

TRANSPORTATION CODE

CHAPTER 458. RURAL AND URBAN TRANSIT DISTRICTS

Sec. 458.001. DEFINITIONS. In this chapter:

(1) "Public transportation" means mass transportation of passengers and their hand-carried packages or baggage on a regular and continuing basis by means of surface, fixed guideway, or underground transportation or transit, other than aircraft, taxicab, ambulance, or emergency vehicle.

(2) "Rural public transportation provider" means:

(A) a nonprofit entity, local governmental body created under Chapter 791, Government Code, or political subdivision of this state, which on August 31, 1995, provided rural public transportation services and received state or federal public transportation money through the department, the Federal Transit Administration, or the administration's successor; or

(B) a nonprofit entity, local governmental body created under Chapter 791, Government Code, or political subdivision of this state, which after September 1, 1995, provides rural public transportation services and receives state or federal public transportation money through the department, the Federal Transit Administration, or the administration's successor.

(3) "Rural transit district" means a political subdivision of this state that provides and coordinates rural public transportation in its territory. The term includes a rural public transportation provider within the meaning of Chapter 456 that on August 31, 1995, received public transportation money through the department.

(4) "Urban transit district" means a local governmental body or political subdivision of this state that operates a public transportation system in an urbanized area with a population of more than 50,000 but less than 200,000. The term includes a small urban transportation provider under Chapter 456 that on September 1, 1994, received public transportation money through the department.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.36(a), eff. Sept. 1, 1997.

Sec. 458.002. CONTRACTS WITH DEPARTMENT FOR PROVISION OF RURAL PUBLIC TRANSPORTATION SERVICES. A public transportation provider may contract with the department to provide rural public transportation services only if the provider becomes a rural transit district in compliance with this chapter.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.36(a), eff. Sept. 1, 1997.

Sec. 458.003. RURAL PUBLIC TRANSPORTATION CONFERENCE. (a) The commissioners court of a county in which no provider on August 31, 1995, was receiving public transportation funds through the department must convene a rural public transportation conference before creating a rural transit district.

(b) If the commissioners courts of two or more adjacent counties that are not served by a rural transit district determine that the need for public transportation services extends across the boundaries of the counties, those courts may convene a multicounty rural public transportation conference.

(c) Written notice of a conference shall be given to the public and to the governing body of each municipality in each county before the 30th day before the conference is convened.

(d) A conference must evaluate whether a rural transit district to provide public transportation services in the area should be created. The conference must consider whether existing rural transit districts have the capacity to provide public transportation service in that area.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.36(a), eff. Sept. 1, 1997.

Sec. 458.004. ATTENDANCE AT CONFERENCE. (a) An elected representative selected by the governing body of each municipality in each affected county and the commissioners court of each affected county shall attend a rural public transportation conference.

(b) Representatives attending the conference shall elect a presiding officer from the representatives.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.36(a), eff. Sept. 1, 1997.

Sec. 458.005. PUBLIC HEARING ON CREATION OF RURAL TRANSPORTATION DISTRICT; NOTICE. (a) If a conference finds it advisable to create a new rural transit district, the conference

shall set a public hearing on the creation of the district.

(b) Before the public hearing is convened, the conference shall:

(1) identify each county that will be included in the territory of the proposed rural transit district; and

(2) advise each component county and municipality in the proposed territory.

(c) Notice of the public hearing shall be published once a week for two consecutive weeks in at least one newspaper of general circulation in the territory of the proposed district. The notice must include:

(1) the time and place of the hearing; and

(2) a description of and a map showing the boundaries of the proposed district.

(d) At the hearing, any interested person may appear and be heard on any matter relating to the effect of the formation of the proposed rural transit district.

(e) After the hearing is concluded, the conference may by resolution create and establish the boundaries of a rural transit district if the conference determines that:

(1) the creation of the rural transit district will serve the general public and be conducive to the welfare and benefit of persons and property in the district; and

(2) the general public cannot be better served by an existing rural transit district.

(f) A nonurbanized area of a county may not be excluded from the district.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.36(a), eff. Sept. 1, 1997.

Sec. 458.006. GOVERNING BODY OF RURAL TRANSIT DISTRICT. (a) Not later than the 60th day after the date the boundaries of a rural transit district are established, the commissioners court of each county and one elected representative from the governing body of each municipality in the territory of the district shall provide for the selection of the governing body of the district.

(b) The governing body of the district consists of elected officers who are selected by and serve at the pleasure of the governing bodies of the component municipalities in the district and the commissioners court of each county in the district.

(c) The number of members of the governing body of a single-county rural transit district may not exceed nine. The number of members of the governing body of a multicounty district may not exceed 15, except that each member county is entitled to at least one representative on the governing body.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.36(a), eff. Sept. 1, 1997.

Sec. 458.007. UNSERVED RURAL AREAS MAY JOIN RURAL TRANSIT DISTRICT. An unserved rural area may join an existing rural transit district on the adoption of a resolution by the commissioners court of the county to that effect.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.36(a), eff. Sept. 1, 1997.

Sec. 458.008. MERGER OF RURAL TRANSIT DISTRICTS. (a) Two or more rural transit districts may merge into a new rural transit district. The territory of the new district must include all the territory of each merged district.

(b) The merger is made when the governing board of each district by resolution adopts an interlocal agreement that specifies:

(1) the boundaries of each district to be merged and of the new district;

(2) the terms of the merger; and

(3) a schedule for execution of the merger.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.36(a), eff. Sept. 1, 1997.

Sec. 458.009. URBAN TRANSIT DISTRICTS. (a) A public transportation provider that on September 1, 1994, was not receiving public transportation money through the department may contract with the department to provide small urban public transportation services and receive state or federal public transportation money through the department, the Federal Transit Administration, or the administration's successor only if the provider becomes an urban transit district as provided by this section.

(b) The public transportation provider must be:

(1) a local governmental body created under Chapter 791, Government Code; or

(2) a political subdivision of this state.

(c) The governing body of the provider may by resolution create a small urban transit district to serve the general public. Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.36(a), eff. Sept. 1, 1997.

Sec. 458.010. GENERAL POWERS OF RURAL TRANSIT DISTRICTS. (a) In addition to a power expressly granted by this chapter, a rural transit district has any power necessary to carry out a purpose of the district.

(b) A rural transit district may contract with the United States, a state or state agency, another rural transit district, an urban transit district, a metropolitan or regional transit authority, a county, a municipality, a metropolitan municipal corporation, a special district, a governmental agency in or outside this state, or any private person, firm, or corporation:

(1) to receive a gift or grant or secure a loan or advance for a preliminary planning and feasibility study; or

(2) for the design, construction, or operation of a transportation facility, including an intermodal transportation facility.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.36(a), eff. Sept. 1, 1997.

Sec. 458.011. ADDITIONAL POWERS OF RURAL OR URBAN TRANSIT DISTRICT. A rural or urban transit district may contract with any governmental agency or private person, firm, or corporation for:

(1) the use by either party to the contract of all or any part of a facility, structure, interest in land, air right over land, or right-of-way that is owned, leased, or held by the other party; or

(2) the purpose of planning, constructing, or operating a facility or performing a service that the rural transit district is authorized to operate or perform.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.36(a), eff. Sept. 1, 1997.

Sec. 458.012. OPERATION OF LOCAL PUBLIC PASSENGER TRANSPORTATION IN RURAL TRANSIT DISTRICT PROHIBITED. (a) From the effective date a rural transit district begins providing a public transportation service, another person or private corporation may not operate a local public passenger transportation service in the rural transit district, except as provided by Subsection (b).

(b) Subsection (a) does not apply to:

(1) the operation of:

(A) a taxicab; or

(B) a bus owned or operated by a corporation or organization exclusively for a purpose of the corporation or organization and for the use of which a fee or fare is not charged;

(2) an intercity passenger rail service;

(3) an intercity bus carrier; or

(4) a rural public transportation provider operating under an agreement entered into under this chapter that provides local public passenger transportation service.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 30.36(a), eff. Sept. 1, 1997.