

By: Nelson

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 INCIDENTS. (a)

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

(b) Subsection (a) does not affect the amount of damages that may be recovered under Subchapter D, Chapter 112, or the Federal Employers' Liability Act (45 U.S.C. Section 51 et seq.).

(c) This section does not affect any immunity, limitation on damages, limitation on actions, or other limitation of liability or protections applicable under other law to an authority or other provider of public passenger rail services.

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

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

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

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

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

9 (1) the aggregate amount involved in the contract is  
10 less than the greater of:

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

12 (B) the amount of an expenditure under a contract  
13 that would require a municipality to comply with Section  
14 252.021(a), Local Government Code;

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

17 (3) the contract is for services or property for which  
18 there is only one source or for which it is otherwise impracticable  
19 to obtain competition;

20 (4) the contract is to respond to an emergency for  
21 which the public exigency does not permit the delay incident to the  
22 competitive process;

23 (5) the contract is for personal or professional  
24 services or services for which competitive bidding is precluded by  
25 law;

26 (6) the contract, without regard to form and which may  
27 include bonds, notes, loan agreements, or other obligations, is for

1 the purpose of borrowing money or is a part of a transaction  
2 relating to the borrowing of money, including:

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

5 (B) a bond, note, debt sale or purchase, trustee,  
6 paying agent, remarketing agent, indexing agent, or similar  
7 agreement;

8 (C) an agreement with a securities dealer,  
9 broker, or underwriter; and

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

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

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

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

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

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

22 or

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

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

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

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

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

9           SECTION 4. (a) Section 460.1041, Transportation Code, as  
10 added by this Act, applies only to a cause of action that accrues on  
11 or after September 1, 2015.

12           (b) The change in law made by this Act to Section  
13 [460.107\(c\)](#), Transportation Code, applies only to a condemnation  
14 proceeding in which the petition is filed on or after September 1,  
15 2015, and to any property condemned through the proceeding. A  
16 condemnation proceeding in which the petition is filed before  
17 September 1, 2015, and any property condemned through the  
18 proceeding are governed by the law in effect immediately before the  
19 effective date of this Act, and that law is continued in effect for  
20 that purpose.

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