

House Bill 1200

By: Representatives Gardner of the 57th, Ashe of the 56th, Taylor of the 55th, Mosby of the 90th, Oliver of the 83rd, and others

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 enact a new chapter relating to transit authorities; to provide for a short title; to
3 provide for the creation of metropolitan transit authorities and regional transit authorities; to
4 provide for legislative findings and declaration of policy; to provide for definitions; to
5 provide for the governance, powers, and duties of such authorities; to provide for the
6 responsibilities of such authorities with respect to certain new transportation projects; to
7 provide for transit system plans; to provide for annual budgets and capital system plans of
8 such authorities; to provide for consolidation and coordination of functions of certain transit
9 agencies; to provide for studies of transit innovation; to provide for Citizens Transit Advisory
10 Committees; to provide for the issuance of bonds and other evidences of indebtedness by
11 such authorities; to provide for related matters; to provide for severability; to provide for an
12 effective date; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**SECTION 1.**

15 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
16 by adding a new chapter to read as follows:

17 style="text-align:center">"CHAPTER 38

18 50-38-1.

19 This Act shall be known and may be cited as the 'Georgia Regional Mass Transit Act of
20 2012.'

21 50-38-2.

22 The General Assembly recognizes that providing mass transit is an essential public purpose
23 that enhances public health, safety, and welfare. Mass transit improves the mobility of the
24 public and provides access to jobs, commercial facilities, schools, medical institutions, and

25 cultural attractions, while decreasing air pollution and other environmental hazards and
 26 promoting physical well-being. Mass transit is essential to economic well-being,
 27 congestion mitigation, environmental preservation, maintenance of full employment,
 28 conservation of energy, and land use optimization. The intent of this Act is to acknowledge
 29 the significant responsibilities of the state and local governments in addressing
 30 multijurisdictional transit needs by establishing additional methods to plan, finance,
 31 construct, operate, maintain, and manage mass transit systems of regional importance and
 32 related infrastructure to include, but not be limited to, demand-response transit services,
 33 vanpool programs, rideshare programs, regional bus services, bus rapid transit services,
 34 commuter bus services, heavy rail services, light rail services, commuter rail services,
 35 park-and-ride lots, transit-oriented developments, and any additional supporting facilities,
 36 services, and developments necessary to support and sustain a coordinated and
 37 comprehensive regional mass transit system.

38 50-38-3.

39 As used in this chapter, the term:

40 (1) 'Authority' means the metropolitan transit authorities and regional transit authorities
 41 created pursuant to Code Section 50-38-4.

42 (2) 'Board' means the board of directors of an authority.

43 (3) 'Project' means the acquisition, construction, installation, modification, renovation,
 44 repair, extension, renewal, replacement, or rehabilitation of land, interest in land,
 45 buildings, structures, facilities, roads, streets, bridges, sidewalks, or other improvements
 46 and the acquisition, installation, modification, renovation, repair, extension, renewal,
 47 replacement, rehabilitation, or furnishing of fixtures, machinery, equipment, furniture,
 48 vehicles, rolling stock, or other property of any nature whatsoever used on, in, or in
 49 connection with any such land, interest in land, building, structure, facility, or other
 50 improvement, all for the essential public purpose of providing facilities and services to
 51 meet land public transportation needs and to aid in the accomplishment of the purposes
 52 of an authority, but not including roads, streets, highways or bridges, or toll highways or
 53 toll bridges for general public use.

54 (4) 'Revenue bond,' 'bonds,' or 'bond' means any bonds, notes, interim certificates,
 55 reimbursement anticipation notes, or other evidences of indebtedness of the authority,
 56 including, without limitation, obligations issued to refund any of the foregoing.

57 (5) 'Transit' means the publicly accessible land based transportation of passengers and
 58 their incidental baggage by any means other than vehicles for hire.

59 (6) 'Transit contract' means an agreement between a public corporation or authority and
 60 a local government, the primary purpose of which is a commitment to provide a mass
 61 transportation service.

62 (7) 'Transit-supporting county' means any county within the metropolitan transit
 63 authority in which federally eligible service is funded using local or sales and use tax
 64 funds.

65 (8) 'Transportation agency' means any body politic, municipal corporation, public
 66 authority, or unit of local or state government which provides public transportation in
 67 whole or in part within an authority area.

68 50-38-4.

69 (a) There are created within this state metropolitan transit authorities whose jurisdiction
 70 shall encompass and be coterminous with the geographical area on January 1, 2012, of each
 71 metropolitan area planning and development commission activated pursuant to Article 4
 72 of Chapter 8 of this title. Any county sharing a common geographical border with any
 73 county that was within the geographical area of such an authority on the date of its creation
 74 may join such authority pursuant to procedures specified by the board of such authority.

75 (b) Regional transit authorities not encompassing any part of a metropolitan transit
 76 authority may be created:

77 (1) By agreement of two or more contiguous counties; or

78 (2) In a single county, by resolution of the governing authority of such county with
 79 concurrence by resolution of the governing authorities of qualified municipalities
 80 representing more than 50 percent of the municipal population of such county according
 81 to the 2010 United States Decennial Census or any future such census. A county shall
 82 be wholly within one regional transit authority or metropolitan transit authority, and no
 83 county shall be divided among more than one authority. The boundaries of regional
 84 transit authorities shall be otherwise as determined by the constituent counties and may
 85 include, without limitation, all counties in a region created pursuant to Article 2 of
 86 Chapter 8 of this title, and the jurisdiction of such regional transit authority shall
 87 encompass and be coterminous with the geographical area of its constituent counties.

88 (c) Each authority shall be a body corporate and politic, which shall be deemed an
 89 instrumentality of the State of Georgia and a public corporation thereof, for purposes of
 90 managing or causing to be managed public transit projects and transportation agencies
 91 within certain areas of this state; and by the name, style, and title chosen by the board of
 92 directors thereof, such body may contract and be contracted with and bring and defend
 93 actions in all courts of this state. No authority shall transact any business or exercise any
 94 powers under this chapter, other than organization of the board of directors as provided for

95 by Code Section 50-38-5, until the board of directors thereof shall, by proper resolution,
96 declare that there is a need for the authority to function, thereby activating the authority.
97 (d) The management of the business and affairs of an authority shall be vested in a board
98 of directors, subject to the provisions of this chapter and to the provisions of bylaws
99 adopted by the board as authorized by this chapter. The board shall make bylaws
100 governing its own operation and shall have the power to make bylaws, rules, and
101 regulations for the government of the authority and the operation, management, and
102 maintenance of such projects as the board may determine appropriate to undertake from
103 time to time.
104 (e) Actions of the board shall require a majority vote of a quorum of the board, such
105 quorum being set by the authority's bylaws. The vote of a majority of the members of the
106 board present at the time of the vote, if a quorum is present at such time, shall be the act
107 of the board unless the vote of a greater number is required by law or by the bylaws of the
108 board.
109 (f) No vacancy on an authority shall impair the right of a quorum of the appointed
110 members to exercise all rights and perform all duties of the authority. Each authority shall
111 have perpetual existence. Any change in the name or composition of an authority shall in
112 no way affect the vested rights of any person under this chapter or impair the obligations
113 of any contracts existing under this chapter.
114 (g) Local jurisdictions shall pay dues for membership in their respective authorities. Such
115 dues may be paid by member jurisdictions, or, at the election of a transit authority, by such
116 transit authority on behalf of a member jurisdiction, in the form of financial instruments
117 or in-kind services, at the discretion of the authority created pursuant to this chapter, equal
118 to the monetary value of the assessed dues. Such dues for jurisdictions levying and
119 collecting the sales tax throughout their entire jurisdiction for a transit authority as
120 authorized by Ga. L. 1965, p. 2243, shall be paid by that transit authority in the form of
121 financial instruments or in-kind services equal to the monetary value of the assessed dues.
122 The structure for dues payment shall be set in the bylaws of the authorities. The amount
123 of dues to be paid shall be sufficient to cover the administrative costs of the authorities and
124 shall be set at the time the authorities adopt an annual budget pursuant to Code Section
125 50-38-11.
126 (h) Use and disposition of funds received by any public corporation or authority pursuant
127 to a transit contract, or from any other source, shall be first used for the purposes and in the
128 manner required by any trust indenture or other agreement for the benefit of bondholders,
129 including the payment of the principal of or premium or interest upon bonds or certificates
130 issued by such public corporation or authority or to create a reserve for that purpose, and
131 thereafter shall be governed solely by the terms of such contract.

132 (i) All transportation agencies or transportation planning agencies in the authority area
133 shall furnish to the authority such information pertaining to public transportation or
134 relevant for plans therefor as it may from time to time require. The executive director, or
135 his or her designee, shall, for the purpose of securing any such information necessary or
136 appropriate to carry out any of the powers and responsibilities of the authority under this
137 chapter, have access to, and the right to examine, all books, documents, papers, or records
138 of any transportation agency receiving funds from or through the authority, and such
139 transportation agency shall comply with any such request by the executive director, or his
140 or her designee, within 30 days or such extended time as may be provided for by the
141 executive director.

142 50-38-5.

143 (a) The board of a regional authority shall include the chief executive officer or
144 chairperson of the governing authority of each county within the jurisdiction of the
145 authority, one mayor from each county within the jurisdiction of the authority, one member
146 to be appointed from the residents within the jurisdiction of the authority by the Governor,
147 one member to be appointed from the residents within the jurisdiction of the authority by
148 the Lieutenant Governor, one member to be appointed from the residents within the
149 jurisdiction of the authority by the Speaker of the House of Representatives, and the
150 chairperson of the State Transportation Board or his or her designee, which designee, if
151 any, shall serve a term coterminous with the term of the chairperson by whom he or she is
152 designated.

153 (b) The board of a metropolitan transit authority shall include the chief executive officer
154 or chairperson of the governing authority of each transit-supporting county within the
155 jurisdiction of the authority, a mayor of a municipality located wholly or partly within each
156 transit-supporting county, other than the mayor of the most populous city within the
157 jurisdiction of the authority, selected by a caucus of all mayors representing municipalities
158 within the transit-supporting county, the mayor of the most populous municipality within
159 the jurisdiction of the authority, one member to be appointed from the residents within the
160 jurisdiction of the authority by the Governor, one member to be appointed from the
161 residents within the jurisdiction of the authority by the Lieutenant Governor, one member
162 to be appointed from the residents within the jurisdiction of the authority by the Speaker
163 of the House of Representatives, one nonvoting member to be appointed by the board of
164 directors of the largest metropolitan area planning and development commission
165 encompassing all or part of the geographical area of the authority from among the officers,
166 employees, or members of the board of directors of such commission, one nonvoting
167 member to be appointed by the board of directors of the Georgia Regional Transportation

168 Authority from among the officers, employees, or members of the board of directors
169 thereof, one nonvoting member to be appointed by the board of directors of the
170 Metropolitan Atlanta Rapid Transit Authority from among the officers, employees, or
171 members of the board of directors thereof, and one nonvoting member to be appointed by
172 the State Transportation Board from among the officers or employees of the Department
173 of Transportation or the members of the State Transportation Board. The board of a
174 metropolitan transit authority may establish through bylaws an executive committee and
175 such procedures and rules for its operation as it deems necessary and convenient. The
176 executive committee may be empowered to perform as the administrative body of the board
177 and may be empowered by the board to act in its stead. The board of a metropolitan transit
178 authority shall be required to meet at least biannually. The following acts shall require a
179 majority vote of a quorum of the board:

- 180 (1) Adoption and amendment of the bylaws;
 - 181 (2) Issuance of long-term financial instruments, including, but not limited to, notes,
182 bonds, and swaps;
 - 183 (3) Approval of contracts in excess of \$10 million;
 - 184 (4) Adoption of an annual budget;
 - 185 (5) Adoption of all multiyear financial plans;
 - 186 (6) Approval of any collective bargaining agreement;
 - 187 (7) Adoption of any long-term plan;
 - 188 (8) Approval of any multiyear contracting commitment; and
 - 189 (9) Appointment of the executive director and the terms and conditions of the executive
190 director's employment.
- 191 (c) Additional members of the board of any authority may be added under such terms and
192 conditions as provided for in the bylaws thereof, subject to the provisions of this Code
193 section.
- 194 (d) All members of the board shall serve until the qualification of a successor. No person
195 holding any other office of profit or trust under the state shall be appointed to membership
196 except as provided in this Code section. The chairperson of the board shall be selected by
197 majority vote of the members of the board.
- 198 (e) All successors shall be appointed in the same manner as original appointments.
199 Vacancies in office shall be filled within 90 days in the same manner as original
200 appointments. A person appointed to fill a vacancy shall serve for the unexpired term. No
201 vacancy on the board shall impair the right of the quorum of the remaining members then
202 in office to exercise all rights and perform all duties of the board.
- 203 (f) The members of the board shall be entitled to and shall be reimbursed for their actual
204 travel expenses necessarily incurred in the performance of their duties, and, for each day

205 actually spent in the performance of their duties, members of the board not employed by
206 the state or a local government or any subdivision, agency, authority, or instrumentality
207 thereof shall receive the same per diem as do members of the General Assembly.

208 (g) The members of an authority shall be subject to the applicable provisions of Chapter
209 10 of Title 45, including, without limitation, Code Sections 45-10-3 through 45-10-5.

210 Members of an authority shall be public officers who are members of a state board for
211 purposes of the financial disclosure requirements of Article 3 of Chapter 5 of Title 21. The
212 members of an authority shall be accountable in all respects as trustees. Each authority
213 shall keep suitable books and records of all actions and transactions and shall submit such
214 books together with a statement of the authority's financial position to the state auditor on
215 or about the close of the state's fiscal year. The books and records shall be inspected and
216 audited at least once in each year.

217 (h) Meetings of a board, regular or special, shall be held at the time and place fixed by or
218 under the bylaws, with no less than five days' public notice for regular meetings as
219 prescribed in the bylaws, and such notice as the bylaws may prescribe for special meetings.
220 Each member shall be given written notice of all meetings as prescribed in the bylaws.
221 Meetings of a board may be called by the chairperson or by such other person or persons
222 as the bylaws may authorize. All meetings of a board shall be subject to the provisions of
223 Chapter 14 of this title.

224 (i) Each authority is assigned to the Department of Community Affairs for administrative
225 purposes only.

226 50-38-6.

227 (a) Until such time as the board of directors of a metropolitan transit authority meets for
228 the first time, the chairperson of the county commission of the most populous county
229 within the jurisdiction of the authority shall act as the interim chairperson of the authority's
230 board. At the first meeting of the board, a chairperson shall be elected by simple majority
231 vote of those board members present.

232 (b) Within 30 days of the effective date of this Act, the interim board chairperson shall
233 issue notification to all county commission chairpersons and mayors within the jurisdiction
234 of the authority as well as the Governor, Lieutenant Governor, and the Speaker of the
235 House of Representatives of the date of the first meeting of the authority. This first
236 meeting of the authority shall occur within 90 days of the effective date of this Act. Should
237 the interim chairperson fail to meet this requirement, two or more members of the board
238 may call the first meeting of the authority.

239 (c) The board of a metropolitan transit authority shall, within 90 days of the first meeting
240 of the authority, establish a set of bylaws that govern the operation of the authority. The

241 bylaws shall at a minimum establish board voting protocols that rely on existing regional
242 policy and use population and local financial contributions to the regional transit system
243 as factors. The adoption of the initial set of bylaws shall require a two-thirds vote of the
244 board members present.

245 50-38-7.

246 (a) Each authority shall have the following general powers:

247 (1) To sue and be sued in all courts of this state, the original jurisdiction and venue of
248 any such action being the superior court of any county wherein a substantial part of the
249 business was transacted, the tortious act, omission, or injury occurred, or the real property
250 is located;

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

252 (3) To plan, design, acquire, construct, add to, extend, improve, equip, operate, and
253 maintain, or cause to be operated and maintained, projects and all facilities and
254 appurtenances necessary or beneficial thereto, within or servicing the geographic area
255 over which the authority has jurisdiction, and to enter into contracts and agreements with
256 any federal, state, regional, or local government agency, department, or instrumentality,
257 or with any private person, firm, or corporation, for those purposes;

258 (4) To make and execute contracts, lease agreements, and all other instruments necessary
259 or convenient to exercise the powers of the authority or to further the public purpose for
260 which the authority is created, such contracts, leases, or instruments to include contracts
261 for acquisition, construction, operation, management, or maintenance of projects and
262 facilities owned by local government, the authority, a transportation agency, or by the
263 state or any political subdivision, department, agency, or authority thereof, and to include
264 contracts relating to the execution of the powers of the authority and the disposal of the
265 property of the authority from time to time; and any and all transportation agencies, local
266 governments, departments, institutions, authorities, or agencies of the state are authorized
267 to enter into contracts, leases, agreements, or other instruments with the authority upon
268 such terms and to transfer real and personal property to the authority for such
269 consideration and for such purposes as they deem advisable;

270 (5) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real or
271 personal property of every kind and character, or any interest therein, in furtherance of
272 the public purpose of the authority, in compliance, where required, with applicable
273 federal law, including, without limitation, the Uniform Relocation Assistance and Real
274 Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. Section 4601, et seq.,
275 23 C.F.R. Section 1.23, and 23 C.F.R. Section 713(c);

276 (6) To appoint an executive director who shall be executive officer and administrative
277 head of the authority. The executive director shall be appointed and serve at the pleasure
278 of the authority. The executive director shall hire officers, agents, and employees,
279 prescribe their duties and qualifications and fix their compensation, and perform such
280 other duties as may be prescribed by the authority. Such officers, agents, and employees
281 shall serve at the pleasure of the executive director;

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

289 (8) To provide advisory, technical, consultative, training, educational, and project
290 assistance services to the state, local governments, and transportation agencies and to
291 enter into contracts with such entities to provide such services, which are authorized to
292 enter into contracts with the authority for such services and to pay for such services as
293 may be provided them;

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

299 (10) To lease to local governments and transportation agencies any authority owned
300 facilities or property or any state owned facilities or property which the authority is
301 managing under contract with the state;

302 (11) To contract with state agencies or any local government or transportation agency
303 for the use by the authority of any property or facilities or services of the state or any such
304 state agency or local government or for the use by any state agency, local government,
305 or transportation agency of any facilities or services of the authority, and such entities are
306 authorized to enter into such contracts;

307 (12) To cooperate and act in conjunction with industrial, commercial, medical, scientific,
308 public interest, or educational organizations; with agencies of the federal government and
309 this state and local government; with other states and their political subdivisions; and
310 with joint agencies thereof, and such state agencies, local government, and joint agencies
311 are authorized and empowered to cooperate and act in conjunction, and to enter into

312 contracts or agreements, with the authority and local government to achieve or further the
313 purposes of the authority;

314 (13) To coordinate and assist in planning for projects within the geographic area over
315 which the authority has jurisdiction pursuant to this chapter, between and among all
316 federal, state, regional, and local authorities and transportation agencies charged with
317 planning responsibilities for such purposes by state or federal law, and to adopt a regional
318 transit plan or plans based in whole or in part on such planning;

319 (14) To the extent permissible under federal law, to operate as a receiver of federal and
320 state grants, loans, and other moneys intended to be used for projects within the
321 geographic area over which the authority has jurisdiction;

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

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

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

329 (18) To accept and use federal funds; to enter into any contracts or agreements with the
330 United States or its agencies or subdivisions relating to the planning, financing,
331 construction, improvement, operation, and maintenance of any project; and to do all
332 things necessary, proper, or expedient to achieve compliance with the provisions and
333 requirements of all applicable federal-aid acts and programs. Nothing in this chapter is
334 intended to conflict with any federal law; and, in case of such conflict, such portion as
335 may be in conflict with such federal law is declared of no effect to the extent of the
336 conflict;

337 (19) To fund, in whole or in part, with state or federal-aid funds only those projects
338 included in approved transportation improvement programs adopted and approved by
339 designated metropolitan planning organizations and the Governor and in the land
340 transportation plan adopted and approved by the designated metropolitan planning
341 organization, if such project lies within the jurisdiction of a metropolitan planning
342 organization and is in compliance with the requirements of relevant portions of the
343 regulations implementing the Clean Air Act, including, without limitation, 40 C.F.R.
344 Section 93.105(c)(1)(ii) and 40 C.F.R. Section 93.122(a)(1), where such inclusion,
345 approval, designation, or compliance is required by applicable federal law or regulation;

346 (20) To appoint and select officers, agents, and employees, including engineering,
347 architectural, and construction experts and attorneys, and to fix their compensation;

348 (21) To contract with any public authority, including, without limitation, any authority
 349 created pursuant to the provisions of this chapter, created for the acquisition,
 350 establishment, operation, and administration of a system for public transportation of
 351 passengers for hire on behalf of any county, municipality, or any combination thereof to
 352 provide public transportation services and facilities by contract for, to, or within any
 353 county, municipality, or combination thereof pursuant to the provisions of Article IX,
 354 Section II, Paragraph III(a)(9) of the Constitution, subject to the provisions of
 355 subparagraph (b) of said Paragraph; and all such counties, municipalities, and
 356 combinations thereof are authorized to contract with any transit authority for such
 357 facilities and public transportation services; and

358 (22) In its discretion to contract for or to provide and maintain, with respect to the
 359 facilities and property owned, leased, operated, or under its control, a security force to
 360 protect persons and property, dispense unlawful or dangerous assemblages and
 361 assemblages which obstruct full and free passage, control pedestrian and vehicular traffic,
 362 and otherwise preserve and protect the public peace, health, and safety. Any transit
 363 authority that currently has a security force is authorized to contract with an authority to
 364 provide a security force for the entire authority jurisdiction. For these purposes, a
 365 member of such force shall be a peace officer and, as such, shall have authority and
 366 immunities equivalent to those of a peace officer of the municipality or county in which
 367 that person is discharging the duties of a member of such force. The authority and, if
 368 such security force is provided contractually, the transit authority providing the security
 369 force shall enjoy governmental immunity for all actions resulting from the lawful exercise
 370 of such police power. The chief of police or chief executive officer of such force shall
 371 be authorized to administer an oath of office to any individual employed by the authority
 372 as a member of such force who has met the requirements for certification as a peace
 373 officer under the laws of this state.

374 50-38-8.

375 (a) In order to accomplish the purposes of this chapter, the responsibility for planning,
 376 operating, and funding new public transit projects in an authority area shall be allocated as
 377 described in this Code section.

378 (b) The authority shall not have the power to direct or manage the operations of a
 379 transportation agency, or to acquire assets of a transportation agency, except with the
 380 consent of such agency. However, the authority shall be the primary public entity which
 381 participates in the continuing, cooperative, and comprehensive transportation planning
 382 process in accordance with 23 U.S.C. Sections 134 and 135 and 49 U.S.C. Sections 5303
 383 and 5304. The authority, to the extent that all federal law requirements for the receipt of

384 federal transportation funds are met, shall, at the discretion of the authority, be the recipient
385 of such funds. For new projects, each transportation agency participating in such project
386 shall participate as an agent of the authority for all purposes involving funding provided
387 by or through the authority. Ownership of a share of any such project proportional to such
388 funding shall be retained by the authority unless transferred by agreement with one or more
389 such transportation agencies, but such project shall be operated by the authority through
390 the agency of such transportation agency or agencies, which shall have the power to direct
391 or manage such project.

392 (c) All funds appropriated or otherwise provided for purposes of financing in whole or in
393 part any new project by the state, any of its agencies or instrumentalities, or pursuant to
394 provisions of general law, including funds provided to or accessible to any metropolitan
395 planning organization for such purposes and any multijurisdictional revenues provided
396 through special districts or otherwise, shall be provided through an authority, where such
397 an authority exists, to the transportation agencies designated as the recipients of such funds
398 as agents of the authority and in such manner and for such purposes as deemed appropriate
399 by the authority in its sole discretion, notwithstanding any other provision of law.

400 50-38-9.

401 (a) Each authority shall adopt a public transit system plan designed to implement the
402 public policy of the state to provide adequate, efficient, and coordinated public
403 transportation throughout its authority area. Such plan shall identify goals and objectives
404 with respect to:

405 (1) Increasing ridership and passenger miles on public transportation funded by the
406 authority;

407 (2) Coordination of public transportation services and the investment in public
408 transportation facilities to enhance the integration of public transportation throughout the
409 authority area;

410 (3) Coordination of fare and transfer policies to promote transfers by riders among
411 transportation agencies and public transportation modes, which may include goals and
412 objectives for development of a universal fare instrument that riders may use
413 interchangeably on all projects funded by or through the authority, and methods to be
414 used to allocate revenues from transfers;

415 (4) Improvements in public transportation facilities to bring those facilities into a state
416 of good repair, including proposing enhancements to attract ridership and improve
417 customer service, and expansions needed to serve areas with sufficient demand for public
418 transportation;

419 (5) Access for transit-dependent populations, including access by low-income
 420 communities to places of employment, and giving consideration to the location of
 421 employment centers in each county and the availability of public transportation at
 422 off-peak hours and on weekends;

423 (6) The financial viability of the public transportation system in the authority area,
 424 including both operating and capital programs;

425 (7) Enhancing transit options to improve mobility; and

426 (8) Such other goals and objectives that advance the policy of the state to provide
 427 adequate, efficient, and coordinated public transportation in the authority area. The
 428 authority shall take action to ensure the citizens in the region are adequately informed
 429 about and are able to provide comments on the proposed plan. The executive director of
 430 the authority shall review the plan on an ongoing basis and make recommendations to the
 431 board with respect to any update or amendment of the plan. The plan shall describe the
 432 specific actions to be taken by the authority and the transportation agencies to provide
 433 adequate, efficient, and coordinated public transportation.

434 (b) The public transit system plan shall establish the process and criteria by which
 435 proposals for projects by transportation agencies will be evaluated by the authority for
 436 inclusion in the five-year capital program, which may include criteria for:

437 (1) Allocating funds among maintenance, enhancement, and expansion improvements;

438 (2) Projects intended to improve or enhance ridership or customer service;

439 (3) Design and location of station or transit improvements intended to promote transfers
 440 and increase ridership;

441 (4) Assessing the impact of projects on the ability to operate and maintain the existing
 442 transit system; and

443 (5) Other criteria that advance the goals and objectives of the strategic plan.

444 (c) The public transit system plan shall establish performance standards and measurements
 445 regarding the adequacy, efficiency, and coordination of public transportation services in
 446 the region and the implementation of the goals and objectives in the plan. At a minimum,
 447 such standards and measures shall include customer related performance data measured by
 448 line, route, or subregion, as determined solely by the authority, on the following:

449 (1) Travel times and on-time performance;

450 (2) Ridership data;

451 (3) Equipment failure rates;

452 (4) Employee and customer safety; and

453 (5) Customer satisfaction.

454 Transportation agencies that receive funding from or through an authority shall prepare,
 455 publish, and submit to the authority such reports with regard to these standards and

456 measurements in the frequency and form required by the authority; however, the frequency
 457 of such reporting shall be no less than annual. The authority shall compile and publish
 458 such reports in a publicly accessible manner.

459 (d) The public transit system plan shall identify innovations to improve the delivery of
 460 public transportation and the construction of public transportation facilities.

461 (e) The public transit system plan shall describe the expected financial condition of public
 462 transportation in the authority area prospectively over three successive ten-year periods.

463 (f) In developing the public transit system plan, an authority shall rely on such
 464 demographic and other data, forecasts, and assumptions developed by the metropolitan
 465 planning organization or regional commission for its authority area with respect to the
 466 patterns of population density and growth, projected commercial and residential
 467 development, and environmental factors within its authority area and in areas outside its
 468 authority area that may impact public transportation utilization in its authority area.

469 (g) An authority may adopt subregional or corridor plans for specific geographic areas of
 470 the authority area in order to improve the adequacy, efficiency, and coordination of
 471 existing, or the delivery of new, public transportation. Such plans may also address areas
 472 outside the authority area that may impact public transportation utilization in the authority
 473 area. In preparing a subregional or corridor plan, an authority may identify changes in
 474 operating practices or capital investment in the subregion or corridor that could increase
 475 ridership, reduce costs, or improve coordination.

476 (h) If an authority determines, with respect to any proposed new public transit service or
 477 facility, that:

478 (1) Multiple transportation agencies are potential service providers; or

479 (2) The public transit facilities to be constructed or purchased constitute, in the judgment
 480 of the authority as provided for by rules or regulations promulgated thereby, a significant
 481 regional transit investment,

482 the authority shall have sole responsibility for conducting any alternatives analysis and
 483 preliminary environmental assessment required by federal or state law.

484 50-38-10.

485 Each authority, after consultation with any metropolitan planning and development
 486 organization representing any part of its jurisdiction, the Georgia Department of
 487 Transportation, the transportation agencies within its jurisdiction, and the applicable
 488 regional commission shall annually adopt, after public notice and hearing, a five-year
 489 capital program that shall include each capital improvement proposed to be undertaken by
 490 or on behalf of a transportation agency within its jurisdiction. In reviewing proposals for
 491 improvements to be included in a five-year capital program, the authority may give priority

492 to improvements that are intended to bring public transportation facilities into a state of
 493 good repair. No transportation agency shall undertake any significant regional
 494 transportation investment funded in whole or in part by or through the authority that is not
 495 identified in such five-year capital program.

496 50-38-11.

497 Each authority shall adopt an annual budget and five-year financial plan for the authority,
 498 containing a statement of the funds estimated to be on hand for the authority at the
 499 beginning of each fiscal year, the funds estimated to be received from all sources for such
 500 year, the estimated expenses and obligations of the authority, and the funds estimated to
 501 be on hand at the end of such year. The authority shall submit a copy of its annual budget
 502 and five-year financial plan to the General Assembly and the Governor after its adoption.
 503 Before the proposed annual budget and five-year financial plan is adopted, the authority
 504 shall hold at least one public hearing thereon in its jurisdiction and shall meet with the
 505 county commission or its designee of each of the several counties in its jurisdiction.

506 50-38-12.

507 An authority, at the request of two or more transportation agencies, may designate itself or
 508 a transportation agency to:

- 509 (1) Serve as a centralized purchasing agent for the transportation agencies;
 510 (2) Perform other centralized services, including, without limitation, maintenance, repair,
 511 and fare collection;
 512 (3) Construct or acquire any public transportation facility or service for use by a
 513 transportation agency and may acquire any such facilities or services from any
 514 transportation agency;
 515 (4) Develop locally or regionally coordinated and consolidated sales, marketing,
 516 advertising, and public information programs that promote the use and coordination of,
 517 and transfers among, public transportation services in the authority area; and
 518 (5) Perform any other regionalized service necessary and proper to the good functioning
 519 of a regional transit system.

520 50-38-13.

521 Each authority shall study public transportation problems and developments; encourage
 522 experimentation in developing new public transportation technology, financing methods,
 523 and management procedures; conduct, in cooperation with other public and private
 524 agencies, studies and demonstration and development projects to test and develop methods
 525 for improving public transit, for reducing its costs to users, or for increasing public use;

526 encourage and facilitate innovative public-private partnerships and opportunities for
 527 cost-effective and efficient private sector participation in delivering transit service to the
 528 authority's service area; and conduct, sponsor, and participate in other studies and
 529 experiments, which may include fare demonstration programs, useful to achieving the
 530 purposes of this chapter.

531 50-38-14.

532 There is established for each authority a Citizens Transit Advisory Committee, to be
 533 composed of riders of the metropolitan or regional transit system and appointed by the
 534 board in consultation with the executive director. The committee shall meet at least
 535 quarterly and shall advise the board of the impact of its policies and programs on the
 536 communities within the authority area. Members shall serve without compensation, except
 537 that members of the committee shall be entitled to reimbursement of reasonable
 538 transportation expenses necessarily incurred in the performance of their duties, to be paid
 539 from funds available to the authority.

540 50-38-15.

541 (a) Each authority shall have the power to apply for, receive, and expend grants, loans, or
 542 other funds from the state or any department, agency, or instrumentality thereof, from any
 543 unit of local government, and from the federal government or any department or agency
 544 thereof for use in connection with any of the powers or purposes of the authority. Each
 545 authority shall have the power to make such studies as may be necessary and to enter into
 546 contracts or agreements with the state or any department, agency, or instrumentality
 547 thereof, with any unit of local government, or with the federal government or any
 548 department or agency thereof concerning such grants, loans, or other funds, or any
 549 conditions relating thereto, including obligations to repay such funds, not inconsistent with
 550 the provisions of this chapter. An authority may make such covenants concerning such
 551 grants, loans, and funds, not inconsistent with the provisions of this chapter, as it deems
 552 proper and necessary in carrying out its responsibilities, purposes, and powers as provided
 553 in this chapter.

554 (b) Each authority shall be the primary public body within its jurisdiction with authority
 555 to apply for and receive any grants, loans, or other funds relating to projects from the state
 556 or any department, agency, or instrumentality thereof or from the federal government or
 557 any department or agency thereof. Any unit of local government or transportation agency
 558 may apply for and receive any such federal or state capital grants, loans, or other funds;
 559 provided, however, that the terms and conditions governing such grants, loans, or other
 560 funds, and the projects provided for thereby, shall be included in or, in the judgment of the

561 authority for its authority area, consistent with the strategic plan and five-year capital
562 program of the authority. Any unit of local government or transportation agency shall
563 notify the authority for its authority area prior to making any such application and shall file
564 a copy thereof with the authority. Nothing in this Code section shall be construed to
565 impose any limitation on the ability of the state or any department, agency, or
566 instrumentality thereof, any unit of local government, or transportation agency to make any
567 grants or to enter into any agreement or contract with the National Rail Passenger
568 Corporation with regard to intercity rail transportation.

569 (c) The authority shall have the power and is authorized, at one time or from time to time,
570 to provide by resolution for the issuance of negotiable revenue bonds of the authority for
571 the purpose of paying all or any part of the cost of a project of any one or a combination
572 of projects. The principal and interest of such revenue bonds shall be payable from and
573 may be secured by a pledge of revenues of all or any part of the project financed in whole
574 or in part with the proceeds of such issue or with the proceeds of bonds refunded or to be
575 refunded by such issue or by a pledge of any other revenues of the authority that are legally
576 available for such purpose. The bonds of each issue shall be dated, shall bear interest as
577 provided for in subsection (e) of this Code section, shall mature not later than 40 years
578 from the date of issue, shall be payable in such media of payments as to both principal and
579 interest as may be determined by the authority, and may be made redeemable before
580 maturity, at the option of the authority, at such price or prices and under such terms and
581 conditions as may be fixed by the authority in the resolution providing for the issuance of
582 the bonds.

583 (d) The authority may authorize by resolution the following: the obtaining of loans; the
584 issuance and sale of notes; and the issuance and sale of bonds. The foregoing obligations
585 may be offered at public or private sale in such manner and for such interest rate and at
586 such price as the authority may determine to be in the best interests of the authority and the
587 state, provided that any offering is subject to the review and approval of the Georgia State
588 Financing and Investment Commission pursuant to the provisions of Article 2 of Chapter
589 17 of this title.

590 (e) Bonds issued by the authority shall be authorized by resolution of the authority, be in
591 such denominations, bear such date or dates, and mature at such time or times within 40
592 years from the issuance thereof as the authority determines to be appropriate. Such bonds
593 shall be subject to such terms of redemption, bear interest at such rate or rates payable at
594 such times, be in registered form or book-entry form through a securities depository, or
595 both, as to principal or interest or both principal and interest, carry such registration
596 privileges, be executed in such manner, be payable in such medium of payment at such
597 place or places, and be subject to such terms and conditions as such resolution of the

598 authority may provide; provided, however, that in lieu of specifying the rate or rates of
599 interest which the bonds to be issued by an authority are to bear, the resolution of the
600 authority may provide that the bonds when issued will bear interest at a rate not exceeding
601 a maximum per annum rate of interest which may be fixed or may fluctuate or otherwise
602 change from time to time as specified in the resolution or may state that, in the event the
603 bonds are to bear different rates of interest for different maturity dates, none of such rates
604 will exceed the maximum rate, which rate may be fixed or may fluctuate or otherwise
605 change from time to time, as specified. Bonds may be sold at public or private sale for
606 such price or prices as the authority shall determine.

607 (f) All bonds issued by the authority shall be executed in the name of the authority by the
608 chairperson of the authority and shall be sealed with the official seal of the authority or a
609 facsimile thereof. The facsimile signatures of the chairperson of the authority may be
610 imprinted thereon in lieu of the manual signatures if the authority so directs in the
611 resolution authorizing such bonds or otherwise. In case any officer whose manual or
612 facsimile signature appears on any bonds ceases to be such officer before the delivery of
613 such bonds, such signature shall nevertheless be valid and sufficient for all purposes the
614 same as if he or she had remained in office until such delivery.

615 (g) All revenue bonds issued under this Code section shall have and are declared to have
616 all the qualities and incidents of negotiable instruments under the negotiable instruments
617 law of this state. Such bonds, their transfer, and the income therefrom shall be exempt
618 from all taxation in this state.

619 (h) The proceeds of the bonds shall be used solely under such restrictions, if any, as the
620 resolution authorizing the issuance of the bonds or the trust indenture may provide. If the
621 proceeds of such bonds, by error of calculation or otherwise, shall be less than the cost of
622 the project or combined projects, unless otherwise provided in the resolution authorizing
623 the issuance of the bonds or in the trust indenture, additional bonds may in like manner be
624 issued to provide the amount of such deficit, which bonds, unless otherwise provided in the
625 resolution authorizing the issuance of the bonds or in the trust indenture, shall be deemed
626 to be of the same issue and shall be entitled to payment from the same fund without
627 preference or priority of the bonds first issued for the same purpose. If the proceeds of the
628 bonds of any issue shall exceed the amount required for the purpose for which such bonds
629 are issued, all surplus shall be paid into the sinking fund provided for the payment of
630 principal and interest of such bonds.

631 (i) Prior to the preparation of definitive bonds, the authority may, under like restrictions,
632 issue interim receipts, interim certificates, or temporary bonds, with or without coupons
633 exchangeable for definitive bonds upon the issuance of the latter.

634 (j) The authority may also provide for the replacement of any bond which becomes
635 mutilated or which is destroyed or lost.

636 (k) Resolutions for the issuance of revenue bonds may be adopted without any other
637 proceedings or the happening of any other conditions or things than those proceedings,
638 conditions, and things which are specified or required by this Code section. In the
639 discretion of the authority, revenue bonds of a single issue may be issued for the purpose
640 of paying the cost of any one or more, including a combination of, projects at any one
641 location or any number of locations. Any resolution providing for the issuance of revenue
642 bonds under this Code section shall become effective immediately upon its passage and
643 need not be published or posted; and any such resolution may be passed at any regular or
644 special or adjourned meeting of the authority by a majority of its members.

645 (l) Revenue bonds issued under this Code section shall not be deemed to constitute a debt
646 of the State of Georgia or a pledge of the faith and credit of the state, but such bonds shall
647 be payable from the revenues and funds of the authority as provided for in the resolutions
648 or trust indentures authorizing or securing such bond issues; and the issuance of such
649 revenue bonds shall not directly, indirectly, or contingently obligate the state to levy or to
650 pledge any form of taxation whatsoever therefor or to make any appropriation for the
651 payment thereof; and all such bonds shall contain recitals on their face covering
652 substantially the foregoing provisions of this Code section.

653 (m)(1) In the discretion of the authority, any issue of such revenue bonds may be secured
654 by a trust indenture by and between the authority and a corporate trustee, which may be
655 any trust company or bank having the powers of a trust company, inside or outside of this
656 state. Such trust indenture may pledge or assign any revenues and earnings to be received
657 by the authority.

658 (2) Either the resolution providing for the issuance of revenue bonds or such trust
659 indenture may contain provisions for protecting and enforcing the rights and remedies of
660 the bondholder, including the right of the appointment of a receiver upon default in the
661 payment of any principal or interest obligation and the right of any receiver or indenture
662 trustee to enforce collection of revenues or other charges for the use of the project or
663 projects, necessary to pay all costs of operation, all reserves provided for, the principal
664 and interest on all bonds in the given issue, all cost of collection, and all other costs
665 reasonably necessary to accomplish the collection of such sums, in the event of any
666 default by the authority.

667 (3) Such resolution or trust indenture may include covenants setting forth the duties of
668 the authority in relation to the acquisition of property; the construction of the project; the
669 custody, safeguarding, and application of all moneys; and the operation and maintenance
670 of the project or projects; and may also provide that any project shall be constructed and

671 paid for under the supervision of engineers or others satisfactory to the original
672 purchasers of the bonds issued for such project or projects. Such resolution or trust
673 indenture may also require that the security given by contractors and by any depository
674 of the proceeds of the bonds or revenues or other moneys be satisfactory to such
675 purchasers and may also contain provisions concerning the conditions, if any, upon which
676 additional revenue bonds may be issued.

677 (4) It shall be lawful for any bank or trust company incorporated under the laws of this
678 state to act as such depository and to furnish such indemnifying bonds or pledge such
679 securities as may be required by the authority. Such indenture may set forth the rights
680 and remedies of the bondholders and of the trustee and may restrict the individual right
681 of action of bondholders as is customary in trust indentures securing bonds and
682 debentures of corporations.

683 (5) In addition to the foregoing, such trust indenture may contain such other provisions
684 as the authority may deem reasonable and proper for the security of the bondholders. All
685 expenses incurred in carrying out such trust indenture may be treated as a part of the cost
686 of maintenance, operation, and repair of the project affected by such indenture.

687 (n) The authority shall, in the resolution providing for issuance of revenue bonds or in the
688 trust indenture, provide for the payment of the proceeds of the sale of the bonds to any
689 officer or person who or any agency, bank, or trust company which shall act as trustee of
690 such funds and shall hold and apply such funds as provided in this Code section, subject
691 to such regulations as this Code section and such resolution or trust indenture may provide.

692 (o)(1) The revenues and earnings derived from any particular project or projects and all
693 or any part of the revenues and earnings received by the authority, regardless of whether
694 or not such earnings and revenues were produced by a particular project for which bonds
695 have been issued, unless otherwise pledged or allocated, may be pledged by the authority
696 to the payment of the principal and interest obligations of any revenue bond issues of the
697 authority. All funds so pledged, from whatever source received, which may include
698 funds received from one or more of all sources of the authority's income, shall be set
699 aside at regular intervals, as may be provided in the resolutions or trust indentures, into
700 sinking funds which shall be pledged to and charged with the payment of (A) the interest
701 upon such revenue bonds as such interest shall fall due, (B) the principal of the bonds as
702 the same shall mature, (C) the necessary charges of paying agents for paying principal
703 and interest, and (D) any premium required upon bonds retired by call or purchase as may
704 be provided in the resolutions or trust indentures.

705 (2) The use and disposition of such sinking funds shall be subject to such regulations as
706 may be provided in the resolutions authorizing the issuance of the revenue bonds or in
707 the trust indentures; but, except as may otherwise be provided in such resolutions or trust

708 indentures, such sinking funds, individually, shall be funds for the benefit of all revenue
709 bonds of the given issue for which they are created without distinction or priority of one
710 over another.

711 (p) Any holders of revenue bonds issued under this Code section or any of the coupons
712 appertaining thereto, any duly appointed receiver of such bonds or coupons, and any
713 indenture trustee for bondholders, except to the extent the rights given in this Code section
714 may be restricted by resolution passed before the issuance of the bonds or by the trust
715 indenture, may, either at law or in equity, by action, mandamus, or other proceedings,
716 protect and enforce any and all rights under the laws of Georgia or granted in this Code
717 section or under such resolution or trust indentures and may enforce and compel
718 performance of all duties required by this Code section or by such resolution or trust
719 indenture to be performed by the authority or any officer thereof, including the fixing,
720 charging, and collection of revenues, tolls, and other charges for the use of the project or
721 projects. No holder of any such bond or receiver or indenture trustee thereof shall have the
722 right to compel any exercise of the taxing power of the state to pay any such bond or the
723 interest thereon or to enforce the payment thereof against any property of the state; nor
724 shall any such bond constitute a charge, lien, or encumbrance, legal or equitable, upon any
725 property of the state.

726 (q) The authority is authorized, subject to any prior resolution or trust indenture, to provide
727 by resolution for the issuance of revenue refunding bonds of the authority for the purpose
728 of refunding any revenue bonds issued under this Code section and then outstanding,
729 together with accrued interest thereon. The issuance of such revenue refunding bonds, the
730 maturities and all other details thereof, the rights of the holders thereof, and the duties of
731 the authority in respect to the same shall be governed by this Code section insofar as the
732 same may be applicable.

733 (r) The bonds authorized in this Code section shall be deemed securities in which (1) all
734 public officers and bodies of this state and all municipalities and all municipal
735 subdivisions, (2) all insurance companies and associations and other persons carrying on
736 an insurance business, (3) all banks, bankers, trust companies, savings banks, and savings
737 associations, including savings and loan associations, building and loan associations,
738 investment companies, and other persons carrying on a banking business, (4) all
739 administrators, guardians, executors, trustees, and other fiduciaries, and (5) all other
740 persons whatsoever who are now or may hereafter be authorized to invest in bonds or other
741 obligations of the state may properly and legally invest funds, including capital in their
742 control or belonging to them. The bonds shall also be deemed securities which may be
743 deposited with and shall be received by all public officers and bodies of this state and all

744 municipalities and municipal subdivisions for any purpose for which the deposit of the
 745 bonds or other obligations of this state is now or may hereafter be authorized.

746 (s) While any of the bonds issued by the authority remain outstanding, the powers, duties,
 747 or existence of the authority or of its officers, employees, or agents shall not be diminished
 748 or impaired in any manner that will affect adversely the interests and rights of the holders
 749 of such bonds.

750 (t) Bonds of the authority shall be confirmed and validated in accordance with Article 3
 751 of Chapter 82 of Title 36, the 'Revenue Bond Law.' The bonds, when validated, and the
 752 judgment of validation shall be final and conclusive with respect to such bonds and against
 753 the authority issuing the same.

754 50-38-16.

755 It is found, determined, and declared that the creation of each authority and the carrying
 756 out of its corporate purposes is in all respects for the benefit of the people of this state and
 757 that each authority is an institution of purely public charity and will be performing an
 758 essential governmental function in the exercise of the power conferred upon it by this
 759 chapter. For such reasons, the state covenants with the owners from time to time of the
 760 bonds, notes, and other obligations issued under this chapter that no authority shall be
 761 required to pay any taxes or assessments imposed by the state or any of its counties,
 762 municipal corporations, political subdivisions, or taxing districts upon any property
 763 acquired by the authority or under its jurisdiction, control, possession, or supervision or
 764 leased by it to others, or upon its activities in the operation or maintenance of any such
 765 property or on any income derived by the authority in the form of fees, recording fees,
 766 rentals, charges, purchase price, installments, or otherwise, and that the bonds, notes, and
 767 other obligations of the authority, their transfer, and the income therefrom shall at all times
 768 be exempt from taxation within this state. The tax exemption provided in this chapter shall
 769 include an exemption from sales and use tax on property purchased by an authority or for
 770 use by the authority. Any public authority that provides transit services shall be exempted
 771 from the motor fuel tax."

772 **SECTION 2.**

773 If any provision, section, subsection, sentence, clause, or phrase of this Act is found by a
 774 court of competent jurisdiction to be invalid or unconstitutional, the remaining provisions,
 775 sections, subsections, sentences, clauses, and phrases of this Act shall remain valid, unless
 776 the court determines that the valid provisions, standing alone, are incomplete and are
 777 incapable of being executed in accordance with the legislative intent.

778

SECTION 3.

779 This Act shall become effective upon its approval by the Governor or upon its becoming law
780 without such approval.

781

SECTION 4.

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