

TRANSPORTATION CODE

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.
- (5) "Port security, transportation, or facility project" means a project that is necessary or convenient for the proper operation of a 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.

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) port studies.

(b) The department may not fund a port security, transportation, or facility project unless an amount at least equal to the amount provided by the department is invested in the project by a port authority or navigation district.

(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 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 port transportation or economic development;
- (4) the construction or improvement of facilities necessary or useful in providing 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 port purposes;
- (7) the acquisition, improvement, enlargement, or extension of existing 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.

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.

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:

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

Sec. 55.006. PORT AUTHORITY ADVISORY COMMITTEE. (a) The committee consists of seven members appointed by the commission. The members shall be appointed as follows:

(1) one member from the Port of Houston Authority;  
(2) three members who represent ports on the upper Texas coast; and  
(3) three members who represent ports on the lower Texas coast.

(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.

Sec. 55.007. DUTIES OF COMMITTEE. The committee shall:

(1) prepare a 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) maintain trade data information that will assist ports in this state and international trade;

(4) annually prepare 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

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

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.

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 port facilities and an intermodal transportation system. The port capital program must include projects or studies submitted to the committee by any port and recommendations for:

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

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

(A) enhancing international trade;

(B) enhancing security;

(C) promoting cargo flow;

(D) increasing cruise passenger movements;

(E) increasing port revenues; and

(F) providing economic benefits to the state.

(b) The committee shall update the port capital program annually and shall submit the capital program not later than February 1 of each 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.

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.