

1-1 By: Nelson S.B. No. 678
 1-2 (In the Senate - Filed February 20, 2015; February 24, 2015,
 1-3 read first time and referred to Committee on Transportation;
 1-4 April 9, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 9, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 678 By: Huffines

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to coordinated county transportation authorities.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Subchapter C, Chapter 460, Transportation Code,
 1-24 is amended by adding Section 460.1041 to read as follows:
 1-25 Sec. 460.1041. LIABILITY LIMITED FOR RAIL SERVICES UNDER
 1-26 CERTAIN AGREEMENTS. (a) This section applies only to public
 1-27 passenger rail services provided:
 1-28 (1) under an agreement between an authority created
 1-29 before January 1, 2005, and a railroad for the provision of public
 1-30 passenger rail services through the use of the railroad's
 1-31 facilities; and
 1-32 (2) on freight rail lines and rail rights-of-way that
 1-33 are:
 1-34 (A) located in the Interstate 35W/Interstate 35
 1-35 corridor; or
 1-36 (B) a northern extension of existing passenger
 1-37 rail service provided by the authority in the Interstate 35E
 1-38 corridor.
 1-39 (b) The aggregate liability of an authority and a railroad
 1-40 that enter into an agreement to provide public passenger rail
 1-41 services, and the governing boards, directors, officers,
 1-42 employees, and agents of the authority and railroad, may not exceed
 1-43 \$125 million for all claims for damages arising from a single
 1-44 incident involving the provision of public passenger rail services
 1-45 under the agreement.
 1-46 (c) Subsection (b) does not affect:
 1-47 (1) the amount of damages that may be recovered under
 1-48 Subchapter D, Chapter 112, or the federal Employers' Liability Act
 1-49 (45 U.S.C. Section 51 et seq.); or
 1-50 (2) any immunity, limitation on damages, limitation on
 1-51 actions, or other limitation of liability or protections applicable
 1-52 under other law to an authority or other provider of public
 1-53 passenger rail services.
 1-54 (d) The limitation of liability provided by this section
 1-55 does not apply to damages arising from the wilful misconduct or
 1-56 gross negligence of the railroad.
 1-57 (e) An authority shall obtain or cause to be obtained
 1-58 insurance coverage for the aggregate liability stated in Subsection
 1-59 (b) with the railroad as a named insured.
 1-60 SECTION 2. Section 460.107(c), Transportation Code, is

2-1 amended to read as follows:

2-2 (c) If an authority, through the exercise of eminent domain,
2-3 makes any relocation necessary, ~~[the]~~ relocation assistance
2-4 ~~[costs]~~ shall be provided ~~[paid]~~ by the authority as provided by
2-5 Section 21.046, Property Code.

2-6 SECTION 3. Section 460.406(c), Transportation Code, is
2-7 amended to read as follows:

2-8 (c) The board of directors may authorize the negotiation of
2-9 a contract without competitive sealed bids or proposals if:

2-10 (1) the aggregate amount involved in the contract is
2-11 less than the greater of:

2-12 (A) \$50,000 ~~[or less]~~; or

2-13 (B) the amount of an expenditure under a contract
2-14 that would require a municipality to comply with Section
2-15 252.021(a), Local Government Code;

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

2-18 (3) the contract is for services or property for which
2-19 there is only one source or for which it is otherwise impracticable
2-20 to obtain competition;

2-21 (4) the contract is to respond to an emergency for
2-22 which the public exigency does not permit the delay incident to the
2-23 competitive process;

2-24 (5) the contract is for personal or professional
2-25 services or services for which competitive bidding is precluded by
2-26 law;

2-27 (6) the contract, without regard to form and which may
2-28 include bonds, notes, loan agreements, or other obligations, is for
2-29 the purpose of borrowing money or is a part of a transaction
2-30 relating to the borrowing of money, including:

2-31 (A) a credit support agreement, such as a line or
2-32 letter of credit or other debt guaranty;

2-33 (B) a bond, note, debt sale or purchase, trustee,
2-34 paying agent, remarketing agent, indexing agent, or similar
2-35 agreement;

2-36 (C) an agreement with a securities dealer,
2-37 broker, or underwriter; and

2-38 (D) any other contract or agreement considered by
2-39 the board of directors to be appropriate or necessary in support of
2-40 the authority's financing activities;

2-41 (7) the contract is for work that is performed and paid
2-42 for by the day as the work progresses;

2-43 (8) the contract is for the lease or purchase of an
2-44 interest in land;

2-45 (9) the contract is for the purchase of personal
2-46 property sold:

2-47 (A) at an auction by a state licensed auctioneer;

2-48 (B) at a going out of business sale held in
2-49 compliance with Subchapter F, Chapter 17, Business & Commerce Code;
2-50 or

2-51 (C) by a political subdivision of this state, a
2-52 state agency, or an entity of the federal government;

2-53 (10) the contract is for services performed by persons
2-54 who are blind or have severe disabilities ~~[severely disabled~~
2-55 ~~persons]~~;

2-56 (11) the contract is for the purchase of electricity;

2-57 (12) the contract is one for an authority project and
2-58 awarded for alternate project delivery using the procedures under
2-59 Subchapters E, F, G, and I, Chapter 2269 ~~[2267]~~, Government Code ~~[~~
2-60 ~~as added by Chapter 1129 (H.B. 628), Acts of the 82nd Legislature,~~
2-61 ~~Regular Session, 2011]~~; or

2-62 (13) the contract is for fare enforcement officer
2-63 services under Section 460.1092.

2-64 SECTION 4. (a) Section 460.1041, Transportation Code, as
2-65 added by this Act, applies only to a cause of action that accrues on
2-66 or after September 1, 2015.

2-67 (b) The change in law made by this Act to Section
2-68 460.107(c), Transportation Code, applies only to a condemnation
2-69 proceeding in which the petition is filed on or after September 1,

3-1 2015, and to any property condemned through the proceeding. A
3-2 condemnation proceeding in which the petition is filed before
3-3 September 1, 2015, and any property condemned through the
3-4 proceeding are governed by the law in effect immediately before the
3-5 effective date of this Act, and that law is continued in effect for
3-6 that purpose.

3-7 SECTION 5. This Act takes effect September 1, 2015.

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