

BILL ANALYSIS

S.B. 2223
By: Creighton
Transportation
Committee Report (Unamended)

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. 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 and by providing for navigation guidelines for the transit of vessels.

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

S.B. 2223 amends the Transportation Code to require the board of pilot commissioners for the Harris County ports by rule to adopt navigation guidelines for the transit of vessels under the board's jurisdiction. The bill prohibits the rules from authorizing:

- more than one vessel per week for which one-way traffic has been imposed to call on a Port of Houston Authority terminal at Bayport or Barbours Cut;
- more than one vessel for which one-way traffic has been imposed to call on or depart from a terminal on the same day; or
- the passage of a vessel calling on a terminal that is not capable of turning around within the turning basin that serves the port authority terminal on which the vessel calls.

The bill defines "one-way traffic" as a limitation on any part of the area where Galveston Bay reaches the Houston Ship Channel, including the channel immediately north of Morgan's Point, where the meeting, turnaround, and overtaking of any ships are prohibited. The bill exempts from rules one-way traffic governed by an authorization issued by the U.S. Coast Guard, a dredging vessel, or a vessel operated by military forces personnel and one-way traffic that occurs between Morgan's Point and the Houston Turning Basin. The bill authorizes the executive director of the Port of Houston Authority to take any action necessary, including the execution and delivery of documents, to carry out these provisions, which expire August 31, 2021.

S.B. 2223 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 Harris County ports. The bill authorizes the board by rule to authorize piloting a vessel with an overall length that exceeds 1,100 feet if the board determines that the proposed rules would allow two-way routes to be maintained efficiently and two-way traffic to be conducted efficiently. The bill defines "two-way route" and "two-way traffic" and requires the board, before adopting any such rules, to conduct at least two public hearings. These provisions do not apply to the adoption of rules governing vessel traffic between Morgan's Point and the Houston Turning Basin. The bill includes minimizing the interference of two-way routes among the purposes for which the board is required to adopt rules and issue orders to pilots or vessels. These provisions take effect September 1, 2021.

S.B. 2223 conditions the board's adoption of rules under the Houston Pilots Licensing and Regulatory Act involving ship movement strategies, including navigation safety guidelines, for use by pilots in the navigable water in Texas on a recommendation from a minimum of 80 percent of the pilots authorized to operate under the board's jurisdiction.

S.B. 2223 amends the Special District Local Laws Code, effective September 1, 2021, to remove the requirement for the Port of Houston Authority commissioner training program to provide information regarding the duties of the navigation and canal commission as the board of pilot commissioners for the Harris County ports under the Houston Pilots Licensing and Regulatory Act.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2019.