

By: Coleman

H.B. No. 4680

A BILL TO BE ENTITLED

AN ACT

relating to mass transit authorities

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 451, Transportation Code, is amended by adding Subchapter R to read as follows:

SUBCHAPTER R. URBAN TRANSPORTATION AUTHORITIES

Sec. 451.901. DEFINITIONS. (a) In this subchapter:

(1) "Alternate municipality" means a municipality that:

(A) has a population of more than 60,000;

(B) is located in a metropolitan area the principal municipality of which has a population of more than 1.2 million; and

(C) is not part of the territory of another authority.

(2) "Authority" means a rapid transit authority created under this chapter or under Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973.

(3) "Board" means the governing body of an authority.

(4) "Mass transit" means the transportation of passengers and hand-carried packages or baggage of a passenger by a surface, overhead, or underground means of transportation, or a combination of those means, including motorbus, trolley coach, rail, and suspended overhead rail transportation. The term does

1 not include taxicab transportation.

2 (5) "Metropolitan area" includes only an area in this
3 state that has a population density of not less than 250 persons for
4 each square mile and contains not less than 51 percent of the
5 incorporated territory of a municipality having a population of
6 230,000 or more. The area may contain other municipalities and the
7 suburban area and environs of other municipalities.

8 (6) "Motor vehicle" includes only a vehicle that is
9 self-propelled:

10 (A) by an internal combustion engine or motor;

11 (B) on two or more wheels; and

12 (C) over a roadway other than fixed rails and
13 tracks.

14 (7) "Principal municipality" means the municipality
15 having the largest population in a metropolitan area.

16 (8) "Transit authority system" means property:

17 (A) owned, rented, leased, controlled, operated,
18 or held for mass transit purposes by an authority; and

19 (B) situated on property of the authority for
20 mass transit purposes, including:

21 (i) for an authority created before 1980 in
22 which the principal municipality has a population of less than 1.2
23 million, public parking areas and facilities; and

24 (ii) for an authority in which the
25 principal municipality has a population of more than 1.5 million,
26 the area in boundaries in which service is provided or supported by
27 a general sales and use tax.

1 (9) "Transportation disadvantaged" means the elderly,
2 persons with disabilities, and low-income individuals.

3 (10) "Advanced transportation district" means a
4 district created or operating under Subchapter O.

5 Sec. 451.902. LIBERAL CONSTRUCTION. This subchapter shall
6 be liberally construed to carry out its purposes.

7 Sec. 451.903. NATURE OF AUTHORITY

8 (a) Subchapter R applies to authorities created after 1985
9 in which the principal municipality has a population of more than
10 3.3 million.

11 SECTION 2. Section 451.07, Transportation Code, is amended
12 by adding Section 451.073 to read as follows:

13 Sec. 451.073. REFERENDUM FOR RAIL PLAN; CERTAIN
14 AUTHORITIES. (a) This section applies only to an authority created
15 in 1978, in which the principal municipality has a population of 3.3
16 million.

17 (b) The authority may hold a referendum on whether the
18 authority may expand or increase operations of a fixed rail transit
19 system.

20 (c) The notice of an election called under this section must
21 include a general description of the form of the fixed rail transit
22 system, including the general location of any proposed routes.

23 (d) If a majority of the votes cast are in favor of the
24 proposition, the authority may build and operate the system as
25 provided in the notice for the election. If less than a majority of
26 the votes cast are in favor of the proposition, the authority may
27 not expend funds of the authority to purchase, acquire, construct,

1 operate, or maintain any form of a fixed rail transit system unless
2 the system is approved by a majority of the votes cast as a
3 referendum held by the authority for that purpose.

4 SECTION 3. Section 451.058, Transportation Code, is amended
5 as follows:

6 Sec. 451.058. USE AND ACQUISITION OF PROPERTY OF OTHERS

7 SECTION 4. Section 451.059, Transportation Code, is amended
8 as follows:

9 Sec. 451.059. EMINENT DOMAIN PROCEEDINGS.

10 (a) An eminent domain proceeding by an authority in which
11 the principal municipality has a population of 3.3 million
12 initiated by the adoption by the board of a resolution that:

13 ~~(a)~~ (b) An eminent domain proceeding by an authority is
14 initiated by the adoption by the board of a resolution that:

15 (1) describes the property interest to be acquired by
16 the authority;

17 (2) declares the public necessity for and interest in
18 the acquisition; and

19 (3) states that the acquisition is necessary and
20 proper for the construction, extension, improvement, or
21 development of the transit authority system.

22 ~~(b)~~ (c) At least 30 days before the date of the adoption of a
23 resolution under Subsection (a), the board shall hold a public
24 hearing on the question of the acquisition. The hearing must be
25 held at a place convenient to the residents of the area where the
26 property to be acquired is located.

27 ~~(c)~~ (d) The board shall publish notice of the hearing in a

1 newspaper of general circulation in the county where the property
2 is located at least once each week for two weeks before the date of
3 the hearing.

4 ~~(d)~~ (e) A resolution adopted under this section is
5 conclusive evidence of the public necessity for the acquisition
6 described in the resolution and that the property interest is
7 necessary for public use.

8 ~~(e)~~ (f) Except as otherwise provided by this chapter,
9 Chapter 21, Property Code, applies to an eminent domain proceeding
10 by an authority.

11 SECTION 5. Section 451.054, Transportation Code, is amended
12 as follows:

13 Sec. 451.054. GENERAL POWERS OF AUTHORITY

14 SECTION 6. Section 451.056, Transportation Code, is amended
15 as follows:

16 Sec. 451.056. OPERATION OF TRANSIT AUTHORITY SYSTEM.