

Port of Houston Authority
FEE AND CHARGE ADOPTION POLICY
April 2025



A. Policy and Purpose.

1. It is the policy of the Port of Houston Authority of Harris County, Texas (“Port Authority”) to charge fair, reasonable, and adequate fees and charges as determined and adopted by the Port Commission, after receipt of public and stakeholder comments, for (a) licensed use of public property by third parties for pipelines, transmission lines, valve sites, bridges, grade crossings, dredged material placement, temporary access, and other similar uses, and (b) permission to construct certain marine structures or encumbrances affecting the Houston Ship Channel and within waterways in the Port Authority’s jurisdictional limits (the “Policy Scope”).

2. The purpose of this Fee and Charge Adoption Policy (“Policy”) is to facilitate the adoption of fair, reasonable, and adequate fees and charges for matters within the Policy Scope by encouraging public and stakeholder commentary.

B. Analysis of Proposed Fees and Charges. Except where state or federal law or regulation provides otherwise, prior to adopting a new or increased fee or charge for Port Authority-issued licenses or similar interests within the Policy Scope, the Port Authority’s staff shall complete the following:

1. Undertake an analysis of the proposed fees or charges to include:
 - a. Consideration of relevant factors, such as:
 - i. the manner in which the property will be used;
 - ii. the property interest and amount of property to be used;
 - iii. the duration of the requested use;
 - iv. the other existing or anticipated uses of some or all of the property by the Port Authority or other parties (such as properties operated as public terminals, properties leased to third parties, vacant lands, submerged lands, lands identified for future development, or other properties);
 - v. the extent to which the proposed use could impact the use of the property by the Port Authority or other parties;
 - vi. other valuation considerations, such as comparable market rates, for the property to be used;
 - vii. the potential environmental impacts of the use;

viii. the potential economic impacts of the use on the Port Authority or other parties;

ix. the potential short-term or long-term costs to the Port Authority (e.g., maintenance, monitoring, potential environmental remediation, security) associated with the proposed use; and

x. any regional and/or national data regarding comparable fees set by other port authorities, governmental agencies, private parties, or other entities for similar uses.

b. Evaluation of alternative fee models such as fixed, variable, or tiered fees, as appropriate to the fee or charge in question.

c. Evaluation of the estimated costs of issuance and post-issuance administration.

2. Prepare a written summary of its analysis and tentative recommendation on the new or increased fees and charges within the Policy Scope.

C. Public Outreach and Comment Process. Except where state or federal law or regulation provide otherwise, prior to adopting a new or increased fee or charge for Port Authority-issued licenses or similar interests within the Policy Scope, the Port Authority's staff will undertake a public outreach and comment process consisting, at a minimum, of at least one stakeholder meeting and one written comment period. The public outreach and comment process shall be consistent with the following:

1. Stakeholder Meeting. At least thirty (30) days before adoption of a new or increased fee or charge, the Port Authority will hold a stakeholder meeting designed to inform stakeholders of the proposed new or increased fee or charge.

a. Notice of the stakeholder meeting shall be provided, at a minimum, on the Port Authority website and by mail or email to stakeholders. Notice shall be provided at least fifteen (15) calendar days before the stakeholder meeting.

b. Stakeholders include, at a minimum, those with a current license (or similar interest) for the particular fee or charge proposed for adoption and those who submit a request to receive notice of any new or increased fee or charge.

c. Written notice to license (or similar interest) holders will be provided to the contact listed in the file of all current license (or similar interest) holders.

d. A request to receive notice of any new or increased fee or charge must be received by the Port Authority within the same calendar year as the stakeholder meeting.

2. Written Comment Period. At least forty-five (45) days before adoption of a new or increased fee or charge within the Policy Scope, the Port Authority will provide notice of an opportunity to provide written comments on the proposed fee or charge.

a. Notice of the written comment period shall be provided on the Port Authority website and by mail or email to stakeholders.

b. The comment period shall remain open for at least thirty (30) days after notice is provided.

3. Adoption at Public Meeting. Any new or increased fee or charge for Port Authority-issued licenses (or similar interests) within the Policy Scope must be adopted by the Port Commission at an open and public meeting.

a. The Port Authority will provide notice of the proposed new or increased fee or charge on its website at least seventy-two (72) hours prior to the meeting at which the fee or charge will be considered for adoption by the Port Commission.

b. The public meeting at which a new or increased fee or charge will be considered for adoption must occur at least fifteen (15) days after the end of the written comment period.

4. Optional Additional Public Involvement. The Port Authority may, in its discretion, request additional stakeholder input, such as an additional stakeholder meeting or written comment period.

D. Effective Date. A new or increased fee or charge for Port Authority-issued licenses (or similar interests) within the Policy Scope shall become effective no earlier than sixty (60) days following the Port Commission's final action on the adoption of the new or increased fee or charge.

E. Policy Responsibility. The adoption of this Policy does not limit the discretion of the Port Commission, does not waive or impair the Port Authority's immunities from suit or liability, does not create an interest in property or a contract, and does not affect the applicable standard of review.

F. Policy Authority and Construction. The authority for this Policy comes from Texas Special District Local Laws Code, Chapter 5007, and Texas Water Code, Chapters 60, 61, and 62.

G. Supersedes Prior Policies. This Policy supersedes and replaces any prior policies adopted by the Port Commission regarding the procedure for the adoption of fees and charges within the Policy Scope.

H. Adoption. This Policy was adopted by the Port Commission on April 29, 2025, as evidenced by Minute No. 2025-0429-09.

Policy Owner: Chief Executive Officer
Policy Version: 1.0