

TRANSPORTATION CODE

CHAPTER 26. AQUATIC AIRCRAFT

Sec. 26.001. DEFINITIONS. In this chapter:

(1) "Aquatic aircraft" means a seaplane, floatplane, or similar aircraft that is capable of taking off and landing on water.

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

Added by Acts 1999, 76th Leg., ch. 820, Sec. 1, eff. Sept. 1, 1999.

Sec. 26.002. APPLICATION. This chapter applies to all navigable bodies of water of this state other than a navigable body of water that the federal government owns, controls, or has jurisdiction over.

Added by Acts 1999, 76th Leg., ch. 820, Sec. 1, eff. Sept. 1, 1999.

Sec. 26.003. REGULATION PROHIBITED. (a) Except as provided by Subsection (b), a governmental entity that owns, controls, or has jurisdiction over a navigable body of water may not in an area in which motorized boats are permitted:

(1) prohibit the takeoff, landing, or operation of an aquatic aircraft; or

(2) regulate or require a permit or fee for the operation of an aquatic aircraft.

(b) A governmental entity described by Subsection (a) may apply to the department to prohibit or limit the operation of aquatic aircraft on a navigable body of water. The department shall approve the prohibition or limitation if the department determines that safety concerns justify the prohibition or limitation. The prohibition or limitation may apply to the entire body of water or only to a specified area.

(c) In making a determination under Subsection (b), the department shall consider:

(1) the topography of the body of water or specified area;

(2) the depth of the water and any obstacles that are under the water;

(3) the amount of boat or individual traffic on the body of water or in the specified area;

(4) the interests of persons owning homes that are located on or around the body of water; and

(5) any other factors that relate to the safe operation of aquatic aircraft.

Added by Acts 1999, 76th Leg., ch. 820, Sec. 1, eff. Sept. 1, 1999.

Sec. 26.004. RULES. The department shall adopt rules to implement and administer this chapter, including rules specifying how notice shall be given of a prohibition or limitation approved under this chapter.

Added by Acts 1999, 76th Leg., ch. 820, Sec. 1, eff. Sept. 1, 1999.