

House Bill 1199

By: Representatives Sheldon of the 105th, Carter of the 175th, Lindsey of the 54th, Jacobs of the 80th, Mitchell of the 88th, 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 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 a transit
7 governance director; to remove transit governance from duties of the executive director; to
8 provide for required terms of any contractual agreement between the authority and the
9 Metropolitan Atlanta Rapid Transit Authority; to provide for the transfer of public transit
10 services operations through contractual agreement by December 31, 2014; to provide for
11 related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

17 style="text-align:center">"ARTICLE 1

18 50-32-1.

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

21 50-32-2.

22 As used in this chapter, the term:

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

- 24 (2) 'Bond' includes any revenue bond, bond, note, or other obligation.
- 25 (3) 'Clean Air Act' means the federal Clean Air Act, as amended in 1990 and codified
26 at 42 U.S.C.A. Sections 7401 to through 7671q.
- 27 (4) 'Cost of project' or 'cost of any project' means:
- 28 (A) All costs of acquisition, by purchase or otherwise, construction, assembly,
29 installation, modification, renovation, extension, rehabilitation, operation, or
30 maintenance incurred in connection with any project, facility, or undertaking of the
31 authority or any part thereof;
- 32 (B) All costs of real property or rights in property, fixtures, or personal property used
33 in or in connection with or necessary for any project, facility, or undertaking of the
34 authority or for any facilities related thereto, including but not limited to the cost of all
35 land, interests in land, estates for years, easements, rights, improvements, water rights,
36 and connections for utility services; the cost of fees, franchises, permits, approvals,
37 licenses, and certificates; the cost of securing any such franchises, permits, approvals,
38 licenses, or certificates; the cost of preparation of any application therefor; and the cost
39 of all fixtures, machinery, equipment, furniture, and other property used in or in
40 connection with or necessary for any project, facility, or undertaking of the authority;
- 41 (C) All financing charges, bond insurance or other credit enhancement fee, and loan
42 or loan guarantee fees and all interest on revenue bonds, notes, or other obligations of
43 the authority which accrue or are paid prior to and during the period of construction of
44 a project, facility, or undertaking of the authority and during such additional period as
45 the authority may reasonably determine to be necessary to place such project, facility,
46 or undertaking of the authority in operation;
- 47 (D) All costs of engineering, surveying, planning, environmental assessments, financial
48 analyses, and architectural, legal, and accounting services and all expenses incurred by
49 engineers, surveyors, planners, environmental scientists, fiscal analysts, architects,
50 attorneys, accountants, and any other necessary technical personnel in connection with
51 any project, facility, or undertaking of the authority or the issuance of any bonds, notes,
52 or other obligations for such project, facility, or undertaking;
- 53 (E) All expenses for inspection of any project, facility, or undertaking of the authority;
- 54 (F) All fees of fiscal agents, paying agents, and trustees for bond owners under any
55 bond resolution, trust agreement, indenture of trust, or similar instrument or agreement;
56 all expenses incurred by any such fiscal agents, paying agents, bond registrar, and
57 trustees; and all other costs and expenses incurred relative to the issuance of any bonds,
58 revenue bonds, notes, or other obligations for any project, facility, or undertaking of the
59 authority, including bond insurance or credit enhancement fee;

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

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

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

104 (14) 'Project' means the acquisition, construction, installation, modification, renovation,
105 repair, extension, renewal, replacement, or rehabilitation of land, interest in land,
106 buildings, structures, facilities, or other improvements and the acquisition, installation,
107 modification, renovation, repair, extension, renewal, replacement, rehabilitation, or
108 furnishing of fixtures, machinery, equipment, furniture, or other property of any nature
109 whatsoever used on, in, or in connection with any such land, interest in land, building,
110 structure, facility, or other improvement, all for the essential public purpose of providing
111 facilities and services to meet land public transportation needs and environmental
112 standards and to aid in the accomplishment of the purposes of the authority.

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

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

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

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

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

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

129 50-32-3.

130 (a) There is created the Georgia Regional Transportation Authority as a body corporate
131 and politic, which shall be deemed an instrumentality of the State of Georgia and a public
132 corporation thereof, for purposes of managing or causing to be managed land transportation

133 and air quality within certain areas of this state; and by that name, style, and title such body
 134 may contract and be contracted with and bring and defend actions in all courts of this state.

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

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

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

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

159 50-32-4.

160 ~~(a) The initial board of directors of the authority shall consist of 15 members. All~~
 161 ~~members of the board and their successors shall be appointed for terms of five years each,~~
 162 ~~except that the initial terms for eight members of the board appointed in 1999 shall be three~~
 163 ~~years each, and the particular beginning and ending dates of such terms shall be specified~~
 164 ~~by the Governor. All members of the board shall be appointed by the Governor of the State~~
 165 ~~of Georgia and shall serve until the appointment and qualification of a successor, the~~
 166 ~~provisions of subsection (b) of Code Section 45-12-52 to the contrary notwithstanding;~~
 167 ~~except as otherwise provided in this Code section. On and after July 1, 2012, the board of~~
 168 directors shall consist of 15 members: nine members appointed by the Governor, three

169 members appointed by the Lieutenant Governor, and three members appointed by the
 170 Speaker of the House of Representatives. All members of the board shall serve for terms
 171 of five years and until the appointment and qualification of their successors and Said
 172 ~~members~~ shall be appointed so as to reasonably reflect the characteristics of the general
 173 public within the jurisdiction or potential jurisdiction of the authority, subject to the
 174 provisions of subsection ~~(d)~~ (e) of this Code section. No person holding any other office
 175 of profit or trust under the state shall be appointed to membership. The ~~chair~~ chairperson
 176 of the board of directors shall be appointed and designated by the Governor.

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

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

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

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

202 ~~(e)~~(f) The members of the authority shall be subject to the applicable provisions of Chapter
 203 10 of Title 45, including without limitation Code Sections 45-10-3 through 45-10-5.
 204 Members of the authority shall be public officers who are members of a state board for
 205 purposes of the financial disclosure requirements of Article 3 of Chapter 5 of Title 21. The

206 members of the authority shall be accountable in all respects as trustees. The authority
 207 shall keep suitable books and records of all actions and transactions and shall submit such
 208 books together with a statement of the authority's financial position to the state auditor on
 209 or about the close of the state's fiscal year. The books and records shall be inspected and
 210 audited by the state auditor at least once in each year.

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

221 ~~(g)~~(h) All meetings of the board of directors shall be subject to the provisions of Chapter
 222 14 of this title. A written record of each vote taken by the board, specifying the yea or nay
 223 vote or absence of each member as to each measure, shall be transmitted promptly to the
 224 ~~Governor~~ appointing authorities upon the adjournment of each meeting. No member may
 225 abstain from a vote other than for reasons constituting disqualification to the satisfaction
 226 of a majority of a quorum of the board on a record vote.

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

229 50-32-5.

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

237 ~~(b) In order to find practical, workable solutions to these problems, there is created the~~
 238 ~~Transit Governance Study Commission to be composed of: four Senators from the Atlanta~~
 239 ~~Regional Commission area to be appointed by the Lieutenant Governor, four~~
 240 ~~Representatives from the Atlanta Regional Commission area to be appointed by the~~
 241 ~~Speaker of the House of Representatives, the chairperson of the Metropolitan Atlanta Rapid~~

242 ~~Transit Oversight Committee, the chairperson of the Atlanta Regional Commission, the~~
243 ~~chairperson of the Regional Transit Committee of the Atlanta Regional Commission, one~~
244 ~~staff member from the Atlanta Regional Commission to be selected by the chairperson of~~
245 ~~the Atlanta Regional Commission, the executive director of the Georgia Regional~~
246 ~~Transportation Authority, the general manager of the Metropolitan Atlanta Rapid Transit~~
247 ~~Authority, and the directors of any other county transit systems operating in the Atlanta~~
248 ~~Regional Commission area.~~

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

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

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

269 ~~(f) The Atlanta Regional Commission in conjunction with the Georgia Regional~~
270 ~~Transportation Authority and the department's director of planning shall utilize federal and~~
271 ~~state planning funds to continue the development of the Atlanta region's Concept 3 transit~~
272 ~~proposal, including assessment of potential economic benefit to the region and the state,~~
273 ~~prioritization of corridors based on highest potential economic benefit and lowest~~
274 ~~environmental impact, and completion of environmental permitting. Any new transit~~
275 ~~management instrumentality created as a result of the Transit Governance Study~~
276 ~~Commission created pursuant to this Code section shall participate in the Concept 3~~
277 ~~development activities that remain incomplete at the time of the creation of the new~~
278 ~~regional transit body.~~

279 (a) For purposes of this Code section, the term 'jurisdiction of the authority' means the
280 aggregate geographic area of the jurisdiction of the authority under this chapter.
281 (b) A Transit Governance Council of the authority is established. The council shall
282 establish bylaws governing its operation.
283 (c) The council shall include representatives from the jurisdiction of the authority, as
284 follows:
285 (1) The chairperson of the board of commissioners of each county within the jurisdiction
286 of the authority, each of whom shall serve until the conclusion of his or her elected
287 service;
288 (2) From each county within the jurisdiction of the authority, one mayor of a
289 municipality within that county chosen by a caucus of the mayors of each municipality
290 of that county. Each person so chosen shall serve a term of five years so long as he or she
291 is serving as mayor and may be reappointed to succeed himself or herself while still in
292 office;
293 (3) The mayor of the most populous city within the jurisdiction of the authority, who
294 shall serve until the conclusion of his or her elected service;
295 (4) Three members of the board of directors of the authority appointed by the Governor,
296 one member of the board appointed by the Lieutenant Governor, and one member of the
297 board appointed by the Speaker of the House of Representatives, who shall serve a term
298 of five years so long as he or she holds a seat on the board and may be reappointed to
299 succeed himself or herself while still in office;
300 (5) Two county commissioners who are not chairpersons of a county board of
301 commissioners, to be nominated by the Governor, who shall serve upon approval of a
302 majority of the county commissioner chairpersons on the council. Such councilmembers
303 shall serve a term of five years so long as he or she is serving as county commissioner
304 and may be reappointed to succeed himself or herself while still in office; and
305 (6) One municipal elected official, to be nominated by the Governor, who shall serve
306 upon approval of a majority of the mayors on the council. Such councilmember shall
307 serve a term of five years so long as he or she is serving as a municipal elected official
308 and may be reappointed to succeed himself or herself while still in office.
309 (d) A majority of the members of the council then in office shall constitute a quorum. The
310 vote of a majority of the members of the council present at the time of the vote, if a quorum
311 is present at such time, shall be the act of the council; provided, however, that the board
312 may overturn such act at the next scheduled meeting of the board if two-thirds of the
313 members of the board vote against such decision. The council shall notify the board of all
314 council action within seven days of a vote. Upon such notice, the chairperson of the board
315 shall have 30 days to notify the council of the board's intent to meet for the purpose of

316 voting to overturn the action of the council. If no such notice from the chairperson is given
317 to the council, the action of the council shall be deemed final. If the chairperson notifies
318 the council that a vote will be conducted on the decision to overturn the action of the
319 council, such meeting and vote by the board shall be held within 45 days of such notice.
320 The council shall not conduct business in such a manner that restricts the ability of the
321 authority to exercise its responsibilities.

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

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

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

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

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

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

347 (6) To establish performance targets and create a performance report of public transit
348 operators within the jurisdiction of the authority or per the terms of an intergovernmental
349 contract against those targets. Such report shall provide analysis and recommendations
350 regarding public transit operators' efficiency and cost effectiveness, coordination of
351 operations, customer service, technology solutions, privatization opportunities, safety and
352 security, and return on investment. Such report shall be submitted to the Governor, the

353 House Committee on Transportation, the Senate Transportation Committee, the
 354 Metropolitan Atlanta Rapid Transit Overview Committee, and the board of directors no
 355 later than July 1, 2014, and annually thereafter; and
 356 (7) To establish guidelines and investment policies regarding the use of federal funds by
 357 public transit operators within the jurisdiction of the authority, which shall include the
 358 consideration of public transit operators' prior performance on metrics and targets and
 359 may condition the distribution of federal funds on the basis of operators' approval and
 360 implementation of improvement plans.

361 50-32-6.

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

372 **ARTICLE 2**

373 50-32-10.

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

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

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

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

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

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

409 (3) The jurisdiction of the authority for purposes of this chapter shall be extended to the
410 territory of any county the territory of which is not contiguous with the jurisdiction
411 established by subsection (a) of this Code section which is designated by the USEPA in
412 the *Code of Federal Regulations* as a county included in whole or in part within a
413 nonattainment area under the Clean Air Act and which the board designates, through
414 regulation, as a county having excess levels of ozone, carbon monoxide, or particulate
415 matter. Upon any such county or self-contiguous group of counties coming within the
416 jurisdiction of the authority, a single member who shall reside within such additional
417 territory shall be added to the board, together with an additional member, who may reside
418 inside or outside such additional territory, for each 200,000 persons above the number of
419 200,000 persons forming the population of such additional territory according to the 1990
420 United States decennial census or any future such census.

421 (c) Upon acquiring jurisdiction over the territory of any county, the authority's jurisdiction
422 over such territory shall continue until 20 years have elapsed since the later of the date such

423 county was redesignated by the USEPA as in attainment under the Clean Air Act or such
424 designation by the USEPA is no longer made.

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

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

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

447 50-32-11.

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

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

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

455 (3) To plan, design, acquire, construct, add to, extend, improve, equip, operate, and
456 maintain or cause to be operated and maintained land public transportation systems and
457 other land transportation projects, and all facilities and appurtenances necessary or
458 beneficial thereto, within the geographic area over which the authority has jurisdiction

459 or which are included within an approved transportation plan or transportation
 460 improvement program and provide land public transportation services within the
 461 geographic jurisdiction of the authority, and to contract with any state, regional, or local
 462 government, authority, or department, or with any private person, firm, or corporation,
 463 for those purposes, and to enter into contracts and agreements with the Georgia
 464 Department of Transportation, county and local governments, and transit system
 465 operators for those purposes;

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

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

488 (6) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real or
 489 personal property of every kind and character, or any interest therein, in furtherance of
 490 the public purpose of the authority, in compliance, where required, with applicable
 491 federal law including without limitation the Uniform Relocation Assistance and Real
 492 Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. Section 4601, et seq.,
 493 23 C.F.R. Section 1.23, and 23 C.F.R. Section 713(c);

494 (7) To appoint an executive director who shall be executive officer and administrative
 495 head of the authority for all matters except the administration of the powers of the council

496 as provided for in Code Section 50-32-5, which shall be under the direction of the transit
 497 governance director as provided for in Code Section 50-32-6. The executive director
 498 shall be appointed and serve at the pleasure of the ~~authority~~ Governor. The executive
 499 director shall hire officers, agents, and employees, prescribe their duties and
 500 qualifications and fix their compensation, and perform such other duties as may be
 501 prescribed by the authority. Such officers, agents, and employees shall serve at the
 502 pleasure of the executive director;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 570 (i) Direct and general obligations of the state or of any county or municipality in the
 571 state;
- 572 (ii) Obligations of the United States or subsidiary corporations included in
 573 subparagraph (B) of this paragraph;
- 574 (iii) Obligations of agencies of the United States government included in
 575 subparagraph (C) of this paragraph; or
- 576 (iv) Bonds, obligations, or project notes of public housing agencies, urban renewal
 577 agencies, or municipalities included in subparagraph (D) of this paragraph;
- 578 (F) Interest-bearing time deposits, repurchase agreements, reverse repurchase
 579 agreements, rate guarantee agreements, or other similar banking arrangements with a
 580 bank or trust company having capital and surplus aggregating at least \$50 million or
 581 with any government bond dealer reporting to, trading with, and recognized as a
 582 primary dealer by the Federal Reserve Bank of New York having capital aggregating
 583 at least \$50 million or with any corporation which is subject to registration with the
 584 Board of Governors of the Federal Reserve System pursuant to the requirements of the
 585 Bank Holding Company Act of 1956, provided that each such interest-bearing time
 586 deposit, repurchase agreement, reverse repurchase agreement, rate guarantee
 587 agreement, or other similar banking arrangement shall permit the moneys so placed to
 588 be available for use at the time provided with respect to the investment or reinvestment
 589 of such moneys; and
- 590 (G) State operated investment pools;
- 591 (14) To acquire or contract to acquire from any person, firm, corporation, local
 592 government, federal or state agency, or corporation by grant, purchase, or otherwise,
 593 leaseholds, real or personal property, or any interest therein; and to sell, assign, exchange,
 594 transfer, convey, lease, mortgage, or otherwise dispose of or encumber the same; and any
 595 local government is authorized to grant, sell, or otherwise alienate leaseholds, real and
 596 personal property, or any interest therein to the authority;
- 597 (15) Subject to applicable covenants or agreements related to the issuance of bonds, to
 598 invest any moneys held in debt service funds or sinking funds not restricted as to
 599 investment by the Constitution or laws of this state or the federal government or by
 600 contract not required for immediate use or disbursement in obligations of the types
 601 specified in paragraph (13) of this subsection, provided that, for the purposes of this
 602 paragraph, the amounts and maturities of such obligations shall be based upon and
 603 correlated to the debt service, which ~~debt service~~ shall be the principal installments and
 604 interest payments, schedule for which such moneys are to be applied;
- 605 (16) To provide advisory, technical, consultative, training, educational, and project
 606 assistance services to the state and local government and to enter into contracts with the

607 state and local government to provide such services. The state and local governments are
608 authorized to enter into contracts with the authority for such services and to pay for such
609 services as may be provided them;

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

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

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

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

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

629 (22) To extend credit or make loans, including the acquisition of bonds, revenue bonds,
630 notes, or other obligations of the state, any local government, or other entity, including
631 the federal government, for the cost or expense of any project or any part of the cost or
632 expense of any project; ~~which~~ such credit or loans may be evidenced or secured by trust
633 indentures, loan agreements, notes, mortgages, deeds to secure debt, trust deeds, security
634 agreements, or assignments, on such terms and conditions as the authority shall determine
635 to be reasonable in connection with such extension of credit or loans, including provision
636 for the establishment and maintenance of reserve funds; and, in the exercise of powers
637 granted by this chapter in connection with any project, the authority shall have the right
638 and power to require the inclusion in any such trust indentures, loan agreement, note,
639 mortgage, deed to secure debt, trust deed, security agreement, assignment, or other
640 instrument such provisions or requirements for guaranty of any obligations, insurance,
641 construction, use, operation, maintenance, and financing of a project and such other terms
642 and conditions as the authority may deem necessary or desirable;

- 643 (23) As security for repayment of any bonds, revenue bonds, notes, or other obligations
 644 of the authority, to pledge, lease, mortgage, convey, assign, hypothecate, or otherwise
 645 encumber any property of the authority including, but not limited to, real property,
 646 fixtures, personal property, and revenues or other funds and to execute any lease, trust
 647 indenture, trust agreement, agreement for the sale of the authority's revenue bonds, notes
 648 or other obligations, loan agreement, mortgage, deed to secure debt, trust deed, security
 649 agreement, assignment, or other agreement or instrument as may be necessary or
 650 desirable, in the judgment of the authority, to secure any such revenue bonds, notes, or
 651 other obligations; ~~which instruments or~~ such agreements or instruments may provide for
 652 foreclosure or forced sale of any property of the authority upon default in any obligation
 653 of the authority, either in payment of principal, premium, if any, or interest or in the
 654 performance of any term or condition contained in any such agreement or instrument;
- 655 (24) To receive and use the proceeds of any tax levied to pay all or any part of the cost
 656 of any project or for any other purpose for which the authority may use its own funds
 657 pursuant to this chapter;
- 658 (25) To use income earned on any investment for such corporate purposes of the
 659 authority as the authority in its discretion shall determine, including, but not limited to,
 660 the use of repaid principal and earnings on funds, the ultimate source of which was an
 661 appropriation to a budget unit of the state to make loans for projects;
- 662 (26) To cooperate and act in conjunction with industrial, commercial, medical, scientific,
 663 public interest, or educational organizations; with agencies of the federal government and
 664 this state and local government; with other states and their political subdivisions; and
 665 with joint agencies thereof, and such state agencies, local government, and joint agencies
 666 are authorized and empowered to cooperate and act in conjunction; and to enter into
 667 contracts or agreements with the authority and local government to achieve or further the
 668 purposes of the authority;
- 669 (27) To coordinate, cooperate, and contract with any metropolitan planning organization
 670 for a standard metropolitan statistical area which is primarily located within an adjoining
 671 state but which includes any territory within the jurisdiction of the authority to achieve
 672 or further the purposes of the authority as provided by this chapter;
- 673 (28) To coordinate and assist in planning for land transportation and air quality purposes
 674 within the geographic area over which the authority has jurisdiction pursuant to this
 675 chapter; between and among all state, regional, and local authorities charged with
 676 planning responsibilities for such purposes by state or federal law, and to adopt a regional
 677 plan or plans based in whole or in part on such planning;
- 678 (29) Reserved;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

780 (e) No later than December 31, 2014, the authority shall enter into contractual agreements
781 with local governments, state agencies, joint development authorities, or private entities
782 which shall authorize such local governments, state agencies, joint development authorities,
783 or private entities to operate the authority's public transit services in existence as of July
784 1, 2012.

785 50-32-12.

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

792 50-32-13.

793 (a) The Governor may delegate to the authority, by executive order, his or her powers
 794 under applicable federal transportation planning and air quality laws and regulations,
 795 including without limitation the power to resolve revision disputes between metropolitan
 796 planning organizations and the Department of Transportation under 40 C.F.R. Section
 797 93.105, the power to approve state-wide transportation improvement programs under 23
 798 U.S.C. Section 134 and 23 C.F.R. Sections 450.312(b), 450.324(b), and 450.328(a), and
 799 the power of approval and responsibilities for public involvement under 23 C.F.R. Section
 800 450.216(a).

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

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

809 (2) The authority may request modification of such a plan or program and approve such
 810 proposal for modification of a plan or program by the affirmative vote of two-thirds of
 811 ~~the~~ those authorized ~~membership~~ members of the board appointed by the Governor to a
 812 motion made for that purpose;

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

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

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

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

831 50-32-14.

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

846 50-32-15.

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

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

863 (c) The Georgia Environmental Finance Authority shall be subordinate to the authority in
 864 all respects, with respect to authority projects, within the geographic area over which the
 865 authority has jurisdiction; and, in the event of any conflict with the provisions of Chapter
 866 23 of this title, the provisions of this chapter shall prevail in all respects. It is expressly
 867 provided, however, that nothing in this Code section and nothing in this chapter shall be
 868 construed to permit in any manner the alteration, elimination, or impairment of any term,
 869 provision, covenant, or obligation imposed on any state authority, including but not limited
 870 to the Georgia Environmental Finance Authority, the State ~~Toll~~ Road and Tollway
 871 Authority, the Georgia Regional Transportation Authority, or the Georgia Rail Passenger
 872 Authority, for the benefit of any owner or holder of any bond, note, or other obligation of
 873 any such authority.

874 50-32-16.

875 Notwithstanding any provision of law to the contrary, funds appropriated to or otherwise
 876 obtained by the Department of Transportation pursuant to Article III, Section IX, Paragraph
 877 VI(b) of the Constitution of this state and paragraphs (2) and (7) of subsection (a) of Code
 878 Section 32-2-2 shall not be utilized for designation, improvement, or construction of any
 879 land public transportation system or any part of the state highway system lying within the
 880 boundaries of a county whose special district created pursuant to this chapter has been
 881 activated pursuant to the provisions of this chapter, unless such designation, improvement,
 882 or construction is safety related or has been conducted by or through, or approved by, the
 883 authority, or such funds are within categories applicable to state-wide inspection or
 884 improvement required for compliance with federal law or regulation.

885 50-32-17.

886 (a) After the adoption by the authority of a resolution declaring that the acquisition of the
 887 real property described therein is necessary for the purposes of this chapter, the authority
 888 may exercise the power of eminent domain in the manner provided in Title 22; or it may
 889 exercise the power of eminent domain in the manner provided by any other applicable

890 statutory provisions for the exercise of such power; provided, however, that the provisions
891 of Article 7 of Chapter 16 of this title shall not be applicable to the exercise of the power
892 of eminent domain by the authority. Property already devoted to public use may be
893 acquired, except that no real property belonging to the state other than property acquired
894 by or for the purposes of the Department of Transportation may be acquired without the
895 consent of the state.

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

901 50-32-18.

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

904 50-32-19.

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

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

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

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

913 50-32-20.

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

922 (b) The authority may request from time to time, and the Department of Transportation
923 and the Department of Natural Resources shall provide as permissible under the

924 Constitution and laws of this state, the assistance of personnel and the use of facilities,
 925 vehicles, aircraft, and equipment of those departments, and reimbursement for all costs and
 926 salaries thereby incurred by the respective departments shall be made by the authority to
 927 those respective departments.

928 **ARTICLE 3**

929 50-32-30.

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

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

945 50-32-31.

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

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

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

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

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

975 (e)(1) The authority is authorized to obtain from any department, agency, or corporation
976 of the United States of America or governmental insurer, including the state, any
977 insurance or guaranty, to the extent now or hereafter available, as to or for the payment
978 or repayment of interest or principal, or both, or any part thereof on any bonds or notes
979 issued by the authority or on any obligations of federal, state, or local governments
980 purchased or held by the authority; and to enter into any agreement or contract with
981 respect to any such insurance or guaranty, except to the extent that the same would in any
982 way impair or interfere with the ability of the authority to perform and fulfill the terms
983 of any agreement made with the owners of the bonds or notes of the authority.

984 (2) Bonds issued by the authority shall be authorized by resolution of the authority, be
985 in such denominations, bear such date or dates, and mature at such time or times as the
986 authority determines to be appropriate, except that bonds and any renewal thereof shall
987 mature within 25 years of the date of their original issuance. Such bonds shall be subject
988 to such terms of redemption, bear interest at such rate or rates payable at such times, be
989 in registered form or book-entry form through a securities depository, or both, as to
990 principal or interest or both principal and interest, carry such registration privileges, be
991 executed in such manner, be payable in such medium of payment at such place or places,
992 and be subject to such terms and conditions as such resolution of the authority may
993 provide; provided, however, in lieu of specifying the rate or rates of interest which the
994 bonds to be issued by an authority are to bear, the resolution of the authority may provide

995 that the bonds when issued will bear interest at a rate not exceeding a maximum per
996 annum rate of interest which may be fixed or may fluctuate or otherwise change from
997 time to time as specified in the resolution or may state that, in the event the bonds are to
998 bear different rates of interest for different maturity dates, none of such rates will exceed
999 the maximum rate, which rate may be fixed or may fluctuate or otherwise change from
1000 time to time, as specified. Bonds may be sold at public or private sale for such price or
1001 prices as the authority shall determine.

1002 (3) Any resolution or resolutions authorizing bonds or any issue of bonds may contain
1003 provisions which may be a part of the contract with the owners of the bonds thereby
1004 authorized as to:

1005 (A) Pledging all or part of its revenues, together with any other moneys, securities,
1006 contracts, or property, to secure the payment of the bonds, subject to such agreements
1007 with bond owners as may then exist;

1008 (B) Setting aside of reserves and the creation of sinking funds and the regulation and
1009 disposition thereof;

1010 (C) Limiting the purpose to which the proceeds from the sale of bonds may be applied;

1011 (D) Limiting the right of the authority to restrict and regulate the use of any project or
1012 part thereof in connection with which bonds are issued;

1013 (E) Limiting the issuance of additional bonds, the terms upon which additional bonds
1014 may be issued and secured, and the refunding of outstanding or other bonds;

1015 (F) Setting the procedure, if any, by which the terms of any contract with bond owners
1016 may be amended or abrogated, including the proportion of bond owners which must
1017 consent thereto and the manner in which such consent may be given;

1018 (G) Creating special funds into which any revenues or other moneys may be deposited;

1019 (H) Setting the terms and provisions of any trust, deed, or indenture or other agreement
1020 under which the bonds may be issued;

1021 (I) Vesting in a trustee or trustees such properties, rights, powers, and duties in trust
1022 as the authority may determine;

1023 (J) Defining the acts or omissions to act which may constitute a default in the
1024 obligations and duties of the authority to the bond owners and providing for the rights
1025 and remedies of the bond owners in the event of such default, including as a matter of
1026 right the appointment of a receiver; provided, however, that such rights and remedies
1027 shall not be inconsistent with the general laws of the state and other provisions of this
1028 chapter;

1029 (K) Limiting the power of the authority to sell or otherwise dispose of any
1030 environmental facility or any part thereof or other property, including municipal bonds
1031 held by it;

- 1032 (L) Limiting the amount of revenues and other moneys to be expended for operating,
1033 administrative, or other expenses of the authority;
- 1034 (M) Providing for the payment of the proceeds of bonds, obligations, revenues, and
1035 other moneys to a trustee or other depository and for the method of disbursement
1036 thereof with such safeguards and restrictions as the authority may determine; and
- 1037 (N) Establishing any other matters of like or different character which in any way
1038 affect the security for the bonds or the rights and remedies of bond owners.
- 1039 (4) In addition to the powers conferred upon the authority to secure its bonds, the
1040 authority shall have power in connection with the issuance of bonds to enter into such
1041 agreements as the authority may deem necessary, consistent, or desirable concerning the
1042 use or disposition of its revenues or other moneys or property, including the mortgaging
1043 of any property and the entrusting, pledging, or creation of any other security interest in
1044 any such revenues, moneys, or property and the doing of any act, including refraining
1045 from doing any act, which the authority would have the right to do in the absence of such
1046 agreements. The authority shall have power to enter into amendments of any such
1047 agreements within the powers granted to the authority by this chapter and to perform such
1048 agreements. The provisions of any such agreements may be made a part of the contract
1049 with the owners of bonds of the authority.
- 1050 (5) Any pledge of or other security interest in revenues, moneys, accounts, contract
1051 rights, general intangibles, or other personal property made or created by the authority
1052 shall be valid, binding, and perfected from the time when such pledge is made or other
1053 security interest attaches without any physical delivery of the collateral or further act, and
1054 the lien of any such pledge or other security interest shall be valid, binding, and perfected
1055 against all parties having claims of any kind in tort, contract, or otherwise against the
1056 authority irrespective of whether or not such parties have notice thereof. No instrument
1057 by which such a pledge or security interest is created nor any financing statement need
1058 be recorded or filed.
- 1059 (6) All bonds issued by the authority shall be executed in the name of the authority by
1060 the chairperson and secretary of the authority and shall be sealed with the official seal or
1061 a facsimile thereof. The facsimile signature of the chairperson and the secretary of the
1062 authority may be imprinted in lieu of the manual signature if the authority so directs.
1063 Bonds bearing the manual or facsimile signature of a person in office at the time such
1064 signature was signed or imprinted shall be fully valid, notwithstanding the fact that before
1065 or after delivery thereof such person ceased to hold such office.
- 1066 (7) Prior to the preparation of definitive bonds, the authority may issue interim receipts,
1067 interim certificates, or temporary bonds exchangeable for definitive bonds upon the

1068 issuance of the latter; the authority may provide for the replacement of any bond which
1069 shall become mutilated or be destroyed or lost.

1070 (8) All bonds issued by the authority under this chapter may be executed, confirmed, and
1071 validated under and in accordance with Article 3 of Chapter 82 of Title 36, except as
1072 otherwise provided in this chapter.

1073 (9) The venue for all bond validation proceedings pursuant to this chapter shall be Fulton
1074 County, and the Superior Court of Fulton County shall have exclusive final court
1075 jurisdiction over such proceedings.

1076 (10) Bonds issued by the authority shall have a certificate of validation bearing the
1077 facsimile signature of the clerk of the Superior Court of Fulton County and shall state the
1078 date on which said bonds were validated; and such entry shall be original evidence of the
1079 fact of judgment and shall be received as original evidence in any court of this state.

1080 (11) The authority shall reimburse the district attorney for his or her actual costs, if any,
1081 associated with the bond validation proceedings. The fees payable to the clerk of the
1082 Superior Court of Fulton County for validation shall be as follows for each bond,
1083 regardless of the denomination of such bond:

1084 (A) Fifty cents each for the first 100 bonds;

1085 (B) Twenty-five cents each for the next 400 bonds; and

1086 (C) Ten cents for each such bond over 500.

1087 (12) Whether or not the bonds of the authority are of such form and character as to be
1088 negotiable instruments, the bonds are made negotiable instruments within the meaning
1089 of and for all the purposes of Georgia law subject only to the provisions of the bonds for
1090 registration.

1091 (13) Neither the members of the authority nor any person executing bonds shall be liable
1092 personally thereon or be subject to any personal liability or accountability solely by
1093 reason of the issuance thereof.

1094 (14) The authority, subject to such agreements with bond owners as then may exist, shall
1095 have power out of any moneys available therefor to purchase bonds of the authority,
1096 which shall thereupon be canceled, at a price not in excess of the following:

1097 (A) If the bonds are then redeemable, the redemption price then applicable plus
1098 accrued interest to the next interest payment date; or

1099 (B) If the bonds are not then redeemable, the redemption price applicable on the first
1100 date after such purchase upon which the bonds become subject to redemption, plus
1101 accrued interest to the next interest payment date.

1102 (15) In lieu of specifying the rate or rates of interest which bonds to be issued by the
1103 authority are to bear, the notice to the district attorney or the Attorney General, the notice
1104 to the public of the time, place, and date of the validation hearing, and the petition and

1105 complaint for validation may state that the bonds when issued will bear interest at a rate
 1106 not exceeding a maximum per annum rate of interest, which rate may be fixed or may
 1107 fluctuate or otherwise change from time to time, specified in such notices and petition
 1108 and complaint or may state that, in the event the bonds are to bear different rates of
 1109 interest for different maturity dates, none of such rates will exceed the maximum rate,
 1110 which rate may be fixed or may fluctuate or otherwise change from time to time, so
 1111 specified; provided, however, that nothing in this Code section shall be construed as
 1112 prohibiting or restricting the right of the authority to sell such bonds at a discount, even
 1113 if in doing so the effective interest cost resulting therefrom would exceed the maximum
 1114 per annum interest rate specified in such notices and in the petition and complaint.

1115 50-32-32.

1116 (a) The authority shall have the power and is authorized to issue guaranteed revenue bonds
 1117 in a maximum aggregate principal amount not to exceed \$1 billion, under the terms and
 1118 conditions set forth in this chapter, pursuant to the provisions of Article 2 of Chapter 17 of
 1119 this title, which bonds shall constitute guaranteed revenue debt under Article VII, Section
 1120 IV, Paragraph III of the Constitution of this state. The General Assembly hereby finds and
 1121 determines that such issue will be self-liquidating over the life of the issue, and declares
 1122 its intent to appropriate an amount equal to the highest annual debt service requirements
 1123 for such issue. The proceeds of such bonds and the investment earnings thereon shall be
 1124 used to finance land public transportation facilities or systems, including any costs of such
 1125 projects.

1126 (b) The guaranteed revenue bonds and the interest payable thereon shall be exempt from
 1127 all taxation within the state imposed by the state or any county, municipal corporation, or
 1128 other political subdivision of the state.

1129 50-32-33.

1130 The bonds of the authority are made securities in which all public officials and bodies of
 1131 the state and all counties and municipalities, all insurance companies and associations, and
 1132 other persons carrying on an insurance business, all banks, bankers, trust companies,
 1133 savings banks, and savings associations, including savings and loan associations,
 1134 investment companies and other persons carrying on a banking business, and
 1135 administrators, guardians, executors, trustees, and other fiduciaries and all other persons
 1136 whatsoever, who are now or may hereafter be authorized to invest in bonds or other
 1137 obligations of the state, may properly and legally invest funds including capital in their
 1138 control or belonging to them. The bonds are also made securities which may be deposited
 1139 with and may be received by all public officers and bodies of this state and all counties and

1140 municipalities for any purposes for which the deposit of bonds or other obligations of this
1141 state are now or hereafter may be authorized.

1142 50-32-34.

1143 The State of Georgia does pledge to and agree with the owners of any bonds issued by the
1144 authority pursuant to this chapter that the state will not alter or limit the rights vested in the
1145 authority to fulfill the terms of any agreement made with or for the benefit of the owners
1146 of bonds or in any way impair the rights and remedies of bond owners until the bonds,
1147 together with the interest thereon, with interest on any unpaid installments of interest, and
1148 all costs and expenses in connection with any action or proceeding by or on behalf of such
1149 owners, are fully met and discharged or funds for the payment of such are fully provided.
1150 The authority is authorized to include this pledge and agreement of the state in any
1151 agreement with bond owners.

1152 50-32-35.

1153 The offer, sale, or issuance of bonds, notes, or other obligations by the authority shall not
1154 be subject to regulation under Chapter 5 of Title 10, known as the 'Georgia Uniform
1155 Securities Act of 2008.' No notice, proceeding, or publication except those required in this
1156 chapter shall be necessary to the performance of any act authorized in this chapter; nor
1157 shall any such act be subject to referendum.

1158 50-32-36.

1159 No bonds, notes, or other obligations of and no indebtedness incurred by the authority,
1160 other than guaranteed revenue bonds, shall constitute an indebtedness or obligation or a
1161 pledge of the faith and credit of the State of Georgia or of its agencies; nor shall any act of
1162 the authority in any manner constitute or result in the creation of an indebtedness of the
1163 state or its agencies or a cause of action against the state or its agencies; provided, however,
1164 the state, to the extent permitted by its Constitution, may guarantee payment of such bonds,
1165 notes, or other obligations as guaranteed revenue debt.

1166 50-32-37.

1167 It is found, determined, and declared that the creation of this authority and the carrying out
1168 of its corporate purposes is in all respects for the benefit of the people of the state and that
1169 the authority is an institution of purely public charity and will be performing an essential
1170 governmental function in the exercise of the power conferred upon it by this chapter. For
1171 such reasons the state covenants with the owners from time to time of the bonds, notes, and
1172 other obligations issued under this chapter that the authority shall not be required to pay

1173 any taxes or assessments imposed by the state or any of its counties, municipal
1174 corporations, political subdivisions, or taxing districts upon any property acquired by the
1175 authority or under its jurisdiction, control, possession, or supervision or leased by it to
1176 others, or upon its activities in the operation or maintenance of any such property or on any
1177 income derived by the authority in the form of fees, recording fees, rentals, charges,
1178 purchase price, installments, or otherwise, and that the bonds, notes, and other obligations
1179 of the authority, their transfer, and the income therefrom shall at all times be exempt from
1180 taxation within the state. The tax exemption provided in this chapter shall include an
1181 exemption from sales and use tax on property purchased by the authority or for use by the
1182 authority.

1183 50-32-38.

1184 The issuance of any bond, revenue bond, note, or other obligation or incurring of debt,
1185 public or otherwise, by the authority must be approved by the commission established by
1186 Article VII, Section IV, Paragraph VII of the Constitution of the State of Georgia of 1983
1187 or its successor.

1188 50-32-39.

1189 No bonded indebtedness of any kind shall be incurred by the authority or on behalf of the
1190 authority by the Georgia Environmental Finance Authority at any time when the highest
1191 aggregate annual debt service requirements of the state for the then current fiscal year or
1192 any subsequent fiscal year for outstanding general obligation debt and guaranteed revenue
1193 debt, including the proposed debt and treating it as state general obligation debt or
1194 guaranteed revenue debt for purposes of calculating debt limitations under this Code
1195 section, and the highest aggregate annual payments for the then current fiscal year or any
1196 subsequent fiscal year of the state under all contracts then in force to which the provisions
1197 of the second paragraph of Article IX, Section VI, Paragraph I(a) of the Constitution of
1198 1976 are applicable, exceed 7.5 percent of the total revenue receipts, less refunds of the
1199 state treasury in the fiscal year immediately preceding the fiscal year in which any such
1200 debt is to be incurred.

ARTICLE 4

1201

1202 50-32-50.

1203 (a) Any local government which is within the geographic area over which the authority has
 1204 jurisdiction or which is within any county for which a special district has been otherwise
 1205 activated pursuant to this chapter may provide, subject to the authorization of the authority
 1206 as provided for in this chapter, within the territorial limits of the special district authorized
 1207 by this chapter local government services consisting of land public transportation and air
 1208 quality control, consistent with the terms of any authorizing resolution of the authority and,
 1209 further, consistent with the regional plan or plans approved by the authority pursuant to its
 1210 delegated powers if such plans are applicable to such local government's territory. In
 1211 providing such local services in such special district pursuant to the provisions of this
 1212 chapter, the local government shall utilize one or more of the funding mechanisms
 1213 enumerated in Article IX, Section II, Paragraph VI of the Constitution of this state for the
 1214 purpose of funding, in whole or in part, only the local government services authorized by
 1215 this chapter, and such services may be provided, in whole or in part, pursuant to a contract
 1216 between one or more local governments within a special district activated pursuant to this
 1217 chapter.

1218 (b) Projects and facilities for the provision of local government services through special
 1219 districts authorized by this chapter shall be planned by the authority consistent with
 1220 approved regional plans, where applicable, and may be designed, constructed, managed,
 1221 operated, and funded by the authority in whole or in part.

1222 50-32-51.

1223 (a) For the purposes of this Code section, the term 'lease agreement' shall mean and
 1224 include a lease, operating lease rental agreement, usufruct, sale and lease back, or any other
 1225 lease agreement having a term of not more than 50 years and concerning real, personal, or
 1226 mixed property, any right, title, or interest therein by and between the state, the authority,
 1227 a local government, or any combination thereof.

1228 (b) A local government by resolution of its governing body may enter into a lease
 1229 agreement for the provision of land public transportation or air quality services utilizing
 1230 facilities owned by the authority upon such terms and conditions as the authority shall
 1231 determine to be reasonable including, but not limited to, the reimbursement of all costs of
 1232 construction and financing and claims arising therefrom.

1233 (c) No lease agreement shall be deemed to be a contract subject to any law requiring that
 1234 a contract shall be let only after receipt of competitive bids.

1235 (d) Any lease agreement may provide for the construction of such land public
1236 transportation or air quality facility by the local government as agent for the authority. In
1237 such event, all contracts for such construction shall be let by such local government in
1238 accordance with the provisions of law otherwise applicable to the letting of such contracts
1239 by such local government and with the provisions of state law pertaining to prevailing
1240 wages, labor standards, and working hours. Any such lease agreement may contain
1241 provisions by which such local government shall indemnify the authority against any and
1242 all damages resulting from acts or omissions to act on the part of such local government
1243 or its officers, agents, or employees in constructing such facility or facilities, in letting any
1244 contracts in connection therewith, or in operating and maintaining the same.

1245 (e) Any lease agreement executed by the authority directly with any local government may
1246 provide at the termination thereof that title to the land public transportation or air quality
1247 facility project shall vest in the local government or its successor in interest, if any, free and
1248 clear of any liens or encumbrances created in connection with any contract or bonds,
1249 revenue bonds, notes, or other obligations involving the authority.

1250 (f) Any lease agreement directly between the state or authority and a local government
1251 may contain provisions requiring the local government to perform any or all of the
1252 following:

1253 (1) In the case of a land public transportation facility, to establish and collect rates, fees,
1254 and charges so as to produce revenues sufficient to pay all or a specified portion of:

1255 (A) The costs of operation, maintenance, renewal, replacement, and repairs of the land
1256 public transportation facility of such local government; and

1257 (B) Outstanding bonds, revenue bonds, notes, or other obligations incurred for the
1258 purposes of such land public transportation facility and to provide for the payment of
1259 all amounts as they shall become due and payable under the terms of such lease
1260 agreement, including amounts for the creation and maintenance of any required
1261 reserves;

1262 (2) In the case of an air quality facility, to establish and collect rents, rates, fees, and
1263 charges so as to produce revenues sufficient to pay all or a specified portion of:

1264 (A) The costs of operation, maintenance, renewal, and repairs of the air quality facility
1265 of such local government; and

1266 (B) Outstanding bonds, revenue bonds, notes, or other obligations incurred for the
1267 purposes of such air quality facility and to provide for the payment of all amounts as
1268 they shall become due and payable under the terms of such lease agreement, including
1269 amounts for the creation and maintenance of any required reserves;

1270 (3) To create and maintain reasonable reserves or other special funds;

1271 (4) To create and maintain a special fund or funds as additional security for the punctual
 1272 payment of any rentals due under such lease agreement and for the deposit therein of such
 1273 revenues as shall be sufficient to pay said lease rentals and any other amounts becoming
 1274 due under such lease agreements as the same shall become due and payable; or

1275 (5) To perform such other acts and take such other action as may be deemed necessary
 1276 and desirable by the authority to secure the complete and punctual performance by such
 1277 local government of such lease agreements and to provide for the remedies of the
 1278 authority in the event of a default by such local government in such payment.

1279 50-32-52.

1280 (a) The authority may make grants or loans to a local government to pay all or any part of
 1281 the cost of a project. In the event the local government agrees to accept such grants or
 1282 loans, the authority may require the local government to issue bonds or revenue bonds as
 1283 evidence of such grants or loans. The authority and a local government may enter into such
 1284 loan commitments and option agreements as may be determined appropriate by the
 1285 authority.

1286 (b) The authority may require as a condition of any grant or loan to a local government
 1287 that such local government shall perform any or all of the following:

1288 (1) In the case of grants or loans for a land public transportation or air quality facility,
 1289 establish and collect rates, fees, and charges so as to produce revenues sufficient to pay
 1290 all or a specified portion of:

1291 (A) Costs of operation, maintenance, replacement, renewal, and repairs; and

1292 (B) Outstanding indebtedness incurred for the purposes of such facility, including the
 1293 principal of and interest on the bonds, revenue bonds, notes, or other obligations issued
 1294 by the local government, as the same shall become due and payable, and to create and
 1295 maintain any required reserves;

1296 (2) In the case of loans for an air quality facility, establish and collect rents, rates, fees,
 1297 and charges so as to produce revenues sufficient to pay all or a specified portion of:

1298 (A) Costs of operation, maintenance, renewal, replacement, and repairs of the air
 1299 quality facility of such local government; and

1300 (B) Outstanding indebtedness incurred for the purposes of such air quality facility,
 1301 including the principal of and interest on the bonds, revenue bonds, notes, or other
 1302 obligations issued by the local government, as the same shall become due and payable,
 1303 and to create and maintain any required reserves;

1304 (3) Create and maintain a special fund or funds, as additional security for the payment
 1305 of the principal of such revenue bonds and the interest thereon and any other amounts
 1306 becoming due under any agreement, entered into in connection therewith and for the

1307 deposit therein of such revenues as shall be sufficient to make such payment as the same
1308 shall become due and payable;

1309 (4) Create and maintain such other special funds as may be required by the authority; and

1310 (5) Perform such other acts, including the conveyance of real and personal property
1311 together with all right, title, or interest therein to the authority, or take other actions as
1312 may be deemed necessary or desirable by the authority to secure the payment of the
1313 principal of and interest on such bonds, revenue bonds, notes, or other obligations and to
1314 provide for the remedies of the authority in the event of any default by such local
1315 government in such payment.

1316 (c) All local governments issuing and selling bonds, revenue bonds, notes, or other
1317 obligations to the authority are authorized to perform such acts, take such action, adopt
1318 such proceedings, and to make and carry out such contracts with the authority as may be
1319 contemplated by this chapter.

1320 (d) In connection with the making of any loan authorized by this chapter, the authority
1321 may fix and collect such fees and charges including, but not limited to, reimbursement of
1322 all costs of financing by the authority, as the authority shall determine to be reasonable.
1323 Neither the Public Service Commission nor any local government or state agency shall
1324 have jurisdiction over the authority's power over the regulation of such fees or charges.

1325 50-32-53.

1326 (a) No local government which, upon the activation of a special district created by this
1327 chapter, fails or refuses to plan, coordinate, and implement local government services in
1328 such special district as provided for in this chapter and authorized pursuant to a resolution
1329 of the authority shall be eligible for any state grant of any kind whatsoever except such
1330 grants as may be related directly to the physical and mental health, education, and police
1331 protection of its residents, nor shall any funds appropriated to or otherwise obtained by the
1332 Department of Transportation pursuant to Article III, Section IX, Paragraph VI(b) of the
1333 Constitution of this state and paragraphs (2) and (7) of subsection (a) of Code Section
1334 32-2-2 be utilized for designation, improvement, funding, or construction of any land
1335 public transportation system or any part of the state highway system lying within the
1336 boundaries of such local government's jurisdiction, or for the nonsafety related
1337 maintenance of any land public transportation system, highway, road, or bridge operating
1338 or located within such local government's jurisdictional boundaries, nor shall such local
1339 government be permitted to receive federal grants or funds for any such purpose, unless
1340 such funds are within categories applicable to state-wide inspection or improvement
1341 required for compliance with federal law or regulation.

1342 (b) By resolution, the authority may restore eligibility for funding and receipt of grants
 1343 denied pursuant to the provisions of subsection (a) of this Code section where such local
 1344 government demonstrates to the satisfaction of the authority that it is taking or shall take
 1345 appropriate action to cooperate with the authority.

1346 50-32-54.

1347 (a) In the event of a failure of any local government to collect and remit in full all amounts
 1348 due to the authority and all amounts due to others, which involve the credit or guarantee
 1349 of the authority or of the state, on the date such amounts are due under the terms of any
 1350 bond, revenue bond, note, or other obligation of the local government, it shall be the duty
 1351 of the authority to notify the state treasurer who shall withhold all funds of the state and all
 1352 funds administered by the state, its agencies, boards, and instrumentalities allotted to such
 1353 local government, excluding funds for education purposes, until such local government has
 1354 collected and remitted in full all sums due and cured or remedied all defaults on any such
 1355 bond, revenue bond, note, or other obligation.

1356 (b) Nothing contained in this Code section shall mandate the withholding of funds
 1357 allocated to a local government which would violate contracts to which the state is a party,
 1358 the requirements of federal law imposed on the state, or judgments of any court binding the
 1359 state.

1360 ARTICLE 5

1361 50-32-60.

1362 The prohibition of expenditures or withholding of funds for public road or other public
 1363 transportation purposes by the authority pursuant to any provision of this chapter shall not
 1364 alter the Department of Transportation's budgeted or programmed allocation of state or
 1365 federal funds among congressional districts pursuant to Code Section 32-5-30.

1366 ARTICLE 6

1367 50-32-70.

1368 This chapter, being for the welfare of this state and its inhabitants, shall be liberally
 1369 construed to effect the purposes specified in this chapter.

1370 50-32-71.

1371 No provision of Chapter 7 of Title 46 shall apply to any bus, other motor vehicle, or rapid
 1372 rail system of the authority which provides transit services."

1373

SECTION 2.

1374 (a) This section and Section 3 of this Act and subsections (a) and (b) of Code Section
1375 50-32-4 as amended by this Act shall become effective upon its approval by the Governor
1376 or upon its becoming law without such approval.

1377 (b) All other provisions of this Act shall become effective on July 1, 2012.

1378

SECTION 3.

1379 All laws and parts of laws in conflict with this Act are repealed.