

**Port of Houston Authority**  
**PERMITTING AND LICENSING POLICY**  
**April 2025**



A. Purpose.

The purpose of this Permitting and Licensing Policy (the “Policy”) is to set out the principles under which licenses and permits may be issued for the use of submerged lands and other real property owned, managed, or regulated by the Port of Houston Authority (the “Port Authority”).

B. Background.

1. The State of Texas granted to and imposed on the Port Authority the purpose and authority to operate, develop, and regulate waterways, railroads, and other facilities within the Port Authority’s jurisdiction, including activities in aid of navigation and commerce thereon.

2. The Port Authority owns and has the authority to manage and regulate certain real property and submerged lands in and around the Port of Houston, including lands with railroad and other rights of way and lands that lie beneath the Houston Ship Channel, pursuant to Special District Local Laws Code Chapter 5007.

3. The circumstances concerning the historic, present, and future placement of pipelines, transmission lines, communication lines, docks, piers, dredging activities, and other types of structures and work on real property and submerged lands owned, managed, and regulated by the Port Authority create safety issues associated with multiple uses, overburdened waterways, and increased potential for conflicts in the use of such areas.

4. Port Authority-owned, managed, and regulated properties are available for permitting and licensing of such uses and structures in commercially desirable areas, and the licensing of such uses and structures should be conducted in a safe, efficient, fair, reasonable, and responsible manner.

C. Policy Statements.

1. It is the policy of the Port Authority to authorize permits and licenses for dredging and construction activities, pipelines, transmission lines, railroad grade crossings, and similar activities on suitable Port Authority-owned, managed and regulated property, and submerged lands in a manner that:

- a. Facilitates safe and efficient commerce and navigation;
- b. Is reasonable and fair;
- c. Considers the needs of all interested parties; and
- d. Appropriately uses public resources.

2. It is the policy of the Port Authority to place an expiration date on a permit or license on the second anniversary of the date the first permit or license application was filed for the project if: (a) the permit does not have an expiration date; and (b) no progress has been made towards completion of the permitted or licensed project.

D. Application of Policy.

1. The Port Authority may issue permits and licenses for dredging, placement of dredged material, and construction activities, and construction of pipelines, transmission lines, railroad grade crossings, and similar activities on suitable Port Authority-owned, managed, or regulated properties.

2. The determination whether the Port Authority will issue any such permit or license will be made at the sole discretion of the Port Authority, and in each event that a determination to issue a permit or license is made, the permitting or licensing shall be accomplished in accordance with the principles of the policy statements set forth in Section C above.

3. Submerged Lands licenses and rights of way shall be permitted and licensed at the then-prevailing rate for the particular use approved by the Port Authority.

4. Such permits and licenses are subject to the procedures established by the Port Authority.

E. Authority of the Port Commission and Delegation of that Authority.

1. Primary Port Commission Authority. Licensing and permitting of Port Authority-owned and managed properties, including rights of way and Submerged Lands, is under the exclusive control of the Port Commission which, pursuant to Texas Special District Local Laws Code Chapter 5007, has responsibilities including:

a. Authorizing, establishing, regulating, and leasing all structures for facilitating or accommodating commerce or navigation;

b. Leasing lands, including submerged lands, for limited periods for purposes consistent with facilitating or accommodating commerce or navigation;

c. Providing that no structures are constructed on said lands by anyone except the Port Authority, except as authorized by the Port Authority;

d. Constructing, maintaining, operating, and developing channels, and

prescribing fees and charges to be collected for their use;

e. Entering into all agreements necessary or convenient for carrying out the powers granted by the State of Texas to the Port Authority; and

f. Approving by resolution or order all permits or licenses entered pursuant to this statute.

The Port Commission shall exercise this authority by approving licenses and permits of Port Authority-owned, managed, and regulated property for dredging and construction activities, pipelines, transmission lines, railroad grade crossings, and similar activities, and delegating, as it deems appropriate, review and approval of items to Port Authority staff.

2. Delegation of Authority to Chief Executive Officer and Designees. Except with respect to its approval of permits and licenses subject to Port Commission approval by law, or as otherwise provided by Port Commission-approved policies, the Port Commission hereby delegates to the Chief Executive Officer, and his or her designees, the activities described as Staff Responsibilities in Section F below.

F. Staff Responsibilities.

1. The Port Commission hereby directs staff to prepare and periodically update reasonable standards and procedures consistent with this Policy for staff's administration of such activities, including those listed below:

a. Establish a point of control and coordination for Port Authority permitting and licensing activities;

b. Assign responsibilities for management of the Port Authority's permitting and licensing activities; and

c. Assign responsibilities for evaluating activities subject to this Policy.

2. Standards and procedures developed by staff are subject to revision by the Port Commission.

G. Policy Authority and Construction. The authority for this Policy comes from Texas Special District Local Laws Code, Chapter 5007, Texas Water Code, Chapters 60, 61, and 62, and Texas Local Government Code Chapter 245.

H. Policy Responsibility.

1. This Policy is not intended to constrain the discretion of the Port Commission, which may amend this Policy at any time for any reason.

2. In the absence of a contrary directive by the Chief Executive Officer, the Chief Channel Infrastructure Officer is responsible for this Policy's implementation and is the contact for its interpretation.

I. Supersedes Prior Policies. This Policy supersedes and replaces any prior policies adopted by the Port Commission regarding way permitting and licensing activities on Port Authority-owned and managed properties.

J. Non-binding Statement of Intent. This Policy is a nonbinding statement of intent, which does not create a property interest in any person, does not constitute a contractual obligation of the Port Authority to others, and does not waive any of the Port Authority's immunities under law, including the Port Authority's immunity from suit and its immunity from liability. The Port Authority reserves the right to assert every defense to any claim that is available to it under law.

K. Adoption. This Policy was adopted by the Port Commission on April 29, 2025, as evidenced by Minute No. 2025-0429-10.

Policy Owner: Channel Infrastructure Division  
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