

By: Nelson
(Simmons)

S.B. No. 678

A BILL TO BE ENTITLED

AN ACT

relating to coordinated county transportation authorities.

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

SECTION 1. Subchapter C, Chapter 460, Transportation Code, is amended by adding Section 460.1041 to read as follows:

Sec. 460.1041. LIABILITY LIMITED FOR RAIL SERVICES UNDER CERTAIN AGREEMENTS. (a) This section applies only to public passenger rail services provided:

(1) under an agreement between an authority created before January 1, 2005, and a railroad for the provision of public passenger rail services through the use of the railroad's facilities; and

(2) on freight rail lines and rail rights-of-way that are:

(A) located in the Interstate 35W/Interstate 35 corridor; or

(B) a northern extension of existing passenger rail service provided by the authority in the Interstate 35E corridor.

(b) The aggregate liability of an authority and a railroad that enter into an agreement to provide public passenger rail services, and the governing boards, directors, officers, employees, and agents of the authority and railroad, may not exceed \$125 million for all claims for damages arising from a single

1 incident involving the provision of public passenger rail services
2 under the agreement.

3 (c) Subsection (b) does not affect:

4 (1) the amount of damages that may be recovered under
5 Subchapter D, Chapter 112, or the federal Employers' Liability Act
6 (45 U.S.C. Section 51 et seq.); or

7 (2) any immunity, limitation on damages, limitation on
8 actions, or other limitation of liability or protections applicable
9 under other law to an authority or other provider of public
10 passenger rail services.

11 (d) The limitation of liability provided by this section
12 does not apply to damages arising from the wilful misconduct or
13 gross negligence of the railroad.

14 (e) An authority shall obtain or cause to be obtained
15 insurance coverage for the aggregate liability stated in Subsection
16 (b) with the railroad as a named insured.

17 SECTION 2. Section 460.107(c), Transportation Code, is
18 amended to read as follows:

19 (c) If an authority, through the exercise of eminent domain,
20 makes any relocation necessary, ~~[the]~~ relocation assistance
21 ~~[costs]~~ shall be provided ~~[paid]~~ by the authority as provided by
22 Section 21.046, Property Code.

23 SECTION 3. Section 460.406(c), Transportation Code, is
24 amended to read as follows:

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

27 (1) the aggregate amount involved in the contract is

1 less than the greater of:

2 (A) \$50,000 [~~or less~~]; or

3 (B) the amount of an expenditure under a contract
4 that would require a municipality to comply with Section
5 252.021(a), Local Government Code;

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

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

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

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

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

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

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

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

1 (D) any other contract or agreement considered by
2 the board of directors to be appropriate or necessary in support of
3 the authority's financing activities;

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

6 (8) the contract is for the lease or purchase of an
7 interest in land;

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

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

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

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

16 (10) the contract is for services performed by persons
17 who are blind or have severe disabilities [~~severely disabled~~
18 ~~persons~~];

19 (11) the contract is for the purchase of electricity;

20 (12) the contract is one for an authority project and
21 awarded for alternate project delivery using the procedures under
22 Subchapters E, F, G, and I, Chapter 2269 [~~2267~~], Government Code [~~7~~
23 ~~as added by Chapter 1129 (H.B. 628), Acts of the 82nd Legislature,~~
24 ~~Regular Session, 2011~~]; or

25 (13) the contract is for fare enforcement officer
26 services under Section [460.1092](#).

27 SECTION 4. (a) Section 460.1041, Transportation Code, as

1 added by this Act, applies only to a cause of action that accrues on
2 or after September 1, 2015.

3 (b) The change in law made by this Act to Section
4 [460.107\(c\)](#), Transportation Code, applies only to a condemnation
5 proceeding in which the petition is filed on or after September 1,
6 2015, and to any property condemned through the proceeding. A
7 condemnation proceeding in which the petition is filed before
8 September 1, 2015, and any property condemned through the
9 proceeding are governed by the law in effect immediately before the
10 effective date of this Act, and that law is continued in effect for
11 that purpose.

12 SECTION 5. This Act takes effect September 1, 2015.