

AN ACT

relating to management of a coordinated county transportation authority.

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

SECTION 1. Subdivision (3), Section 431.003, Transportation Code, is amended to read as follows:

(3) "Local government" means:

(A) a municipality;

(B) a county; or

(C) for purposes of Subchapter D:

(i) [ ] a navigation district, hospital district, or hospital authority;

(ii) [ ~~]~~ a regional transportation authority governed by Chapter 452; or

(iii) a coordinated county transportation authority governed by Chapter 460 [as described by Section 452.001].

SECTION 2. Subsection (b), Section 460.054, Transportation Code, is amended to read as follows:

(b) The interim executive committee is composed of:

(1) one member appointed by the governing body of each municipality with a population of 12,000 or more that is located in the county;

(2) three members appointed by the commissioners

1 court, two of whom must reside in the unincorporated area of the  
2 county; ~~and~~

3 (3) three members to be designated by the remaining  
4 municipalities with a population of more than 500 but less than  
5 12,000 located in the county; and

6 (4) one member appointed by the governing body of each  
7 municipality in the county with a population of more than 500 but  
8 less than 12,000 that:

9 (A) designates a public transportation financing  
10 area under Section 460.603;

11 (B) enters into an agreement with the authority  
12 to provide public transportation services in the public  
13 transportation financing area under Subchapter I; and

14 (C) did not approve the designation of any member  
15 designated under Subdivision (3).

16 SECTION 3. Section 460.105, Transportation Code, is amended  
17 by adding Subsection (c) to read as follows:

18 (c) A private operator who contracts with an authority under  
19 this chapter is not a public entity for purposes of any law of this  
20 state except that an independent contractor of the authority that  
21 performs a function of the authority is liable for damages only to  
22 the extent that the authority would be liable if the authority or  
23 entity itself were performing the function.

24 SECTION 4. Subsection (a), Section 460.1092,  
25 Transportation Code, is amended to read as follows:

26 (a) An authority may employ or contract for persons to serve  
27 as fare enforcement officers to enforce the payment of fares for use

1 of the public transportation system by:

2 (1) requesting and inspecting evidence showing  
3 payment of the appropriate fare from a person using the public  
4 transportation system; and

5 (2) issuing a citation to a person described by  
6 Section 460.1091(d).

7 SECTION 5. Subsection (a), Section 460.2015,  
8 Transportation Code, is amended to read as follows:

9 (a) The board of directors of an authority confirmed under  
10 Subchapter B may increase the population amount stated by Section  
11 460.054(b)(1) in increments of up to 5,000. If the board increases  
12 that population amount, the board shall also increase each  
13 population amount stated by Sections 460.054(b)(3), (b)(4), and (c)  
14 [~~460.054(c)~~] by the same amount.

15 SECTION 6. Section 460.202, Transportation Code, is amended  
16 to read as follows:

17 Sec. 460.202. ELIGIBILITY. To be eligible for appointment  
18 to the board of directors, a person must:

19 (1) have professional experience in the field of  
20 transportation, business, government, engineering, or law; and

21 (2) reside:

22 (A) in the territory of the authority; or

23 (B) outside the territory of the authority in a  
24 municipality that is located partly in the territory of the  
25 authority.

26 SECTION 7. Subsection (c), Section 460.406, Transportation  
27 Code, is amended to read as follows:

1 (c) The board of directors may authorize the negotiation of  
2 a contract without competitive sealed bids or proposals if:

3 (1) the aggregate amount involved in the contract is  
4 \$50,000 or less;

5 (2) the contract is for construction for which not  
6 more than one bid or proposal is received;

7 (3) the contract is for services or property for which  
8 there is only one source or for which it is otherwise impracticable  
9 to obtain competition;

10 (4) the contract is to respond to an emergency for  
11 which the public exigency does not permit the delay incident to the  
12 competitive process;

13 (5) the contract is for personal or professional  
14 services or services for which competitive bidding is precluded by  
15 law;

16 (6) the contract, without regard to form and which may  
17 include bonds, notes, loan agreements, or other obligations, is for  
18 the purpose of borrowing money or is a part of a transaction  
19 relating to the borrowing of money, including:

20 (A) a credit support agreement, such as a line or  
21 letter of credit or other debt guaranty;

22 (B) a bond, note, debt sale or purchase, trustee,  
23 paying agent, remarketing agent, indexing agent, or similar  
24 agreement;

25 (C) an agreement with a securities dealer,  
26 broker, or underwriter; and

27 (D) any other contract or agreement considered by

1 the board of directors to be appropriate or necessary in support of  
2 the authority's financing activities;

3 (7) the contract is for work that is performed and paid  
4 for by the day as the work progresses;

5 (8) the contract is for the lease or purchase of an  
6 interest in land [~~or a right-of-way~~];

7 (9) the contract is for the purchase of personal  
8 property sold:

9 (A) at an auction by a state licensed auctioneer;

10 (B) at a going out of business sale held in  
11 compliance with Subchapter F, Chapter 17, Business & Commerce Code;  
12 or

13 (C) by a political subdivision of this state, a  
14 state agency, or an entity of the federal government;

15 (10) the contract is for services performed by blind  
16 or severely disabled persons;

17 (11) the contract is for the purchase of electricity;  
18 [~~or~~]

19 (12) the contract is one for an authority project and  
20 awarded for alternate project delivery using the procedures under  
21 Subchapters E, F, [~~and~~ G, and I, Chapter 2267, Government Code, as  
22 added by Chapter 1129 (H.B. 628), Acts of the 82nd Legislature,  
23 Regular Session, 2011; or

24 (13) the contract is for fare enforcement officer  
25 services under Section 460.1092.

26 SECTION 8. Subsection (c), Section 460.105, Transportation  
27 Code, as added by this Act, applies only to a cause of action that

1 accrues on or after the effective date of this Act. A cause of  
2 action that accrues before the effective date of this Act is  
3 governed by the law in effect immediately before that date, and that  
4 law is continued in effect for that purpose.

5 SECTION 9. This Act takes effect September 1, 2013.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 948 passed the Senate on April 4, 2013, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 22, 2013, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 948 passed the House, with amendment, on May 17, 2013, by the following vote: Yeas 131, Nays 3, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor