

House Bill 306

By: Representatives Waites of the 60th, Glanton of the 75th, Stovall of the 74th, Jordan of the 77th, and Scott of the 76th

A BILL TO BE ENTITLED
AN ACT

1 To establish the Piedmont Altamaha Rail Authority; to provide a short title; to authorize such
2 authority to acquire, construct, maintain, operate, and own a higher-speed intercity and urban
3 rail and tram system in the Counties of Bibb, Butts, Clayton, Henry, and Monroe; to provide
4 for the membership and for the appointment of members of the authority and their terms of
5 tenure and compensation; to provide for meetings; to provide for the controlling of funds; to
6 provide for powers; to provide for the issuance of contracts; to provide for the setting of
7 rates, fares, tolls, and charges; to provide for construction of this Act; to provide for related
8 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 This Act shall be known and may be cited as the "Piedmont Altamaha Rail Authority Act of
12 2013."

13 style="text-align:center">**SECTION 2.**

14 style="text-align:center">Creation of authority.

15 There is created a body corporate and politic to be known as Piedmont Altamaha Rail
16 Authority which is referred to in this Act as the "authority." The authority shall be a political
17 subdivision of the State of Georgia and a public corporation. The authority shall have
18 perpetual existence.

SECTION 3.

Purpose.

The authority is created for the purpose of acquiring, constructing, completing, developing, owning, operating, and maintaining a higher-speed intercity and urban rail and tram system in the Counties of Bibb, Butts, Clayton, Henry, and Monroe.

SECTION 4.

Membership.

(a) The governing and administrative body of the authority shall be a board consisting of seven members. One member shall be appointed by the mayor of the City of Forest Park, one member shall be appointed by the mayor of the City of Macon, and one member shall be appointed by the chairperson of the board of commissioners of each of the following counties: Bibb, Butts, Clayton, Henry, and Monroe. Members shall be at least 25 years of age and reside in their respective jurisdictions for the entire duration of their appointments. Members appointed from Bibb, Butts, and Clayton counties shall serve for terms of three years. Members appointed from the City of Forest Park, City of Macon, and Henry and Monroe counties shall serve for terms of five years. At the expiration of the initial term, appointments shall be for five years each. Members of the board shall be eligible for reappointment. Vacancies on the board, except by expiration of term, shall be filled by appointment for the unexpired term in which the vacancy occurs.

(b) Four members of the board shall constitute a quorum, and a majority of the board shall have the ability to transact all business coming before it. The chairperson of the board shall be eligible to vote on all motions coming before the board. The adoption of a resolution or the passage of a motion shall require an affirmative vote of at least three members of the board.

(c) No member of the board or employee of the authority shall have directly or indirectly any financial interest, profit, or benefit in any contract, work, or business of the authority nor in the lease, sale, or purchase of any property to or from the authority.

(d) Members of the board shall serve without compensation but shall be entitled to reimbursement for all actual, reasonable, and necessary expenses incurred in the performance of their duties, provided that such expenses have been authorized in advance of their being incurred.

(e) At its initial meeting and at the first meeting of each calendar year, the board shall elect from among its members a chairperson and vice chairperson. The board shall elect a secretary-treasurer, who is not required to be a member of the board. These officers shall be

53 elected for a term ending on December 31 of the year in which they were elected or until
54 their successors are elected and qualified.

55 (f) The secretary-treasurer shall hold office as secretary-treasurer at the pleasure of the
56 board. Before entering upon the duties of the office, the secretary-treasurer shall execute a
57 bond with corporate surety, to be approved by the board. The bond shall be payable to the
58 authority in whatever penal sum may be directed by the board, conditioned upon the faithful
59 performance of the duties of the office and the payment of all funds received by him or her
60 according to law and the orders of the board. The board may at any time require a new bond
61 from the secretary-treasurer in such penal sum as may then be determined. The books and
62 records of the authority shall be audited by a certified public accountant selected by the board
63 not less than annually at the expense of the authority.

64 **SECTION 5.**

65 Meetings.

66 The authority shall meet at such times as may be necessary to transact the business coming
67 before it, but not less than quarterly. All meetings shall be called, noticed, and conducted in
68 accordance with Chapter 14 of Title 50 of the O.C.G.A. Motions, resolutions, and all other
69 proceedings of the authority and all documents and records shall be open to public
70 inspection, except such documents and records as shall be kept or prepared by the board for
71 use in negotiations or actions or proceedings to which the authority is a party.

72 **SECTION 6.**

73 Funds.

74 All funds deposited by the authority in any bank shall be placed in the name of the authority
75 and shall be withdrawn or paid out only by check or draft on the bank, signed by the
76 secretary-treasurer and countersigned by the chairperson or vice chairperson of the board.
77 The board may designate any of its members or any officer or employee of the authority to
78 affix the signature of the secretary-treasurer to any draft or check for payment of salaries or
79 wages and for the payment of other legal obligations of no more than \$1,000.00.

SECTION 7.

Powers.

82 The authority shall have the power:

- 83 (1) To adopt a seal and alter the same at its pleasure. The seal shall be impressed upon
84 instruments of the authority, and any executed instrument bearing the seal of the authority
85 shall be prima-facie evidence of its execution by the authority and that its execution was
86 duly, regularly, and legally authorized by the authority;
- 87 (2) To receive and administer gifts, grants, and donations;
- 88 (3) To acquire in its own name by grant, purchase, gift, devise, or lease, and to hold, use,
89 sell, lease, or dispose of real and personal property of every kind and nature whatsoever,
90 licenses, patents, rights, and interest necessary for the full, convenient, or useful exercise
91 of carrying out any of its powers pursuant to this Act;
- 92 (4) To acquire, construct, complete, develop, own, operate, and maintain a higher-speed
93 intercity and urban rail and tram system in the Counties of Bibb, Butts, Clayton, Henry, and
94 Monroe, including power to acquire by purchase, lease, gift, or otherwise all or any part
95 of any patents, licenses, rights, interest, engineering studies, data, or reports owned or held
96 by any person, firm, or corporation and determined by the authority to be necessary,
97 convenient, or useful to the authority in connection with the acquisition, construction,
98 completion, development, operation, or maintenance of such transit system;
- 99 (5) To appoint, select, and employ officers, agents, and employees and provide for their
100 personnel services and benefits, including payroll, insurance, and retirement programs.
101 The authority may enter into contracts with consultants and independent contractors,
102 including engineering, architectural, and construction experts, fiscal agents, and attorneys,
103 and fix their respective compensation;
- 104 (6) To make contracts and leases and to execute all instruments necessary or convenient,
105 including contracts for the acquisition of existing transportation facilities, acquisition of
106 new facilities and property, managerial and operating services, and such other matters and
107 things as may be needful and necessary to the proper and efficient operation of the business
108 of the authority;
- 109 (7) To accept loans and grants or to accept loans or grants of money or materials or
110 property of any kind from the United States of America or any agency or instrumentality
111 or political subdivision thereof or from any other source, upon such terms and conditions
112 as the United States of America or such agency or instrumentality or other source may
113 impose;
- 114 (8) To accept loans and grants or to accept loans or grants of money or materials or
115 property of any kind from the State of Georgia or any agency or instrumentality or political

116 subdivision thereof or from any other source, upon such terms and conditions as the State
117 of Georgia or such agency or instrumentality or political subdivision or any other source
118 may impose;

119 (9) To borrow money for any of its corporate purposes and to execute evidence of such
120 indebtedness by promissory notes or otherwise; to secure the same; and to provide for the
121 payment of the same and for the rights of the holders thereof;

122 (10) To exercise any power usually possessed by private corporations performing similar
123 functions which is not in conflict with the Constitution and laws of this state;

124 (11) To do all things necessary or convenient to exercise and carry out the powers
125 especially given in this Act;

126 (12) To make rules and bylaws for the orderly operation of the authority;

127 (13) To exercise the power of eminent domain to acquire any private real property or any
128 rights or interests therein, including any easements, necessary or convenient for the
129 accomplishment of the purposes of this Act in accordance with the provisions of Title 22
130 of the O.C.G.A. The authority shall pay for any property condemned under this power,
131 including legal fees and expenses such as surveys and appraisals, from its own funds; and
132 in proceedings to condemn pursuant to this paragraph, the court having jurisdiction of the
133 suit, action, or proceeding may enter such orders regarding the payment for such property
134 or interest therein as may be fair and just to the authority and the owners of the property
135 being condemned. Any such procedure may suggest the method of payment by the
136 authority to persons who own or have an interest in the property;

137 (14) To sue and to be sued in its corporate name in all courts of competent jurisdiction;

138 (15) To accumulate its funds from year to year and to invest the same in any manner that
139 instrumentalities of the State of Georgia or any of its political subdivisions may be
140 invested; and

141 (16) To procure and enter into contracts for any type of insurance and indemnity against
142 loss or damage to its property from any cause, including loss of use and occupancy, against
143 death or injury of any person, against employees' liability, against any act of any member,
144 officer, or employee of the board in the performance of the duties of his or her office; or
145 against employment of any other insurance risk.

146 **SECTION 8.**

147 Contracts.

148 All construction contracts and all contracts for the purchase of supplies, equipment, and
149 services when the expense thereof exceeds \$10,000.00 shall be awarded to the lowest,
150 qualified, or best bidder, after advertising for bids therefor to be published twice in the legal
151 organs of the counties within the jurisdiction of the authority. The authority shall have the
152 right to reject any or all bids or parts of any or all bids when such rejection is deemed
153 necessary by the board.

154 **SECTION 9.**

155 Rates and charges.

156 The authority is authorized to prescribe and fix and collect rates, fares, tolls, and charges, and
157 to revise, from time to time, and collect such rates, fares, tolls, and charges for transportation
158 services and facilities furnished to augment the full service operation of a higher-speed
159 intercity and urban rail and tram system, including leases and rents for commercial
160 operations on anticipation of the collection of revenues of such undertakings or projects. The
161 authority may provide that the rates, fares, tolls, and charges established are minimum rates,
162 fares, tolls, and charges and subject to increase or decrease.

163 **SECTION 10.**

164 Powers declared supplemental and additional.

165 The foregoing sections of this Act shall be deemed to provide an additional and alternative
166 method for the doing of the things authorized by this Act and shall be regarded as
167 supplemental and additional to powers conferred by other laws and shall not be regarded as
168 in derogation of any powers now existing.

169 **SECTION 11.**

170 Liberal construction of Act.

171 This Act, being for the purpose of promoting the health, morals, and general welfare of the
172 citizens of the State of Georgia, shall be liberally construed to effect the purposes hereof.

173 **SECTION 12.**

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

176 **SECTION 13.**

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