

Senate Bill 474

By: Senators Mullis of the 53rd, Miller of the 49th, Chance of the 16th and Jackson of the 24th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,
2 so as to amend provisions relating to the Georgia Regional Transportation Authority; to
3 reconstitute the board of directors; to provide for the governance of transit; to establish a
4 Transit Governance Council and provide for membership; to provide for jurisdiction; to
5 provide for a deadline to establish goals and missions for transit operators; to establish
6 performance measurements and standards for transit operators; to provide for power of the
7 authority to establish branding and marketing policies for transit operators; to provide for
8 power of the authority to develop policies for the establishment of a unified fare system for
9 transit operators; to provide for a transit governance director; to remove transit governance
10 from duties of the executive director; to provide for required terms of any contractual
11 agreement between the authority and the Metropolitan Atlanta Rapid Transit Authority; to
12 provide for the transfer of public transit services operations through contractual agreement
13 by December 31, 2014; to provide for related matters; to provide effective dates; to repeal
14 conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 SECTION 1.

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

20 "ARTICLE 1

21 50-32-1.

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

24 50-32-2.

25 As used in this chapter, the term:

26 (1) 'Authority' means the Georgia Regional Transportation Authority.

27 (2) 'Bond' includes any revenue bond, bond, note, or other obligation.

28 (3) 'Clean Air Act' means the federal Clean Air Act, as amended in 1990 and codified
29 at 42 U.S.C.A. Sections 7401 to through 7671q.

30 (4) 'Cost of project' or 'cost of any project' means:

31 (A) All costs of acquisition, by purchase or otherwise, construction, assembly,
32 installation, modification, renovation, extension, rehabilitation, operation, or
33 maintenance incurred in connection with any project, facility, or undertaking of the
34 authority or any part thereof;

35 (B) All costs of real property or rights in property, fixtures, or personal property used
36 in or in connection with or necessary for any project, facility, or undertaking of the
37 authority or for any facilities related thereto, including but not limited to the cost of all
38 land, interests in land, estates for years, easements, rights, improvements, water rights,
39 and connections for utility services; the cost of fees, franchises, permits, approvals,
40 licenses, and certificates; the cost of securing any such franchises, permits, approvals,
41 licenses, or certificates; the cost of preparation of any application therefor; and the cost
42 of all fixtures, machinery, equipment, furniture, and other property used in or in
43 connection with or necessary for any project, facility, or undertaking of the authority;

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

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

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

57 (F) All fees of fiscal agents, paying agents, and trustees for bond owners under any
58 bond resolution, trust agreement, indenture of trust, or similar instrument or agreement;
59 all expenses incurred by any such fiscal agents, paying agents, bond registrar, and
60 trustees; and all other costs and expenses incurred relative to the issuance of any bonds,

- 61 revenue bonds, notes, or other obligations for any project, facility, or undertaking of the
 62 authority, including bond insurance or credit enhancement fee;
- 63 (G) All fees of any type charged by the authority in connection with any project,
 64 facility, or undertaking of the authority;
- 65 (H) All expenses of or incidental to determining the feasibility or practicability of any
 66 project, facility, or undertaking of the authority;
- 67 (I) All costs of plans and specifications for any project, facility, or undertaking of the
 68 authority;
- 69 (J) All costs of title insurance and examinations of title ~~with respect to~~ for any project,
 70 facility, or undertaking of the authority;
- 71 (K) Repayment of any loans for the advance payment of any part of any of the
 72 foregoing costs, including interest thereon and any other expenses of such loans;
- 73 (L) Administrative expenses of the authority and such other expenses as may be
 74 necessary or incidental to any project, facility, or undertaking of the authority or the
 75 financing thereof or the placing of any project, facility, or undertaking of the authority
 76 in operation; and
- 77 (M) The establishment of a fund or funds for the creation of a debt service reserve, a
 78 renewal and replacement reserve, or such other funds or reserves as the authority may
 79 approve ~~with respect to~~ for the financing and operation of any project, facility, or
 80 undertaking of the authority and as may be authorized by any bond resolution, trust
 81 agreement, indenture, or trust or similar instrument or agreement pursuant to the
 82 provisions of which the issuance of any revenue bonds, notes, or other obligations of
 83 the authority may be authorized.
- 84 Any cost, obligation, or expense incurred for any of the purposes specified in this
 85 paragraph shall be a part of the cost of the project, facility, or undertaking of the authority
 86 and may be paid or reimbursed as such out of the proceeds of revenue bonds, notes, or
 87 other obligations issued by the authority or as otherwise authorized by this chapter.
- 88 (5) 'County' means any county created under the Constitution or laws of this state.
- 89 (6) 'Facility' shall have the same meaning as 'project.'
- 90 (7) 'Local government' or 'local governing authority' means any municipal corporation
 91 or county or any state or local authority, board, or political subdivision created by the
 92 General Assembly or pursuant to the Constitution and laws of this state.
- 93 (8) 'May' means permission and not command.
- 94 (9) 'Metropolitan planning organization' means the forum for cooperative transportation
 95 decision making for a metropolitan planning area.

- 96 (10) 'Metropolitan transportation plan' means the official intermodal transportation plan
97 that is developed and adopted through the metropolitan transportation planning process
98 for a metropolitan planning area.
- 99 (11) 'Municipal corporation' or 'municipality' means any city or town in this state.
- 100 (12) 'Obligation' means any bond, revenue bond, note, lease, contract, evidence of
101 indebtedness, debt, or other obligation of the authority, the state, or local governments
102 which is authorized to be issued under this chapter or under the Constitution or other laws
103 of this state, including refunding bonds.
- 104 (13) 'Office of profit or trust under the state' means any office created by or under the
105 provisions of the Constitution, but does not include elected officials of county or local
106 governments.
- 107 (14) 'Project' means the acquisition, construction, installation, modification, renovation,
108 repair, extension, renewal, replacement, or rehabilitation of land, interest in land,
109 buildings, structures, facilities, or other improvements and the acquisition, installation,
110 modification, renovation, repair, extension, renewal, replacement, rehabilitation, or
111 furnishing of fixtures, machinery, equipment, furniture, or other property of any nature
112 whatsoever used on, in, or in connection with any such land, interest in land, building,
113 structure, facility, or other improvement, all for the essential public purpose of providing
114 facilities and services to meet land public transportation needs and environmental
115 standards and to aid in the accomplishment of the purposes of the authority.
- 116 (15) 'Revenue bond' includes any bond, note, or other obligation payable from revenues
117 derived from any project, facility, or undertaking of the authority.
- 118 (16) 'State implementation plan' means the portion or portions of an applicable
119 implementation plan approved or promulgated, or the most recent revision thereof, under
120 Sections 110, 301(d), and 175A of the Clean Air Act.
- 121 (17) 'State-wide transportation improvement program' means a staged, multiyear,
122 state-wide, intermodal program defined in 23 C.F.R. Section 450.104 which contains
123 transportation projects consistent with the state-wide transportation plan and planning
124 processes and metropolitan plans, transportation improvement programs, and processes.
- 125 (18) 'State-wide transportation plan' means the official state-wide, intermodal
126 transportation plan as defined in 23 C.F.R. Section 450.104 that is developed through the
127 state-wide transportation planning process.
- 128 (19) 'Transportation improvement program' means a staged, multiyear, intermodal
129 program as defined in 23 C.F.R. Section 450.104 and consisting of transportation projects
130 which is consistent with the metropolitan transportation plan.
- 131 (20) 'Undertaking' shall have the same meaning as 'project.'

132 50-32-3.

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

138 (b) The management of the business and affairs of the authority shall be vested in a board
 139 of directors, subject to the provisions of this chapter and to the provisions of bylaws
 140 adopted by the board as authorized by this chapter. The board of directors shall make
 141 bylaws governing its own operation and shall have the power to make bylaws, rules, and
 142 regulations for the government of the authority and the operation, management, and
 143 maintenance of such projects as the board may determine appropriate to undertake from
 144 time to time.

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

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

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

162 50-32-4.

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

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

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

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

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

192 ~~(d)~~(e) Members of the board of directors may be removed by executive order of the
 193 Governor for misfeasance, malfeasance, nonfeasance, failure to attend three successive
 194 meetings of the board without good and sufficient cause, abstention from voting unless
 195 authorized under subsection ~~(g)~~(h) of this Code section, or upon a finding of a violation of
 196 Code Section 45-10-3 pursuant to the procedures applicable to that Code section. A
 197 violation of Code Section 45-10-3 may also subject a member to the penalties provided in
 198 subparagraphs (a)(1)(A), (a)(1)(B), and (a)(1)(C) of Code Section 45-10-28, pursuant to
 199 subsection (b) of Code Section 45-10-28. In the event that a vacancy or vacancies on the
 200 board render the board able to obtain a quorum but unable to obtain the attendance of a
 201 number of members sufficient to constitute such supermajorities as may be required by this
 202 chapter, the board shall entertain no motion or measure requiring such a supermajority until
 203 a number of members sufficient to constitute such supermajority is present, and the
 204 Governor appointing authorities shall be immediately notified of the absence of members.

205 ~~(e)~~(f) The members of the authority shall be subject to the applicable provisions of Chapter
 206 10 of Title 45, including without limitation Code Sections 45-10-3 through 45-10-5.
 207 Members of the authority shall be public officers who are members of a state board for
 208 purposes of the financial disclosure requirements of Article 3 of Chapter 5 of Title 21. The
 209 members of the authority shall be accountable in all respects as trustees. The authority
 210 shall keep suitable books and records of all actions and transactions and shall submit such
 211 books together with a statement of the authority's financial position to the state auditor on
 212 or about the close of the state's fiscal year. The books and records shall be inspected and
 213 audited by the state auditor at least once in each year.

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

224 ~~(g)~~(h) All meetings of the board of directors shall be subject to the provisions of Chapter
 225 14 of this title. A written record of each vote taken by the board, specifying the yea or nay
 226 vote or absence of each member as to each measure, shall be transmitted promptly to the
 227 ~~Governor~~ appointing authorities upon the adjournment of each meeting. No member may
 228 abstain from a vote other than for reasons constituting disqualification to the satisfaction
 229 of a majority of a quorum of the board on a record vote.

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

232 50-32-5.

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

240 ~~(b) In order to find practical, workable solutions to these problems, there is created the~~
241 ~~Transit Governance Study Commission to be composed of: four Senators from the Atlanta~~
242 ~~Regional Commission area to be appointed by the Lieutenant Governor, four~~
243 ~~Representatives from the Atlanta Regional Commission area to be appointed by the~~
244 ~~Speaker of the House of Representatives, the chairperson of the Metropolitan Atlanta Rapid~~
245 ~~Transit Oversight Committee, the chairperson of the Atlanta Regional Commission, the~~
246 ~~chairperson of the Regional Transit Committee of the Atlanta Regional Commission, one~~
247 ~~staff member from the Atlanta Regional Commission to be selected by the chairperson of~~
248 ~~the Atlanta Regional Commission, the executive director of the Georgia Regional~~
249 ~~Transportation Authority, the general manager of the Metropolitan Atlanta Rapid Transit~~
250 ~~Authority, and the directors of any other county transit systems operating in the Atlanta~~
251 ~~Regional Commission area.~~

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

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

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

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

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

282 (a) For purposes of this Code section, the term 'jurisdiction of the authority' means the
283 aggregate geographic area of the jurisdiction of the authority under this chapter.

284 (b) A Transit Governance Council of the authority is established. The council shall
285 establish bylaws governing its operation.

286 (c) The council shall include representatives from the jurisdiction of the authority, as
287 follows:

288 (1) The chairperson of the board of commissioners of each county within the jurisdiction
289 of the authority, each of whom shall serve until the conclusion of his or her elected
290 service;

291 (2) From each county within the jurisdiction of the authority, one mayor of a
292 municipality within that county chosen by a caucus of the mayors of each municipality
293 of that county. Each person so chosen shall serve a term of five years so long as he or she
294 is serving as mayor and may be reappointed to succeed himself or herself while still in
295 office;

296 (3) The mayor of the most populous city within the jurisdiction of the authority, who
297 shall serve until the conclusion of his or her elected service;

298 (4) Three members of the board of directors of the authority appointed by the Governor,
299 one member of the board appointed by the Lieutenant Governor, and one member of the
300 board appointed by the Speaker of the House of Representatives, who shall serve a term
301 of five years so long as he or she holds a seat on the board and may be reappointed to
302 succeed himself or herself while still in office;

303 (5) Two county commissioners who are not chairpersons of a county board of
304 commissioners, to be nominated by the Governor, who shall serve upon approval of a
305 majority of the county commissioner chairpersons on the council. Such councilmembers
306 shall serve a term of five years so long as he or she is serving as county commissioner
307 and may be reappointed to succeed himself or herself while still in office; and

308 (6) One municipal elected official, to be nominated by the Governor, who shall serve
309 upon approval of a majority of the mayors on the council. Such councilmember shall
310 serve a term of five years so long as he or she is serving as a municipal elected official
311 and may be reappointed to succeed himself or herself while still in office.

312 (d) A majority of the members of the council then in office shall constitute a quorum. The
313 vote of a majority of the members of the council present at the time of the vote, if a quorum

314 is present at such time, shall be the act of the council; provided, however, that the board
315 may overturn such act at the next scheduled meeting of the board if two-thirds of the
316 members of the board vote against such decision. The council shall notify the board of all
317 council action within seven days of a vote. Upon such notice, the chairperson of the board
318 shall have 30 days to notify the council of the board's intent to meet for the purpose of
319 voting to overturn the action of the council. If no such notice from the chairperson is given
320 to the council, the action of the council shall be deemed final. If the chairperson notifies
321 the council that a vote will be conducted on the decision to overturn the action of the
322 council, such meeting and vote by the board shall be held within 45 days of such notice.
323 The council shall not conduct business in such a manner that restricts the ability of the
324 authority to exercise its responsibilities.

325 (e) The council shall have the following powers related to the oversight of public transit
326 operators eligible to receive federal funds and that operate one or more transit routes that
327 cross a county boundary with an origin or a destination in the jurisdiction of the authority
328 or other counties that choose to participate:

329 (1) To establish a vision, mission, and goals for public transit within the jurisdiction of
330 the authority and to define objectives, performance metrics, and performance targets to
331 execute such vision and mission and meet such goals. The vision, mission, and goals
332 shall be finalized and made available to the public by July 1, 2013, and objectives,
333 performance metrics, and performance targets shall be updated annually thereafter;

334 (2) To develop a long-term capital investment strategy for public transit within the
335 jurisdiction of the authority, including a prioritization of investments based on achieving
336 the goals, objectives, and performance targets as established by the council;

337 (3) To authorize, coordinate, and otherwise assist in planning for projects utilizing
338 federal or state funds within the jurisdiction of the authority between and among all
339 federal, state, and local governments and authorities charged with planning
340 responsibilities for such purposes by state or federal law, and to adopt a public transit
341 plan or plans for the area within the jurisdiction of the authority based in whole or in part
342 on such planning;

343 (4) To develop a strategic plan for all public transit that emphasizes creating efficiency
344 and coordination among public transit services that are provided within the jurisdiction
345 of the authority. The strategic plan shall be finalized and made available to the public by
346 July 1, 2013, and updated annually thereafter;

347 (5) To compile and analyze data and information reporting on performance metrics from
348 public transit operators within the jurisdiction of the authority or an intergovernmental
349 contract;

350 (6) To establish performance targets and create a performance report of public transit
 351 operators within the jurisdiction of the authority or per the terms of an intergovernmental
 352 contract against those targets. Such report shall provide analysis and recommendations
 353 regarding public transit operators' efficiency and cost effectiveness, coordination of
 354 operations, customer service, technology solutions, privatization opportunities, safety and
 355 security, and return on investment. Such report shall be submitted to the Governor, the
 356 House Committee on Transportation, the Senate Transportation Committee, the
 357 Metropolitan Atlanta Rapid Transit Overview Committee, and the board of directors no
 358 later than July 1, 2014, and annually thereafter; and

359 (7) To establish guidelines and investment policies regarding the use of federal funds by
 360 public transit operators within the jurisdiction of the authority, which shall include the
 361 consideration of public transit operators' prior performance on metrics and targets and
 362 may condition the distribution of federal funds on the basis of operators' approval and
 363 implementation of improvement plans;

364 (8) To establish a united branding and marketing strategy for public transit operators
 365 other than the Metropolitan Atlanta Rapid Transit Authority; and

366 (9) To develop a unified policy for transit fare collection by and disbursement to public
 367 transit operators other than the Metropolitan Atlanta Rapid Transit Authority.

368 50-32-6.

369 A transit governance director of the authority shall be nominated by the Governor and shall
 370 serve upon the approval of a majority of the board of directors of the authority and a
 371 majority of the Transit Governance Council. The transit governance director shall serve
 372 at the pleasure of the board of directors and the Transit Governance Council, each voting
 373 separately. The transit governance director shall be the administrative head of the Transit
 374 Governance Council and shall perform all duties as may be prescribed to effectuate the
 375 execution of the powers granted to the council in Code Section 50-32-5. The transit
 376 governance director may hire officers, agents, and employees and prescribe their duties and
 377 qualifications and fix their compensation. Such officers, agents, and employees shall serve
 378 at the pleasure of the transit governance director.

379 **ARTICLE 2**

380 50-32-10.

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

382 (2)(A) The initial jurisdiction of the authority for purposes of this chapter shall
 383 encompass the territory of every county which was designated by the United States

384 Environmental Protection Agency (USEPA) in the *Code of Federal Regulations* as of
385 December 31, 1998, as a county included in whole or in part within a nonattainment
386 area under the Clean Air Act and which the board designates, through regulation, as a
387 county having excess levels of ozone, carbon monoxide, or particulate matter.

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

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

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

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

421 regulation, as a county having excess levels of ozone, carbon monoxide, or particulate
422 matter. Upon any such county or self-contiguous group of counties coming within the
423 jurisdiction of the authority, a single member who shall reside within such additional
424 territory shall be added to the board, together with an additional member, who may reside
425 inside or outside such additional territory, for each 200,000 persons above the number of
426 200,000 persons forming the population of such additional territory according to the 1990
427 United States decennial census or any future such census.

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

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

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

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

454 50-32-11.

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

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

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

462 (3) To plan, design, acquire, construct, add to, extend, improve, equip, operate, and
463 maintain or cause to be operated and maintained land public transportation systems and
464 other land transportation projects, and all facilities and appurtenances necessary or
465 beneficial thereto, within the geographic area over which the authority has jurisdiction
466 or which are included within an approved transportation plan or transportation
467 improvement program and provide land public transportation services within the
468 geographic jurisdiction of the authority, and to contract with any state, regional, or local
469 government, authority, or department, or with any private person, firm, or corporation,
470 for those purposes, and to enter into contracts and agreements with the Georgia
471 Department of Transportation, county and local governments, and transit system
472 operators for those purposes;

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

483 (5) To make and execute all contracts, lease agreements, and all other instruments
484 necessary or convenient to exercise the powers of the authority or to further the public
485 purpose for which the authority is created, such contracts, leases, or instruments to
486 include contracts for acquisition, construction, operation, management, or maintenance
487 of projects and facilities owned by local government, the authority, or by the state or any
488 political subdivision, department, agency, or authority thereof, and to include contracts
489 relating to the execution of the powers of the authority and the disposal of the property
490 of the authority from time to time; and any and all local governments, departments,

491 institutions, authorities, or agencies of the state are authorized to enter into contracts,
492 leases, agreements, or other instruments with the authority upon such terms and to
493 transfer real and personal property to the authority for such consideration and for such
494 purposes as they deem advisable.

495 (6) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real or
496 personal property of every kind and character, or any interest therein, in furtherance of
497 the public purpose of the authority, in compliance, where required, with applicable
498 federal law including without limitation the Uniform Relocation Assistance and Real
499 Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. Section 4601, et seq.,
500 23 C.F.R. Section 1.23, and 23 C.F.R. Section 713(c);

501 (7) To appoint an executive director who shall be executive officer and administrative
502 head of the authority for all matters except the administration of the powers of the council
503 as provided for in Code Section 50-32-5, which shall be under the direction of the transit
504 governance director as provided for in Code Section 50-32-6. The executive director
505 shall be appointed and serve at the pleasure of the ~~authority~~ Governor. The executive
506 director shall hire officers, agents, and employees, prescribe their duties and
507 qualifications and fix their compensation, and perform such other duties as may be
508 prescribed by the authority. Such officers, agents, and employees shall serve at the
509 pleasure of the executive director;

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

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

523 (10) To borrow money to further or carry out its public purpose and to issue guaranteed
524 revenue bonds, revenue bonds, notes, or other obligations to evidence such loans and to
525 execute leases, trust indentures, trust agreements for the sale of its revenue bonds, notes,
526 or other obligations, loan agreements, mortgages, deeds to secure debt, trust deeds,
527 security agreements, assignments, and such other agreements or instruments as may be

528 necessary or desirable in the judgment of the authority, and to evidence and to provide
529 security for such loans;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

597 (G) State operated investment pools;

598 (14) To acquire or contract to acquire from any person, firm, corporation, local
599 government, federal or state agency, or corporation by grant, purchase, or otherwise,
600 leaseholds, real or personal property, or any interest therein; and to sell, assign, exchange,

601 transfer, convey, lease, mortgage, or otherwise dispose of or encumber the same; and any
602 local government is authorized to grant, sell, or otherwise alienate leaseholds, real and
603 personal property, or any interest therein to the authority;

604 (15) Subject to applicable covenants or agreements related to the issuance of bonds, to
605 invest any moneys held in debt service funds or sinking funds not restricted as to
606 investment by the Constitution or laws of this state or the federal government or by
607 contract not required for immediate use or disbursement in obligations of the types
608 specified in paragraph (13) of this subsection, provided that, for the purposes of this
609 paragraph, the amounts and maturities of such obligations shall be based upon and
610 correlated to the debt service, which ~~debt service~~ shall be the principal installments and
611 interest payments, schedule for which such moneys are to be applied;

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

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

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

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

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

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

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

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

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

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

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

669 (26) To cooperate and act in conjunction with industrial, commercial, medical, scientific,
 670 public interest, or educational organizations; with agencies of the federal government and
 671 this state and local government; with other states and their political subdivisions; and
 672 with joint agencies thereof, and such state agencies, local government, and joint agencies
 673 are authorized and empowered to cooperate and act in conjunction; and to enter into

674 contracts or agreements with the authority and local government to achieve or further the
 675 purposes of the authority;

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

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

685 (29) Reserved;

686 (30) To review and make recommendations to the Governor concerning all land
 687 transportation plans and transportation improvement programs prepared by the
 688 Department of Transportation involving design, construction, or operation of land
 689 transportation facilities wholly or partly within the geographic area over which the
 690 authority has jurisdiction pursuant to this chapter; ~~and;~~ to negotiate with that department
 691 concerning changes or amendments to such plans which may be recommended by the
 692 authority or the Governor consistent with applicable federal law and regulation; ~~;~~ and to
 693 adopt such plans as all or a portion of its own regional plans;

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

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

705 (33) Subject to any covenant or agreement made for the benefit of owners of bonds,
 706 notes, or other obligations issued to finance roads or toll roads, in planning for the use of
 707 any road or toll road which lies within the geographical area over which the authority has
 708 jurisdiction, ~~the authority shall have the power~~ to control or limit access thereto,
 709 including the power to close off, regulate, or create access to or from any part, excluding
 710 the interstate system, of any road on the state highway system, a county road system, or

711 a municipal street system to or from any such road or toll road or any property or project
 712 of the authority, to the extent necessary to achieve the purposes of the authority; the
 713 authority may submit an application for an interstate system right of way encroachment
 714 through the state Georgia Department of Transportation, and that department shall submit
 715 the same to the Federal Highway Administration for approval. The authority shall
 716 provide any affected local government with not less than 60 days' notice of any proposed
 717 access limitation;

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

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

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

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

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

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

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

747 (1) By resolution, to authorize the provision of land public transportation services and
 748 the institution of air quality control measures within the bounds of such special districts
 749 by local governments within such special districts utilizing the funding methods
 750 authorized by this chapter where the facilities for such purposes are located wholly within
 751 the jurisdiction of such local governments and such special districts or are the subject of
 752 contracts between or among such local governments and where such services and
 753 measures are certified by the authority to be consistent with the designated metropolitan
 754 planning organizations' regional plans, where applicable;

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

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

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

772 (c) On and after July 1, 2012, the authority may enter into a contractual agreement with
 773 the Metropolitan Atlanta Rapid Transit Authority for a period of not less than five years,
 774 which may be renewed for subsequent periods of not less than five years, that shall require
 775 such transit authority to obtain signed authorization from the transit governance director
 776 of the authority and a majority vote of the Transit Governance Council for new capital
 777 improvement projects involving federal funds. For each fiscal year such agreement is in
 778 force, the transit authority shall not be constrained by the provisions of subsection (i) of
 779 Section 25 of the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965' (Ga. L. 1965,
 780 p. 2243), as amended, in its ability to allocate sales and use tax proceeds.

781 ~~(c)~~(d) The provision of local government services and the utilization of funding
 782 mechanisms therefor consistent with the terms of this chapter shall not be subject to the
 783 provisions of Chapter 70 of Title 36; provided, however, that the authority shall, where

784 practicable, provide for coordination and consistency between the provision of such
 785 services pursuant to the terms of this chapter and the provision of such services pursuant
 786 to Chapter 70 of Title 36.

787 (e) No later than December 31, 2014, the authority shall enter into contractual agreements
 788 with local governments, state agencies, joint development authorities, or private entities
 789 which shall authorize such local governments, state agencies, joint development authorities,
 790 or private entities to operate the authority's public transit services in existence as of July
 791 1, 2012.

792 50-32-12.

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

799 50-32-13.

800 (a) The Governor may delegate to the authority, by executive order, his or her powers
 801 under applicable federal transportation planning and air quality laws and regulations,
 802 including without limitation the power to resolve revision disputes between metropolitan
 803 planning organizations and the Department of Transportation under 40 C.F.R. Section
 804 93.105, the power to approve state-wide transportation improvement programs under 23
 805 U.S.C. Section 134 and 23 C.F.R. Sections 450.312(b), 450.324(b), and 450.328(a), and
 806 the power of approval and responsibilities for public involvement under 23 C.F.R. Section
 807 450.216(a).

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

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

816 (2) The authority may request modification of such a plan or program and approve such
 817 proposal for modification of a plan or program by the affirmative vote of two-thirds of

818 ~~the~~ those authorized ~~membership~~ members of the board appointed by the Governor to a
 819 motion made for that purpose;

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

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

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

833 (c) The authority shall formulate measurable targets for air quality improvements and
 834 standards within the geographic area over which the authority has jurisdiction pursuant to
 835 this chapter, and annually shall report such targets to the Governor, together with an
 836 assessment of progress toward achieving such targets and projected measures and
 837 timetables for achieving such targets.

838 50-32-14.

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

853 50-32-15.

854 (a) In furtherance of the purposes of the authority, no project of the Georgia Rail Passenger
 855 Authority created by Article 9 of Chapter 9 of Title 46 which is located wholly or partly
 856 within the geographic area over which the authority has jurisdiction shall be commenced
 857 after May 6, 1999, unless such project is approved by the affirmative vote of two-thirds of
 858 the authorized membership of the board of directors of the authority pursuant to a motion
 859 made for that purpose; provided, however, that where such project is an approved
 860 transportation control measure pursuant to an approved state implementation plan, such
 861 project may proceed consistent with applicable federal law and regulation.

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

870 (c) The Georgia Environmental Finance Authority shall be subordinate to the authority in
 871 all respects, with respect to authority projects, within the geographic area over which the
 872 authority has jurisdiction; and, in the event of any conflict with the provisions of Chapter
 873 23 of this title, the provisions of this chapter shall prevail in all respects. It is expressly
 874 provided, however, that nothing in this Code section and nothing in this chapter shall be
 875 construed to permit in any manner the alteration, elimination, or impairment of any term,
 876 provision, covenant, or obligation imposed on any state authority, including but not limited
 877 to the Georgia Environmental Finance Authority, the State ~~Toll~~ Road and Tollway
 878 Authority, the Georgia Regional Transportation Authority, or the Georgia Rail Passenger
 879 Authority, for the benefit of any owner or holder of any bond, note, or other obligation of
 880 any such authority.

881 50-32-16.

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

889 or construction is safety related or has been conducted by or through, or approved by, the
890 authority, or such funds are within categories applicable to state-wide inspection or
891 improvement required for compliance with federal law or regulation.

892 50-32-17.

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

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

908 50-32-18.

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

911 50-32-19.

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

915 (1) The construction, ownership, maintenance, or operation of any project financed with
916 the assistance of the authority;

917 (2) The construction, ownership, maintenance, or operation of any project, facility, or
918 undertaking authorized by the authority and owned by a local government; or

919 (3) Carrying out any of the powers expressly given in this chapter.

920 50-32-20.

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

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

935 **ARTICLE 3**

936 50-32-30.

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

- 940 (1) Revenue bonds as authorized by this chapter;
- 941 (2) Guaranteed revenue bonds as authorized by this chapter;
- 942 (3) Funds obtained in a special district created and activated pursuant to this chapter, for
 943 the purposes of providing local land public transportation and air quality services within
 944 such district or, by contract with, between, and among local governments within such
 945 special districts, throughout such districts;
- 946 (4) Moneys borrowed by the authority pursuant to the provisions of this chapter;
- 947 (5) Such federal funds as may from time to time be made available to the authority or for
 948 purposes coincident with the purposes of the authority within the territory over which the
 949 authority has jurisdiction; and
- 950 (6) Such grants or contributions from persons, firms, corporations, or other entities as the
 951 authority may receive from time to time.

952 50-32-31.

953 (a)(1) The authority shall have the power and is authorized at one time or from time to
954 time to provide by one or more authorizing resolutions for the issuance of revenue bonds,
955 but the authority shall not have the power to incur indebtedness under this subsection in
956 excess of the cumulative principal sum of \$1 billion but excluding from such limit bonds
957 issued for the purpose of refunding bonds which have been previously issued. The
958 authority shall have the power to issue such revenue bonds and the proceeds thereof for
959 the purpose of paying all or part of the costs of any project or undertaking which is for
960 the purpose of exercising the powers delegated to it by this chapter, and the construction
961 and provision of such installations and facilities as the authority may from time to time
962 deem advisable to construct or contract for those purposes, as such undertakings and
963 facilities shall be designated in the resolution of the board of directors authorizing the
964 issuance of such bonds.

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

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

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

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

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

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

991 (2) Bonds issued by the authority shall be authorized by resolution of the authority, be
992 in such denominations, bear such date or dates, and mature at such time or times as the
993 authority determines to be appropriate, except that bonds and any renewal thereof shall
994 mature within 25 years of the date of their original issuance. Such bonds shall be subject
995 to such terms of redemption, bear interest at such rate or rates payable at such times, be
996 in registered form or book-entry form through a securities depository, or both, as to
997 principal or interest or both principal and interest, carry such registration privileges, be
998 executed in such manner, be payable in such medium of payment at such place or places,
999 and be subject to such terms and conditions as such resolution of the authority may
1000 provide; provided, however, in lieu of specifying the rate or rates of interest which the
1001 bonds to be issued by an authority are to bear, the resolution of the authority may provide
1002 that the bonds when issued will bear interest at a rate not exceeding a maximum per
1003 annum rate of interest which may be fixed or may fluctuate or otherwise change from
1004 time to time as specified in the resolution or may state that, in the event the bonds are to
1005 bear different rates of interest for different maturity dates, none of such rates will exceed
1006 the maximum rate, which rate may be fixed or may fluctuate or otherwise change from
1007 time to time, as specified. Bonds may be sold at public or private sale for such price or
1008 prices as the authority shall determine.

1009 (3) Any resolution or resolutions authorizing bonds or any issue of bonds may contain
1010 provisions which may be a part of the contract with the owners of the bonds thereby
1011 authorized as to:

1012 (A) Pledging all or part of its revenues, together with any other moneys, securities,
1013 contracts, or property, to secure the payment of the bonds, subject to such agreements
1014 with bond owners as may then exist;

1015 (B) Setting aside of reserves and the creation of sinking funds and the regulation and
1016 disposition thereof;

1017 (C) Limiting the purpose to which the proceeds from the sale of bonds may be applied;

1018 (D) Limiting the right of the authority to restrict and regulate the use of any project or
1019 part thereof in connection with which bonds are issued;

1020 (E) Limiting the issuance of additional bonds, the terms upon which additional bonds
1021 may be issued and secured, and the refunding of outstanding or other bonds;

1022 (F) Setting the procedure, if any, by which the terms of any contract with bond owners
1023 may be amended or abrogated, including the proportion of bond owners which must
1024 consent thereto and the manner in which such consent may be given;

1025 (G) Creating special funds into which any revenues or other moneys may be deposited;

- 1026 (H) Setting the terms and provisions of any trust, deed, or indenture or other agreement
1027 under which the bonds may be issued;
- 1028 (I) Vesting in a trustee or trustees such properties, rights, powers, and duties in trust
1029 as the authority may determine;
- 1030 (J) Defining the acts or omissions to act which may constitute a default in the
1031 obligations and duties of the authority to the bond owners and providing for the rights
1032 and remedies of the bond owners in the event of such default, including as a matter of
1033 right the appointment of a receiver; provided, however, that such rights and remedies
1034 shall not be inconsistent with the general laws of the state and other provisions of this
1035 chapter;
- 1036 (K) Limiting the power of the authority to sell or otherwise dispose of any
1037 environmental facility or any part thereof or other property, including municipal bonds
1038 held by it;
- 1039 (L) Limiting the amount of revenues and other moneys to be expended for operating,
1040 administrative, or other expenses of the authority;
- 1041 (M) Providing for the payment of the proceeds of bonds, obligations, revenues, and
1042 other moneys to a trustee or other depository and for the method of disbursement
1043 thereof with such safeguards and restrictions as the authority may determine; and
- 1044 (N) Establishing any other matters of like or different character which in any way
1045 affect the security for the bonds or the rights and remedies of bond owners.
- 1046 (4) In addition to the powers conferred upon the authority to secure its bonds, the
1047 authority shall have power in connection with the issuance of bonds to enter into such
1048 agreements as the authority may deem necessary, consistent, or desirable concerning the
1049 use or disposition of its revenues or other moneys or property, including the mortgaging
1050 of any property and the entrusting, pledging, or creation of any other security interest in
1051 any such revenues, moneys, or property and the doing of any act, including refraining
1052 from doing any act, which the authority would have the right to do in the absence of such
1053 agreements. The authority shall have power to enter into amendments of any such
1054 agreements within the powers granted to the authority by this chapter and to perform such
1055 agreements. The provisions of any such agreements may be made a part of the contract
1056 with the owners of bonds of the authority.
- 1057 (5) Any pledge of or other security interest in revenues, moneys, accounts, contract
1058 rights, general intangibles, or other personal property made or created by the authority
1059 shall be valid, binding, and perfected from the time when such pledge is made or other
1060 security interest attaches without any physical delivery of the collateral or further act, and
1061 the lien of any such pledge or other security interest shall be valid, binding, and perfected
1062 against all parties having claims of any kind in tort, contract, or otherwise against the

1063 authority irrespective of whether or not such parties have notice thereof. No instrument
1064 by which such a pledge or security interest is created nor any financing statement need
1065 be recorded or filed.

1066 (6) All bonds issued by the authority shall be executed in the name of the authority by
1067 the chairperson and secretary of the authority and shall be sealed with the official seal or
1068 a facsimile thereof. The facsimile signature of the chairperson and the secretary of the
1069 authority may be imprinted in lieu of the manual signature if the authority so directs.
1070 Bonds bearing the manual or facsimile signature of a person in office at the time such
1071 signature was signed or imprinted shall be fully valid, notwithstanding the fact that before
1072 or after delivery thereof such person ceased to hold such office.

1073 (7) Prior to the preparation of definitive bonds, the authority may issue interim receipts,
1074 interim certificates, or temporary bonds exchangeable for definitive bonds upon the
1075 issuance of the latter; the authority may provide for the replacement of any bond which
1076 shall become mutilated or be destroyed or lost.

1077 (8) All bonds issued by the authority under this chapter may be executed, confirmed, and
1078 validated under and in accordance with Article 3 of Chapter 82 of Title 36, except as
1079 otherwise provided in this chapter.

1080 (9) The venue for all bond validation proceedings pursuant to this chapter shall be Fulton
1081 County, and the Superior Court of Fulton County shall have exclusive final court
1082 jurisdiction over such proceedings.

1083 (10) Bonds issued by the authority shall have a certificate of validation bearing the
1084 facsimile signature of the clerk of the Superior Court of Fulton County and shall state the
1085 date on which said bonds were validated; and such entry shall be original evidence of the
1086 fact of judgment and shall be received as original evidence in any court of this state.

1087 (11) The authority shall reimburse the district attorney for his or her actual costs, if any,
1088 associated with the bond validation proceedings. The fees payable to the clerk of the
1089 Superior Court of Fulton County for validation shall be as follows for each bond,
1090 regardless of the denomination of such bond:

1091 (A) Fifty cents each for the first 100 bonds;

1092 (B) Twenty-five cents each for the next 400 bonds; and

1093 (C) Ten cents for each such bond over 500.

1094 (12) Whether or not the bonds of the authority are of such form and character as to be
1095 negotiable instruments, the bonds are made negotiable instruments within the meaning
1096 of and for all the purposes of Georgia law subject only to the provisions of the bonds for
1097 registration.

1098 (13) Neither the members of the authority nor any person executing bonds shall be liable
 1099 personally thereon or be subject to any personal liability or accountability solely by
 1100 reason of the issuance thereof.

1101 (14) The authority, subject to such agreements with bond owners as then may exist, shall
 1102 have power out of any moneys available therefor to purchase bonds of the authority,
 1103 which shall thereupon be canceled, at a price not in excess of the following:

1104 (A) If the bonds are then redeemable, the redemption price then applicable plus
 1105 accrued interest to the next interest payment date; or

1106 (B) If the bonds are not then redeemable, the redemption price applicable on the first
 1107 date after such purchase upon which the bonds become subject to redemption, plus
 1108 accrued interest to the next interest payment date.

1109 (15) In lieu of specifying the rate or rates of interest which bonds to be issued by the
 1110 authority are to bear, the notice to the district attorney or the Attorney General, the notice
 1111 to the public of the time, place, and date of the validation hearing, and the petition and
 1112 complaint for validation may state that the bonds when issued will bear interest at a rate
 1113 not exceeding a maximum per annum rate of interest, which rate may be fixed or may
 1114 fluctuate or otherwise change from time to time, specified in such notices and petition
 1115 and complaint or may state that, in the event the bonds are to bear different rates of
 1116 interest for different maturity dates, none of such rates will exceed the maximum rate,
 1117 which rate may be fixed or may fluctuate or otherwise change from time to time, so
 1118 specified; provided, however, that nothing in this Code section shall be construed as
 1119 prohibiting or restricting the right of the authority to sell such bonds at a discount, even
 1120 if in doing so the effective interest cost resulting therefrom would exceed the maximum
 1121 per annum interest rate specified in such notices and in the petition and complaint.

1122 50-32-32.

1123 (a) The authority shall have the power and is authorized to issue guaranteed revenue bonds
 1124 in a maximum aggregate principal amount not to exceed \$1 billion, under the terms and
 1125 conditions set forth in this chapter, pursuant to the provisions of Article 2 of Chapter 17 of
 1126 this title, which bonds shall constitute guaranteed revenue debt under Article VII, Section
 1127 IV, Paragraph III of the Constitution of this state. The General Assembly hereby finds and
 1128 determines that such issue will be self-liquidating over the life of the issue, and declares
 1129 its intent to appropriate an amount equal to the highest annual debt service requirements
 1130 for such issue. The proceeds of such bonds and the investment earnings thereon shall be
 1131 used to finance land public transportation facilities or systems, including any costs of such
 1132 projects.

1133 (b) The guaranteed revenue bonds and the interest payable thereon shall be exempt from
1134 all taxation within the state imposed by the state or any county, municipal corporation, or
1135 other political subdivision of the state.

1136 50-32-33.

1137 The bonds of the authority are made securities in which all public officials and bodies of
1138 the state and all counties and municipalities, all insurance companies and associations, and
1139 other persons carrying on an insurance business, all banks, bankers, trust companies,
1140 savings banks, and savings associations, including savings and loan associations,
1141 investment companies and other persons carrying on a banking business, and
1142 administrators, guardians, executors, trustees, and other fiduciaries and all other persons
1143 whatsoever, who are now or may hereafter be authorized to invest in bonds or other
1144 obligations of the state, may properly and legally invest funds including capital in their
1145 control or belonging to them. The bonds are also made securities which may be deposited
1146 with and may be received by all public officers and bodies of this state and all counties and
1147 municipalities for any purposes for which the deposit of bonds or other obligations of this
1148 state are now or hereafter may be authorized.

1149 50-32-34.

1150 The State of Georgia does pledge to and agree with the owners of any bonds issued by the
1151 authority pursuant to this chapter that the state will not alter or limit the rights vested in the
1152 authority to fulfill the terms of any agreement made with or for the benefit of the owners
1153 of bonds or in any way impair the rights and remedies of bond owners until the bonds,
1154 together with the interest thereon, with interest on any unpaid installments of interest, and
1155 all costs and expenses in connection with any action or proceeding by or on behalf of such
1156 owners, are fully met and discharged or funds for the payment of such are fully provided.
1157 The authority is authorized to include this pledge and agreement of the state in any
1158 agreement with bond owners.

1159 50-32-35.

1160 The offer, sale, or issuance of bonds, notes, or other obligations by the authority shall not
1161 be subject to regulation under Chapter 5 of Title 10, known as the 'Georgia Uniform
1162 Securities Act of 2008.' No notice, proceeding, or publication except those required in this
1163 chapter shall be necessary to the performance of any act authorized in this chapter; nor
1164 shall any such act be subject to referendum.

1165 50-32-36.

1166 No bonds, notes, or other obligations of and no indebtedness incurred by the authority,
1167 other than guaranteed revenue bonds, shall constitute an indebtedness or obligation or a
1168 pledge of the faith and credit of the State of Georgia or of its agencies; nor shall any act of
1169 the authority in any manner constitute or result in the creation of an indebtedness of the
1170 state or its agencies or a cause of action against the state or its agencies; provided, however,
1171 the state, to the extent permitted by its Constitution, may guarantee payment of such bonds,
1172 notes, or other obligations as guaranteed revenue debt.

1173 50-32-37.

1174 It is found, determined, and declared that the creation of this authority and the carrying out
1175 of its corporate purposes is in all respects for the benefit of the people of the state and that
1176 the authority is an institution of purely public charity and will be performing an essential
1177 governmental function in the exercise of the power conferred upon it by this chapter. For
1178 such reasons the state covenants with the owners from time to time of the bonds, notes, and
1179 other obligations issued under this chapter that the authority shall not be required to pay
1180 any taxes or assessments imposed by the state or any of its counties, municipal
1181 corporations, political subdivisions, or taxing districts upon any property acquired by the
1182 authority or under its jurisdiction, control, possession, or supervision or leased by it to
1183 others, or upon its activities in the operation or maintenance of any such property or on any
1184 income derived by the authority in the form of fees, recording fees, rentals, charges,
1185 purchase price, installments, or otherwise, and that the bonds, notes, and other obligations
1186 of the authority, their transfer, and the income therefrom shall at all times be exempt from
1187 taxation within the state. The tax exemption provided in this chapter shall include an
1188 exemption from sales and use tax on property purchased by the authority or for use by the
1189 authority.

1190 50-32-38.

1191 The issuance of any bond, revenue bond, note, or other obligation or incurring of debt,
1192 public or otherwise, by the authority must be approved by the commission established by
1193 Article VII, Section IV, Paragraph VII of the Constitution of the State of Georgia of 1983
1194 or its successor.

1195 50-32-39.

1196 No bonded indebtedness of any kind shall be incurred by the authority or on behalf of the
1197 authority by the Georgia Environmental Finance Authority at any time when the highest
1198 aggregate annual debt service requirements of the state for the then current fiscal year or

1199 any subsequent fiscal year for outstanding general obligation debt and guaranteed revenue
 1200 debt, including the proposed debt and treating it as state general obligation debt or
 1201 guaranteed revenue debt for purposes of calculating debt limitations under this Code
 1202 section, and the highest aggregate annual payments for the then current fiscal year or any
 1203 subsequent fiscal year of the state under all contracts then in force to which the provisions
 1204 of the second paragraph of Article IX, Section VI, Paragraph I(a) of the Constitution of
 1205 1976 are applicable, exceed 7.5 percent of the total revenue receipts, less refunds of the
 1206 state treasury in the fiscal year immediately preceding the fiscal year in which any such
 1207 debt is to be incurred.

1208 ARTICLE 4

1209 50-32-50.

1210 (a) Any local government which is within the geographic area over which the authority has
 1211 jurisdiction or which is within any county for which a special district has been otherwise
 1212 activated pursuant to this chapter may provide, subject to the authorization of the authority
 1213 as provided for in this chapter, within the territorial limits of the special district authorized
 1214 by this chapter local government services consisting of land public transportation and air
 1215 quality control, consistent with the terms of any authorizing resolution of the authority and,
 1216 further, consistent with the regional plan or plans approved by the authority pursuant to its
 1217 delegated powers if such plans are applicable to such local government's territory. In
 1218 providing such local services in such special district pursuant to the provisions of this
 1219 chapter, the local government shall utilize one or more of the funding mechanisms
 1220 enumerated in Article IX, Section II, Paragraph VI of the Constitution of this state for the
 1221 purpose of funding, in whole or in part, only the local government services authorized by
 1222 this chapter, and such services may be provided, in whole or in part, pursuant to a contract
 1223 between one or more local governments within a special district activated pursuant to this
 1224 chapter.

1225 (b) Projects and facilities for the provision of local government services through special
 1226 districts authorized by this chapter shall be planned by the authority consistent with
 1227 approved regional plans, where applicable, and may be designed, constructed, managed,
 1228 operated, and funded by the authority in whole or in part.

1229 50-32-51.

1230 (a) For the purposes of this Code section, the term 'lease agreement' shall mean and
 1231 include a lease, operating lease rental agreement, usufruct, sale and lease back, or any other
 1232 lease agreement having a term of not more than 50 years and concerning real, personal, or

1233 mixed property, any right, title, or interest therein by and between the state, the authority,
1234 a local government, or any combination thereof.

1235 (b) A local government by resolution of its governing body may enter into a lease
1236 agreement for the provision of land public transportation or air quality services utilizing
1237 facilities owned by the authority upon such terms and conditions as the authority shall
1238 determine to be reasonable including, but not limited to, the reimbursement of all costs of
1239 construction and financing and claims arising therefrom.

1240 (c) No lease agreement shall be deemed to be a contract subject to any law requiring that
1241 a contract shall be let only after receipt of competitive bids.

1242 (d) Any lease agreement may provide for the construction of such land public
1243 transportation or air quality facility by the local government as agent for the authority. In
1244 such event, all contracts for such construction shall be let by such local government in
1245 accordance with the provisions of law otherwise applicable to the letting of such contracts
1246 by such local government and with the provisions of state law pertaining to prevailing
1247 wages, labor standards, and working hours. Any such lease agreement may contain
1248 provisions by which such local government shall indemnify the authority against any and
1249 all damages resulting from acts or omissions to act on the part of such local government
1250 or its officers, agents, or employees in constructing such facility or facilities, in letting any
1251 contracts in connection therewith, or in operating and maintaining the same.

1252 (e) Any lease agreement executed by the authority directly with any local government may
1253 provide at the termination thereof that title to the land public transportation or air quality
1254 facility project shall vest in the local government or its successor in interest, if any, free and
1255 clear of any liens or encumbrances created in connection with any contract or bonds,
1256 revenue bonds, notes, or other obligations involving the authority.

1257 (f) Any lease agreement directly between the state or authority and a local government
1258 may contain provisions requiring the local government to perform any or all of the
1259 following:

1260 (1) In the case of a land public transportation facility, to establish and collect rates, fees,
1261 and charges so as to produce revenues sufficient to pay all or a specified portion of:

1262 (A) The costs of operation, maintenance, renewal, replacement, and repairs of the land
1263 public transportation facility of such local government; and

1264 (B) Outstanding bonds, revenue bonds, notes, or other obligations incurred for the
1265 purposes of such land public transportation facility and to provide for the payment of
1266 all amounts as they shall become due and payable under the terms of such lease
1267 agreement, including amounts for the creation and maintenance of any required
1268 reserves;

- 1269 (2) In the case of an air quality facility, to establish and collect rents, rates, fees, and
 1270 charges so as to produce revenues sufficient to pay all or a specified portion of:
- 1271 (A) The costs of operation, maintenance, renewal, and repairs of the air quality facility
 1272 of such local government; and
- 1273 (B) Outstanding bonds, revenue bonds, notes, or other obligations incurred for the
 1274 purposes of such air quality facility and to provide for the payment of all amounts as
 1275 they shall become due and payable under the terms of such lease agreement, including
 1276 amounts for the creation and maintenance of any required reserves;
- 1277 (3) To create and maintain reasonable reserves or other special funds;
- 1278 (4) To create and maintain a special fund or funds as additional security for the punctual
 1279 payment of any rentals due under such lease agreement and for the deposit therein of such
 1280 revenues as shall be sufficient to pay said lease rentals and any other amounts becoming
 1281 due under such lease agreements as the same shall become due and payable; or
- 1282 (5) To perform such other acts and take such other action as may be deemed necessary
 1283 and desirable by the authority to secure the complete and punctual performance by such
 1284 local government of such lease agreements and to provide for the remedies of the
 1285 authority in the event of a default by such local government in such payment.

1286 50-32-52.

1287 (a) The authority may make grants or loans to a local government to pay all or any part of
 1288 the cost of a project. In the event the local government agrees to accept such grants or
 1289 loans, the authority may require the local government to issue bonds or revenue bonds as
 1290 evidence of such grants or loans. The authority and a local government may enter into such
 1291 loan commitments and option agreements as may be determined appropriate by the
 1292 authority.

1293 (b) The authority may require as a condition of any grant or loan to a local government
 1294 that such local government shall perform any or all of the following:

1295 (1) In the case of grants or loans for a land public transportation or air quality facility,
 1296 establish and collect rates, fees, and charges so as to produce revenues sufficient to pay
 1297 all or a specified portion of:

1298 (A) Costs of operation, maintenance, replacement, renewal, and repairs; and

1299 (B) Outstanding indebtedness incurred for the purposes of such facility, including the
 1300 principal of and interest on the bonds, revenue bonds, notes, or other obligations issued
 1301 by the local government, as the same shall become due and payable, and to create and
 1302 maintain any required reserves;

1303 (2) In the case of loans for an air quality facility, establish and collect rents, rates, fees,
 1304 and charges so as to produce revenues sufficient to pay all or a specified portion of:

- 1305 (A) Costs of operation, maintenance, renewal, replacement, and repairs of the air
 1306 quality facility of such local government; and
- 1307 (B) Outstanding indebtedness incurred for the purposes of such air quality facility,
 1308 including the principal of and interest on the bonds, revenue bonds, notes, or other
 1309 obligations issued by the local government, as the same shall become due and payable,
 1310 and to create and maintain any required reserves;
- 1311 (3) Create and maintain a special fund or funds, as additional security for the payment
 1312 of the principal of such revenue bonds and the interest thereon and any other amounts
 1313 becoming due under any agreement, entered into in connection therewith and for the
 1314 deposit therein of such revenues as shall be sufficient to make such payment as the same
 1315 shall become due and payable;
- 1316 (4) Create and maintain such other special funds as may be required by the authority; and
- 1317 (5) Perform such other acts, including the conveyance of real and personal property
 1318 together with all right, title, or interest therein to the authority, or take other actions as
 1319 may be deemed necessary or desirable by the authority to secure the payment of the
 1320 principal of and interest on such bonds, revenue bonds, notes, or other obligations and to
 1321 provide for the remedies of the authority in the event of any default by such local
 1322 government in such payment.
- 1323 (c) All local governments issuing and selling bonds, revenue bonds, notes, or other
 1324 obligations to the authority are authorized to perform such acts, take such action, adopt
 1325 such proceedings, and to make and carry out such contracts with the authority as may be
 1326 contemplated by this chapter.
- 1327 (d) In connection with the making of any loan authorized by this chapter, the authority
 1328 may fix and collect such fees and charges including, but not limited to, reimbursement of
 1329 all costs of financing by the authority, as the authority shall determine to be reasonable.
 1330 Neither the Public Service Commission nor any local government or state agency shall
 1331 have jurisdiction over the authority's power over the regulation of such fees or charges.
- 1332 50-32-53.
- 1333 (a) No local government which, upon the activation of a special district created by this
 1334 chapter, fails or refuses to plan, coordinate, and implement local government services in
 1335 such special district as provided for in this chapter and authorized pursuant to a resolution
 1336 of the authority shall be eligible for any state grant of any kind whatsoever except such
 1337 grants as may be related directly to the physical and mental health, education, and police
 1338 protection of its residents, nor shall any funds appropriated to or otherwise obtained by the
 1339 Department of Transportation pursuant to Article III, Section IX, Paragraph VI(b) of the
 1340 Constitution of this state and paragraphs (2) and (7) of subsection (a) of Code Section

1341 32-2-2 be utilized for designation, improvement, funding, or construction of any land
 1342 public transportation system or any part of the state highway system lying within the
 1343 boundaries of such local government's jurisdiction, or for the nonsafety related
 1344 maintenance of any land public transportation system, highway, road, or bridge operating
 1345 or located within such local government's jurisdictional boundaries, nor shall such local
 1346 government be permitted to receive federal grants or funds for any such purpose, unless
 1347 such funds are within categories applicable to state-wide inspection or improvement
 1348 required for compliance with federal law or regulation.

1349 (b) By resolution, the authority may restore eligibility for funding and receipt of grants
 1350 denied pursuant to the provisions of subsection (a) of this Code section where such local
 1351 government demonstrates to the satisfaction of the authority that it is taking or shall take
 1352 appropriate action to cooperate with the authority.

1353 50-32-54.

1354 (a) In the event of a failure of any local government to collect and remit in full all amounts
 1355 due to the authority and all amounts due to others, which involve the credit or guarantee
 1356 of the authority or of the state, on the date such amounts are due under the terms of any
 1357 bond, revenue bond, note, or other obligation of the local government, it shall be the duty
 1358 of the authority to notify the state treasurer who shall withhold all funds of the state and all
 1359 funds administered by the state, its agencies, boards, and instrumentalities allotted to such
 1360 local government, excluding funds for education purposes, until such local government has
 1361 collected and remitted in full all sums due and cured or remedied all defaults on any such
 1362 bond, revenue bond, note, or other obligation.

1363 (b) Nothing contained in this Code section shall mandate the withholding of funds
 1364 allocated to a local government which would violate contracts to which the state is a party,
 1365 the requirements of federal law imposed on the state, or judgments of any court binding the
 1366 state.

1367 **ARTICLE 5**

1368 50-32-60.

1369 The prohibition of expenditures or withholding of funds for public road or other public
 1370 transportation purposes by the authority pursuant to any provision of this chapter shall not
 1371 alter the Department of Transportation's budgeted or programmed allocation of state or
 1372 federal funds among congressional districts pursuant to Code Section 32-5-30.

1373 ARTICLE 6

1374 50-32-70.

1375 This chapter, being for the welfare of this state and its inhabitants, shall be liberally
1376 construed to effect the purposes specified in this chapter.

1377 50-32-71.

1378 No provision of Chapter 7 of Title 46 shall apply to any bus, other motor vehicle, or rapid
1379 rail system of the authority which provides transit services."

1380 SECTION 2.

1381 (a) This section and Section 3 of this Act and subsections (a) and (b) of Code Section
1382 50-32-4 as amended by this Act shall become effective upon its approval by the Governor
1383 or upon its becoming law without such approval.

1384 (b) All other provisions of this Act shall become effective on July 1, 2012.

1385 SECTION 3.

1386 All laws and parts of laws in conflict with this Act are repealed.