

By: Martinez

H.B. No. 71

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 and charge fees; creating a criminal offense.

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) "Complementary transportation services" includes:

(A) special transportation services for a person who is elderly or has a disability;

(B) medical transportation services;

(C) assistance in street modifications as necessary to accommodate the public transportation system;

(D) construction of new general aviation facilities or renovation or purchase of existing facilities not served by certificated air carriers to relieve air traffic congestion at existing facilities; and

(E) any other service that complements the public transportation system, including providing parking garages.

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

3           (4) "Mass transit system" means a system constructed  
4 by an authority for the transportation of passengers and  
5 hand-carried packages or baggage of a passenger by any means of  
6 surface, overhead, or underground transportation, other than an  
7 aircraft or taxicab. The term includes a rail system and services  
8 coordinated with a transit system operated by a municipality.

9           (5) "Public transportation system" means:

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

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

15           (C) property held:

16           (i) in accordance with a contract with the  
17 owner making the property subject to the control of or regulation by  
18 the authority; and

19           (ii) for public transportation service  
20 purposes.

21           (6) "Regional high capacity transit" means intercity  
22 transit service designed to transport more people than typical,  
23 local fixed-route bus service by using dedicated lanes or  
24 rights-of-way or by having transit priority, including queue jumps  
25 or traffic signal priority. The term includes bus rapid transit,  
26 light rail, commuter rail, streetcars, high occupancy toll lanes,  
27 or other fixed guideway operations.

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

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

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

8           (2) a county that borders a county described by  
9 Subdivision (1).

10          Sec. 463.003. MUNICIPALITIES MAY PROVIDE TRANSPORTATION  
11 SERVICES. This chapter does not prohibit a municipality from  
12 providing public transportation services. An authority may  
13 coordinate the provision of services with the municipality and  
14 include the services provided by the municipality in the  
15 authority's service plan.

16                   SUBCHAPTER B. POWERS OF AUTHORITIES

17          Sec. 463.051. POWERS APPLICABLE TO CONFIRMED AUTHORITY.  
18 This subchapter applies only to an authority that has been  
19 confirmed.

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

21           (1) is a public political entity and corporate body;  
22           (2) has perpetual succession; and  
23           (3) exercises public and essential governmental  
24 functions.

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

1       (c) An authority is a governmental unit under Chapter 101,  
2 Civil Practice and Remedies Code, and the operations of the  
3 authority are not proprietary functions for any purpose including  
4 the application of Chapter 101, Civil Practice and Remedies Code.

5       Sec. 463.053. RESPONSIBILITY FOR CONTROL OF AUTHORITY.  
6 Except as provided by Section 463.104, the executive committee is  
7 responsible for the management, operation, and control of an  
8 authority and its property.

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

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

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

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

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

26               (2) at any time, surplus materials or other property  
27 that is not needed for the requirements of the authority or for

1 carrying out a power under this chapter.

2 (e) An authority may leverage funds with a municipality that  
3 provides public transportation services in the territory of the  
4 authority to finance a project.

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

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

8 (c) An authority may enter one or more agreements with any  
9 municipality included in the territory of the authority for the  
10 distribution of the authority's revenues.

11 (d) An authority may enter into a contract with a private  
12 entity under Chapter 2267, Government Code.

13 Sec. 463.056. OPERATION OF PUBLIC TRANSPORTATION SYSTEM.

14 (a) An authority may:

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

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

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

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

26 (c) The executive committee may submit a referendum for the  
27 approval of a power granted by Subsection (a) or (b).

1       (d) A private operator who contracts with an authority under  
2 this chapter is not a public entity for purposes of any law of this  
3 state except that an independent contractor of the authority that  
4 performs a function of the authority is liable for damages only to  
5 the extent that the authority would be liable if the authority  
6 itself were performing the function.

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

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

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

15               (1) use a public way, including an alley; and

16               (2) directly, or indirectly by another person,  
17 relocate or reroute the property of another person or alter the  
18 construction of the property of another person.

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

25       (c) Except as otherwise provided by this subsection, an  
26 authority may acquire by eminent domain any interest in real  
27 property, including a fee simple interest. The right of eminent

1 domain may not be exercised in a manner that would authorize the  
2 authority to run an authority vehicle on a railroad track that is  
3 used to transport property.

4 (d) If an authority, through the exercise of a power under  
5 this chapter, makes necessary the relocation or rerouting of, or  
6 alteration of the construction of, a road, alley, overpass,  
7 underpass, railroad track, bridge, or associated property, an  
8 electric, telegraph, telephone, or television cable line, conduit,  
9 or associated property, or a water, sewer, gas, or other pipeline,  
10 or associated property, the relocation or rerouting or alteration  
11 of the construction must be accomplished at the sole cost and  
12 expense of the authority, and damages that are incurred by an owner  
13 of the property must be paid by the authority.

14 (e) An authority may not begin an activity authorized under  
15 Subsection (a) to alter or damage property of others, including  
16 this state or a political subdivision of this state, without having  
17 first received the written permission of the owner.

18 (f) In this subsection, "telecommunications provider" has  
19 the meaning assigned by Section 51.002, Utilities Code.  
20 Notwithstanding Subsection (a), an authority may not relocate the  
21 property of a telecommunications provider on behalf of the provider  
22 without the provider's permission. An authority shall reimburse a  
23 telecommunications provider for the cost of the relocation if  
24 provided by this section or other law.

25 (g) Subsections (e) and (f) do not apply if the power of  
26 eminent domain is exercised.

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, after notice and a  
3 hearing, that:

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

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

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

11 (b) A resolution adopted under this section is conclusive  
12 evidence of the public necessity for the acquisition described in  
13 the resolution and that the property interest is necessary for  
14 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;  
4 PENALTIES. (a) The executive committee by resolution may prohibit  
5 the use of the public transportation system by a person without  
6 payment of the appropriate fare for the use of the system and may  
7 establish reasonable and appropriate methods to ensure that persons  
8 using the public transportation system pay the appropriate fare for  
9 that use.

10 (b) The executive committee by resolution may provide that a  
11 fare for or charge for the use of the public transportation system  
12 that is not paid incurs a reasonable administrative fee.

13 (c) An authority shall post signs designating each area in  
14 which a person is prohibited from using the transportation system  
15 without payment of the appropriate fare.

16 (d) A person commits an offense if the person or another for  
17 whom the person is criminally responsible under Section 7.02, Penal  
18 Code, uses the public transportation system without paying the  
19 appropriate fare. An offense under this section is:

20 (1) a misdemeanor punishable by a fine not to exceed  
21 \$100; and

22 (2) not a crime of moral turpitude.

23 (e) If the person fails to provide proof that the person  
24 paid the appropriate fare for the use of the public transportation  
25 system and fails to pay any administrative fee assessed under  
26 Subsection (b) on or before the 30th day after the date the  
27 authority notifies the person that the person is required to pay the

1 amount of the fare and the administrative fee, it is prima facie  
2 evidence that the person used the public transportation system  
3 without paying the appropriate fare.

4 (f) The notice required by Subsection (e) may be included in  
5 a citation issued to the person by a peace officer under Article  
6 14.06, Code of Criminal Procedure, or by a fare enforcement officer  
7 under Section 463.063, in connection with an offense relating to  
8 the nonpayment of the appropriate fare for the use of the public  
9 transportation system.

10 (g) It is an exception to the application of Subsection (d)  
11 that on or before the 30th day after the date the authority notified  
12 the person that the person is required to pay the amount of the fare  
13 and any administrative fee assessed under Subsection (b), the  
14 person:

15 (1) provided proof that the person paid the  
16 appropriate fare at the time the person used the public  
17 transportation system or at a later date or that the person was  
18 exempt from payment; and

19 (2) paid the administrative fee assessed under  
20 Subsection (b), if applicable.

21 (h) A justice court located in the territory of the  
22 authority may enter into an agreement with the authority to try all  
23 criminal cases that arise under Subsection (d). Notwithstanding  
24 Articles 4.12 and 4.14, Code of Criminal Procedure, if a justice  
25 court enters into an agreement with the authority:

26 (1) a criminal case that arises under Subsection (d)  
27 must be tried in the justice court; and

1           (2) the justice court has exclusive jurisdiction in  
2 all criminal cases that arise under Subsection (d).

3           Sec. 463.063. FARE ENFORCEMENT OFFICERS. (a) An authority  
4 may employ or contract for persons to serve as fare enforcement  
5 officers to enforce the payment of fares for use of the public  
6 transportation system by:

7           (1) requesting and inspecting evidence showing  
8 payment of the appropriate fare from a person using the public  
9 transportation system; and

10           (2) issuing a citation to a person described by  
11 Section 463.062(d).

12           (b) Before commencing duties as a fare enforcement officer,  
13 a person must complete at least eight hours of training approved by  
14 the authority that is appropriate to the duties required of a fare  
15 enforcement officer.

16           (c) While performing duties, a fare enforcement officer  
17 shall:

18           (1) wear a distinctive uniform, badge, or insignia  
19 that identifies the person as a fare enforcement officer; and

20           (2) work under the direction of the authority's chief  
21 executive officer.

22           (d) A fare enforcement officer may:

23           (1) request evidence showing payment of the  
24 appropriate fare from passengers of the public transportation  
25 system or evidence showing exemption from the payment requirement;

26           (2) request personal identification or other  
27 documentation designated by the authority from a passenger who does

1 not produce evidence showing payment of the appropriate fare on  
2 request by the officer;

3 (3) instruct a passenger to immediately leave the  
4 public transportation system if the passenger does not possess  
5 evidence showing payment or exemption from payment of the  
6 appropriate fare; or

7 (4) file a complaint in the appropriate court that  
8 charges the person with an offense under Section 463.062(d).

9 (e) A fare enforcement officer may not carry a weapon while  
10 performing duties under this section unless the officer is a  
11 certified peace officer.

12 (f) A fare enforcement officer who is not a certified peace  
13 officer is not a peace officer and has no authority to enforce a  
14 criminal law, except as provided by this section.

15 Sec. 463.064. ENFORCEMENT OF HIGH OCCUPANCY VEHICLE LANE  
16 USAGE. (a) The executive committee by resolution may regulate or  
17 prohibit improper entrance into, exit from, and vehicle occupancy  
18 in high occupancy vehicle lanes operated, managed, or maintained by  
19 the authority.

20 (b) The executive committee by resolution may establish  
21 reasonable and appropriate methods to enforce regulations or  
22 prohibitions established under Subsection (a).

23 Sec. 463.065. INSURANCE. (a) An authority may insure,  
24 through purchased insurance policies or self-insurance programs,  
25 or both, the legal liability of the authority and of its contractors  
26 and subcontractors arising from the acquisition, construction, or  
27 operation of the programs and facilities of the authority for:

1           (1) personal or property damage; and

2           (2) officers' and employees' liability.

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

5           (c) In developing an insurance or self-insurance program,  
6 an authority may consider the peculiar hazards, indemnity  
7 standards, and past and prospective loss and expense experience of  
8 the authority and of its contractors and subcontractors.

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

11           Sec. 463.067. CONTINUATION OF EXISTING RAIL USE. For  
12 purposes of ownership or transfer of ownership of an interest in  
13 real property, a rail mass transit system line operating on  
14 property previously used by a railroad, railway, street railway, or  
15 interurban railway is a continuation of existing rail use.

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

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

23           (2) a resolution ordering the election and the  
24 election notice must show, in addition to the requirements of the  
25 Election Code, the hours of the election and polling places in  
26 election precincts.

27           (b) Subsection (a) does not apply to an election under

1 Section 463.309.

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

5 Sec. 463.069. ADDITIONAL FEE. (a) In addition to a toll or  
6 other charge imposed under Section 367.011 or other law, an entity  
7 that operates an international bridge may impose a fee for the use  
8 of the bridge as follows:

9 (1) \$1 for passenger vehicles;

10 (2) \$2 for commercial motor vehicles; and

11 (3) 25 cents for pedestrians.

12 (b) Before a fee may be imposed under this section, the  
13 entity must enter into a written agreement with an authority  
14 relating to the imposition and disposition of the fee. The  
15 agreement must provide:

16 (1) for collection of the fee by the entity and  
17 remittance of the authority's portion of the fee to the authority  
18 each month; and

19 (2) if more than one entity operates an international  
20 bridge, for the division of the amount described by Subsection  
21 (c)(1) among the entities.

22 (c) Of the fees collected under this section:

23 (1) 25 percent shall be retained by the entity for  
24 transportation projects or complementary transportation services;

25 (2) 50 percent shall be used for a rail mass transit  
26 system; and

27 (3) 25 percent shall be used for regional high

1 capacity transit.

2 (d) The percentage described by Subsection (c)(3) may be  
3 retained by the entity if:

4 (1) the entity is a mass transit provider; and

5 (2) mass transit was provided in the municipality in  
6 which the international bridge is located on or before January 1,  
7 2019.

8 SUBCHAPTER C. MANAGEMENT OF AUTHORITY

9 Sec. 463.101. POWERS AND AUTHORITY OF EXECUTIVE COMMITTEE.

10 (a) The executive committee may:

11 (1) employ and prescribe the compensation for a chief  
12 executive officer whom the committee may designate as the general  
13 manager or the executive director;

14 (2) appoint auditors and attorneys and prescribe their  
15 duties, compensation, and tenure;

16 (3) adopt a seal for the authority;

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

18 (5) establish a complete system of accounts for the  
19 authority;

20 (6) designate by resolution an authorized  
21 representative of the authority to, according to terms prescribed  
22 by the executive committee:

23 (A) invest authority funds; and

24 (B) withdraw money from authority accounts for  
25 investments; and

26 (7) designate by resolution an authorized  
27 representative of the authority to supervise the substitution of

1 securities pledged to secure authority funds.

2 (b) The executive committee is the local designated  
3 recipient of funds committed to the authority by the federal  
4 government.

5 Sec. 463.102. INVESTMENTS. The executive committee shall  
6 invest authority funds in any investment authorized for an entity  
7 under Chapter 2256, Government Code.

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

11 (b) An authority shall deposit all funds of the authority  
12 that are not otherwise invested in one or more of the authority's  
13 depository banks unless otherwise required by an order or  
14 resolution authorizing the issuance of an authority bond or note or  
15 other contractual undertaking.

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

20 Sec. 463.104. CHIEF EXECUTIVE OFFICER: DUTIES. (a) The  
21 general manager or executive director, as designated under Section  
22 463.101(a)(1), shall administer the daily operation of an  
23 authority.

24 (b) In conformity with the policy of the executive  
25 committee, the general manager or executive director may:

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

1           (2) remove any employee.

2           (c) The general manager or executive director shall  
3 prescribe the duties, tenure, and compensation of each person  
4 employed.

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

7           (1) safe and efficient operation and maintenance of  
8 the public transportation system;

9           (2) use of the public transportation system and the  
10 authority's services by the public and the payment of fares, tolls,  
11 and other charges; and

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

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

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

24           (d) A rule becomes effective 10 days after the date of the  
25 second publication of the notice under this section.

26           Sec. 463.106. PURCHASES: COMPETITIVE BIDDING. (a) Except  
27 as provided by Subsection (c) and as otherwise provided by this

1 chapter, an authority may not award a contract for construction,  
2 services, or property, other than real property, except through the  
3 solicitation of competitive sealed bids or proposals ensuring full  
4 and open competition.

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

8 (c) The executive committee may authorize the negotiation  
9 of a contract without competitive sealed bids or proposals if:

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

12 (A) \$50,000; or

13 (B) the amount of an expenditure under a contract  
14 that would require a municipality to comply with Section  
15 252.021(a), Local Government Code;

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

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

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

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

27 (6) the contract, without regard to form and which may

1 include bonds, notes, loan agreements, or other obligations, is for  
2 the purpose of borrowing money or is a part of a transaction  
3 relating to the borrowing of money, including:

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

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

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

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

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

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

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

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

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

23 or

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

26 (10) the contract is for services performed by persons  
27 who are blind or have severe disabilities;

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, Government Code; or

5           (13) the contract is for fare enforcement officer  
6 services under Section 463.063.

7           (d) For the purposes of entering into a contract authorized  
8 by Subsection (c)(12), an authority is considered a "governmental  
9 entity" as described by Section 2269.002, Government Code.

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 by the executive committee of  
26 the final annual budget.

27           Sec. 463.110. FINANCIAL AUDITS. (a) The executive

1 committee of an authority shall have an annual audit of the affairs  
2 of the authority prepared by an independent certified public  
3 accountant or a firm of independent certified public accountants.

4 (b) The final audit report is open to public inspection.

5 SUBCHAPTER D. STATION OR TERMINAL COMPLEX SYSTEMS

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

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

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

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

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

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

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

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

1       Sec. 463.152. STATION OR TERMINAL COMPLEX: FACILITIES. A  
2 station or terminal complex of an authority:

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

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

9       Sec. 463.153. STATION OR TERMINAL COMPLEX: LOCATION. An  
10 authority shall determine the location of a station or terminal  
11 complex after notice and a hearing.

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

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

20           (2) specified in the instrument transferring the title  
21 or right of use.

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

25                                   SUBCHAPTER E. BONDS

26       Sec. 463.201. DEFINITION. In this subchapter, "bond"  
27 includes a note.

1       Sec. 463.202. POWER TO ISSUE BONDS. (a) An authority may  
2 issue bonds at any time and for any amounts it considers necessary  
3 or appropriate for:

4           (1) the acquisition, construction, repair, equipping,  
5 improvement, or extension of its public transportation system; or

6           (2) creating or funding self-insurance or retirement  
7 or pension fund reserves.

8       (b) An authority may exercise the powers granted to the  
9 governing body of an issuer in connection with the issuance of  
10 obligations and the execution of credit agreements under Chapter  
11 1371, Government Code.

12       Sec. 463.203. BOND TERMS. (a) An authority's bonds are  
13 fully negotiable. An authority may make the bonds redeemable  
14 before maturity at the price and subject to the terms that are  
15 provided in the authority's resolution authorizing the bonds. The  
16 authority's resolution authorizing the bonds may contain any other  
17 terms the executive committee considers appropriate.

18       (b) A bond issued under this subchapter is not a debt or  
19 pledge of the faith and credit of the state, a political subdivision  
20 included in the boundaries of the authority, or any other political  
21 subdivision of the state.

22       (c) Each bond issued by an authority under this subchapter  
23 must contain on its face a statement substantially to the effect  
24 that:

25           (1) the state, a political subdivision included in the  
26 boundaries of the authority, or any other political subdivision of  
27 the state is not obligated to pay the principal of or the interest

1 on the bond; and

2 (2) the faith and credit and taxing power of the state,  
3 a political subdivision included in the boundaries of the  
4 authority, or any other political subdivision of the state are not  
5 pledged to the payment of the principal of or the interest on the  
6 bond.

7 Sec. 463.204. SALE. An authority's bonds may be sold at a  
8 public or private sale as determined by the executive committee to  
9 be the more advantageous.

10 Sec. 463.205. APPROVAL; REGISTRATION. (a) An authority's  
11 bonds and the records relating to their issuance shall be submitted  
12 to the attorney general for examination before the bonds may be  
13 delivered.

14 (b) If the attorney general finds that the bonds have been  
15 issued in conformity with the constitution and this chapter and  
16 that the bonds will be a binding obligation of the issuing  
17 authority, the attorney general shall approve the bonds.

18 (c) After the bonds are approved by the attorney general,  
19 the comptroller shall register the bonds.

20 Sec. 463.206. INCONTESTABILITY. Bonds are incontestable  
21 after they are:

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

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

- 27 (1) pledge any part of the revenue of the public

1 transportation system;

2 (2) mortgage any part of the public transportation  
3 system, including any part of the system subsequently acquired;

4 (3) pledge all or part of funds the federal government  
5 has committed to the authority as grants in aid; and

6 (4) provide that a pledge of revenue described by  
7 Subdivision (1) is a first or subordinate lien or charge against  
8 that revenue.

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

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

17 (d) An authority is not prohibited by this subchapter from  
18 encumbering one or more public transportation systems to purchase,  
19 construct, extend, or repair one or more other public  
20 transportation systems of the authority.

21 (e) The authority may pledge funds described by Subsection  
22 (a)(3):

23 (1) as the sole security for the bonds; or

24 (2) in addition to any other security described by  
25 this section.

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

1           (1) pay the expenses of operation and maintenance of a  
2 public transportation system, including salaries, labor,  
3 materials, and repairs necessary to provide efficient service and  
4 every other proper item of expense; and

5           (2) fund operating reserves.

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

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

11           (1) a bank;

12           (2) a savings bank;

13           (3) a trust company;

14           (4) a savings and loan association; and

15           (5) an insurance company.

16           (b) The bonds, when accompanied by all appurtenant,  
17 unmatured coupons and to the extent of the lesser of their face  
18 value or market value, are eligible to secure the deposit of public  
19 funds of this state, a political subdivision of this state, and any  
20 other political corporation of this state.

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

27           Sec. 463.212. TAX EXEMPTION. The interest on bonds issued

1 by an authority is exempt from state and local taxes.

2 SUBCHAPTER F. EXECUTIVE COMMITTEE

3 Sec. 463.251. COMPOSITION. (a) The executive committee of  
4 an authority is the board of directors of the regional planning  
5 commission established for the area of the authority under Chapter  
6 391, Local Government Code.

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

9 Sec. 463.252. OFFICERS. (a) The officers elected by the  
10 board of directors of the regional planning commission described by  
11 Section 463.251(a) shall serve as the officers of the executive  
12 committee.

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

15 (c) The secretary or assistant secretary shall:

16 (1) keep permanent records of each proceeding and  
17 transaction of the authority; and

18 (2) perform other duties assigned by the executive  
19 committee.

20 Sec. 463.253. CONFLICTS OF INTEREST. Members of the  
21 executive committee and officers of the authority are subject to  
22 Chapter 171, Local Government Code.

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

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

1       (c) The executive committee by resolution shall:

2           (1) set the time, place, and day of the regular  
3 meetings; and

4           (2) adopt rules and bylaws as necessary to conduct  
5 meetings.

6       Sec. 463.255. VOTING REQUIREMENTS. A majority of the  
7 members of the executive committee constitutes a quorum, and when a  
8 quorum is present, action may be taken by a majority vote of the  
9 members present unless the bylaws require a larger number for a  
10 particular action.

11           SUBCHAPTER G. CREATION OF AUTHORITIES

12       Sec. 463.301. CREATION OF AUTHORITY AUTHORIZED. The board  
13 of directors of the regional planning commission established for  
14 the area included in the boundaries of the counties to which this  
15 chapter applies may initiate the process to create a regional  
16 transit authority to provide public transportation services in the  
17 boundaries of those counties.

18       Sec. 463.302. INITIATING ORDER OR RESOLUTION: CONTENTS.  
19 To initiate the process of creating an authority, the board of  
20 directors described by Section 463.301 must adopt a resolution or  
21 order containing the designation of each time and place for holding  
22 public hearings on the proposal to create the authority.

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

1       (b) The board of directors described by Section 463.301  
2 shall give a copy of the notice to the Texas Department of  
3 Transportation and the comptroller.

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

7       (b) Any person may appear at a hearing and offer evidence  
8 on:

9           (1) the creation of the authority;

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

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

13          (4) other facts bearing on the creation of an  
14 authority.

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

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

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

22           (2) authorizing the appointment of the interim  
23 executive committee.

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

26       Sec. 463.306. INTERIM EXECUTIVE COMMITTEE. (a) The  
27 interim executive committee is composed as provided by Section

1 463.251 for an executive committee except that the interim  
2 executive committee must include an additional member who is a  
3 member of the board of directors of a commuter rail district  
4 described by Chapter 174.

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

7 (c) Service on the interim executive committee by a public  
8 officer or employee is an additional duty of the office or  
9 employment.

10 Sec. 463.307. APPROVAL OF SERVICE PLAN. Not later than the  
11 45th day after the date the interim executive committee approves  
12 the service plan, the commissioners court of each county creating  
13 an authority must approve, by resolution or order, the service  
14 plan.

15 Sec. 463.308. NOTICE OF INTENT TO CALL ELECTION. After  
16 approval is received under Section 463.307, but not earlier than  
17 the 61st day after the date the interim executive committee  
18 approves a service plan, the interim executive committee shall  
19 notify the commissioners court of each county included in the  
20 boundaries of the authority of the interim executive committee's  
21 intention to call a confirmation election.

22 Sec. 463.309. CONFIRMATION ELECTION. The interim executive  
23 committee in calling the confirmation election shall submit to the  
24 qualified voters of each county in the authority the following  
25 proposition: "Shall the creation of (name of authority) be  
26 confirmed?"

27 Sec. 463.310. CONDUCT OF ELECTION. The interim executive

1 committee shall canvass the returns and declare the results of the  
2 election separately with respect to each county.

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

6 (b) If the authority continues, the interim executive  
7 committee shall record the results in its minutes and adopt an  
8 order:

9 (1) declaring that the creation of the authority is  
10 confirmed;

11 (2) stating the date of the election;

12 (3) containing the proposition; and

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

15 (c) A certified copy of the order shall be filed with the  
16 Texas Department of Transportation and the comptroller.

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

22 Sec. 463.312. EFFECT OF CREATION ON COMMUTER RAIL DISTRICT.

23 On the creation of an authority the boundaries of which overlap the  
24 territory of a commuter rail district described by Chapter 174, the  
25 commuter rail district is dissolved, and all assets, including  
26 property, and all liabilities, including debt and other  
27 obligations, of the commuter rail district transfer to and are

1 assumed by the authority.

2 Sec. 463.313. COST OF ELECTION. The board of directors  
3 described by Section 463.301 creating an authority shall pay the  
4 cost of the confirmation election.

5 Sec. 463.314. EXPIRATION OF UNCONFIRMED AUTHORITY. An  
6 authority that has not been confirmed expires on the third  
7 anniversary of the effective date of a resolution or order  
8 initiating the process to create the authority.

9 SECTION 2. Section [174.051](#), Transportation Code, is amended  
10 by adding Subsection (c) to read as follows:

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

14 SECTION 3. Sections 463.058(c) and (g) and Section 463.059,  
15 Transportation Code, as added by this Act, take effect only if this  
16 Act receives a two-thirds vote of all the members elected to each  
17 house.

18 SECTION 4. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section [39](#), Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2019.