

By: Martinez

H.B. No. 2423

A BILL TO BE ENTITLED

AN ACT

relating to the creation of regional transit authorities; granting the power of eminent domain; providing authority to issue bonds.

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

SECTION 1. Subtitle K, Title 6, Transportation Code, is amended by adding Chapter 463 to read as follows:

CHAPTER 463. REGIONAL TRANSIT AUTHORITIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 463.001. DEFINITIONS. In this chapter:

(1) "Authority" means a regional transit authority created under this chapter.

(2) "Executive committee" means the authority directors who serve as the governing body of the authority.

(3) "Light rail mass transit system" means a system that:

(A) uses a fixed guideway rail with electric power propelling mass transit passenger vehicles; and

(B) is constructed by an authority.

(4) "Public transportation system" means:

(A) all property owned or held by an authority for public transportation service purposes;

(B) real property, facilities, and equipment for the protection and environmental enhancement of all the facilities;

and

1 (C) property held:

2 (i) in accordance with a contract with the
3 owner making the property subject to the control of or regulation by
4 the authority; and

5 (ii) for public transportation service
6 purposes.

7 (5) "Service plan" means an outline of the service
8 that would be provided by the authority to counties if confirmed at
9 an election.

10 Sec. 463.002. APPLICATION. This chapter applies to:

11 (1) a county that is contiguous to the Gulf of Mexico
12 or a bay or inlet opening into the gulf and that borders the United
13 Mexican States; and

14 (2) a county that borders a county described by
15 Subdivision (1).

16 Sec. 463.003. MUNICIPALITIES MAY PROVIDE TRANSPORTATION
17 SERVICES. This chapter does not prohibit a municipality from
18 providing public transportation services within its boundaries. An
19 authority may coordinate the provision of services with the
20 municipality and include the services provided by the municipality
21 in the authority's service plan.

22 SUBCHAPTER B. POWERS OF AUTHORITIES

23 Sec. 463.051. POWERS APPLICABLE TO CONFIRMED AUTHORITY.
24 This subchapter applies only to an authority that has been
25 confirmed.

26 Sec. 463.052. NATURE OF AUTHORITY. (a) An authority:

27 (1) is a public political entity and corporate body;

1 (2) has perpetual succession; and
2 (3) exercises public and essential governmental
3 functions.

4 (b) The exercise of a power granted by this chapter,
5 including a power relating to a station or terminal complex, is for
6 a public purpose and is a matter of public necessity.

7 (c) An authority is a governmental unit under Chapter 101,
8 Civil Practice and Remedies Code, and the operations of the
9 authority are not proprietary functions for any purpose including
10 the application of Chapter 101, Civil Practice and Remedies Code.

11 Sec. 463.053. RESPONSIBILITY FOR CONTROL OF AUTHORITY.
12 Except as provided by Section 463.104, the executive committee is
13 responsible for the management, operation, and control of an
14 authority and its property.

15 Sec. 463.054. GENERAL POWERS OF AUTHORITY. (a) An
16 authority has any power necessary or convenient to carry out this
17 chapter or to effect a purpose of this chapter.

18 (b) An authority may sue and be sued. An authority may not
19 be required to give security for costs in a suit brought or
20 prosecuted by the authority and may not be required to give a
21 supersedeas or cost bond in an appeal of a judgment.

22 (c) An authority may hold, use, sell, lease, dispose of, and
23 acquire, by any means, property and licenses, patents, rights, and
24 other interests necessary, convenient, or useful to the exercise of
25 any power under this chapter.

26 (d) An authority may sell, lease, or dispose of in another
27 manner:

1 (1) any right, interest, or property of the authority
2 that is not needed for, or, if a lease, is inconsistent with, the
3 efficient operation and maintenance of the public transportation
4 system; or

5 (2) at any time, surplus materials or other property
6 that is not needed for the requirements of the authority or for
7 carrying out a power under this chapter.

8 Sec. 463.055. CONTRACTS; GRANTS AND LOANS. (a) An
9 authority may contract with any person.

10 (b) An authority may accept a grant or loan from any person.

11 (c) An authority may enter one or more agreements with any
12 municipality included in the area of the authority for the
13 distribution of the authority's revenues.

14 Sec. 463.056. OPERATION OF PUBLIC TRANSPORTATION SYSTEM.

15 (a) An authority may:

16 (1) acquire, construct, develop, plan, own, operate,
17 and maintain a public transportation system in the territory of the
18 authority, including the territory of a political subdivision;

19 (2) contract with a municipality, county, or other
20 political subdivision for the authority to provide public
21 transportation services outside the authority; and

22 (3) lease all or a part of the public transportation
23 system to, or contract for the operation of all or a part of the
24 public transportation system by, an operator.

25 (b) An authority, as the authority determines advisable,
26 shall determine routes.

27 (c) The executive committee may submit a referendum for the

1 approval of a power granted by Subsection (a) or (b).

2 (d) A private operator who contracts with an authority under
3 this chapter is not a public entity for purposes of any law of this
4 state.

5 Sec. 463.057. ACQUISITION OF PROPERTY BY AGREEMENT. An
6 authority may acquire rolling stock or other property under a
7 contract or trust agreement, including a conditional sales
8 contract, lease, and equipment trust certificate.

9 Sec. 463.058. USE AND ACQUISITION OF PROPERTY OF OTHERS.

10 (a) For a purpose described by Section 463.056(a)(1) and as
11 necessary or useful in the construction, repair, maintenance, or
12 operation of the public transportation system, an authority may:

13 (1) use a public way, including an alley; and
14 (2) directly, or indirectly by another person,
15 relocate or reroute the property of another person or alter the
16 construction of the property of another person.

17 (b) For an act authorized by Subsection (a)(2), an authority
18 may contract with the owner of the property to allow the owner to
19 make the relocation, rerouting, or alteration by the owner's own
20 means or through a contractor of the owner. The contract may
21 provide for reimbursement of the owner for costs or payment to the
22 contractor.

23 (c) An authority may acquire by eminent domain any interest
24 in real property, including a fee simple interest, except the right
25 of eminent domain may not be exercised:

26 (1) in a municipality without the approval of each
27 proposed acquisition by the governing body of the municipality or

1 in an unincorporated area without the approval of each proposed
2 acquisition by the commissioners court of the county in which the
3 property to be condemned is located; or

4 (2) in a manner that would:

5 (A) unduly impair the existing neighborhood
6 character of property surrounding, or adjacent to, the property to
7 be condemned;

8 (B) unduly interfere with interstate commerce;
9 or

10 (C) authorize the authority to run an authority
11 vehicle on a railroad track that is used to transport property.

12 (d) If an authority, through the exercise of a power under
13 this chapter, makes necessary the relocation or rerouting of, or
14 alteration of the construction of, a road, alley, overpass,
15 underpass, railroad track, bridge, or associated property, an
16 electric, telegraph, telephone, or television cable line, conduit,
17 or associated property, or a water, sewer, gas, or other pipeline,
18 or associated property, the relocation or rerouting or alteration
19 of the construction must be accomplished at the sole cost and
20 expense of the authority, and damages that are incurred by an owner
21 of the property must be paid by the authority.

22 (e) Unless the power of eminent domain is exercised, an
23 authority may not begin an activity authorized under Subsection (a)
24 to alter or damage property of others, including this state or a
25 political subdivision of this state, without having first received
26 the written permission of the owner.

27 Sec. 463.059. EMINENT DOMAIN PROCEEDINGS. (a) An eminent

1 domain proceeding by an authority is initiated by the adoption by
2 the executive committee of a resolution that:

3 (1) describes the property interest to be acquired by
4 the authority;

5 (2) declares the public necessity for and interest in
6 the acquisition; and

7 (3) states that the acquisition is necessary and
8 proper for the construction, extension, improvement, or
9 development of the public transportation system.

10 (b) A resolution adopted under this section and approved by
11 resolution of the appropriate municipal governing body or
12 commissioners court is conclusive evidence of the public necessity
13 for the acquisition described in the resolution and that the
14 property interest is necessary for public use.

15 (c) Except as otherwise provided by this chapter, Chapter
16 21, Property Code, applies to an eminent domain proceeding by an
17 authority.

18 Sec. 463.060. AGREEMENT WITH UTILITIES; CARRIERS. An
19 authority may agree with any other public or private utility,
20 communication system, common carrier, or transportation system
21 for:

22 (1) the joint use in the authority of the property of
23 the agreeing entities; or

24 (2) the establishment of through routes, joint fares,
25 or transfers of passengers.

26 Sec. 463.061. FARES AND OTHER CHARGES. (a) An authority
27 shall impose reasonable and nondiscriminatory fares, tolls,

1 charges, rents, and other compensation for the use of the public
2 transportation system sufficient to produce revenue, together with
3 grants received by the authority, in an amount adequate to:

4 (1) pay all expenses necessary to operate and maintain
5 the public transportation system;

6 (2) pay when due the principal of and interest on, and
7 sinking fund and reserve fund payments agreed to be made with
8 respect to, all bonds that are issued by the authority and payable
9 wholly or partly from the revenue; and

10 (3) fulfill the terms of any other agreement with the
11 holders of bonds described by Subdivision (2) or with a person
12 acting on behalf of the bondholders.

13 (b) It is intended by this chapter that the compensation
14 imposed under Subsection (a) not exceed the amounts necessary to
15 produce revenue sufficient to meet the obligations of the authority
16 under this chapter.

17 (c) Compensation for the use of the public transportation
18 system may be set according to a zone system or to another
19 classification that the authority determines to be reasonable.

20 (d) The state agrees with holders of bonds issued under this
21 chapter not to alter the power given to an authority under this
22 section to impose fares, tolls, charges, rents, and other
23 compensation in amounts sufficient to comply with Subsection (a),
24 or to impair the rights and remedies of an authority bondholder, or
25 a person acting on behalf of a bondholder, until the bonds, interest
26 on the bonds, interest on unpaid installments of interest, costs
27 and expenses in connection with an action or proceeding by or on

1 behalf of a bondholder, and other obligations of the authority in
2 connection with the bonds are discharged.

3 Sec. 463.062. ENFORCEMENT OF FARES AND OTHER CHARGES. (a)

4 An executive committee by resolution may prohibit the use of the
5 public transportation system by a person who fails to possess
6 evidence showing that the appropriate fare for the use of the system
7 has been paid and may establish reasonable and appropriate methods,
8 using transit police officers or fare enforcement officers under
9 Section 463.063, to ensure that persons using the public
10 transportation system pay the appropriate fare for that use.

11 (b) The authority shall post signs designating each area in
12 which a person is prohibited from using the transportation system
13 without possession of evidence showing that the appropriate fare
14 has been paid.

15 Sec. 463.063. FARE ENFORCEMENT OFFICERS. (a) The

16 authority may employ persons to serve as fare enforcement officers
17 to enforce the payment of fares for use of the public transportation
18 system by requesting and inspecting evidence showing payment of the
19 appropriate fare from a person using the public transportation
20 system.

21 (b) Before commencing duties as a fare enforcement officer a
22 person must complete a 40-hour training course approved by the
23 authority that is appropriate to the duties required of a fare
24 enforcement officer.

25 (c) While performing duties, a fare enforcement officer
26 shall:

27 (1) wear a distinctive uniform that identifies the

1 officer as a fare enforcement officer; and

2 (2) work under the direction of the chief of police of
3 the authority.

4 (d) A fare enforcement officer may:

5 (1) request evidence showing payment of the
6 appropriate fare from passengers of the public transportation
7 system;

8 (2) request personal identification from a passenger
9 who does not produce evidence showing payment of the appropriate
10 fare on request by the officer; and

11 (3) request that a passenger leave the public
12 transportation system if the passenger does not possess evidence of
13 payment of the appropriate fare.

14 (e) A fare enforcement officer may not carry a weapon while
15 performing duties under this section.

16 (f) A fare enforcement officer is not a peace officer and
17 has no authority to enforce a criminal law, other than the authority
18 possessed by any other person who is not a peace officer.

19 Sec. 463.064. ENFORCEMENT OF HIGH OCCUPANCY VEHICLE LANE
20 USAGE. (a) An executive committee by resolution may regulate or
21 prohibit improper entrance into, exit from, and vehicle occupancy
22 in high occupancy vehicle lanes operated, managed, or maintained by
23 the authority.

24 (b) An executive committee by resolution may establish
25 reasonable and appropriate methods to enforce regulations or
26 prohibitions established under Subsection (a).

27 Sec. 463.065. INSURANCE. (a) An authority may insure,

1 through purchased insurance policies or self-insurance programs,
2 or both, the legal liability of the authority and of its contractors
3 and subcontractors arising from the acquisition, construction, or
4 operation of the programs and facilities of the authority for:

- 5 (1) personal or property damage; and
6 (2) officers' and employees' liability.

7 (b) An authority may use contracts, rating plans, and risk
8 management programs designed to encourage accident prevention.

9 (c) In developing an insurance or self-insurance program,
10 an authority may consider the peculiar hazards, indemnity
11 standards, and past and prospective loss and expense experience of
12 the authority and of its contractors and subcontractors.

13 Sec. 463.066. TAX EXEMPTION. The property, revenue, and
14 income of an authority are exempt from state and local taxes.

15 Sec. 463.067. LIGHT RAIL SYSTEM: REGULATORY EXEMPTION.

16 (a) An authority that constructs or operates or contracts with
17 another entity to construct or operate a light rail mass transit
18 system is not subject to any state law regulating or governing the
19 design, construction, or operation of a railroad, railway, street
20 railway, street car, or interurban railway.

21 (b) For purposes of ownership or transfer of ownership of an
22 interest in real property, a light rail mass transit system line
23 operating on property previously used by a railroad, railway,
24 street railway, or interurban railway is a continuation of existing
25 rail use.

26 Sec. 463.068. ELECTIONS. (a) In an election ordered by the
27 executive committee:

1 (1) the executive committee shall give notice of the
2 election by publication in a newspaper of general circulation in
3 the authority at least once each week for three consecutive weeks,
4 with the first publication occurring at least 21 days before the
5 date of election; and

6 (2) a resolution ordering the election and the
7 election notice must show, in addition to the requirements of the
8 Election Code, the hours of the election and polling places in
9 election precincts.

10 (b) Subsection (a) does not apply to an election under
11 Section 463.309.

12 (c) A copy of the notice of each election held under this
13 chapter shall be furnished to the Texas Transportation Commission
14 and the comptroller.

15 SUBCHAPTER C. MANAGEMENT OF AUTHORITY

16 Sec. 463.101. EXECUTIVE COMMITTEE: POWERS. The executive
17 committee may:

18 (1) employ and prescribe the compensation for a chief
19 executive officer whom the committee may designate as the general
20 manager or the executive director;

21 (2) appoint auditors and attorneys and prescribe their
22 duties, compensation, and tenure;

23 (3) adopt a seal for the authority;

24 (4) set the fiscal year for the authority;

25 (5) establish a complete system of accounts for the
26 authority;

27 (6) designate by resolution an authorized

1 representative of the authority to, according to terms prescribed
2 by the executive committee:

3 (A) invest authority funds; and

4 (B) withdraw money from authority accounts for
5 investments; and

6 (7) designate by resolution an authorized
7 representative of the authority to supervise the substitution of
8 securities pledged to secure authority funds.

9 Sec. 463.102. INVESTMENTS. The executive committee may
10 invest authority funds in any investment authorized for an entity
11 under Chapter 2256, Government Code.

12 Sec. 463.103. DEPOSITORY; DEPOSIT OF FUNDS. (a) The
13 executive committee shall designate one or more banks as
14 depositories for authority funds.

15 (b) All funds of an authority that are not otherwise
16 invested shall be deposited in one or more of the authority's
17 depository banks unless otherwise required by an order or
18 resolution authorizing the issuance of an authority bond or note or
19 other contractual undertaking.

20 (c) Funds in a depository, to the extent that those funds
21 are not insured by the Federal Deposit Insurance Corporation, shall
22 be secured in the manner provided by law for the security of county
23 funds.

24 Sec. 463.104. CHIEF EXECUTIVE: DUTIES. (a) The general
25 manager or executive director shall administer the daily operation
26 of an authority.

27 (b) In conformity with the policy of the executive

1 committee, the general manager or executive director may:

2 (1) employ persons to conduct the affairs of the
3 authority, including any operating or management company; and

4 (2) remove any employee.

5 (c) The general manager or executive director shall
6 prescribe the duties, tenure, and compensation of each person
7 employed.

8 Sec. 463.105. RULES. (a) The executive committee by
9 resolution may adopt rules for the:

10 (1) safe and efficient operation and maintenance of
11 the public transportation system;

12 (2) use of the public transportation system and the
13 authority's services by the public and the payment of fares, tolls,
14 and other charges; and

15 (3) regulation of privileges on property owned,
16 leased, or otherwise controlled by the authority.

17 (b) The authority shall encourage to the maximum extent
18 feasible the participation of private enterprise.

19 (c) A notice of each rule adopted by the executive committee
20 shall be published in a newspaper with general circulation in the
21 area in which the authority is located once each week for two
22 consecutive weeks after adoption of the rule. The notice must
23 contain a condensed statement of the substance of the rule and must
24 advise that a copy of the complete text of the rule is filed in the
25 principal office of the authority where the text may be read by any
26 person.

27 (d) A rule becomes effective 10 days after the date of the

1 second publication of the notice under this section.

2 Sec. 463.106. PURCHASES: COMPETITIVE BIDDING. (a) An
3 authority may not award a contract for construction, services, or
4 property, other than real property, except through the solicitation
5 of competitive sealed bids or proposals, including the reverse
6 auction procedure, ensuring full and open competition.

7 (b) The authority shall describe in a solicitation each
8 factor to be used to evaluate a bid or proposal and give the
9 factor's relative importance.

10 Sec. 463.107. DURATION OF CONTRACTS. An authority may
11 contract for payment with debt obligations and for performance and
12 payments to extend longer than one fiscal year if the contract
13 provides for the discharge of the authority's contractual
14 obligations by any method, including:

15 (1) committing current year funds or cancellation
16 charges; and

17 (2) making the contract subject to the future
18 availability of funds.

19 Sec. 463.108. SECURITY. The executive committee may
20 establish a security force and provide for the employment of
21 security personnel.

22 Sec. 463.109. BUDGET RECOMMENDATIONS. The executive
23 committee shall make a proposed annual budget available to the
24 commissioners courts of the counties in the authority at least 30
25 days before the date of the adoption of the final annual budget.

26 Sec. 463.110. FINANCIAL AUDITS. (a) The executive
27 committee of an authority shall have an annual audit of the affairs

1 of the authority prepared by an independent certified public
2 accountant or a firm of independent certified public accountants.

3 (b) The audit is open to public inspection.

4 SUBCHAPTER D. STATION OR TERMINAL COMPLEX SYSTEMS

5 Sec. 463.151. STATION OR TERMINAL COMPLEX: SYSTEM PLAN.

6 (a) An authority may not acquire an interest in real property for a
7 station or terminal complex unless the station or terminal complex
8 is included in the public transportation system in a comprehensive
9 service plan approved by a resolution of the executive committee. A
10 mass transit facility of an authority is not a station or terminal
11 complex under this subchapter unless the facility is included in
12 the authority's comprehensive service plan under this section.

13 (b) A station or terminal complex may not be included in a
14 public transportation system unless the executive committee first
15 finds that the station or complex:

16 (1) will encourage and provide for efficient and
17 economical public transportation;

18 (2) will facilitate access to public transportation
19 and provide for other public transportation purposes;

20 (3) will reduce vehicular congestion and air
21 pollution; and

22 (4) is reasonably essential to the successful
23 operation of the public transportation system.

24 (c) On making a finding under Subsection (b), the executive
25 committee may amend the authority's comprehensive service plan to
26 include a station or terminal complex.

27 Sec. 463.152. STATION OR TERMINAL COMPLEX: FACILITIES. A

1 station or terminal complex of an authority:

2 (1) must include adequate provisions for the transfer
3 of passengers among the various means of transportation available
4 to the complex; and

5 (2) may include provisions for residential,
6 institutional, recreational, commercial, and industrial
7 facilities.

8 Sec. 463.153. APPROVAL OF MUNICIPALITY. The location of a
9 station or terminal complex in a municipality or in the
10 extraterritorial jurisdiction of a municipality must be approved,
11 as to conformity with the comprehensive or general plan of the
12 municipality, by a motion, resolution, or ordinance adopted by the
13 governing body of the municipality.

14 Sec. 463.154. TRANSFER OF REAL PROPERTY IN STATION OR
15 TERMINAL COMPLEX. (a) An authority may transfer to any person by
16 any means, including sale or lease, an interest in real property in
17 a station or terminal complex and may contract with respect to it,
18 in accordance with the comprehensive service plan approved by the
19 executive committee, and subject to terms:

20 (1) the executive committee finds to be in the public
21 interest or necessary to carry out this section; and

22 (2) specified in the instrument transferring the title
23 or right of use.

24 (b) A transfer must be at the fair value of the interest
25 transferred considering the use designated for the real property in
26 the authority's comprehensive service plan.

1 Sec. 463.206. INCONTESTABILITY. Bonds are incontestable
2 after they are:

- 3 (1) approved by the attorney general;
- 4 (2) registered by the comptroller; and
- 5 (3) sold and delivered to the purchaser.

6 Sec. 463.207. SECURITY PLEDGED. (a) To secure the payment
7 of an authority's bonds, the authority may:

- 8 (1) pledge any part of the revenue of the public
9 transportation system;
- 10 (2) mortgage any part of the public transportation
11 system, including any part of the system subsequently acquired;
- 12 (3) pledge all or part of funds the federal government
13 has committed to the authority as grants in aid; and
- 14 (4) provide that a pledge of revenue described by
15 Subdivision (1) is a first lien or charge against that revenue.

16 (b) Under Subsection (a)(2) an authority may, subject to the
17 terms of the bond indenture or the resolution authorizing the
18 issuance of the bonds, encumber a separate item of the public
19 transportation system and acquire, use, hold, or contract for the
20 property by lease, chattel mortgage, or other conditional sale
21 including an equipment trust transaction.

22 (c) An authority may not issue bonds secured by ad valorem
23 tax revenue.

24 (d) An authority is not prohibited by this subchapter from
25 encumbering one or more public transportation systems to purchase,
26 construct, extend, or repair one or more other public
27 transportation systems of the authority.

1 (e) The authority may pledge funds described by Subsection
2 (a)(3):

- 3 (1) as the sole security for the bonds; or
4 (2) in addition to any other security described by
5 this section.

6 Sec. 463.208. USE OF REVENUE. Revenue in excess of amounts
7 pledged under Section 463.207(a)(1) shall be used to:

- 8 (1) pay the expenses of operation and maintenance of a
9 public transportation system, including salaries, labor,
10 materials, and repairs necessary to provide efficient service and
11 every other proper item of expense; and
12 (2) fund operating reserves.

13 Sec. 463.209. REFUNDING BONDS. An authority may issue
14 refunding bonds for the purposes and in the manner authorized by
15 general law, including Chapter 1207, Government Code.

16 Sec. 463.210. BONDS AS AUTHORIZED INVESTMENTS. (a) An
17 authority's bonds are authorized investments for:

- 18 (1) a bank;
19 (2) a savings bank;
20 (3) a trust company;
21 (4) a savings and loan association; and
22 (5) an insurance company.

23 (b) The bonds, when accompanied by all appurtenant,
24 unmatured coupons and to the extent of the lesser of their face
25 value or market value, are eligible to secure the deposit of public
26 funds of this state, a political subdivision of this state, and any
27 other political corporation of this state.

1 Sec. 463.211. EXCHANGE OF BONDS FOR EXISTING SYSTEM. An
2 authority's revenue bonds may be exchanged, instead of cash, for
3 the property of all or part of an existing public transportation
4 system to be acquired by the authority. If the property is owned by
5 a corporation that will dissolve simultaneously with the exchange,
6 the authority may acquire the stock of the corporation.

7 Sec. 463.212. TAX EXEMPTION. The interest on bonds issued
8 by an authority is exempt from state and local taxes.

9 SUBCHAPTER F. EXECUTIVE COMMITTEE

10 Sec. 463.251. COMPOSITION. (a) The executive committee of
11 an authority is the board of directors of the regional planning
12 commission established for the area of the authority under Chapter
13 391, Local Government Code.

14 (b) Service on the executive committee by a public officer
15 or employee is an additional duty of the office or employment.

16 Sec. 463.252. OFFICERS. (a) The officers elected by the
17 board of directors of the regional planning commission described by
18 Section 463.251(a) shall serve as the officers of the executive
19 committee.

20 (b) The executive committee may appoint, as necessary,
21 members or nonmembers as assistant secretaries.

22 (c) The secretary or assistant secretary shall:

23 (1) keep permanent records of each proceeding and
24 transaction of the authority; and

25 (2) perform other duties assigned by the executive
26 committee.

27 Sec. 463.253. CONFLICTS OF INTEREST. Members of the

1 executive committee and officers of the authority are subject to
2 Chapter 171, Local Government Code.

3 Sec. 463.254. MEETINGS. (a) The executive committee shall
4 hold at least one regular meeting each month to transact the
5 business of an authority.

6 (b) On written notice, the presiding officer may call
7 special meetings as necessary.

8 (c) The executive committee by resolution shall:

9 (1) set the time, place, and day of the regular
10 meetings; and

11 (2) adopt rules and bylaws as necessary to conduct
12 meetings.

13 Sec. 463.255. VOTING REQUIREMENTS. An action of the
14 executive committee requires a vote of a majority of the members
15 present unless the bylaws require a larger number for a particular
16 action.

17 SUBCHAPTER G. CREATION OF AUTHORITIES

18 Sec. 463.301. CREATION OF AUTHORITY AUTHORIZED. The board
19 of directors of the regional planning commission established for
20 the area included in the boundaries of the counties to which this
21 chapter applies may initiate the process to create a regional
22 transit authority to provide public transportation services within
23 the boundaries of the counties.

24 Sec. 463.302. INITIATING ORDER OR RESOLUTION: CONTENTS.
25 To initiate the process of creating an authority, the board of
26 directors described by Section 463.301 must adopt a resolution or
27 order containing the designation of each time and place for holding

1 public hearings on the proposal to create the authority.

2 Sec. 463.303. NOTICE OF HEARING. (a) Notice of the time
3 and place of the public hearings on the creation of the authority
4 shall be published, beginning at least 30 days before the date of
5 the hearing, once a week for two consecutive weeks in a newspaper of
6 general circulation in each county.

7 (b) The board of directors described by Section 463.301
8 shall give a copy of the notice to the Texas Transportation
9 Commission and the comptroller.

10 Sec. 463.304. CONDUCT OF HEARING. (a) The board of
11 directors described by Section 463.301 creating an authority shall
12 conduct public hearings on the creation.

13 (b) Any person may appear at a hearing and offer evidence
14 on:

15 (1) the creation of the authority;

16 (2) the operation of a public transportation system;

17 (3) the public utility and public interest served in
18 the creation of an authority; or

19 (4) other facts bearing on the creation of an
20 authority.

21 (c) A hearing may be continued until completed.

22 Sec. 463.305. RESOLUTION OR ORDER. (a) After hearing the
23 evidence presented at the hearings, but not earlier than 75 days
24 after the date the process is initiated by the board of directors
25 described by Section 463.301, the board may adopt a resolution or
26 order:

27 (1) designating the name of the authority; and

1 (2) authorizing the appointment of the interim
2 executive committee.

3 (b) After the hearing, the results of the hearing shall be
4 sent to the Texas Department of Transportation and the comptroller.

5 Sec. 463.306. INTERIM EXECUTIVE COMMITTEE. (a) The
6 interim executive committee is composed as provided by Section
7 463.251 for an executive committee except that the interim
8 executive committee must include an additional member who is a
9 member of the board of directors of a commuter rail district
10 described by Chapter 174.

11 (b) The interim executive committee, after its
12 organization, shall develop a service plan.

13 (c) Service on the interim executive committee by a public
14 officer or employee is an additional duty of the office or
15 employment.

16 Sec. 463.307. APPROVAL OF SERVICE PLAN. Not later than the
17 45th day after the date the interim executive committee approves
18 the service plan, the commissioners court of each county creating
19 an authority must approve, by resolution or order, the service
20 plan.

21 Sec. 463.308. NOTICE OF INTENT TO ORDER ELECTION. Not
22 earlier than the 61st day after the date the interim executive
23 committee approves a service plan, the interim executive committee
24 shall notify the commissioners court of each county included in the
25 boundaries of the authority of the interim executive committee's
26 intention to call a confirmation election.

27 Sec. 463.309. CONFIRMATION ELECTION. The interim executive

1 committee in ordering the confirmation election shall submit to the
2 qualified voters of each county in the authority the following
3 proposition: "Shall the creation of (name of authority) be
4 confirmed?"

5 Sec. 463.310. CONDUCT OF ELECTION. The interim executive
6 committee shall canvass the returns and declare the results of the
7 election separately with respect to each county.

8 Sec. 463.311. RESULTS OF ELECTION; ORDER. (a) The
9 authority is confirmed if a majority of the votes received in each
10 county favor the proposition.

11 (b) If the authority continues, the interim executive
12 committee shall record the results in its minutes and adopt an
13 order:

14 (1) declaring that the creation of the authority is
15 confirmed;

16 (2) stating the date of the election;

17 (3) containing the proposition; and

18 (4) showing the number of votes cast for or against the
19 proposition in each county.

20 (c) A certified copy of the order shall be filed with:

21 (1) the Texas Department of Transportation; and

22 (2) the comptroller.

23 (d) If the authority does not continue, the interim
24 executive committee shall enter an order declaring that the result
25 of votes cast at the election is that the authority ceases in its
26 entirety. The order shall be filed with the Texas Department of
27 Transportation and the comptroller, and the authority is dissolved.

1 Sec. 463.312. EFFECT OF CREATION. On the creation of an
2 authority the boundaries of which overlap the territory of a
3 commuter rail district described by Chapter 174, the commuter rail
4 district is dissolved, and all assets, including property, and all
5 liabilities, including debt and other obligations, of the commuter
6 rail district transfer to and are assumed by the authority.

7 Sec. 463.313. COST OF ELECTION. The board of directors
8 described by Section 463.301 creating an authority shall pay the
9 cost of the confirmation election.

10 Sec. 463.314. EXPIRATION OF UNCONFIRMED AUTHORITY. An
11 authority that has not been confirmed expires on the third
12 anniversary of the effective date of a resolution or order
13 initiating the process to create the authority.

14 SECTION 2. Section 174.051, Transportation Code, is amended
15 by adding Subsection (c) to read as follows:

16 (c) Notwithstanding Subsections (a) and (b), a district may
17 not be created in the boundaries of a regional transit authority
18 under Chapter 463.

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2013.