requirement for the advisory committee to develop a statewide plan, including a proposed timeline, for the implementation of advanced air mobility technology in Texas. The substitute omits this requirement.

While both the introduced and the substitute require the commission to appoint to the advisory committee members that represent certain interests and backgrounds, only the substitute includes a requirement for the appointments to also represent vertical takeoff and landing

operators. The substitute changes the deadline by which the advisory committee must submit its report from not later than September 1, 2024, as in the introduced, to not later than November 1, 2024.

The substitute includes the Texas State Technical College System among the entities that are required to jointly collaborate with school districts, institutions of higher education, and interested public and private stakeholders on educational opportunities related to advanced air mobility technology. The introduced did not include the system among those entities.