

TRANSPORTATION CODE
CHAPTER 342. FERRIES AND CERTAIN TOLL BRIDGES
SUBCHAPTER A. GOVERNMENT-OWNED FERRIES

Sec. 342.001. FERRY CONNECTING STATE HIGHWAYS. (a) The department may purchase, construct, maintain, operate, or control a ferry that crosses:

(1) a bay, arm, channel, or saltwater lake emptying into the Gulf of Mexico;

(2) an inlet of the Gulf of Mexico; or

(3) a river or other navigable body of water.

(b) This section applies only if:

(1) the ferry connects designated state highways; or

(2) the ferry connects a designated highway of this state and a designated highway of an adjoining state that by statute provides for the acquisition, construction, and maintenance of a ferry jointly by the states and for public use of the ferry as the states agree.

(c) The department shall use money from the state highway fund to carry out this section.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 342.002. COUNTY FERRIES. The commissioners court of a county may establish public ferries as required by the public interest.

Added by Acts 1999, 76th Leg., ch. 62, Sec. 13.11(d), eff. Sept. 1, 1999.

Sec. 342.003. MELVIN O. LITTLETON FERRY LANDING. (a) In recognition of Melvin O. Littleton's outstanding supervision of the Port Aransas ferry for 30 years, the ferry landing owned by the department in Port Aransas is designated as the Melvin O. Littleton Ferry Landing.

(b) The department shall design and construct a memorial marker at the ferry landing in Port Aransas indicating the designation as the Melvin O. Littleton Ferry Landing and any other appropriate information.

(c) The department shall repair and replace the marker required by this section and maintain the grounds for the marker.

(d) The department may accept a grant or donation to assist in financing the construction and maintenance of a marker.

Added by Acts 1999, 76th Leg., ch. 1036, Sec. 1, eff. Sept. 1, 1999.

Sec. 342.004. GALVESTON-PORT BOLIVAR FERRY AND PORT ARANSAS FERRY VEHICLE STICKERS. (a) The department may adopt rules to establish a system under which an owner of a motor vehicle may apply to the department for issuance of:

(1) a sticker for the vehicle that entitles the vehicle to have priority in boarding the Galveston-Port Bolivar ferry operated by the department; or

(2) a sticker for the vehicle that entitles the vehicle to have priority in boarding the Port Aransas ferry operated by the department.

(b) Any rules adopted under this section must:

(1) establish a design for the sticker for each ferry;
(2) designate the place where a sticker must be affixed to the windshield of the motor vehicle for which it is issued;

(3) establish an annual fee for a ferry vehicle sticker;

(4) prescribe forms necessary for the administration of this section; and

(5) ensure that a vehicle displaying a sticker issued under this section is given priority in boarding the applicable ferry only until the ferry reaches 50 percent of its vehicle capacity.

(c) The department shall deposit each fee collected under this section to the credit of the state highway fund.

Added by Acts 2003, 78th Leg., ch. 810, Sec. 1, eff. Sept. 1, 2003.

SUBCHAPTER B. ESTABLISHING TOLL BRIDGE OR FERRY

Sec. 342.051. RIGHT OF PROPERTY OWNER TO OPERATE FERRY. (a) A person who owns land fronting a body of water may operate a public ferry across the water.

(b) A person who owns land on both sides of the body of water is entitled to the exclusive right of ferriage to and from the land owned.

(c) A person who owns land only on one side of the body of water may operate a public ferry between the person's land and land on the opposite side if the person obtains the consent of the owner

of the other land. If the other landowner's consent cannot be obtained, the person may apply to the commissioners court of the county in which the other land is located for the establishment of a public road from the opposite side of the body of water.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 342.052. BRIDGE OR FERRY COMPANY'S INCORPORATION STATEMENT. The articles of incorporation of a company organized to erect a bridge or operate a ferry must state the body of water that the bridge or ferry is to cross.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 342.053. COMPANY'S GEOGRAPHICAL CLAIM. (a) The articles of incorporation of a company organized to erect and maintain a bridge or operate a ferry may specify the geographical area of the company's exclusive operations. No part of the area specified may be farther than three miles from the nearest point of the bridge or route of the ferry.

(b) Another toll bridge or ferry for hire may not be established on the same body of water within the area specified in the articles.

(c) Subsection (b) does not prohibit a bridge or ferry at the crossing of a road on the body of water that the commissioners court of the county in which the crossing is located declares to be a public road regardless of when that declaration is made.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

SUBCHAPTER C. FERRY OPERATOR'S LICENSE AND DUTIES

Sec. 342.101. LICENSE REQUIREMENT. A person may not operate a ferry for hire unless the person holds a license to operate the ferry issued under this chapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 342.102. LICENSE APPLICATION. To obtain a license to operate a ferry a person must file an application with:

(1) the commissioners court of the county in which the ferry is located; or

(2) if the ferry is to be operated between land in different counties, the commissioners court of the county in which the applicant resides or has the ferry house.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 342.103. ISSUANCE OF LICENSE. (a) The commissioners court shall approve an application for a license to operate a ferry for hire if the applicant:

(1) shows that the applicant owns the land on which the ferry is to be established; and

(2) satisfies the court that the public convenience will be promoted by operation of the ferry.

(b) The commissioners court shall issue the license when the applicant:

(1) executes a bond in accordance with Section 342.104; and

(2) presents a receipt from the county treasurer for payment of the license fee imposed under Section 342.104.

(c) A license issued under this section expires on the first anniversary of the date it is issued and may be renewed annually.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 342.104. BOND; LICENSE FEE. (a) The holder of a license to operate a ferry annually shall execute a bond payable to and approved by the county judge conditioned on the license holder's compliance with this chapter.

(b) The commissioners court shall set the amount of the bond at not less than \$1,000.

(c) The commissioners court may impose an annual license fee not to exceed \$100.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 342.105. FERRY OPERATION BETWEEN COUNTIES. (a) A person who holds a license to operate a ferry between two counties has the same rights and duties as a person licensed to operate a ferry exclusively in one county.

(b) A commissioners court other than the commissioners court that issues the license may not impose a tax or license fee on a ferry that operates between two counties.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 342.106. TEMPORARY LICENSE. (a) Between regular terms of a commissioners court of a county a person may obtain from the county judge a temporary license to operate a public ferry until the next regular term of the commissioners court.

(b) The holder of a temporary license may impose the toll

rates imposed at other ferries operating on the same body of water for which the temporary license is issued.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 342.107. DUTIES OF FERRY OPERATOR. The holder of a license to operate a ferry shall:

(1) at all times maintain good, safe, and substantial boats in sufficient number to readily accommodate the public;

(2) keep the banks used by the ferry in good repair and graded so that the ascent from the water's edge to the top of the bank does not exceed one foot in height for each seven feet from the water's edge; and

(3) readily attend a passenger wanting to cross with animals or other property.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 342.108. GENERAL COUNTY AUTHORITY OVER FERRIES. The commissioners court of a county may exercise general control over all ferries in the county.

Added by Acts 1999, 76th Leg., ch. 62, Sec. 13.11(e), eff. Sept. 1, 1999.

SUBCHAPTER D. COUNTY REGULATION OF TOLLS

Sec. 342.201. TOLLS FOR BRIDGES AND FERRIES. The commissioners court of a county, by an order made at a regular term and entered on the minutes of the court, shall regulate the toll for crossing any bridge or ferry in the county.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 342.202. ESTABLISHING AND CHANGING FERRY TOLL RATES. (a) When a commissioners court issues a license to operate a ferry, the court shall state in its record the toll rate that may be charged for ferrying property usually transported by a ferry.

(b) The commissioners court may at its first term of the year, and shall at another term on the petition of 20 residents of the county, revise and if necessary change the toll rate for ferries in the county.

(c) The county clerk shall:

(1) record toll rates, including changes; and

(2) deliver to each person holding a license to operate a ferry issued by the county a copy of the record, signed and sealed by the clerk.

(d) A change of toll rate may not take effect before the 31st day after the date on which the change is made.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 342.203. FERRY CHARGE ON SWIMMING COW OR HORSE. The commissioners court may not authorize a charge of more than one cent for each cow or horse swimming the river at a location for which a license is issued to operate a ferry, including the use of a pen or boat necessary to control the animal.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 342.204. REFUSAL TO OPERATE AT AUTHORIZED TOLL RATES. (a) If the holder of a license to operate a ferry refuses to operate at the toll rates authorized by the commissioners court, the court may issue a license to operate the ferry to another person who agrees to operate the ferry at those rates.

(b) If the former license holder requests, the person who receives a license under this section shall purchase the ferry boat in use at the location at the valuation placed on it by two residents of the vicinity where the ferry is operated. The former license holder and the person receiving the license each shall choose one of the residents.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 342.205. CHARGE IMPOSED ON CERTAIN INTERSTATE FERRIES. If a body of water forms a part of the boundary between this state and another state and the other state imposes a charge to land a ferry from this state in that state, the commissioners court of a county may impose a charge equal to the amount of that charge to land a ferry from that state in this state.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

SUBCHAPTER E. CIVIL LIABILITY OF BRIDGE OR FERRY OWNER AND OPERATOR

Sec. 342.301. LIABILITY OF BRIDGE OR FERRY OWNER. The owner of a toll bridge or ferry for hire is liable for damage caused by neglect, delay, or insufficiency of the bridge or ferry boat.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 342.302. OPERATING FERRY WITHOUT LICENSE. (a) If a person operates a ferry for hire over a body of water and does not hold a license required under this chapter, the person is liable to:

(1) the county from which a license is required under

this chapter; and

(2) each person who holds a license to operate a ferry on the same body of water in that county.

(b) The amount of liability to each person described by Subsection (a)(1) or (2) is \$5 for each person transported and \$5 for each article transported that is subject to a separate toll.

(c) A suit under this section must be filed in a justice court of the county described by Subsection (a)(1).

(d) A person described by Subsection (a)(1) or (2) who prevails in an action brought under this section is also entitled to recover costs of suit.

(e) The county treasurer may file suit under this section on behalf of the county.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 342.303. CHARGE OF EXCESSIVE TOLL RATE. (a) If the holder of a license to operate a ferry charges and receives from a person a toll at a rate greater than the rate authorized by the commissioners court, the license holder is liable to the person in the amount of \$5 for each violation.

(b) A suit under this section must be filed in a justice court of the county in which the license is issued.

(c) A person who brings a suit under this section and prevails is entitled to recover costs of suit.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 342.304. FAILURE TO SERVE. (a) If the holder of a license to operate a ferry, on being tendered the authorized toll, does not, without reasonable cause, transport a person or the person's property of the type usually transported by the ferry, the holder is liable to the person in the amount of \$2 for each 30 minutes of delay.

(b) A suit under this section must be filed in a justice court of the county in which the license is issued.

(c) A person who brings suit under this section and prevails is also entitled to recover costs of suit.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 342.305. FAILURE TO POST TOLL RATES. (a) The holder of a license to operate a ferry shall post and maintain at the ferry or ferry house for inspection a list of toll rates authorized by the commissioners court for the ferry.

(b) A person who violates Subsection (a) is liable for \$4 for each violation.

(c) Each week a person violates Subsection (a) is a separate violation.

(d) Any person may bring suit in a justice court of the county in which the license is issued to collect the amount due under this section. One-half of the amount collected shall be paid to the county and one-half shall be paid to the person who brings the suit.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 342.306. RECOVERY UNDER BOND OR FROM SURETY. (a) A person injured by a license holder's violation of a condition of the bond required under Section 342.104 may sue on the bond in the person's name for recovery of the amount due because of the violation.

(b) If a judgment is obtained against a license holder for a violation of this chapter and execution is returned because no property of the license holder can be found on which to levy to satisfy judgment, the justice to whom execution is returned shall cite the license holder's sureties to appear and show cause why judgment should not be entered against the sureties for the amount of the judgment against the license holder that is not satisfied.

(c) If the sureties do not show cause as described by Subsection (b), the justice shall enter judgment and issue execution for satisfaction of judgment against the sureties.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

SUBCHAPTER F. OFFENSES RELATING TO OPERATION OF FERRY

Sec. 342.401. FAILURE TO PERFORM DUTIES; CHARGING EXCESSIVE TOLL RATE. A person who holds a license to operate a ferry shall be fined not less than \$10 or more than \$100 if the person:

(1) violates Section 342.107; or

(2) charges a toll at a rate greater than the rate authorized by the commissioners court for the ferry.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 342.402. FAILURE TO OBTAIN LICENSE. A person shall be fined not less than \$50 or more than \$200 if the person violates

Section 342.101.
Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.