

TRANSPORTATION CODE

TITLE 4. NAVIGATION

SUBTITLE A. WATERWAYS AND PORTS

CHAPTER 55. FUNDING OF PORT SECURITY, PROJECTS, AND STUDIES

Sec. 55.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Transportation Commission.

(2) "Committee" means the Port Authority Advisory Committee.

(3) "Department" means the Texas Department of Transportation.

(4) "Fund" means the port access account fund.

(4-a) "Port access improvement project" means the construction or improvement of public roadways that will enhance connectivity to ports.

(5) "Port security, transportation, or facility project" means a project that is necessary or convenient for the proper operation of a maritime port and that will improve the security, movement, and intermodal transportation of cargo or passengers in commerce and trade.

Added by Acts 2001, 77th Leg., ch. 1268, Sec. 1, eff. Sept. 1, 2001.

Amended by Acts 2003, 78th Leg., ch. 1325, Sec. 18.02, eff. June 21, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 480 (H.B. 699), Sec. 1, eff. September 1, 2011.

Acts 2017, 85th Leg., R.S., Ch. 180 (S.B. 28), Sec. 1, eff. May 26, 2017.

Sec. 55.002. PORT DEVELOPMENT FUNDING. (a) From money in the fund, the department shall fund:

(1) port security, transportation, or facility projects; and

(2) maritime port studies.

(b) The commission by rule may establish matching fund requirements for receiving money from the fund.

(c) Port security, transportation, or facility projects eligible for funding under this chapter include:

(1) construction or improvement of transportation facilities within the jurisdiction of a maritime port;

(2) the dredging or deepening of channels, turning basins, or harbors;

(3) the construction or improvement of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, or any facilities necessary or useful in connection with maritime port transportation or economic development;

(4) the construction or improvement of facilities necessary or useful in providing maritime port security;

(5) the acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce;

(6) the acquisition of land to be used for maritime port purposes;

(7) the acquisition, improvement, enlargement, or extension of existing maritime port facilities; and

(8) environmental protection projects that:

(A) are required as a condition of a state, federal, or local environmental permit or other form of approval;

(B) are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or

(C) result from the undertaking of eligible projects.

(d) The department, in consultation with the committee, shall review the list of projects recommended by the committee to evaluate the economic benefit of each project. The commission, after receiving recommendations from the committee and from the department, shall approve projects or studies for funding based on its review.

(e) The commission may use money from the Texas Mobility Fund to provide funding for a port access improvement project.

Added by Acts 2001, 77th Leg., ch. 1268, Sec. 1, eff. Sept. 1, 2001.
Amended by Acts 2003, 78th Leg., ch. 1325, Sec. 18.03, eff. June 21,

2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 480 (H.B. 699), Sec. 2, eff. September 1, 2011.

Acts 2013, 83rd Leg., 3rd C.S., Ch. 1, Sec. 1.

Acts 2017, 85th Leg., R.S., Ch. 180 (S.B. 28), Sec. 2, eff. May 26, 2017.

Sec. 55.003. GIFTS AND GRANTS. The department may accept gifts, grants, and donations from any source for the purposes of this chapter.

Added by Acts 2001, 77th Leg., ch. 1268, Sec. 1, eff. Sept. 1, 2001.

Sec. 55.004. AUDIT. The department may subject a project that receives money under this chapter to a final audit.

Added by Acts 2001, 77th Leg., ch. 1268, Sec. 1, eff. Sept. 1, 2001.

Amended by Acts 2003, 78th Leg., ch. 1325, Sec. 18.04, eff. June 21, 2003.

Sec. 55.005. PORT ACCESS ACCOUNT FUND. (a) The port access account fund is an account in the general revenue fund.

(b) The following money shall be credited to the fund:

(1) money received from gifts, grants, and donations;
and

(2) interest earned on deposits and investments of the fund.

(c) Money in the fund may be appropriated only to the department to perform the department's powers and duties concerning maritime port transportation and economic development under this chapter and to pay the department's expenses incurred under this chapter.

(d) The financial transactions of the fund are subject to audit by the state auditor.

Added by Acts 2001, 77th Leg., ch. 1268, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 480 (H.B. 699), Sec. 3, eff. September 1, 2011.

Sec. 55.006. PORT AUTHORITY ADVISORY COMMITTEE. (a) The committee consists of nine members appointed as follows:

(1) one member from the Port of Houston Authority appointed by the commission;

(2) three members who represent maritime ports on the upper Texas coast appointed by the commission;

(3) three members who represent maritime ports on the lower Texas coast appointed by the commission;

(4) one member appointed by the lieutenant governor; and

(5) one member appointed by the speaker of the house of representatives.

(b) A committee member serves at the pleasure of the commission.

(c) The committee must meet at least semiannually.

(d) A member is not entitled to compensation for service on the committee but is entitled to reimbursement for reasonable expenses the member incurs in performing committee duties.

(e) Section [2110.002](#), Government Code, does not apply to the committee.

Added by Acts 2001, 77th Leg., ch. 1268, Sec. 1, eff. Sept. 1, 2001.

Amended by Acts 2003, 78th Leg., ch. 1325, Sec. 18.05, eff. June 21, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 480 (H.B. [699](#)), Sec. 4, eff. September 1, 2011.

Acts 2017, 85th Leg., R.S., Ch. 180 (S.B. [28](#)), Sec. 3, eff. May 26, 2017.

Sec. 55.007. DUTIES OF COMMITTEE. (a) The committee shall:

(1) prepare a maritime port mission plan;

(2) review each project eligible to be funded under this chapter and make recommendations for approval or disapproval to the department;

(3) every two years prepare a report on Texas maritime ports, with a list of projects that have been recommended by the

committee, including:

(A) the recommended funding level for each project; and

(B) if staged implementation of the project is appropriate, the funding requirements for each stage; and

(4) advise the commission and the department on matters relating to port authorities.

(b) The committee shall update the report on Texas maritime ports and shall submit the report not later than December 1 of each even-numbered year to the commission for distribution to:

(1) the governor;

(2) the lieutenant governor; and

(3) the speaker of the house of representatives.

Added by Acts 2001, 77th Leg., ch. 1268, Sec. 1, eff. Sept. 1, 2001.

Amended by Acts 2003, 78th Leg., ch. 1325, Sec. 18.06, eff. June 21, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 480 (H.B. 699), Sec. 5, eff. September 1, 2011.

Sec. 55.008. CAPITAL PROGRAM. (a) The committee shall prepare a two-year port capital program defining the goals and objectives of the committee concerning the development of maritime port facilities and an intermodal transportation system. The port capital program must include projects or studies submitted to the committee by any maritime port and recommendations for:

(1) the construction of transportation facilities connecting any maritime port to another transportation mode; and

(2) the efficient, cost-effective development of transportation facilities or maritime port facilities for the purpose of:

(A) enhancing international trade;

(B) enhancing security;

(C) promoting cargo flow;

(D) increasing cruise passenger movements;

(E) increasing maritime port revenues; and

(F) providing economic benefits to the state.

(b) The committee shall update the port capital program and shall submit the capital program not later than December 1 of each even-numbered year to:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the speaker of the house of representatives; and
- (4) the commission.

Added by Acts 2001, 77th Leg., ch. 1268, Sec. 1, eff. Sept. 1, 2001.

Amended by Acts 2003, 78th Leg., ch. 1325, Sec. 18.07, eff. June 21, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 480 (H.B. 699), Sec. 6, eff. September 1, 2011.

Sec. 55.009. RULES. The commission shall adopt rules to implement this chapter.

Added by Acts 2003, 78th Leg., ch. 1325, Sec. 18.08, eff. June 21, 2003.