

# ***Final Report***

## **Transit Governance Task Force Recommendations**

Published January 23, 2012

*Reported on behalf of the Transit Governance Task Force*

*by Co-Chairs*

*Representative Donna Sheldon & Senator Jeff Mullis*

## The Findings of the Task Force

*Reported by Representative Donna Sheldon (Co-Chair) & Senator Jeff Mullis (Co-Chair)*

*on behalf of the*

### Members of the Transit Governance Task Force:

Mayor Mike Bodker

Mayor Evelyn Winn Dixon

Representative Mike Jacobs

Representative Edward Lindsey

Senator Butch Miller

Representative Billy Mitchell

Senator Jeff Mullis

Commissioner Charlotte Nash

Commissioner Richard Oden

Senator Ronald Ramsey

Mayor Kasim Reed

Representative Donna Sheldon

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## Table of Contents

|  |    |
|--|----|
| Executive Summary.....                                       | 4  |
| Task Force Approach & Methodology.....                       | 6  |
| Future State Environment Considerations .....                | 6  |
| Public Meetings .....  | 7  |
| Criteria & Selection of a Governance Entity.....             | 8  |
| 12 Key Points for the Draft Legislation.....                 | 9  |
| Conclusions .....  | 10 |
| Appendix A: Executive Order Establishing the Task Force..... | 11 |
| Appendix B: Draft Legislation .....                          | 14 |

## Executive Summary

The Transit Governance Task Force (TGTF) was commissioned by Governor Nathan Deal via Executive Order\* on September 7, 2011. The Order specifically named co-chairs Representative Donna Sheldon and Senator Jeff Mullis and Task Force members Senators Ron Ramsey & Butch Miller; Representatives Edward Lindsey, Billy Mitchell, & Mike Jacobs; Mayors of the City of Atlanta (Kasim Reed), Johns Creek (Mike Bodker), and Riverdale (Evelyn Dixon); and the County Commission Chairmen of Gwinnett County (Charlotte Nash), Douglas County (Tom Worthan), and Rockdale County (Richard Oden).

The Executive Order assigned four objectives to the Task Force's work:

1. Establish clearly-articulated regional transit goals, vision, and mission in order to define the purpose of the governance reform efforts and to drive its implementation toward results for Georgia's taxpayers
2. Create a decision-making structure that includes representatives from the state and from local governments
3. Designate a state agency or authority with the responsibilities of oversight and coordination of transit services in the metro Atlanta region
4. Draft legislation to submit to the Governor no later than January 23, 2012.

In summary, the Transit Governance Task Force recommends the following:

- Georgia Regional Transportation Authority (GRTA) will serve as the transit governance agency with the following responsibilities:
  - Establish regional transit vision, mission, and goals within 1 year of signed legislation
  - Set regional benchmarks for operator performance by July 2014 and submit an annual report during the legislative session to the House and Senate Transportation committees, the Governor, the GRTA board, and MARTOC
  - Compile regional data for all the operators
  - Provide regional data analysis and information reporting
  - Provide regional performance metrics and measurement
  - Design and implement a future strategic plan
  - Manage federal fund applications
  - Apply for and manage funds
  - Provide marketing and branding policy and strategy
  - Provide long-term capital investment strategy
  - Coordinate and control the flow of federal and state dollars for annual budgets to operators; accountability for spending; oversight and monitoring of spending
  - Optimize cross-jurisdictional routes
  - Provide an integrated fare system strategy and implementation

- Within GRTA, a division for transit governance would be established. A Transit Governance Council and a key administrator role of Transit Governance Director would be instituted. Direct policy-making and oversight of transit governance would come from the 35-member Transit Governance Council.
- The Transit Governance Council would consist of 35 members: the 13 county commission chairmen in the transit governance jurisdiction, two at-large county commissioners, 13 mayors, Mayor of Atlanta, one at-large mayor or elected city official, three of the Governor's appointments to the GRTA Board, one of the Speaker's appointments to the GRTA Board, and one of the Lieutenant Governor's appointments to the GRTA Board. At-large selections are to be made by the Governor and approved by the standing group of like officials within the transit governance board. Mayors would be selected from the caucus of the mayors representing a member county.
- Draft legislation was submitted to the Governor on January 23, 2012.

*\*A copy of the Executive Order is appended to this report.*

## Task Force Approach & Methodology

The Transit Governance Task Force (TGTF) was commissioned by Governor Nathan Deal via Executive Order on September 7, 2011. The Order specifically named co-chairs Representative Donna Sheldon and Senator Jeff Mullis and Task Force members Senators Ron Ramsey & Butch Miller; Representatives Edward Lindsey, Billy Mitchell, & Mike Jacobs; Mayors of the City of Atlanta (Kasim Reed), Johns Creek (Mike Bodker), and Riverdale (Evelyn Dixon); and the County Commission Chairmen of Gwinnett County (Charlotte Nash), Douglas County (Tom Worthan), and Rockdale County (Richard Oden).

Members of the TGTF met informally with Governor Deal as a group for the first time on September 19<sup>th</sup>, 2011. A formal kickoff meeting with all members of the TGTF on October 5<sup>th</sup>, 2011. In the kickoff meeting, the TGTF members developed a set of characteristics of a future state for the metro Atlanta regional transit environment in 20 – 30 years. This set of characteristics created a general framework for the TGTF's work. The TGTF held several more private work sessions on November 17<sup>th</sup>, December 1<sup>st</sup>, December 28<sup>th</sup>, and January 9<sup>th</sup>, 2012, and January 19<sup>th</sup> to develop the transit governance structure, identify its responsibilities, and name the decision-making body.

The Co-Chairs of the TGTF, Representative Donna Sheldon & Senator Jeff Mullis, report the following findings on behalf of the TGTF Members.

### Future State Environment Considerations

The TGTF discussed various features of the ideal transit environment. The following characteristics are ideas and concepts for consideration in long term planning:

- All areas of the Atlanta MSA participate in some way in the transit system; integrated
- Atlanta MSA is proud of its transit system
- Attracts consumers and provides them with choices
- Brings people from all over Georgia to Atlanta
- Connecting Georgians to the world
- Efficient - taxpayers get the best bang for their buck
- Equitably paid for system; equity among stakeholders
- High-speed rail to other cities
- One fare media / one way to pay for service
- Perceived as safe, reliable, clean, easy
- Protects the environment/clean air system
- Seamless to riders
- Spoke & hub system – connecting Athens to Atlanta; connecting to Florida and South Carolina borders, Savannah, Columbus
- Sufficiently funded
- Supports economic development in the Atlanta MSA; brings dollars to the economy

- System of buses, trains, rail
- System serves both lifeline and lifestyle riders
- System to get people to work, to play, to school
- Transit as a viable choice; not a choice of last resort
- Transit branded as one system under one marketing banner
- Transit providing convenience to congested areas: airport, work centers Involvement with the private sector via the CIDs and others
- World-class, intermodal system; customer-friendly

Furthermore, the characteristics of the operational system could include:

- A star-system of complete connectivity
- Consolidated maintenance and operations
- Efficiencies in services
- Intermodal sites, multi-modal sites interconnected
- Jurisdictional boundaries are transparent
- Multi-systems
- Well-coordinated, integrated system of entities

## Public Meetings

With the initial framing of the transit environment from the kickoff meeting, the TGTF began holding public meetings to hear from subject matter experts and interested citizens.

The first public meeting was held on October 18, 2011 with the purpose of hearing current stakeholders' perspectives of the state of transit and future opportunities. Invited speakers providing presentations included Dr. Beverly Scott (CEO of MARTA) and Jim Durrett (Chairman of the MARTA board), Barbara Hurst (President, Georgia Transit Association), Matthew Hicks (Associate Legislative Director, Association County Commissioners of Georgia), Brian Allen (Gwinnett County Transit), Faye DiMassimo (Cobb County Transit), Randy Hulsey (Douglasville Van Pool), and Jannine Miller (Executive Director, Georgia Regional Transportation Authority).

The second public meeting was held on October 27, 2011 with the purpose of hearing from local elected officials and community business development leaders on their recommendations for transit governance. The meeting was segmented into 3 panel discussions. The metro Atlanta mayors panel included participants Mayor Jere Wood (Roswell), Mayor Mark Mathews (Kennesaw), and Mayor Eric Clarkson (Chamblee). The community business development leaders panel included Dave Williams (Metro Atlanta Chamber), Kay Pippin (Henry Chamber of Commerce), Nick Masino (Gwinnett Chamber of Commerce), and Louie Hunter (Network Georgia LLC). The third panel discussion of county commissioners included Commissioner Tim Lee (Cobb County), CEO Burrell Ellis (DeKalb County), and Commissioner Herb Frady (Fayette County).

The third public meeting was held on November 9, 2011. The focus of this meeting was to review best practices and recommendations from Cain Williamson and Tad Leithead (Atlanta Regional Commission),

and John Keys (JK Solutions representing the Georgia Council on Developmental Disabilities, Statewide Independent Living Council of Georgia, and the Georgia Motorcoach Operators Association) speaking on transportation options and recommendations for rural and urban Georgia. This shortened public meeting was followed by a meeting of the TGTF which included discussions with Veolia (Greg Cook, General Manager Atlanta) and Peter Benjamin, a transportation policy and management consultant to gain their insight and experience with best practices in other parts of the country.

The fourth public meeting was held on December 9, 2011. This meeting was specifically designed to engage concerned citizens and stakeholders. Individuals were invited to sign-in to present their viewpoints to the TGTF members. The speakers were: Robert Ross & Susan Stanton (Georgia Tea Party), Steve Brown & Allen McCarty (Commissioners Fayette County), Jim Stokes (Livable Communities Coalition), Coalition of Advocates for Georgia's Elderly, Ron Sifen (citizen Cobb county), Kathryn Fowler (Georgia Council on Aging), Nancy Pitra (Senior Citizens Advocacy Project), Tom Bauer (Georgia Transit Association), Jan Barton (Georgia Leadership Coalition), Ken Mitchell (CTREA), Paul McLennon & Terence Courtney (Atlanta Public Sector Alliance), Mike Lowry (citizen Roswell), Joseph Chasteen (citizen Harris county), Elliott Michaels & Chioke Perry (Transit Riders Union), Terry Lawler (Regional Business Coalition of Metro Atlanta), Ashley Robbins (Citizens for Progressive Transit), Marzine Richardson (Atlanta Local 732), Bob Krone (Sierra Club), John Evans (DeKalb NAACP), and Viola Davis (citizen DeKalb county).

All four of these public meetings were instrumental in understanding the current state of affairs, the options and possibilities for the future, and the expectations of various stakeholder groups.

### Criteria & Selection of a Governance Entity

The Governor's Executive Order asked the TGTF to designate a state agency or authority with the responsibility of transit governance. To accomplish this directive, the TGTF developed a list of criteria by which they analyzed existing state agencies as potential candidates for transit governance responsibility. These criteria included:

- Accountable to the taxpayer
- Can provide the rules of the game to tie the region together
- Can serve in an oversight role
- Can use financial mechanisms for capital expenditures
- Has authority to contract with any entity in the state
- Has authority to cross jurisdictional boundaries
- Has authority to operate in any of the 10 TIA counties
- Funded by state dollars

Based on the evaluation of various agencies and authorities against these criteria, the TGTF determined that the Georgia Regional Transportation Authority was the best fit to serve as the transit governance agency.



## 12 Key Points for the Draft Legislation

The Governor's Executive Order asked the TGTF to create a decision-making structure that would include representatives from state and local governments. To accomplish this goal, the TGTF developed 12 key points relative to the structure and decision-making authority of GRTA as the agency for transit governance. These 12 key points were then used to prepare the draft legislation.

The 12 Key Points are:

1. The Georgia Regional Transportation Authority (GRTA) will be responsible for transit governance. GRTA will seek to transfer its transit operations within 2 years of signed legislation.
2. The agency will have the following transit governance responsibilities:
  - Establish regional transit vision, mission, and goals within 1 year of signed legislation
  - Set regional benchmarks for operator performance by July 2014 and submit an annual report during the legislative session to the House and Senate Transportation committees, the Governor, the GRTA board, and MARTOC
  - Compile regional data for all the operators
  - Provide regional data analysis and information reporting
  - Provide regional performance metrics and measurement
  - Design and implement a future strategic plan
  - Manage federal fund applications
  - Apply for and manage funds
  - Provide marketing and branding policy and strategy
  - Provide long-term capital investment strategy
  - Coordinate and control the flow of federal and state dollars for annual budgets to operators; accountability for spending; oversight and monitoring of spending
  - Optimize cross-jurisdictional routes
  - Provide an integrated fare system strategy and implementation
3. Transit governance would be a function of GRTA in addition to its existing powers and authority. GRTA's existing powers will not be altered.
4. GRTA would be the only transit governance entity for the state.
5. GRTA would have jurisdiction for setting transit governance policy when a transit operator meets all three of the following conditions:
  - The origin and/or destination of a transit route exist within one of the 13 non-attainment counties for air quality as of 1998. This is the current jurisdiction of GRTA. Other counties may opt in through a vote of the county commission.
  - The transit route crosses a county line
  - The transit operator receives, or is eligible to receive, federal transit funds

6. Direct policy-making and oversight of transit governance would come from a 35-member Transit Governance Council: the 13 county commission chairmen in the transit governance jurisdiction, two at-large county commissioners, 13 mayors, Mayor of Atlanta, one at-large mayor or elected city official, three of the Governor's appointments to the GRTA Board, one of the Speaker's appointments to the GRTA Board, and one of the Lieutenant Governor's appointments to the GRTA Board. At-large selections are to be made by the Governor and approved by the standing group of like officials within the transit governance board. Mayors would be selected from the caucus of the mayors representing a member county.
7. The Transit Governance Council would approve of the policies put forward by the Transit Governance Director of GRTA.
8. The Transit Governance Council would have the ability to proceed with contracts, applications, and legal agreements within its purview.
9. A Transit Governance Director would be nominated by the Governor and approved by both the GRTA Board and the Transit Governance Council to be the top administrator for transit governance. The Executive Director of GRTA would continue to be nominated by the Governor and approved by the GRTA board. The Executive Director of GRTA would maintain existing responsibilities except for transit governance.
10. Decisions of the Transit Governance Council would not require approval by the GRTA Board, but the GRTA Board would have the authority to veto any policy decision of the Transit Governance Council with a 2/3 vote of the GRTA Board members. The GRTA Board will be alerted to Transit Governance Council business via meeting notice and will be time-bound with veto power.
11. GRTA Board structure would change to a 9-3-3 model with the Governor appointing 9 citizens, the Speaker of the House appointing 3 citizens, and Lieutenant Governor appointing 3 citizens. There would be no additional prohibitions or restrictions on Board selections.
12. MARTA would have the opportunity to enter into an intergovernmental agreement with GRTA with respect to transit governance. MARTA would have greater flexibility in its spending during a year in which it has chosen to do so.

## Conclusions

*The Transit Governance Task Force appreciates and thanks Governor Nathan Deal for the opportunity to analyze, debate, and recommend a structure to enable successful transit governance in the future. We had heartfelt discussion, detailed review of many policy issues critical to transit governance, and heard from opinion leaders relative to policy and best practices. We recognize this issue has great importance to the future economic health of the metro Atlanta region as well as the state of Georgia. We believe that this draft legislation moves us closer to building solid future transit and transportation initiatives and improvements for our state. Additionally, we look forward to the public review and hearings that our recommended draft legislation will receive during the legislative process in the General Assembly in 2012. With gratitude, the Transit Governance Task Force Members*

## Appendix A: Executive Order Establishing the Task Force



### THE STATE OF GEORGIA

#### EXECUTIVE ORDER

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BY THE GOVERNOR:

- WHEREAS:** More than 2 million jobs support the economy of metropolitan Atlanta, which is a driving force in the prosperity of the State of Georgia, and an additional 2.8 million people are projected to live and work in the region in the during the next three decades; and
- WHEREAS:** The Statewide Strategic Transportation Plan indicates that Georgia's job growth and economic prosperity are linked to the state's ability to significantly increase the number of reliable commute options to major job centers at the lowest costs possible; and
- WHEREAS:** One of the most effective ways of accomplishing these outcomes is the provision and management of efficient regional transit services that meet the travel demands of Georgians, regardless of the county boundaries that are crossed during the transit trip; and
- WHEREAS:** Currently, the metropolitan Atlanta region has multiple transit entities operating essentially independently, which leads to an uncoordinated system that is confusing to transit users, falls short of achieving economies of scale and cost efficiencies, does not provide a definitive picture of return-on-investment to taxpayers, and produces a disjointed message about the region's transit priorities; and
- WHEREAS:** A regional transit governance model focused on coordination and accountability would create a mechanism for driving needed improvement of metro Atlanta's existing and future transit services by improving the effectiveness of commute alternatives, increasing cost efficiencies and enabling the region and the state to speak with a unified voice regarding the transit priorities of metropolitan Atlanta; and
- WHEREAS:** An effective transit governance model should recognize the need of transit operators to be able to freely allocate their revenues in a way that ensures maximum effectiveness toward reaching regional transit goals and objectives; and

**WHEREAS:** The Transit Governance Study Commission was charged with conducting a thorough examination of metro Atlanta's current transportation system and developing a concept for a regional transit governance authority in Georgia; and

**WHEREAS:** The Commission issued its final report on August 1, 2011, and found that commuters, transit stakeholders and the general public would benefit from oversight, streamlining and coordination of the individual transit systems in the metro Atlanta region; and

**WHEREAS:** The Commission further found that the state should be charged with this oversight and that such oversight should include meaningful participation by local government officials' and their representatives.

**NOW, THEREFORE, PURSUANT TO THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY**

**RESOLVED:** That, there shall be formed a Transit Governance Task Force, which shall be co-chaired by Representative Donna Sheldon and Senator Jeff Mullis and shall consist of the following members: Senator Ron Ramsey, Senator Butch Miller, Representative Edward Lindsey, Representative Billy Mitchell, Representative Mike Jacobs (Chair of the MARTA Oversight Committee), the Mayors of the City of Atlanta, the City of Johns Creek, and the City of Riverdale; and the Commission Chairs of Gwinnett, Douglas, and Rockdale Counties.

**IT IS FURTHER**

**RESOLVED:** That the Transit Governance Task Force shall take the executive findings of the Transit Governance Study Commission and use them as a basis for developing a legislative proposal to be introduced in the 2012 session of the General Assembly.

**IT IS FURTHER**

**RESOLVED:** That developed by the Task Force shall meet, at a minimum, the following requirements:

- Establishes clearly-articulated regional transit goals, vision and mission in order to define the purpose of the governance reform efforts and to drive its implementation toward results for Georgia's taxpayers.
- Creates a decision-making structure that includes representatives from the state and from local governments.

- Designates a state agency or authority with the responsibilities of oversight and coordination of transit services in the metro Atlanta region.

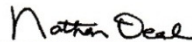
**IT IS FURTHER**

**RESOLVED:** That the Task Force shall coordinate with the Governor's Office in the development of legislation.

**IT IS FURTHER**

**RESOLVED:** That the work of the Task Force shall commence no later than October 1, 2011 and the final draft of any legislation shall be submitted to the Governor no later than January 23, 2012.

This 7 day of September, 2011.



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GOVERNOR

## Appendix B: Draft Legislation

### A BILL TO BE ENTITLED AN ACT

To amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to amend provisions relating to the Georgia Regional Transportation Authority; to add a definition to clarify land public transportation; to reconstitute the board of directors; to provide for the governance of regional transportation for hire policy and projects; to establish a Transit Governance Council and provide for membership; to remove regional land public transportation operator governance from duties of the executive director; to provide for a deadline to establish goals and missions of regional transportation; to provide for the power of the authority to receive, coordinate, and distribute funds; to establish performance measurements and standards for land public transportation operators; to provide for the power to contract with public authorities for land public transportation projects; to provide for power of the authority to establish branding and marketing policies; to provide for power of the authority to develop a fare system for regional transportation; to provide for a transit governance director; to provide for jurisdiction; to provide for required terms of any contractual agreement between the authority and the Metropolitan Atlanta Rapid Transit Authority; to provide for the transfer of operations of commuter transportation services through contractual agreement by December 31, 2014; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.



BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by revising Chapter 32, relating to the Georgia Regional Transportation Authority, as follows:

**"ARTICLE 1**

50-32-1.

This chapter shall be known and may be cited as the 'Georgia Regional Transportation Authority Act.'

50-32-2.

As used in this chapter, the term:

- (1) 'Authority' means the Georgia Regional Transportation Authority.
- (2) 'Bond' includes any revenue bond, bond, note, or other obligation.
- (3) 'Clean Air Act' means the federal Clean Air Act, as amended in 1990 and codified at 42 U.S.C.A. Sections 7401 ~~to~~ through 7671q.
- (4) 'Cost of project' or 'cost of any project' means:
  - (A) All costs of acquisition, by purchase or otherwise, construction, assembly, installation, modification, renovation, extension, rehabilitation, operation, or maintenance incurred in connection with any project, facility, or undertaking of the authority or any part thereof;
  - (B) All costs of real property or rights in property, fixtures, or personal property used in or in connection with or necessary for any project, facility, or undertaking of the authority or for any facilities related thereto, including but not limited to the cost

of all land, interests in land, estates for years, easements, rights, improvements, water rights, and connections for utility services; the cost of fees, franchises, permits, approvals, licenses, and certificates; the cost of securing any such franchises, permits, approvals, licenses, or certificates; the cost of preparation of any application therefor; and the cost of all fixtures, machinery, equipment, furniture, and other property used in or in connection with or necessary for any project, facility, or undertaking of the authority;

(C) All financing charges, bond insurance or other credit enhancement fee, and loan or loan guarantee fees and all interest on revenue bonds, notes, or other obligations of the authority which accrue or are paid prior to and during the period of construction of a project, facility, or undertaking of the authority and during such additional period as the authority may reasonably determine to be necessary to place such project, facility, or undertaking of the authority in operation;

(D) All costs of engineering, surveying, planning, environmental assessments, financial analyses, and architectural, legal, and accounting services and all expenses incurred by engineers, surveyors, planners, environmental scientists, fiscal analysts, architects, attorneys, accountants, and any other necessary technical personnel in connection with any project, facility, or undertaking of the authority or the issuance of any bonds, notes, or other obligations for such project, facility, or undertaking;

(E) All expenses for inspection of any project, facility, or undertaking of the authority;

(F) All fees of fiscal agents, paying agents, and trustees for bond owners under any bond resolution, trust agreement, indenture of trust, or similar instrument or agreement; all expenses incurred by any such fiscal agents, paying agents, bond registrar, and trustees; and all other costs and expenses incurred relative to the issuance of any bonds, revenue bonds, notes, or other obligations for any project, facility, or undertaking of the authority, including bond insurance or credit enhancement fee;



- (G) All fees of any type charged by the authority in connection with any project, facility, or undertaking of the authority;
- (H) All expenses of or incidental to determining the feasibility or practicability of any project, facility, or undertaking of the authority;
- (I) All costs of plans and specifications for any project, facility, or undertaking of the authority;
- (J) All costs of title insurance and examinations of title ~~with respect to~~ for any project, facility, or undertaking of the authority;
- (K) Repayment of any loans for the advance payment of any part of any of the foregoing costs, including interest thereon and any other expenses of such loans;
- (L) Administrative expenses of the authority and such other expenses as may be necessary or incidental to any project, facility, or undertaking of the authority or the financing thereof or the placing of any project, facility, or undertaking of the authority in operation; and
- (M) The establishment of a fund or funds for the creation of a debt service reserve, a renewal and replacement reserve, or such other funds or reserves as the authority may approve ~~with respect to~~ for the financing and operation of any project, facility, or undertaking of the authority and as may be authorized by any bond resolution, trust agreement, indenture, or trust or similar instrument or agreement pursuant to the provisions of which the issuance of any revenue bonds, notes, or other obligations of the authority may be authorized.

Any cost, obligation, or expense incurred for any of the purposes specified in this paragraph shall be a part of the cost of the project, facility, or undertaking of the authority and may be paid or reimbursed as such out of the proceeds of revenue bonds, notes, or other obligations issued by the authority or as otherwise authorized by this chapter.

- (5) 'County' means any county created under the Constitution or laws of this state.
- (6) 'Facility' shall have the same meaning as 'project.'

(7) 'Land public transportation' means the transportation of people and their belongings by highway or rail through services provided by or under contract with a local government and available for hire by the public.

~~(7)~~(8) 'Local government' or 'local governing authority' means any municipal corporation or county or any state or local authority, board, or political subdivision created by the General Assembly or pursuant to the Constitution and laws of this state.

~~(8)~~(9) 'May' means permission and not command.

~~(9)~~(10) 'Metropolitan planning organization' means the forum for cooperative transportation decision making for a metropolitan planning area.

~~(10)~~(11) 'Metropolitan transportation plan' means the official intermodal transportation plan that is developed and adopted through the metropolitan transportation planning process for a metropolitan planning area.

~~(11)~~(12) 'Municipal corporation' or 'municipality' means any city or town in this state.

~~(12)~~(13) 'Obligation' means any bond, revenue bond, note, lease, contract, evidence of indebtedness, debt, or other obligation of the authority, the state, or local governments which is authorized to be issued under this chapter or under the Constitution or other laws of this state, including refunding bonds.

~~(13)~~(14) 'Office of profit or trust under the state' means any office created by or under the provisions of the Constitution, but does not include elected officials of county or local governments.

~~(14)~~(15) 'Project' means the acquisition, construction, installation, modification, renovation, repair, extension, renewal, replacement, or rehabilitation of land, interest in land, buildings, structures, facilities, or other improvements and the acquisition, installation, modification, renovation, repair, extension, renewal, replacement, rehabilitation, or furnishing of fixtures, machinery, equipment, furniture, or other property of any nature whatsoever used on, in, or in connection with any such land, interest in land, building, structure, facility, or other improvement, all for the essential public purpose of providing facilities and services to meet land public transportation

needs and environmental standards and to aid in the accomplishment of the purposes of the authority.

~~(15)~~(16) 'Revenue bond' includes any bond, note, or other obligation payable from revenues derived from any project, facility, or undertaking of the authority.

~~(16)~~(17) 'State implementation plan' means the portion or portions of an applicable implementation plan approved or promulgated, or the most recent revision thereof, under Sections 110, 301(d), and 175A of the Clean Air Act.

~~(17)~~(18) 'State-wide transportation improvement program' means a staged, multiyear, state-wide, intermodal program defined in 23 C.F.R. Section 450.104 which contains transportation projects consistent with the state-wide transportation plan and planning processes and metropolitan plans, transportation improvement programs, and processes.

~~(18)~~(19) 'State-wide transportation plan' means the official state-wide, intermodal transportation plan as defined in 23 C.F.R. Section 450.104 that is developed through the state-wide transportation planning process.

~~(19)~~(20) 'Transportation improvement program' means a staged, multiyear, intermodal program as defined in 23 C.F.R. Section 450.104 and consisting of transportation projects which is consistent with the metropolitan transportation plan.

~~(20)~~(21) 'Undertaking' shall have the same meaning as 'project.'

50-32-3.

(a) There is created the Georgia Regional Transportation Authority as a body corporate and politic, which shall be deemed an instrumentality of the State of Georgia and a public corporation thereof, for purposes of managing or causing to be managed land transportation and air quality within certain areas of this state; and by that name, style, and title such body may contract and be contracted with and bring and defend actions in all courts of this state.

(b) The management of the business and affairs of the authority shall be vested in a board of directors, subject to the provisions of this chapter and to the provisions of

bylaws adopted by the board as authorized by this chapter. The board of directors shall make bylaws governing its own operation and shall have the power to make bylaws, rules, and regulations for the government of the authority and the operation, management, and maintenance of such projects as the board may determine appropriate to undertake from time to time.

(c) Except as otherwise provided in this chapter, a majority of the members of the board then in office shall constitute a quorum for the transaction of business. The vote of a majority of the members of the board present at the time of the vote, if a quorum is present at such time, shall be the act of the board unless the vote of a greater number is required by law or by the bylaws of the board of directors. The board of directors, by resolution adopted by a majority of the full board of directors, shall designate from among its members an executive committee and one or more other committees, each consisting of two or more members of the board, which shall have and exercise such authority as the board may delegate to it under such procedures as the board may direct by resolution establishing such committee or committees.

(d) No vacancy on the authority shall impair the right of a majority of the appointed members from exercising all rights and performing all duties of the authority. The authority shall have perpetual existence. Any change in the name or composition of the authority shall in no way affect the vested rights of any person under this chapter or impair the obligations of any contracts existing under this chapter.

(e) The authority shall be assigned to the Department of Community Affairs for administrative purposes pursuant to Code Section 50-4-3.

50-32-4.

~~(a) The initial board of directors of the authority shall consist of 15 members. All members of the board and their successors shall be appointed for terms of five years each, except that the initial terms for eight members of the board appointed in 1999 shall be three years each; and the particular beginning and ending dates of such terms shall be specified by the Governor. All members of the board shall be appointed by the~~

~~Governor of the State of Georgia and shall serve until the appointment and qualification of a successor, the provisions of subsection (b) of Code Section 45-12-52 to the contrary notwithstanding; except as otherwise provided in this Code section.~~ On and after July 1, 2012, the board of directors shall consist of 15 members: nine members appointed by the Governor, three members appointed by the Lieutenant Governor, and three members appointed by the Speaker of the House of Representatives. All members of the board shall serve for terms of five years and until the appointment and qualification of their successors and ~~Said members~~ shall be appointed so as to reasonably reflect the characteristics of the general public within the jurisdiction or potential jurisdiction of the authority, subject to the provisions of subsection ~~(d)~~ (e) of this Code section. No person holding any other office of profit or trust under the state shall be appointed to membership. The ~~chair~~ chairperson of the board of directors shall be appointed and designated by the Governor.

(b) Those board members in office on the date this subsection becomes effective shall serve until the appointment and qualification of their successors as provided by subsection (a) of this Code section.

~~(b)~~(c) All successors shall be appointed in the same manner as original appointments. Vacancies in office shall be filled in the same manner as original appointments. A person appointed to fill a vacancy shall serve for the unexpired term. No vacancy on the board shall impair the right of the quorum of the remaining members then in office to exercise all rights and perform all duties of the board.

~~(e)~~(d) The members of the board of directors shall be entitled to and shall be reimbursed for their actual travel expenses necessarily incurred in the performance of their duties and, for each day actually spent in the performance of their duties, shall receive the same per diem as do members of the General Assembly.

~~(d)~~(e) Members of the board of directors may be removed by executive order of the Governor for misfeasance, malfeasance, nonfeasance, failure to attend three successive meetings of the board without good and sufficient cause, abstention from voting unless authorized under subsection ~~(g)~~(h) of this Code section, or upon a finding of a violation

of Code Section 45-10-3 pursuant to the procedures applicable to that Code section. A violation of Code Section 45-10-3 may also subject a member to the penalties provided in subparagraphs (a)(1)(A), (a)(1)(B), and (a)(1)(C) of Code Section 45-10-28, pursuant to subsection (b) of Code Section 45-10-28. In the event that a vacancy or vacancies on the board render the board able to obtain a quorum but unable to obtain the attendance of a number of members sufficient to constitute such supermajorities as may be required by this chapter, the board shall entertain no motion or measure requiring such a supermajority until a number of members sufficient to constitute such supermajority is present, and the ~~Governor~~ appointing authorities shall be immediately notified of the absence of members.

~~(e)~~(f) The members of the authority shall be subject to the applicable provisions of Chapter 10 of Title 45, including without limitation Code Sections 45-10-3 through 45-10-5. Members of the authority shall be public officers who are members of a state board for purposes of the financial disclosure requirements of Article 3 of Chapter 5 of Title 21. The members of the authority shall be accountable in all respects as trustees. The authority shall keep suitable books and records of all actions and transactions and shall submit such books together with a statement of the authority's financial position to the state auditor on or about the close of the state's fiscal year. The books and records shall be inspected and audited by the state auditor at least once in each year.

~~(f)~~(g) Meetings of the board of directors, regular or special, shall be held at the time and place fixed by or under the bylaws, with no less than five days' public notice for regular meetings as prescribed in the bylaws; and such notice as the bylaws may prescribe for special meetings. Each member shall be given written notice of all meetings as prescribed in the bylaws. Meetings of the board may be called by the chairperson or by such other person or persons as the bylaws may authorize. Notice of any regular or special meeting shall be given to the ~~Governor~~ appointing authorities at least five days prior to such meeting, unless the ~~Governor waives~~ appointing authorities waive such notice requirement, and no business may be transacted at any meeting of the

board unless and until the ~~Governor has~~ appointing authorities have acknowledged receipt of or waived such notice.

~~(g)~~(h) All meetings of the board of directors shall be subject to the provisions of Chapter 14 of this title. A written record of each vote taken by the board, specifying the yea or nay vote or absence of each member as to each measure, shall be transmitted promptly to the ~~Governor~~ appointing authorities upon the adjournment of each meeting. No member may abstain from a vote other than for reasons constituting disqualification to the satisfaction of a majority of a quorum of the board on a record vote.

~~(h) The authority is assigned to the Department of Community Affairs for administrative purposes only.~~

50-32-5.

~~(a) The State of Georgia, particularly the metropolitan Atlanta region, faces a number of critical issues relating to its transportation system and ever-increasing traffic congestion. In light of the dwindling resources available to help solve the problems, it is imperative that all available resources be used to maximum efficiency in order to alleviate the gridlock in and around the metropolitan Atlanta region. There exists a need for a thorough examination of our current transportation system and the methodical development of legislative proposals for a regional transit governing authority in Georgia.~~

~~(b) In order to find practical, workable solutions to these problems, there is created the Transit Governance Study Commission to be composed of: four Senators from the Atlanta Regional Commission area to be appointed by the Lieutenant Governor, four Representatives from the Atlanta Regional Commission area to be appointed by the Speaker of the House of Representatives, the chairperson of the Metropolitan Atlanta Rapid Transit Oversight Committee, the chairperson of the Atlanta Regional Commission, the chairperson of the Regional Transit Committee of the Atlanta Regional Commission, one staff member from the Atlanta Regional Commission to be selected by the chairperson of the Atlanta Regional Commission, the executive director~~

~~of the Georgia Regional Transportation Authority, the general manager of the Metropolitan Atlanta Rapid Transit Authority, and the directors of any other county transit systems operating in the Atlanta Regional Commission area.~~

~~(c) The commission shall elect, by a majority vote, one of its legislative members to serve as chairperson of the commission and such other officers as the commission deems appropriate. The commission shall meet at least quarterly at the call of the chairperson. The commission may conduct such meetings and hearings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish its objectives and purposes as contained in this Code section.~~

~~(d) All officers and agencies of the three branches of state government are directed to provide all appropriate information and assistance as requested by the commission.~~

~~(e) The commission shall undertake a study of the issues described in this Code section and recommend specific legislation which the commission deems necessary or appropriate. Specifically, the commission shall prepare a preliminary report on the feasibility of combining all of the regional public transportation entities into an integrated regional transit body. This preliminary report shall be completed on or before December 31, 2010, and be delivered to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives. The commission shall make a final report of its findings and recommendations, with specific language for proposed legislation, if any, on or before August 1, 2011, to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives. The commission shall stand abolished on August 1, 2011, unless extended by subsequent Act of the General Assembly.~~

~~(f) The Atlanta Regional Commission in conjunction with the Georgia Regional Transportation Authority and the department's director of planning shall utilize federal and state planning funds to continue the development of the Atlanta region's Concept 3 transit proposal, including assessment of potential economic benefit to the region and the state, prioritization of corridors based on highest potential economic benefit and~~



~~lowest environmental impact, and completion of environmental permitting. Any new transit management instrumentality created as a result of the Transit Governance Study Commission created pursuant to this Code section shall participate in the Concept 3 development activities that remain incomplete at the time of the creation of the new regional transit body.~~

(a) A Transit Governance Council of the authority shall be established to provide oversight of regional land public transportation operators and approve policies for the authority related to regional land public transportation projects as put forth by the transit governance director.

(b) The council shall include representatives from the aggregate geographic area in which the authority has jurisdiction under this chapter, as follows:

(1) The chairperson of the board of commissioners of each county within the aggregate geographic area of the jurisdiction of the authority under this chapter, each of whom shall serve until the conclusion of his or her elected service;

(2) From each county within the jurisdiction of the authority under this chapter, one mayor of a municipality within that county chosen by a caucus of the mayors of each municipality of that county. Each person so chosen shall serve until the conclusion of his or her elected service but no more than five years. Each mayor appointed under this paragraph may serve more than one term upon the decision of the caucus of mayors;

(3) The mayor of the most populous city within the aggregate geographic area of the jurisdiction of the authority under this chapter, who shall serve until the conclusion of his or her elected service;

(4) Three members of the board of directors of the authority appointed by the Governor, one member of the board appointed by the Lieutenant Governor, and one member of the board appointed by the Speaker of the House of Representatives, who shall serve for terms of five years and until the appointment and qualification of their successors;

(5) Two county commissioners who are not chairpersons of a county board of commissioners, to be nominated by the Governor who shall serve upon approval of a majority of the county commissioner chairpersons on the council and who shall serve until the conclusion of their elected service but no more than five years; and

(6) One municipal elected official nominated by the Governor who shall serve upon approval of a majority of the mayors on the council and who shall serve until the conclusion of his or her elected service but no more than five years.

(c) A majority of the members of the council then in office shall constitute a quorum. The vote of a majority of the members of the council present at the time of the vote, if a quorum is present at such time, shall be the act of the council. All decisions related to governance of regional land public transportation operators and regional land public transportation policy made by the council shall be binding on the authority unless two-thirds of the members of the board vote against such decision. The council shall notify the board of all council action within seven days of a vote. If the council action is not voted upon by the board within the following meeting cycle of the board, the council action shall be deemed final.

(d) The council shall have the following powers related to the governance of regional land public transportation operators and regional land public transportation policy:

(1) To establish a regional approach to land public transportation and define goals and missions, which shall be made available to the public and the press by July 1, 2013;

(2) To develop a long-term capital investment strategy for regional land public transportation projects throughout the state;

(3) To authorize, coordinate, and otherwise assist in planning for projects utilizing federal, state, or regional funds within the geographic area over which the authority has jurisdiction between and among all federal, state, regional, and local governments and authorities charged with planning responsibilities for such purposes by state or federal law, and to adopt a regional land public transportation plan or plans based in whole or in part on such planning;

(4) To create a strategic plan for all land public transportation projects within the jurisdiction of the authority that emphasize creating efficiency and coordination between routes that are operated by more than one local government;

(5) To compile and analyze data and information reporting on performance metrics and measurements from all operators of land public transportation projects under the jurisdiction of the authority or an intergovernmental contract;

(6) To create a performance report of land public transportation operators within the jurisdiction of the authority or an intergovernmental contract. Such report shall provide conclusions regarding operators' efficiency of resources, coordination of services, and ability of current services to meet the needs of citizens of the areas served by the operators. Such report shall be submitted to the Governor, the House Committee on Transportation, the Senate Transportation Committee, the Metropolitan Atlanta Rapid Transit Overview Committee, and the board of directors no later than July 1, 2014;

(7) To apply for, accept, and use federal funds for regional land public transportation projects; to enter into any contracts or agreements with the United States or its agencies or subdivisions relating to the planning, financing, construction, and improvement of any regional land public transportation project; and to do all things necessary, proper, or expedient to achieve compliance with the provisions and requirements of all applicable federal-aid acts and programs. If any provisions of this chapter are inconsistent with or contrary to any laws, rules, regulations, or other requirements of federal agencies, the council is authorized and empowered to waive such provisions of this chapter in order to resolve any such inconsistency or conflict, it being the purpose of this paragraph to enable the council to comply with any requirement of the federal government in order to procure all possible federal aid and assistance;

(8) To coordinate funding sources and annual expenditures for the coordinating, planning, and construction of a regional land public transportation project among various local governments. The council shall not have the power to direct or manage

the land public transportation operations of a local government or to acquire assets of a local government except as provided in this chapter or other general law. However, the council shall be the primary public entity which participates in the continuing, cooperative, and comprehensive transportation planning process in accordance with 23 U.S.C. Sections 134 and 135 and 49 U.S.C. Sections 5303 and 5304. The council, to the extent that all federal law requirements for the receipt of federal transportation funds are met, shall, at the discretion of the council, be the recipient of such funds. For new projects, each local government participating in such project shall participate as an agent of the council for all purposes involving funding provided by or through the council. Ownership of a share of any such project proportional to such funding shall be retained by the council unless transferred by agreement with one or more such local governments, but such project shall be operated by the local government or governments;

(9) To contract with any public authority created for the acquisition, establishment, operation, and administration of regional land public transportation on behalf of any local government to provide regional land public transportation services and facilities by contract for, to, or within any county, municipality, or combination thereof pursuant to the provisions of Article IX, Section II, Paragraph III(a)(9) of the Constitution, subject to the provisions of subparagraph (b) of said Paragraph; and all such local governments are authorized to contract with the council for such facilities and public transportation services;

(10) To establish branding and marketing policies for land public transportation operators providers other than the Metropolitan Atlanta Rapid Transit Authority; and

(11) To develop a fare system for land public transportation operators other than the Metropolitan Atlanta Rapid Transit Authority.

50-32-6.

A transit governance director of the authority shall be nominated by the Governor and shall serve upon the approval of a majority of the board of directors of the authority and

a majority of the Transit Governance Council. The transit governance director shall serve at the pleasure of the board of directors and the Transit Governance Council, each voting separately. The transit governance director shall be responsible for all issues related to regional land public transportation policy and operations. The transit governance director shall hire officers, agents, and employees for purposes of regional land public transportation operator governance and regional land public transportation policies, prescribe their duties and qualifications and fix their compensation, and perform such other duties as may be prescribed by the board of directors and Transit Governance Council. Such officers, agents, and employees shall serve at the pleasure of the transit governance director.

## ARTICLE 2

50-32-10.

(a)(1) This chapter shall operate uniformly throughout the state.

(2)(A) The initial jurisdiction of the authority for purposes of this chapter shall encompass the territory of every county which was designated by the United States Environmental Protection Agency (USEPA) in the *Code of Federal Regulations* as of December 31, 1998, as a county included in whole or in part within a nonattainment area under the Clean Air Act and which the board designates, through regulation, as a county having excess levels of ozone, carbon monoxide, or particulate matter.

(B) The jurisdiction of the authority for purposes of this chapter shall also encompass the territory of every county designated by the USEPA in the *Code of Federal Regulations* after December 31, 1998, as a county included in whole or in part within a nonattainment area under the Clean Air Act and which the board designates, through regulation, as a county having excess levels of ozone, carbon monoxide, or particulate matter, provided that the jurisdictional area encompassed

under this subparagraph shall be contiguous with the jurisdictional area encompassed under subparagraph (A) of this paragraph.

(b)(1) Within three months of May 6, 1999, the director of the Environmental Protection Division shall report and certify to the authority and the Governor, pursuant to criteria established by that division, counties which are reasonably expected to become nonattainment areas under the Clean Air Act within seven years from the date of such report and certification, and shall update such report and certification every six months thereafter. Within the geographic territory of any county so designated, the board shall provide, by resolution or regulation, that the funding, planning, design, construction, contracting, leasing, and other related facilities of the authority shall be made available to county and local governments for the purpose of planning, designing, constructing, operating, and maintaining land public transportation systems and other land transportation projects, air quality installations, and all facilities necessary and beneficial thereto, and for the purpose of designing and implementing designated metropolitan planning organizations' land transportation plans and transportation improvement programs, on such terms and conditions as may be agreed to between the authority and such county or local governments.

(2) By resolution of the county governing authority, the special district created by this chapter encompassing the territory of any county reported and certified pursuant to paragraph (1) of this subsection may be activated for the purposes of this chapter, or such county may be brought within the jurisdiction of the authority by resolution of the governing authority.

(3) The jurisdiction of the authority for purposes of this chapter shall be extended to the territory of any county the territory of which is not contiguous with the jurisdiction established by subsection (a) of this Code section which is designated by the USEPA in the *Code of Federal Regulations* as a county included in whole or in part within a nonattainment area under the Clean Air Act and which the board designates, through regulation, as a county having excess levels of ozone, carbon

monoxide, or particulate matter. Upon any such county or self-contiguous group of counties coming within the jurisdiction of the authority, a single member who shall reside within such additional territory shall be added to the board, together with an additional member, who may reside inside or outside such additional territory, for each 200,000 persons above the number of 200,000 persons forming the population of such additional territory according to the 1990 United States decennial census or any future such census.

(c) Upon acquiring jurisdiction over the territory of any county, the authority's jurisdiction over such territory shall continue until 20 years have elapsed since the later of the date such county was redesignated by the USEPA as in attainment under the Clean Air Act or such designation by the USEPA is no longer made.

(d)(1) Upon the lapse of the authority's jurisdiction over a geographic area pursuant to the provisions of this Code section, the authority shall have the power to enter into such contracts, lease agreements, and other instruments necessary or convenient to manage and dispose of real property and facilities owned or operated by the authority within such geographic area, and shall dispose of all such property not more than five years after the lapse of such jurisdiction, but shall retain jurisdiction for the purpose of operating and managing such property and facilities until their final disposition.

(2) The provisions of this subsection shall be implemented consistent with the terms of such contracts, lease agreements, or other instruments or agreements as may be necessary or required to protect federal interests in assets purchased, leased, or constructed utilizing federal funding in whole or in part, and the authority is empowered to enter into such contracts, lease agreements, or other instruments or agreements with appropriate federal agencies or other representatives or instrumentalities of the federal government from time to time as necessary to achieve the purposes of this chapter and the protection of federal interests.

(e) The authority shall be responsible for developing, coordinating, and managing regional land public transportation policies related to industry efficiency and for planning and programs related to design, construction, and financing of regional land

public transportation projects in this state. Except for land public transportation operators of the Metropolitan Atlanta Rapid Transit Authority, the authority shall have jurisdiction over all land public transportation operators within the aggregate geographic area of the jurisdiction of the authority eligible to receive federal funding with routes that operate in more than one county.

~~(e)~~(f) Except for the purpose of reviewing proposed regional transportation plans and transportation improvement programs prepared by metropolitan planning organizations in accordance with requirements specifically placed upon the Governor by federal law, the jurisdiction of the authority shall not extend to the territory and facilities of any airport as defined in Code Section 6-3-20.1 and which is certified under 14 C.F.R. Part 139. In no event shall the authority have jurisdiction to design, construct, repair, improve, expand, own, maintain, or operate any such airport or any facilities of such airport.

50-32-11.

(a) The authority shall have the following general powers:

(1) To sue and be sued in all courts of this state, the original jurisdiction and venue of any such action being the superior court of any county wherein a substantial part of the business was transacted, the tortious act, omission, or injury occurred, or the real property is located, except that venue and jurisdiction for bond validation proceedings shall be as provided by paragraph (9) of subsection (e) of Code Section 50-32-31;

(2) To have a seal and alter the same at its pleasure;

(3) To plan, design, acquire, construct, add to, extend, improve, equip, operate, and maintain or cause to be operated and maintained land public transportation systems and other land transportation projects, and all facilities and appurtenances necessary or beneficial thereto, within the geographic area over which the authority has jurisdiction or which are included within an approved transportation plan or transportation improvement program and provide land public transportation services within the geographic jurisdiction of the authority, and to contract with any state,



regional, or local government, authority, or department, or with any private person, firm, or corporation, for those purposes, and to enter into contracts and agreements with the Georgia Department of Transportation, county and local governments, and transit system operators for those purposes;

(4) To plan, design, acquire, construct, add to, extend, improve, equip, operate, and maintain or cause to be operated and maintained air quality control installations, and all facilities and appurtenances necessary or beneficial thereto, within the geographic area over which the authority has jurisdiction for such purposes pursuant to this chapter, and to contract with any state, regional, or local government, authority, or department, or with any private person, firm, or corporation, for those purposes; provided, however, that where such air quality control measures are included in an applicable implementation plan, they shall be approved by the Environmental Protection Division of the ~~state~~ Department of Natural Resources and by the United States Environmental Protection Agency where necessary to preserve their protected status during any conformity lapse;

(5) To make and execute all contracts, lease agreements, and all other instruments necessary or convenient to exercise the powers of the authority over all projects under its jurisdiction or to further the public purpose for which the authority is created, such contracts, leases, or instruments to include contracts for acquisition, construction, operation, management, or maintenance of projects and facilities owned by local government, the authority, or by the state or any political subdivision, department, agency, or authority thereof, and to include contracts relating to the execution of the powers of the authority and the disposal of the property of the authority from time to time; and any and all local governments, departments, institutions, authorities, or agencies of the state are authorized to enter into contracts, leases, agreements, or other instruments with the authority upon such terms and to transfer real and personal property to the authority for such consideration and for such purposes as they deem advisable.

(6) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real or personal property of every kind and character, or any interest therein, in furtherance of the public purpose of the authority, in compliance, where required, with applicable federal law including without limitation the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. Section 4601, et seq., 23 C.F.R. Section 1.23, and 23 C.F.R. Section 713(c);

(7) To appoint an executive director who shall be executive officer and administrative head of the authority for all matters except regional land public transportation operator governance and regional land public transportation policy, which shall be under the direction of the transit governance director as provided for in Code Section 50-32-6. The executive director shall be appointed and serve at the pleasure of the authority. The executive director shall hire officers, agents, and employees, prescribe their duties and qualifications and fix their compensation, and perform such other duties as may be prescribed by the authority. Such officers, agents, and employees shall serve at the pleasure of the executive director;

(8) To finance projects, facilities, and undertakings of the authority for the furtherance of the purposes of the authority within the geographic area over which the authority has jurisdiction by loan, loan guarantee, grant, lease, or otherwise, and to pay the cost of such from the proceeds of bonds, revenue bonds, notes, or other obligations of the authority or any other funds of the authority or from any contributions or loans by persons, corporations, partnerships, whether limited or general, or other entities, all of which the authority is authorized to receive, accept, and use;

(9) To extend credit or make loans or grants for all or part of the cost or expense of any project, facility, or undertaking of a political subdivision or other entity for the furtherance of the purposes of the authority within the geographic area over which the authority has jurisdiction upon such terms and conditions as the authority may deem necessary or desirable; and to adopt rules, regulations, and procedures for making such loans and grants;

(10) To borrow money to further or carry out its public purpose and to issue guaranteed revenue bonds, revenue bonds, notes, or other obligations to evidence such loans and to execute leases, trust indentures, trust agreements for the sale of its revenue bonds, notes, or other obligations, loan agreements, mortgages, deeds to secure debt, trust deeds, security agreements, assignments, and such other agreements or instruments as may be necessary or desirable in the judgment of the authority, and to evidence and to provide security for such loans;

(11) To issue guaranteed revenue bonds, revenue bonds, bonds, notes, or other obligations of the authority, to receive payments from the Department of Community Affairs, and to use the proceeds thereof for the purpose of:

(A) Paying or loaning the proceeds thereof to pay, all or any part of, the cost of any project or the principal of and premium, if any, and interest on the revenue bonds, bonds, notes, or other obligations of any local government issued for the purpose of paying in whole or in part the cost of any project and having a final maturity not exceeding three years from the date of original issuance thereof;

(B) Paying all costs of the authority incidental to, or necessary and appropriate to, furthering or carrying out the purposes of the authority; and

(C) Paying all costs of the authority incurred in connection with the issuance of the guaranteed revenue bonds, revenue bonds, bonds, notes, or other obligations;

(12) To collect fees and charges in connection with its loans, commitments, management services, and servicing including, but not limited to, reimbursements of costs of financing, as the authority shall determine to be reasonable and as shall be approved by the authority;

(13) Subject to any agreement with bond owners, to invest moneys of the authority not required for immediate use to carry out the purposes of this chapter, including the proceeds from the sale of any bonds and any moneys held in reserve funds, in obligations which shall be limited to the following:

(A) Bonds or other obligations of the state or bonds or other obligations, the principal and interest of which are guaranteed by the state;

(B) Bonds or other obligations of the United States or of subsidiary corporations of the United States government fully guaranteed by such government;

(C) Obligations of agencies of the United States government issued by the Federal Land Bank, the Federal Home Loan Bank, the Federal Intermediate Credit Bank, and the Bank for Cooperatives;

(D) Bonds or other obligations issued by any public housing agency or municipality in the United States, which ~~bonds or obligations~~ are fully secured as to the payment of both principal and interest by a pledge of annual contributions under an annual contributions contract or contracts with the United States government, or project notes issued by any public housing agency, urban renewal agency, or municipality in the United States and fully secured as to payment of both principal and interest by a requisition, loan, or payment agreement with the United States government;

(E) Certificates of deposit of national or state banks or federal savings and loan associations located within the state which have deposits insured by the Federal Deposit Insurance Corporation or any Georgia deposit insurance corporation and certificates of deposit of state building and loan associations located within the state which have deposits insured by any Georgia deposit insurance corporation, including the certificates of deposit of any bank, savings and loan association, or building and loan association acting as depository, custodian, or trustee for any such bond proceeds; provided, however, that the portion of such certificates of deposit in excess of the amount insured by the Federal Deposit Insurance Corporation or any Georgia deposit insurance corporation, if any such excess exists, shall be secured by deposit with the Federal Reserve Bank of Atlanta, Georgia, or with any national or state bank located within the state, of one or more of the following securities in an aggregate principal amount equal at least to the amount of such excess:

(i) Direct and general obligations of the state or of any county or municipality in the state;

(ii) Obligations of the United States or subsidiary corporations included in subparagraph (B) of this paragraph;

(iii) Obligations of agencies of the United States government included in subparagraph (C) of this paragraph; or

(iv) Bonds, obligations, or project notes of public housing agencies, urban renewal agencies, or municipalities included in subparagraph (D) of this paragraph;

(F) Interest-bearing time deposits, repurchase agreements, reverse repurchase agreements, rate guarantee agreements, or other similar banking arrangements with a bank or trust company having capital and surplus aggregating at least \$50 million or with any government bond dealer reporting to, trading with, and recognized as a primary dealer by the Federal Reserve Bank of New York having capital aggregating at least \$50 million or with any corporation which is subject to registration with the Board of Governors of the Federal Reserve System pursuant to the requirements of the Bank Holding Company Act of 1956, provided that each such interest-bearing time deposit, repurchase agreement, reverse repurchase agreement, rate guarantee agreement, or other similar banking arrangement shall permit the moneys so placed to be available for use at the time provided with respect to the investment or reinvestment of such moneys; and

(G) State operated investment pools;

(14) To acquire or contract to acquire from any person, firm, corporation, local government, federal or state agency, or corporation by grant, purchase, or otherwise, leaseholds, real or personal property, or any interest therein; and to sell, assign, exchange, transfer, convey, lease, mortgage, or otherwise dispose of or encumber the same; and any local government is authorized to grant, sell, or otherwise alienate leaseholds, real and personal property, or any interest therein to the authority;

(15) Subject to applicable covenants or agreements related to the issuance of bonds, to invest any moneys held in debt service funds or sinking funds not restricted as to investment by the Constitution or laws of this state or the federal government or by contract not required for immediate use or disbursement in obligations of the types specified in paragraph (13) of this subsection, provided that, for the purposes of this

paragraph, the amounts and maturities of such obligations shall be based upon and correlated to the debt service, which ~~debt service~~ shall be the principal installments and interest payments, schedule for which such moneys are to be applied;

(16) To provide advisory, technical, consultative, training, educational, and project assistance services to the state and local government and to enter into contracts with the state and local government to provide such services. The state and local governments are authorized to enter into contracts with the authority for such services and to pay for such services as may be provided them;

(17) To make loan commitments and loans to local governments and to enter into option arrangements with local governments for the purchase of said bonds, revenue bonds, notes, or other obligations;

(18) To sell or pledge any bonds, revenue bonds, notes, or other obligations acquired by it whenever it is determined by the authority that the sale thereof is desirable;

(19) To apply for and to accept any gifts or grants or loan guarantees or loans of funds or property or financial or other aid in any form from the federal government or any agency or instrumentality thereof, ~~or~~ from the state or any agency or instrumentality thereof, or from any other source for any or all of the purposes specified in this chapter and to comply, subject to the provisions of this chapter, with the terms and conditions thereof;

(20) To lease to local governments any authority owned facilities or property or any state owned facilities or property which the authority is managing under contract with the state;

(21) To contract with state agencies or any local government for the use by the authority of any property or facilities or services of the state or any such state agency or local government or for the use by any state agency or local government of any facilities or services of the authority; and such state agencies and local governments are authorized to enter into such contracts;

(22) To extend credit or make loans, including the acquisition of bonds, revenue bonds, notes, or other obligations of the state, any local government, or other entity,

including the federal government, for the cost or expense of any project or any part of the cost or expense of any project; ~~which~~ such credit or loans may be evidenced or secured by trust indentures, loan agreements, notes, mortgages, deeds to secure debt, trust deeds, security agreements, or assignments, on such terms and conditions as the authority shall determine to be reasonable in connection with such extension of credit or loans, including provision for the establishment and maintenance of reserve funds; and, in the exercise of powers granted by this chapter in connection with any project, the authority shall have the right and power to require the inclusion in any such trust indentures, loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other instrument such provisions or requirements for guaranty of any obligations, insurance, construction, use, operation, maintenance, and financing of a project and such other terms and conditions as the authority may deem necessary or desirable;

(23) As security for repayment of any bonds, revenue bonds, notes, or other obligations of the authority, to pledge, lease, mortgage, convey, assign, hypothecate, or otherwise encumber any property of the authority including, but not limited to, real property, fixtures, personal property, and revenues or other funds and to execute any lease, trust indenture, trust agreement, agreement for the sale of the authority's revenue bonds, notes or other obligations, loan agreement, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other agreement or instrument as may be necessary or desirable, in the judgment of the authority, to secure any such revenue bonds, notes, or other obligations, ~~which instruments or~~ such agreements or instruments may provide for foreclosure or forced sale of any property of the authority upon default in any obligation of the authority, either in payment of principal, premium, if any, or interest or in the performance of any term or condition contained in any such agreement or instrument;

(24) To receive and use the proceeds of any tax levied to pay all or any part of the cost of any project or for any other purpose for which the authority may use its own funds pursuant to this chapter;

(25) To use income earned on any investment for such corporate purposes of the authority as the authority in its discretion shall determine, including, but not limited to, the use of repaid principal and earnings on funds, the ultimate source of which was an appropriation to a budget unit of the state to make loans for projects;

(26) To cooperate and act in conjunction with industrial, commercial, medical, scientific, public interest, or educational organizations; with agencies of the federal government and this state and local government; with other states and their political subdivisions; and with joint agencies thereof, and such state agencies, local government, and joint agencies are authorized and empowered to cooperate and act in conjunction; and to enter into contracts or agreements with the authority and local government to achieve or further the purposes of the authority;

(27) To coordinate, cooperate, and contract with any metropolitan planning organization for a standard metropolitan statistical area which is primarily located within an adjoining state but which includes any territory within the jurisdiction of the authority to achieve or further the purposes of the authority as provided by this chapter;

(28) To coordinate and assist in planning for land public transportation and air quality purposes within the geographic area over which the authority has jurisdiction pursuant to this chapter; between and among all state, regional, and local authorities charged with planning responsibilities for such purposes by state or federal law, and to adopt a regional plan or plans based in whole or in part on such planning;

(29) Reserved;

(30) To review and make recommendations to the Governor concerning all land transportation plans and transportation improvement programs prepared by the Department of Transportation involving design, construction, or operation of land transportation facilities wholly or partly within the geographic area over which the authority has jurisdiction pursuant to this chapter,~~—and;~~ to negotiate with that department concerning changes or amendments to such plans which may be



recommended by the authority or the Governor consistent with applicable federal law and regulation; and to adopt such plans as all or a portion of its own regional plans;

(31) To acquire by the exercise of the power of eminent domain any real property or rights in property which it may deem necessary for its purposes under this chapter pursuant to the procedures set forth in this chapter, and to purchase, exchange, sell, lease, or otherwise acquire or dispose of any property or any rights or interests therein for the purposes authorized by this chapter or for any facilities or activities incident thereto, subject to and in conformity with applicable federal law and regulation;

(32) To the extent permissible under federal law, to operate as a receiver of federal grants, loans, and other moneys intended to be used within the geographic area over which the authority has jurisdiction pursuant to this chapter for inter-urban and intra-urban transit, land public transportation development, air quality and air pollution control, and other purposes related to the alleviation of congestion and air pollution;

(33) Subject to any covenant or agreement made for the benefit of owners of bonds, notes, or other obligations issued to finance roads or toll roads, in planning for the use of any road or toll road which lies within the geographical area over which the authority has jurisdiction, ~~the authority shall have the power~~ to control or limit access thereto, including the power to close off, regulate, or create access to or from any part, excluding the interstate system, of any road on the state highway system, a county road system, or a municipal street system to or from any such road or toll road or any property or project of the authority, to the extent necessary to achieve the purposes of the authority; the authority may submit an application for an interstate system right of way encroachment through the ~~state~~ Georgia Department of Transportation, and that department shall submit the same to the Federal Highway Administration for approval. The authority shall provide any affected local government with not less than 60 days' notice of any proposed access limitation;

(34) To exercise any power granted by the laws of this state to public or private corporations which is not in conflict with the public purpose of the authority;

(35) To do all things necessary or convenient to carry out the powers conferred by this chapter;

(36) To procure insurance against any loss in connection with its property and other assets or obligations or to establish cash reserves to enable it to act as self-insurer against any and all such losses;

(37) To accept and use federal funds; to enter into any contracts or agreements with the United States or its agencies or subdivisions relating to the planning, financing, construction, improvement, operation, and maintenance of any public road or other mode or system of land transportation; and to do all things necessary, proper, or expedient to achieve compliance with the provisions and requirements of all applicable federal-aid acts and programs. Nothing in this chapter is intended to conflict with any federal law; and, in case of such conflict, such portion as may be in conflict with such federal law is declared of no effect to the extent of the conflict;

(38) To ensure that any project funded by the authority in whole or in part with federal-aid funds is included in approved transportation improvement programs adopted and approved by designated metropolitan planning organizations and the Governor and in the land transportation plan adopted and approved by the designated metropolitan planning organization; and is in compliance with the requirements of relevant portions of the regulations implementing the Clean Air Act including without limitation 40 C.F.R. Section 93.105(c)(1)(ii) and 40 C.F.R. Section 93.122(a)(1), where such inclusion, approval, designation, or compliance is required by applicable federal law or regulation; and

(39) To appoint and select officers, agents, and employees, including engineering, architectural, and construction experts and attorneys, and to fix their compensation.

(b) In addition to the above-enumerated general powers, and such other powers as are set forth in this chapter, the authority shall have the following powers with respect to special districts created and activated pursuant to this chapter:

(1) By resolution, to authorize the provision of land public transportation services and the institution of air quality control measures within the bounds of such special

districts by local governments within such special districts utilizing the funding methods authorized by this chapter where the facilities for such purposes are located wholly within the jurisdiction of such local governments and such special districts or are the subject of contracts between or among such local governments and where such services and measures are certified by the authority to be consistent with the designated metropolitan planning organizations' regional plans, where applicable;

(2) By resolution, to authorize the utilization by local governments within such special districts of the funding mechanisms enumerated in Code Section 50-32-30 to provide funding to defray the cost of land public transportation and air quality control measures certified and provided pursuant to paragraph (1) of this subsection;

(3) By resolution, to authorize the utilization by local governments within such special districts of the above-enumerated funding mechanisms to assist in funding those portions of regional land public transportation systems which lie within and provide service to the territory of such local governments within special districts; and

(4) By resolution, to contract with local governments within such special districts for funding, planning services, and such other services as the authority may deem necessary and proper to assist such local governments in providing land public transportation services and instituting air quality control measures within the bounds of such special districts where the facilities for such purposes are located wholly within the jurisdiction of such local governments and such special districts or are the subject of contracts between or among such local governments, and where such services and measures are certified by the authority to be consistent with the designated metropolitan planning organizations' regional plans, where applicable.

(c) On and after July 1, 2012, the authority may enter into a contractual agreement with the Metropolitan Atlanta Rapid Transit Authority for a period of not less than five years, which may be renewed for subsequent periods of not less than five years, that shall require such transit authority to obtain signed authorization from the transit governance director of the authority and a majority vote of the Transit Governance Council for new capital improvement projects involving federal funds. For each fiscal

year such agreement is in force, the transit authority shall not be constrained by the provisions of subsection (i) of Section 25 of the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965' (Ga. L. 1965, p. 2243), as amended, in its ability to allocate sales and use tax proceeds.

~~(e)~~(d) The provision of local government services and the utilization of funding mechanisms therefor consistent with the terms of this chapter shall not be subject to the provisions of Chapter 70 of Title 36; provided, however, that the authority shall, where practicable, provide for coordination and consistency between the provision of such services pursuant to the terms of this chapter and the provision of such services pursuant to Chapter 70 of Title 36.

(e) No later than December 31, 2014, the authority shall enter into contractual agreements with local governments or private entities which shall authorize such local governments or private entities to operate the authority's commuter transportation service in existence as of the effective date of this subsection.

50-32-12.

Pursuant to the authority granted by Article IX, Section II, Paragraph VI of the Constitution of this state, there are created within this state 159 special districts. One such district shall exist within the geographic boundaries of each county, and the territory of each district shall include all of the territory within its respective county. Any special district within a county within the geographic area over which the authority has jurisdiction shall be deemed activated for purposes of this chapter.

50-32-13.

(a) The Governor may delegate to the authority, by executive order, his or her powers under applicable federal transportation planning and air quality laws and regulations, including without limitation the power to resolve revision disputes between metropolitan planning organizations and the Department of Transportation under 40 C.F.R. Section 93.105, the power to approve state-wide transportation improvement

programs under 23 U.S.C. Section 134 and 23 C.F.R. Sections 450.312(b), 450.324(b), and 450.328(a), and the power of approval and responsibilities for public involvement under 23 C.F.R. Section 450.216(a).

(b) In exercising the authority's delegated powers concerning proposed state-wide transportation plans and transportation improvement programs prepared by metropolitan planning organizations wholly or partly within the geographic area over which the authority has jurisdiction or by the Department of Transportation:

(1) Transportation plans and transportation improvement programs subject to the authority's delegated review powers shall be approved by the affirmative vote of two-thirds of the authorized membership of the board to a motion made for that purpose;

(2) The authority may request modification of such a plan or program and approve such proposal for modification of a plan or program by the affirmative vote of two-thirds of the authorized membership of the board to a motion made for that purpose;

(3) The board may set a date certain as a deadline for submission of any such plan or program to the authority for review; and

(4) If any such plan or program is not timely submitted for review in compliance with a deadline set by the board, the authority may exercise its delegated power to disapprove such plan or program upon the affirmative vote of two-thirds of the authorized membership of the board to a motion made for that purpose;

provided, however, that where one or more vacancies exist on the board and the board is not otherwise prohibited from entertaining a motion requiring such a supermajority, such motion shall carry on the affirmative vote of two-thirds of the members present. On any motion requiring a supermajority for passage, any abstention not authorized as provided in this chapter shall be deemed an affirmative vote for purposes of passage or failure of such motion.

(c) The authority shall formulate measurable targets for air quality improvements and standards within the geographic area over which the authority has jurisdiction pursuant to this chapter, and annually shall report such targets to the Governor, together with an

assessment of progress toward achieving such targets and projected measures and timetables for achieving such targets.

50-32-14.

In any case where a development of regional impact, as determined by the Department of Community Affairs pursuant to Article 1 of Chapter 8 of this title, is planned within the geographic area over which the authority has jurisdiction which requires the expenditure of state or federal funds by the state or any political subdivision, agency, authority, or instrumentality thereof to create land transportation services or access to such development, any expenditure of such funds shall be prohibited unless and until the plan for such development and such expenditures is reviewed and approved by the authority. The decision of the authority to allow or disallow the expenditure of such funds shall be final and nonreviewable, except that such decision shall be reversed where a resolution for such purpose is passed by vote of three-fourths of the authorized membership of the county commission of the county in which the development of regional impact is planned or, if such development is within a municipality, by vote of three-fourths of the authorized membership of the city council. Such a vote shall not constitute failure or refusal by the local government for purposes of Code Section 50-32-53.

50-32-15.

(a) In furtherance of the purposes of the authority, no project of the Georgia Rail Passenger Authority created by Article 9 of Chapter 9 of Title 46 which is located wholly or partly within the geographic area over which the authority has jurisdiction shall be commenced after May 6, 1999, unless such project is approved by the affirmative vote of two-thirds of the authorized membership of the board of directors of the authority pursuant to a motion made for that purpose; provided, however, that where such project is an approved transportation control measure pursuant to an

approved state implementation plan, such project may proceed consistent with applicable federal law and regulation.

(b) From time to time, by the affirmative vote of two-thirds of the authorized membership of the board of directors of the authority, the authority may direct the Georgia Environmental Finance Authority to issue revenue bonds, bonds, notes, loans, credit agreements, or other obligations or facilities to finance, in whole or in part, any project or the cost of any project of the authority wholly or partly within the geographic area over which the authority has jurisdiction, by means of a loan, extension of credit, or grant from the Georgia Environmental Finance Authority to the authority, on such terms or conditions as shall be concluded between the two authorities.

(c) The Georgia Environmental Finance Authority shall be subordinate to the authority in all respects, with respect to authority projects, within the geographic area over which the authority has jurisdiction; and, in the event of any conflict with the provisions of Chapter 23 of this title, the provisions of this chapter shall prevail in all respects. It is expressly provided, however, that nothing in this Code section and nothing in this chapter shall be construed to permit in any manner the alteration, elimination, or impairment of any term, provision, covenant, or obligation imposed on any state authority, including but not limited to the Georgia Environmental Finance Authority, the State ~~Toll~~ Road and Tollway Authority, the Georgia Regional Transportation Authority, or the Georgia Rail Passenger Authority, for the benefit of any owner or holder of any bond, note, or other obligation of any such authority.

50-32-16.

Notwithstanding any provision of law to the contrary, funds appropriated to or otherwise obtained by the Department of Transportation pursuant to Article III, Section IX, Paragraph VI(b) of the Constitution of this state and paragraphs (2) and (7) of subsection (a) of Code Section 32-2-2 shall not be utilized for designation, improvement, or construction of any land public transportation system or any part of the state highway system lying within the boundaries of a county whose special district

created pursuant to this chapter has been activated pursuant to the provisions of this chapter, unless such designation, improvement, or construction is safety related or has been conducted by or through, or approved by, the authority, or such funds are within categories applicable to state-wide inspection or improvement required for compliance with federal law or regulation.

50-32-17.

(a) After the adoption by the authority of a resolution declaring that the acquisition of the real property described therein is necessary for the purposes of this chapter, the authority may exercise the power of eminent domain in the manner provided in Title 22; or it may exercise the power of eminent domain in the manner provided by any other applicable statutory provisions for the exercise of such power; provided, however, that the provisions of Article 7 of Chapter 16 of this title shall not be applicable to the exercise of the power of eminent domain by the authority. Property already devoted to public use may be acquired, except that no real property belonging to the state other than property acquired by or for the purposes of the Department of Transportation may be acquired without the consent of the state.

(b) Real property acquired by the authority in any manner for the purposes of this chapter shall not be subject to the exercise of eminent domain by any state department, division, board, bureau, commission, authority, or other agency or instrumentality of the executive branch of state government, or by any political subdivision of the state or any agency, authority, or instrumentality thereof, without the consent of the authority.

50-32-18.

The authority shall have all rights afforded the state by virtue of the Constitution of the United States, and nothing in this chapter shall be construed to remove any such rights.

50-32-19.



Neither the members of the authority nor any officer or employee of the authority acting on behalf thereof, while acting within the scope of his or her authority, shall be subject to any liability resulting from:

- (1) The construction, ownership, maintenance, or operation of any project financed with the assistance of the authority;
- (2) The construction, ownership, maintenance, or operation of any project, facility, or undertaking authorized by the authority and owned by a local government; or
- (3) Carrying out any of the powers expressly given in this chapter.

50-32-20.

(a) Upon request of the board of the authority, the Department of Transportation and the Department of Natural Resources shall provide to the authority and its authorized personnel and agents access to all books, records, and other information resources available to those departments which are not of a commercial proprietary nature and shall assist the authority in identifying and locating such information resources. Reimbursement for costs of identification, location, transfer, or reproduction of such information resources, including personnel costs incurred by the respective departments for such purposes, shall be made by the authority to those respective departments.

(b) The authority may request from time to time, and the Department of Transportation and the Department of Natural Resources shall provide as permissible under the Constitution and laws of this state, the assistance of personnel and the use of facilities, vehicles, aircraft, and equipment of those departments, and reimbursement for all costs and salaries thereby incurred by the respective departments shall be made by the authority to those respective departments.

### ARTICLE 3

50-32-30.

In accomplishing its purposes pursuant to the provisions of this chapter, the authority may utilize, unless otherwise prohibited by law, any combination of the following funding resources:

- (1) Revenue bonds as authorized by this chapter;
- (2) Guaranteed revenue bonds as authorized by this chapter;
- (3) Funds obtained in a special district created and activated pursuant to this chapter, for the purposes of providing local land public transportation and air quality services within such district or, by contract with, between, and among local governments within such special districts, throughout such districts;
- (4) Funds obtained pursuant to the provisions of subsection (b) of Code Section 48-8-249;
- ~~(4)~~(5) Moneys borrowed by the authority pursuant to the provisions of this chapter;
- ~~(5)~~(6) Such federal funds as may from time to time be made available to the authority or for purposes coincident with the purposes of the authority within the territory over which the authority has jurisdiction; and
- ~~(6)~~(7) Such grants or contributions from persons, firms, corporations, or other entities as the authority may receive from time to time.

50-32-31.

(a)(1) The authority shall have the power and is authorized at one time or from time to time to provide by one or more authorizing resolutions for the issuance of revenue bonds, but the authority shall not have the power to incur indebtedness under this subsection in excess of the cumulative principal sum of \$1 billion but excluding from such limit bonds issued for the purpose of refunding bonds which have been previously issued. The authority shall have the power to issue such revenue bonds and the proceeds thereof for the purpose of paying all or part of the costs of any

project or undertaking which is for the purpose of exercising the powers delegated to it by this chapter, and the construction and provision of such installations and facilities as the authority may from time to time deem advisable to construct or contract for those purposes, as such undertakings and facilities shall be designated in the resolution of the board of directors authorizing the issuance of such bonds.

(2) The revenue bonds and the interest payable thereon shall be exempt from all taxation within the state imposed by the state or any county, municipal corporation, or other political subdivision of the state.

(b) In addition, the authority shall have the power and is authorized to issue bonds in such principal amounts as the authority deems appropriate, such bonds to be primarily secured by a pool of obligations issued by local governments when the proceeds of the local government obligations are applied to projects of the authority.

(c) The authority shall have the power from time to time to refund any bonds by the issuance of new bonds whether the bonds to be refunded have or have not matured and may issue bonds partly to refund bonds then outstanding and partly for any other corporate purpose.

(d) Bonds issued by the authority may be general or limited obligations payable solely out of particular revenues or other moneys of the authority as may be designated in the proceedings of the authority under which the bonds shall be authorized to be issued, subject to any agreements entered into between the authority and state agencies, local government, or private parties and subject to any agreements with the owners of outstanding bonds pledging any particular revenues or moneys.

(e)(1) The authority is authorized to obtain from any department, agency, or corporation of the United States of America or governmental insurer, including the state, any insurance or guaranty, to the extent now or hereafter available, as to or for the payment or repayment of interest or principal, or both, or any part thereof on any bonds or notes issued by the authority or on any obligations of federal, state, or local governments purchased or held by the authority; and to enter into any agreement or contract with respect to any such insurance or guaranty, except to the extent that the

same would in any way impair or interfere with the ability of the authority to perform and fulfill the terms of any agreement made with the owners of the bonds or notes of the authority.

(2) Bonds issued by the authority shall be authorized by resolution of the authority, be in such denominations, bear such date or dates, and mature at such time or times as the authority determines to be appropriate, except that bonds and any renewal thereof shall mature within 25 years of the date of their original issuance. Such bonds shall be subject to such terms of redemption, bear interest at such rate or rates payable at such times, be in registered form or book-entry form through a securities depository, or both, as to principal or interest or both principal and interest, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, and be subject to such terms and conditions as such resolution of the authority may provide; provided, however, in lieu of specifying the rate or rates of interest which the bonds to be issued by an authority are to bear, the resolution of the authority may provide that the bonds when issued will bear interest at a rate not exceeding a maximum per annum rate of interest which may be fixed or may fluctuate or otherwise change from time to time as specified in the resolution or may state that, in the event the bonds are to bear different rates of interest for different maturity dates, none of such rates will exceed the maximum rate, which rate may be fixed or may fluctuate or otherwise change from time to time, as specified. Bonds may be sold at public or private sale for such price or prices as the authority shall determine.

(3) Any resolution or resolutions authorizing bonds or any issue of bonds may contain provisions which may be a part of the contract with the owners of the bonds thereby authorized as to:

(A) Pledging all or part of its revenues, together with any other moneys, securities, contracts, or property, to secure the payment of the bonds, subject to such agreements with bond owners as may then exist;

(B) Setting aside of reserves and the creation of sinking funds and the regulation and disposition thereof;

- (C) Limiting the purpose to which the proceeds from the sale of bonds may be applied;
- (D) Limiting the right of the authority to restrict and regulate the use of any project or part thereof in connection with which bonds are issued;
- (E) Limiting the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding or other bonds;
- (F) Setting the procedure, if any, by which the terms of any contract with bond owners may be amended or abrogated, including the proportion of bond owners which must consent thereto and the manner in which such consent may be given;
- (G) Creating special funds into which any revenues or other moneys may be deposited;
- (H) Setting the terms and provisions of any trust, deed, or indenture or other agreement under which the bonds may be issued;
- (I) Vesting in a trustee or trustees such properties, rights, powers, and duties in trust as the authority may determine;
- (J) Defining the acts or omissions to act which may constitute a default in the obligations and duties of the authority to the bond owners and providing for the rights and remedies of the bond owners in the event of such default, including as a matter of right the appointment of a receiver; provided, however, that such rights and remedies shall not be inconsistent with the general laws of the state and other provisions of this chapter;
- (K) Limiting the power of the authority to sell or otherwise dispose of any environmental facility or any part thereof or other property, including municipal bonds held by it;
- (L) Limiting the amount of revenues and other moneys to be expended for operating, administrative, or other expenses of the authority;
- (M) Providing for the payment of the proceeds of bonds, obligations, revenues, and other moneys to a trustee or other depository and for the method of disbursement thereof with such safeguards and restrictions as the authority may determine; and

(N) Establishing any other matters of like or different character which in any way affect the security for the bonds or the rights and remedies of bond owners.

(4) In addition to the powers conferred upon the authority to secure its bonds, the authority shall have power in connection with the issuance of bonds to enter into such agreements as the authority may deem necessary, consistent, or desirable concerning the use or disposition of its revenues or other moneys or property, including the mortgaging of any property and the entrusting, pledging, or creation of any other security interest in any such revenues, moneys, or property and the doing of any act, including refraining from doing any act, which the authority would have the right to do in the absence of such agreements. The authority shall have power to enter into amendments of any such agreements within the powers granted to the authority by this chapter and to perform such agreements. The provisions of any such agreements may be made a part of the contract with the owners of bonds of the authority.

(5) Any pledge of or other security interest in revenues, moneys, accounts, contract rights, general intangibles, or other personal property made or created by the authority shall be valid, binding, and perfected from the time when such pledge is made or other security interest attaches without any physical delivery of the collateral or further act, and the lien of any such pledge or other security interest shall be valid, binding, and perfected against all parties having claims of any kind in tort, contract, or otherwise against the authority irrespective of whether or not such parties have notice thereof. No instrument by which such a pledge or security interest is created nor any financing statement need be recorded or filed.

(6) All bonds issued by the authority shall be executed in the name of the authority by the chairperson and secretary of the authority and shall be sealed with the official seal or a facsimile thereof. The facsimile signature of the chairperson and the secretary of the authority may be imprinted in lieu of the manual signature if the authority so directs. Bonds bearing the manual or facsimile signature of a person in office at the time such signature was signed or imprinted shall be fully valid,

notwithstanding the fact that before or after delivery thereof such person ceased to hold such office.

(7) Prior to the preparation of definitive bonds, the authority may issue interim receipts, interim certificates, or temporary bonds exchangeable for definitive bonds upon the issuance of the latter; the authority may provide for the replacement of any bond which shall become mutilated or be destroyed or lost.

(8) All bonds issued by the authority under this chapter may be executed, confirmed, and validated under and in accordance with Article 3 of Chapter 82 of Title 36, except as otherwise provided in this chapter.

(9) The venue for all bond validation proceedings pursuant to this chapter shall be Fulton County, and the Superior Court of Fulton County shall have exclusive final court jurisdiction over such proceedings.

(10) Bonds issued by the authority shall have a certificate of validation bearing the facsimile signature of the clerk of the Superior Court of Fulton County and shall state the date on which said bonds were validated; and such entry shall be original evidence of the fact of judgment and shall be received as original evidence in any court of this state.

(11) The authority shall reimburse the district attorney for his or her actual costs, if any, associated with the bond validation proceedings. The fees payable to the clerk of the Superior Court of Fulton County for validation shall be as follows for each bond, regardless of the denomination of such bond:

- (A) Fifty cents each for the first 100 bonds;
- (B) Twenty-five cents each for the next 400 bonds; and
- (C) Ten cents for each such bond over 500.

(12) Whether or not the bonds of the authority are of such form and character as to be negotiable instruments, the bonds are made negotiable instruments within the meaning of and for all the purposes of Georgia law subject only to the provisions of the bonds for registration.

(13) Neither the members of the authority nor any person executing bonds shall be liable personally thereon or be subject to any personal liability or accountability solely by reason of the issuance thereof.

(14) The authority, subject to such agreements with bond owners as then may exist, shall have power out of any moneys available therefor to purchase bonds of the authority, which shall thereupon be canceled, at a price not in excess of the following:

(A) If the bonds are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment date; or

(B) If the bonds are not then redeemable, the redemption price applicable on the first date after such purchase upon which the bonds become subject to redemption, plus accrued interest to the next interest payment date.

(15) In lieu of specifying the rate or rates of interest which bonds to be issued by the authority are to bear, the notice to the district attorney or the Attorney General, the notice to the public of the time, place, and date of the validation hearing, and the petition and complaint for validation may state that the bonds when issued will bear interest at a rate not exceeding a maximum per annum rate of interest, which rate may be fixed or may fluctuate or otherwise change from time to time, specified in such notices and petition and complaint or may state that, in the event the bonds are to bear different rates of interest for different maturity dates, none of such rates will exceed the maximum rate, which rate may be fixed or may fluctuate or otherwise change from time to time, so specified; provided, however, that nothing in this Code section shall be construed as prohibiting or restricting the right of the authority to sell such bonds at a discount, even if in doing so the effective interest cost resulting therefrom would exceed the maximum per annum interest rate specified in such notices and in the petition and complaint.

50-32-32.

(a) The authority shall have the power and is authorized to issue guaranteed revenue bonds in a maximum aggregate principal amount not to exceed \$1 billion, under the



terms and conditions set forth in this chapter, pursuant to the provisions of Article 2 of Chapter 17 of this title, which bonds shall constitute guaranteed revenue debt under Article VII, Section IV, Paragraph III of the Constitution of this state. The General Assembly hereby finds and determines that such issue will be self-liquidating over the life of the issue, and declares its intent to appropriate an amount equal to the highest annual debt service requirements for such issue. The proceeds of such bonds and the investment earnings thereon shall be used to finance land public transportation facilities or systems, including any costs of such projects.

(b) The guaranteed revenue bonds and the interest payable thereon shall be exempt from all taxation within the state imposed by the state or any county, municipal corporation, or other political subdivision of the state.

50-32-33.

The bonds of the authority are made securities in which all public officials and bodies of the state and all counties and municipalities, all insurance companies and associations, and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks, and savings associations, including savings and loan associations, investment companies and other persons carrying on a banking business, and administrators, guardians, executors, trustees, and other fiduciaries and all other persons whatsoever, who are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds including capital in their control or belonging to them. The bonds are also made securities which may be deposited with and may be received by all public officers and bodies of this state and all counties and municipalities for any purposes for which the deposit of bonds or other obligations of this state are now or hereafter may be authorized.

50-32-34.

The State of Georgia does pledge to and agree with the owners of any bonds issued by the authority pursuant to this chapter that the state will not alter or limit the rights

vested in the authority to fulfill the terms of any agreement made with or for the benefit of the owners of bonds or in any way impair the rights and remedies of bond owners until the bonds, together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such owners, are fully met and discharged or funds for the payment of such are fully provided. The authority is authorized to include this pledge and agreement of the state in any agreement with bond owners.

50-32-35.

The offer, sale, or issuance of bonds, notes, or other obligations by the authority shall not be subject to regulation under Chapter 5 of Title 10, known as the 'Georgia Uniform Securities Act of 2008.' No notice, proceeding, or publication except those required in this chapter shall be necessary to the performance of any act authorized in this chapter; nor shall any such act be subject to referendum.

50-32-36.

No bonds, notes, or other obligations of and no indebtedness incurred by the authority, other than guaranteed revenue bonds, shall constitute an indebtedness or obligation or a pledge of the faith and credit of the State of Georgia or of its agencies; nor shall any act of the authority in any manner constitute or result in the creation of an indebtedness of the state or its agencies or a cause of action against the state or its agencies; provided, however, the state, to the extent permitted by its Constitution, may guarantee payment of such bonds, notes, or other obligations as guaranteed revenue debt.

50-32-37.

It is found, determined, and declared that the creation of this authority and the carrying out of its corporate purposes is in all respects for the benefit of the people of the state and that the authority is an institution of purely public charity and will be performing an essential governmental function in the exercise of the power conferred upon it by this

chapter. For such reasons the state covenants with the owners from time to time of the bonds, notes, and other obligations issued under this chapter that the authority shall not be required to pay any taxes or assessments imposed by the state or any of its counties, municipal corporations, political subdivisions, or taxing districts upon any property acquired by the authority or under its jurisdiction, control, possession, or supervision or leased by it to others, or upon its activities in the operation or maintenance of any such property or on any income derived by the authority in the form of fees, recording fees, rentals, charges, purchase price, installments, or otherwise, and that the bonds, notes, and other obligations of the authority, their transfer, and the income therefrom shall at all times be exempt from taxation within the state. The tax exemption provided in this chapter shall include an exemption from sales and use tax on property purchased by the authority or for use by the authority.

50-32-38.

The issuance of any bond, revenue bond, note, or other obligation or incurring of debt, public or otherwise, by the authority must be approved by the commission established by Article VII, Section IV, Paragraph VII of the Constitution of the State of Georgia of 1983 or its successor.

50-32-39.

No bonded indebtedness of any kind shall be incurred by the authority or on behalf of the authority by the Georgia Environmental Finance Authority at any time when the highest aggregate annual debt service requirements of the state for the then current fiscal year or any subsequent fiscal year for outstanding general obligation debt and guaranteed revenue debt, including the proposed debt and treating it as state general obligation debt or guaranteed revenue debt for purposes of calculating debt limitations under this Code section, and the highest aggregate annual payments for the then current fiscal year or any subsequent fiscal year of the state under all contracts then in force to which the provisions of the second paragraph of Article IX, Section VI, Paragraph I(a)

of the Constitution of 1976 are applicable, exceed 7.5 percent of the total revenue receipts, less refunds of the state treasury in the fiscal year immediately preceding the fiscal year in which any such debt is to be incurred.

#### ARTICLE 4

50-32-50.

(a) Any local government which is within the geographic area over which the authority has jurisdiction or which is within any county for which a special district has been otherwise activated pursuant to this chapter may provide, subject to the authorization of the authority as provided for in this chapter, within the territorial limits of the special district authorized by this chapter local government services consisting of land public transportation and air quality control, consistent with the terms of any authorizing resolution of the authority and, further, consistent with the regional plan or plans approved by the authority pursuant to its delegated powers if such plans are applicable to such local government's territory. In providing such local services in such special district pursuant to the provisions of this chapter, the local government shall utilize one or more of the funding mechanisms enumerated in Article IX, Section II, Paragraph VI of the Constitution of this state for the purpose of funding, in whole or in part, only the local government services authorized by this chapter, and such services may be provided, in whole or in part, pursuant to a contract between one or more local governments within a special district activated pursuant to this chapter.

(b) Projects and facilities for the provision of local government services through special districts authorized by this chapter shall be planned by the authority consistent with approved regional plans, where applicable, and may be designed, constructed, managed, operated, and funded by the authority in whole or in part.

50-32-51.

- (a) For the purposes of this Code section, the term 'lease agreement' shall mean and include a lease, operating lease rental agreement, usufruct, sale and lease back, or any other lease agreement having a term of not more than 50 years and concerning real, personal, or mixed property, any right, title, or interest therein by and between the state, the authority, a local government, or any combination thereof.
- (b) A local government by resolution of its governing body may enter into a lease agreement for the provision of land public transportation or air quality services utilizing facilities owned by the authority upon such terms and conditions as the authority shall determine to be reasonable including, but not limited to, the reimbursement of all costs of construction and financing and claims arising therefrom.
- (c) No lease agreement shall be deemed to be a contract subject to any law requiring that a contract shall be let only after receipt of competitive bids.
- (d) Any lease agreement may provide for the construction of such land public transportation or air quality facility by the local government as agent for the authority. In such event, all contracts for such construction shall be let by such local government in accordance with the provisions of law otherwise applicable to the letting of such contracts by such local government and with the provisions of state law pertaining to prevailing wages, labor standards, and working hours. Any such lease agreement may contain provisions by which such local government shall indemnify the authority against any and all damages resulting from acts or omissions to act on the part of such local government or its officers, agents, or employees in constructing such facility or facilities, in letting any contracts in connection therewith, or in operating and maintaining the same.
- (e) Any lease agreement executed by the authority directly with any local government may provide at the termination thereof that title to the land public transportation or air quality facility project shall vest in the local government or its successor in interest, if any, free and clear of any liens or encumbrances created in connection with any contract or bonds, revenue bonds, notes, or other obligations involving the authority.

(f) Any lease agreement directly between the state or authority and a local government may contain provisions requiring the local government to perform any or all of the following:

(1) In the case of a land public transportation facility, to establish and collect rates, fees, and charges so as to produce revenues sufficient to pay all or a specified portion of:

(A) The costs of operation, maintenance, renewal, replacement, and repairs of the land public transportation facility of such local government; and

(B) Outstanding bonds, revenue bonds, notes, or other obligations incurred for the purposes of such land public transportation facility and to provide for the payment of all amounts as they shall become due and payable under the terms of such lease agreement, including amounts for the creation and maintenance of any required reserves;

(2) In the case of an air quality facility, to establish and collect rents, rates, fees, and charges so as to produce revenues sufficient to pay all or a specified portion of:

(A) The costs of operation, maintenance, renewal, and repairs of the air quality facility of such local government; and

(B) Outstanding bonds, revenue bonds, notes, or other obligations incurred for the purposes of such air quality facility and to provide for the payment of all amounts as they shall become due and payable under the terms of such lease agreement, including amounts for the creation and maintenance of any required reserves;

(3) To create and maintain reasonable reserves or other special funds;

(4) To create and maintain a special fund or funds as additional security for the punctual payment of any rentals due under such lease agreement and for the deposit therein of such revenues as shall be sufficient to pay said lease rentals and any other amounts becoming due under such lease agreements as the same shall become due and payable; or

(5) To perform such other acts and take such other action as may be deemed necessary and desirable by the authority to secure the complete and punctual

performance by such local government of such lease agreements and to provide for the remedies of the authority in the event of a default by such local government in such payment.

50-32-52.

(a) The authority may make grants or loans to a local government to pay all or any part of the cost of a project. In the event the local government agrees to accept such grants or loans, the authority may require the local government to issue bonds or revenue bonds as evidence of such grants or loans. The authority and a local government may enter into such loan commitments and option agreements as may be determined appropriate by the authority.

(b) The authority may require as a condition of any grant or loan to a local government that such local government shall perform any or all of the following:

(1) In the case of grants or loans for a land public transportation or air quality facility, establish and collect rates, fees, and charges so as to produce revenues sufficient to pay all or a specified portion of:

(A) Costs of operation, maintenance, replacement, renewal, and repairs; and

(B) Outstanding indebtedness incurred for the purposes of such facility, including the principal of and interest on the bonds, revenue bonds, notes, or other obligations issued by the local government, as the same shall become due and payable, and to create and maintain any required reserves;

(2) In the case of loans for an air quality facility, establish and collect rents, rates, fees, and charges so as to produce revenues sufficient to pay all or a specified portion of:

(A) Costs of operation, maintenance, renewal, replacement, and repairs of the air quality facility of such local government; and

(B) Outstanding indebtedness incurred for the purposes of such air quality facility, including the principal of and interest on the bonds, revenue bonds, notes, or other

obligations issued by the local government, as the same shall become due and payable, and to create and maintain any required reserves;

(3) Create and maintain a special fund or funds, as additional security for the payment of the principal of such revenue bonds and the interest thereon and any other amounts becoming due under any agreement, entered into in connection therewith and for the deposit therein of such revenues as shall be sufficient to make such payment as the same shall become due and payable;

(4) Create and maintain such other special funds as may be required by the authority; and

(5) Perform such other acts, including the conveyance of real and personal property together with all right, title, or interest therein to the authority, or take other actions as may be deemed necessary or desirable by the authority to secure the payment of the principal of and interest on such bonds, revenue bonds, notes, or other obligations and to provide for the remedies of the authority in the event of any default by such local government in such payment.

(c) All local governments issuing and selling bonds, revenue bonds, notes, or other obligations to the authority are authorized to perform such acts, take such action, adopt such proceedings, and to make and carry out such contracts with the authority as may be contemplated by this chapter.

(d) In connection with the making of any loan authorized by this chapter, the authority may fix and collect such fees and charges including, but not limited to, reimbursement of all costs of financing by the authority, as the authority shall determine to be reasonable. Neither the Public Service Commission nor any local government or state agency shall have jurisdiction over the authority's power over the regulation of such fees or charges.

50-32-53.

(a) No local government which, upon the activation of a special district created by this chapter, fails or refuses to plan, coordinate, and implement local government services in



such special district as provided for in this chapter and authorized pursuant to a resolution of the authority shall be eligible for any state grant of any kind whatsoever except such grants as may be related directly to the physical and mental health, education, and police protection of its residents, nor shall any funds appropriated to or otherwise obtained by the Department of Transportation pursuant to Article III, Section IX, Paragraph VI(b) of the Constitution of this state and paragraphs (2) and (7) of subsection (a) of Code Section 32-2-2 be utilized for designation, improvement, funding, or construction of any land public transportation system or any part of the state highway system lying within the boundaries of such local government's jurisdiction, or for the nonsafety related maintenance of any land public transportation system, highway, road, or bridge operating or located within such local government's jurisdictional boundaries, nor shall such local government be permitted to receive federal grants or funds for any such purpose, unless such funds are within categories applicable to state-wide inspection or improvement required for compliance with federal law or regulation.

(b) By resolution, the authority may restore eligibility for funding and receipt of grants denied pursuant to the provisions of subsection (a) of this Code section where such local government demonstrates to the satisfaction of the authority that it is taking or shall take appropriate action to cooperate with the authority.

50-32-54.

(a) In the event of a failure of any local government to collect and remit in full all amounts due to the authority and all amounts due to others, which involve the credit or guarantee of the authority or of the state, on the date such amounts are due under the terms of any bond, revenue bond, note, or other obligation of the local government, it shall be the duty of the authority to notify the state treasurer who shall withhold all funds of the state and all funds administered by the state, its agencies, boards, and instrumentalities allotted to such local government, excluding funds for education purposes, until such local government has collected and remitted in full all sums due

and cured or remedied all defaults on any such bond, revenue bond, note, or other obligation.

(b) Nothing contained in this Code section shall mandate the withholding of funds allocated to a local government which would violate contracts to which the state is a party, the requirements of federal law imposed on the state, or judgments of any court binding the state.

## ARTICLE 5

50-32-60.

The prohibition of expenditures or withholding of funds for public road or other public transportation purposes by the authority pursuant to any provision of this chapter shall not alter the Department of Transportation's budgeted or programmed allocation of state or federal funds among congressional districts pursuant to Code Section 32-5-30.

## ARTICLE 6

50-32-70.

This chapter, being for the welfare of this state and its inhabitants, shall be liberally construed to effect the purposes specified in this chapter.

50-32-71.

No provision of Chapter 7 of Title 46 shall apply to any bus, other motor vehicle, or rapid rail system of the authority which provides transit services."

## SECTION 2.

(a) This section and Section 3 of this Act and subsections (a) and (b) of Code Section 50-32-4 as amended by this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

(b) All other provisions of this Act shall become effective on July 1, 2012.

### **SECTION 3.**

All laws and parts of laws in conflict with this Act are repealed.