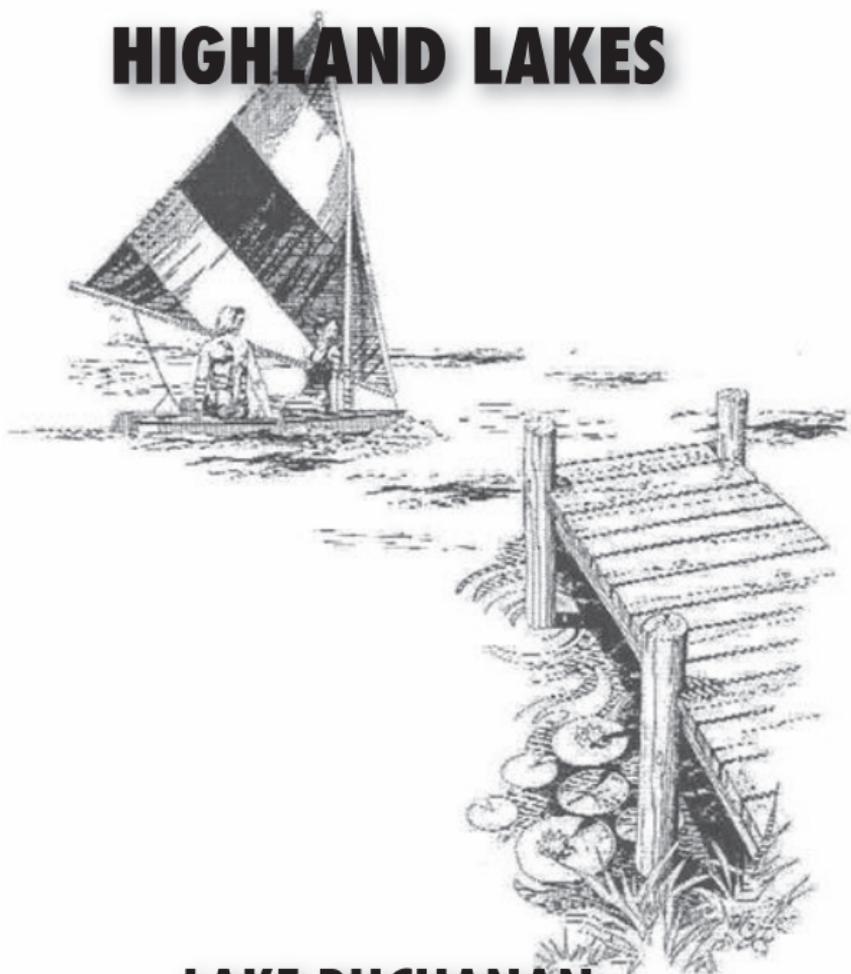


SAFETY STANDARDS FOR RESIDENTIAL DOCKS ON THE HIGHLAND LAKES



LAKE BUCHANAN

INKS LAKE

LAKE LBJ

LAKE MARBLE FALLS

LAKE TRAVIS

SAFETY STANDARDS FOR RESIDENTIAL DOCKS ON THE HIGHLAND LAKES

PURPOSE AND PREFACE

These safety standards of the Lower Colorado River Authority (LCRA) apply to all residential docks on the Highland Lakes and are adopted pursuant to its authority and intended to provide minimum requirements to protect public safety, access and water quality.

As of Dec. 20, 2002, there were approximately 6,000 residential docks on the Highland Lakes and more are being added continually. LCRA recognizes the utility and convenience of these residential docks for their owners, but it also is charged with the responsibility to ensure public safety, navigation and water quality of the Highland Lakes.

LCRA developed these Safety Standards for Residential Docks on the Highland Lakes in response to its recognition of the value of residential docks and its concern for the safety and welfare of the Highland Lakes. LCRA will not assess any fees as part of the implementation of these standards.

For additional copies of these standards, questions or concerns, please contact Water Surface Management at 1-800-776-5272, Ext. 2309 or 2405.

EXEMPTIONS

HIGHLAND LAKES MARINA ORDINANCE

Notwithstanding any contrary requirement set forth in the Highland Lakes Marina Ordinance (HLMO), Residential Docks, regardless of size, are not required to obtain a permit under the HLMO, but shall instead comply with the Safety Standards for Residential Docks on the Highland Lakes. However, a Floating Dock located on Lake Travis or Lake Buchanan that occupies more than 1,500 square feet of Water Surface Area, excluding the square footage occupied by the Gangway, shall be considered a Marina Facility.

RECESSED DOCK

A Fixed Dock placed so that no part extends past the Shoreline of the lake is exempt from these Standards provided that no such dock may:

- (1) Have any structural members, roofing, decking, flotation or walkways that are not securely attached and could pose an immediate safety or navigation hazard
- (2) Be totally or partially submerged
- (3) Be floating in a position that is not upright
- (4) Have decks or floors below the waterline
- (5) Be in a state of disrepair.

DEFINITIONS

Words used in these Standards and not defined in this section shall have their ordinarily accepted meaning. For the purposes of these Standards, the following words and phrases are defined.

Abandoned Dock: A dock that (1) exceeds the maximum distance from shore requirement set forth in these Standards or (2) is adrift.

Design Elevation: The elevation, measured in feet above mean sea level, which is specific for each lake: Lake Buchanan, 1,020 feet; Inks Lake, 888 feet; Lake LBJ, 825 feet; Lake Marble Falls, 738 feet; and Lake Travis, 668 feet.

Dilapidated Dock: A dock that (1) has any structural members, roofing, decking, flotation or walkways that are not securely attached and could pose an immediate safety or navigation hazard, (2) is submerged, (3) is not floating upright, (4) has decks or floors below the waterline, (5) is in a state of disrepair, or (6) is otherwise not in compliance with these Standards.

Effective Date: The Effective Date of these Standards shall be Feb. 18, 2004.

Encased Flotation: Expanded polystyrene fully enclosed by one of these materials:

- (a) Treated dimensional wood, 1.5 inches thick (actual) or more
- (b) Nontreated dimensional wood 4 inches thick or more
- (c) Treated plywood 0.5 inch thick or more
- (d) Nontreated marine grade plywood 0.5 inch thick or more
- (e) Concrete 1 inch thick or more
- (f) Galvanized steel 0.065 inch or 16 gauge thick or more
- (g) Liquid coatings, 30 mils thick or more, chemically or securely bonded
- (h) Rigid (hard) plastics, 50 mils thick or more
- (i) Fiberglass and plastic resins 30 mils thick or more, chemically or securely bonded.

Or these materials which may or may not enclose expanded polystyrene:

- (j) Devices using air chambers as flotation designed specifically for marine use
- (k) Plastic barrels which contain no hazardous materials or residue
- (l) Other materials approved by LCRA.

Expansion: Any increase in the Water Surface Area of a Residential Dock.

Existing Residential Dock: A Residential Dock that, on or before the Effective Date of these Standards, is constructed and located on or over the water surface of the Highland Lakes.

Fixed Dock: A rigid structure or portion of a rigid structure supported by pilings, retaining wall or other materials and associated with a permanent foundation that is either resting or embedded in the lake bottom and is designed to make relocation impracticable.

Floating Dock: A structure or portion of a structure supported by flotation or otherwise designed to make relocation possible.

Flotation: Material such as polystyrene, wood or other material used to support floating Structures on the water surface.

Gangway: A walkway or structure extending from the dock to the shore that, because of its short length, does not require supports by floats or outriggers and which occupies no more than 80 square feet of water surface area.

Highland Lakes: Includes Lake Buchanan, Inks Lake, Lake LBJ, Lake Marble Falls and Lake Travis on the Colorado River within the Lower Colorado River Authority District.

LCRA: Lower Colorado River Authority

Low Lake Levels: The elevation measured in feet above mean sea level for Buchanan (1,012 feet) and Lake Travis (655 feet).

Marina Facility: Any structure or combination of structures, other than a Residential Dock, located on or over the water surface of the Highland Lakes and located on or over a lot, that is designed for the mooring of Watercraft or is a commercial facility, community marina or marine service station.

Modification: Any change, addition or alteration of a Residential Dock or any change, addition or alteration in the location,

configuration, Structure or substructure of a Residential Dock. A Modification does not include routine maintenance and repairs or repairs required by LCRA to bring a Residential Dock that is Dilapidated or Abandoned into compliance with the applicable Safety Standards for Residential Docks on the Highland Lakes.

Navigable Passage: A dedicated space to allow the passage of Watercraft. It is defined as at least 75 feet wide with a minimum depth of eight feet.

New Residential Dock: A Residential Dock constructed after the Effective Date of these Standards.

Residential Dock: A noncommercial dock associated with a single family residence for which no compensation is/will be received by the owner(s) of the dock for its use. This definition also includes swim platforms and piers. A Floating Dock located on Lake Travis or Lake Buchanan that occupies more than 1,500 square feet of Water Surface Area, excluding the square footage occupied by the Gangway, shall be considered a Marina Facility. Any dock structure exceeding 1,500 square feet and not associated with a single family residence may be subject to the Highland Lakes Marina Ordinance.

Shoreline: The line at which the water surface of each Highland Lake intersects the land at any given time. The Shoreline will move as the surface elevation of a lake changes.

Standards: These Safety Standards for Residential Docks on the Highland Lakes, which represent LCRA rules and regulations applicable to Residential Docks.

Structure: Anything constructed or otherwise located on or over the water surface, extended over the water surface, or affixed to something that is/will be located on the ground and covered by water or is located on land and is

an essential part of the Residential Dock, such as an electrical system.

Water Surface Area: The area including, but not limited to, the width times the length of the Residential Dock's floating and fixed structures located on or over the water, its open and covered slips and the maximum area covered by Watercraft, including that portion of the Water Surface Area that is used by Watercraft as a courtesy dock and all end tie areas. Gangways are not included in the Water Surface Area measurements.

Watercraft: Any craft, vessel or boat used or capable of being used as means of transportation on or under the water, including vessels such as houseboats and other vessels not used primarily for transportation.

Waterfront Property: Property that adjoins the Shoreline, at lake elevations measured in feet above mean sea level, when the water surface is at or below these lake elevations: Lake Buchanan, 1,020 feet; Inks Lake, 888 feet; Lake LBJ, 825 feet; Lake Marble Falls, 738 feet; and Lake Travis, 681 feet.

SAFETY STANDARDS

ABANDONED DOCKS AND DILAPIDATED DOCKS

No person shall own or control an Abandoned Dock or Dilapidated Dock.

FLOTATION

New Residential Docks using flotation must use Encased Flotation. If Flotation is being replaced in conjunction with the replacement of the Structures of the Residential Dock in its entirety, Encased Flotation must be used.

An Existing Residential Dock using Flotation on the Effective Date of these Standards may continue to use Flotation that is not Encased

Flotation until Feb. 18, 2014. At that time, all Flotation must be Encased Flotation.

Flotation must be kept free of vegetation. Metal barrels or drums are prohibited for new or replacement flotation and must be replaced within three years of the Effective Date of these Standards.

LIGHTING

A Residential Dock must be lighted continuously from sunset to sunrise and during periods of restricted visibility if the dock: (1) extends beyond the maximum distance from the Shoreline, or (2) otherwise poses a navigation hazard.

The minimum safety lighting allowed under these Standards shall adequately define the presence of all Structures located on or over the water surface and be lighted so as to clearly identify the walkway and the entire structure. Lighting shall be so located and configured or shielded so as not to present a hazard to navigation.

A Residential Dock that, due to sudden rises in lake elevation resulting from flooding, can be expected to extend past the maximum distance from the Shoreline allowed under these Standards shall be lighted in accordance with these Standards during the period the dock exceeds the maximum distance from the Shoreline.

A swim platform must be continuously lighted from sunset to sunrise and during periods of restricted visibility if the platform (1) extends beyond the maximum distance from the Shoreline, (2) otherwise poses a navigation hazard, or (3) is located within the maximum distance from the Shoreline, but which, from its furthest extension, is located more than 50 feet from the Shoreline or any other Structure (such as a Residential Dock). The minimum safety lighting shall adequately define the presence of the structure.

ANCHORING

A Residential Dock must be securely attached to the shore, taking into consideration water depth, lake level fluctuation and exposure to wind, fast moving water and wave action. Anchor cables for floating docks shall (1) not create a hazard to navigation or block ingress or egress for Watercraft, (2) be maintained in good condition and have a minimum working load of 1,000 pounds, (3) have thimbles or other chafing protection.

ELECTRICAL

Overhead wiring spans above the open water surface are prohibited. These include electrical conductors and communication cables such as television, telephone, etc.

LAKE ACCESS

- (1) With the exceptions noted here, a Residential Dock shall be located within the maximum distance from the Shoreline (measured perpendicular from the Shoreline).

Maximum distance from Shoreline shall be:

Lake Buchanan . . .	150 feet
Lake Inks	35 feet
Lake LBJ	50 feet
Lake Marble Falls. .	35 feet
Lake Travis	100 feet

Exception A: In shallow areas of the Highland Lakes, a Residential Dock may exceed the maximum distance from the Shoreline but in any event shall not:

1. Extend further than 200 feet from the Shoreline
2. Pose a hazard to navigation
3. Extend further than the maximum distance from the Shoreline solely to avoid having to move floating docks to accommodate varying lake levels

4. Extend further from the Shoreline than necessary to allow for boat access to docks in shallow water
5. Violate any other provision of these Standards related to lake access.

Exception B: An Existing Residential Dock so affixed to realty (Fixed Dock) as to make its relocation impractical may exceed the maximum distance from the Shoreline but may not be extended further.

- (2) A Residential Dock shall not be constructed, relocated, expanded or modified to further restrict the existing access available for watercraft in areas where the water surface is 40 feet wide or less at the Design Elevation.

Note: A Residential Dock on Lake Travis or Lake Buchanan may further restrict access during periods of Low Lake Levels as long as the access for watercraft is not unreasonably restricted for any dock owner within a cove.

- (3) Residential Docks shall not be constructed, located, expanded or modified in any manner that would interfere with the ability of an LCRA permitted Marina Facility to maintain the Navigable Passage required under the Highland Lakes Marina Ordinance where the Navigable Passage is located entirely over property owned, leased or otherwise controlled by the Marina Facility.
- (4) A New Residential Dock or Existing Residential Dock that is relocated, modified or expanded and occupies more than 1,500 square feet of the Water Surface Area may not extend a distance of more than 33 percent of the width of the unobstructed open water from Shoreline to Shoreline or from Shoreline

to a Structure located on the opposite Shoreline (measured perpendicular from the Shoreline at the Design Elevation). Measurements to Structures located on the opposite Shoreline will include only those Structures so located as permitted by LCRA or otherwise exempt from LCRA rules or regulations.

Note: A Residential Dock temporarily moved due to seasonal lake elevation changes does not constitute a relocation for the purposes of this provision.

VARIANCES

LCRA staff shall have discretion to grant a variance to the provisions of these Standards where strict adherence to one or more of the provisions would, in the judgment of LCRA staff, result in a grave injustice or an unreasonable hardship to the owner of a Residential Dock.

A request for variance should be made in writing prior to placement of any New Residential Dock or the Expansion, relocation or Modification of an Existing Residential Dock.

A variance may be granted under these circumstances:

- (1) There is no reasonable alternative to the requested variance that will alleviate the injustice or hardship.
- (2) The variance is no greater than the minimum required to alleviate the injustice or hardship.
- (3) The variance does not create significant adverse impacts to other Waterfront Property owners within the immediate vicinity or compromise water quality or public safety.

A decision by LCRA staff regarding a variance request shall be made within 15 working days of receipt and is final and unappealable.

ENFORCEMENT

INSPECTIONS

Upon receipt of a report, complaint or suspicion of possible violation of these Standards or at the request of a Residential Dock owner, an agent or employee of LCRA may inspect a Residential Dock. LCRA shall provide advance notification for inspections and owner or owner's representative shall, whenever possible, be present during inspection. Inspections typically will be conducted during normal LCRA business hours unless other arrangements are made.

RIGHT OF ENTRY

LCRA authorized agents and employees shall not enter private property without first notifying, if present on the property, any owner, occupants or other person in charge at the time of the inspection of their presence and exhibiting proper credentials. Authorized agents or LCRA employees shall have the right to enter at all reasonable times in or upon any property, whether public or private, for the purpose of inspecting and investigating conditions relating to the construction, Expansion, Modification or relocation of a Residential Dock. Nothing in this section, however, shall preclude an LCRA peace officer from entering the property without notice to investigate suspected criminal activity as might otherwise be allowed under the laws of this state.

NOTICE OF VIOLATION

Whenever any violation of the Residential Dock Safety Standards occurs, an authorized agent or employee of LCRA shall issue the

Notice of Violation (NOV) stating the nature of the violation(s) and shall provide notice of such violation by:

- (1) Posting such notice in a prominent location on the Residential Dock and
- (2) Sending a copy of the notice via certified mail to the dock owner, if known.

OPPORTUNITY TO CURE VIOLATIONS

The Residential Dock owner shall have 30 working days from the date that the NOV is posted to comply with the Standards. A request for an exception to the time frame shall be in writing and shall explain in detail the need for additional time and what measures are being taken to ensure that the health and safety of the public is not compromised until the violation can be corrected. Staff has discretion to grant a request for extension of time, which shall be approved in writing.

EMERGENCY ORDER

Notwithstanding the notice periods set forth elsewhere in these Standards, LCRA may at any time issue the Emergency Order to address an imminent and substantial endangerment to human health and safety, including an imminent navigation hazard. The Emergency Order shall order the dock owner to immediately isolate the hazard from the public until such time as the hazardous condition can be corrected and order that the condition be corrected within a specified time period. The Emergency Order shall be in writing and shall be posted prominently at the site and mailed via certified mail to the dock owner if known. The Residential Dock owner may appeal the issuance of an Emergency Order to LCRA's general manager by submitting a concise, written statement of the reasons for believing that the Emergency Order should not have been issued and citing the specific rule from which the Residential Dock should be exempt. An appeal of the Emergency Order must

be received in the LCRA general manager's office prior to the expiration of the time for performance prescribed by the emergency order. The general manager may decide the appeal based on the reasons stated in the appeal or may request additional information from the staff or person filing the appeal.

NAVIGATION HAZARDS AND DOCKS ADRIFT

An authorized LCRA agent or employee may immediately relocate or remove from the Highland Lakes any Residential Dock that is adrift or, at the discretion of the LCRA agent or employee, otherwise presents a navigation hazard. If a dock owner can be identified, LCRA shall take reasonable steps to issue a Notice of Violation within three working days after removal or relocation of the Residential Dock has occurred. Such NOV shall inform the dock owner that the dock has been removed or relocated and, if applicable, shall include procedures for recovery of the dock.

INJUNCTION

Nothing in these Standards shall prevent LCRA from seeking injunctive relief or any other remedy in law or equity at any time against any person allegedly violating these Standards.

MISCELLANEOUS

AUTHORITY

These rules are adopted pursuant to in Chapter 8503, Special District Local laws Code (formerly: Chapter 22, Texas Water Code; Section 2 of the Lower Colorado River Authority Act, chapter 74, 1975 Texas General Laws 181, as amended by chapter 484, article IV, 1983 Texas General Laws 2827; and article 8280-107, Vernon's Annotated Texas Civil Statutes): and chapters 26, 49 and 51 of the

Texas Water Code; and Chapter 31 of the Texas Parks and Wildlife Code. Those statutes give LCRA authority to adopt such rules and regulations as are necessary to control the surface of the Highland Lakes, to provide for improved water safety on the surface of the Highland Lakes, and to provide for the control of both artificial and natural pollution of the ground and surface water of the Highland Lakes.

RELATIONSHIP TO OTHER LAWS

Whenever regulations or restrictions imposed by these Standards are either more or less restrictive than regulations or restrictions imposed by any governmental authority or other entity that might have authority to regulate Residential Docks, the regulations, rules or restrictions that are more restrictive or which impose higher standards or requirements shall govern.

SEVERABILITY

Should any part of these Standards be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Standards as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

AMENDMENT OR SUSPENSION OF THE STANDARDS

These Standards may be amended from time to time by the LCRA Board of Directors after notice and reasonable opportunity for public review. The Board of Directors may suspend these Standards, or any portion thereof, whenever the Board determines such suspension to be in the public interest.

ABOUT LCRA

LCRA is a conservation and reclamation district created by the Texas Legislature in 1934. LCRA provides energy, water and community services to the people of Texas. It cannot levy taxes, but funds its operations with income from the sale of electricity, water and other services.

LCRA generates electricity and sells it wholesale to 42 customers, including city-owned utilities and cooperatives that serve more than 1 million people in Texas. LCRA also builds and operates transmission projects through a nonprofit corporation it created, manages and protects the lower Colorado River, provides water and wastewater utilities, owns and operates parks, and offers economic and community development assistance to communities.



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