
SpaceX & Texas Beach Access

An ongoing Texas Supreme Court case is examining whether a state law allowing beach closures for SpaceX rocket launches at Boca Chica violates Texans' constitutional right to open beach access. Specifically, House Bill 2623 (2013), amended the Texas Open Beaches Act to allow for these closures. More recently, the Legislature passed another act - HB 5246 - that allows even more restrictions on beach access.

SpaceX, the General Land Office and local authorities have closed Boca Chica Beach and State Highway 4 hundreds of times since the testing facility began operations in 2019. In fact, it is estimated that the beach is closed for 450 to over 600 hours per year. With passage of HB 5246, Space X and the new city of Star Base have even more ability to close Boca Chica beach by working with the Texas Space Commission.

SpaceX and Beach Access Facts

- Texas voters amended the State Constitution in 2009 – by a 77% majority – to guarantee the right to free and open access to public beaches (Open Beaches Act).
- Boca Chica Beach is sacred, generational land.
- Following the incorporation of the surrounding community into the newly established city of Starbase, authority to issue beach and highway closures was expanded due to new authority given to a new state agency - the Texas Space Commission which works alongside the city and Cameron County to enforce evacuations and road blocks.

Possible Solutions

- Depending on the results of the court case, the underlying law - HB 2623 - could be declared unconstitutional, but this may occur either during or after the legislative session.
- Whatever the results of the Supreme Court case, the 90th Legislature could amend state statutes to rollback these beach closures and when they can occur by amending statute. Specifically, HB 2623 and the sections of HB 5246 dealing with beach access should be rescinded. Instead, a new process could be created that respects the constitutional right to beach access, but allows a very narrow application process, including public input.