

Senate Bill 460

By: Senator Beach of the 21st

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965,"
2 approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, so as to provide for adoption
3 of a logo and brand to include the term "ATL" by such Authority by a certain date; to remove
4 a limitation on the amount of funds such Authority may receive from the state; to provide for
5 the publishing of standards for bus service for a fiscal year; to provide for clarification on the
6 responsible parties for debt in relation to the issuance of certain revenue bonds; to amend
7 requirements for transportation services contracts between the Authority and a local
8 government; to provide for related matters; to provide for contingent effective dates; to
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 An Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved
13 March 10, 1965 (Ga. L. 1965, p. 2243), as amended, is amended by revising subsections (a)
14 and (i) of Section 8 as follows:

15 "(a) The powers, privileges and immunities authorized by law for private corporations and
16 for instrumentalities of government. The Authority may sue or be sued in its corporate
17 name but no execution shall be levied on any property of the Authority prior to ninety (90)
18 days from the date of a final judgment against the Authority. The Board may adopt and use
19 a common seal for the Authority and change it at its pleasure. On and after January 1,
20 2023, the board shall utilize a logo and brand upon Authority property which shall include
21 the term 'ATL' as a prominent feature. Such branding and logo will in no manner change
22 the official name, business, contracts, or other obligations of the Authority."

23 "(i) The power to enter into contracts with the State of Georgia and any agency,
24 instrumentality or authority thereof and with any of the county and municipal governments
25 within the territorial limits of the area served or to be served by the Authority, for public
26 transportation services to be rendered by the Authority or its rapid transit system, and for

27 any other purposes incidental to the establishment and maintenance of its rapid transit
 28 system, or any part or project thereof, including the payment of funds to subsidize the
 29 operations of such system if it should ever be necessary to do so, and the usual facilities
 30 related thereto. ~~Provided, however, that such subsidy by the State of Georgia shall never~~
 31 ~~exceed (10%) ten percent of the total cost of such Rapid Transit System."~~

32 **SECTION 2.**

33 Said Act is further amended by revising paragraph (g) of Section 9 as follows:

34 "(g) Not later than 120 days after the end of each fiscal year, the Board shall adopt and
 35 publish standards of bus service for the Authority's current fiscal year for Clayton, Fulton,
 36 and DeKalb counties including, but not limited to, such service within the City of Atlanta.
 37 The Board may hold public hearings, as it may deem appropriate, prior to the adoption and
 38 publication of such standards and may prescribe rules and regulations to govern such
 39 hearings not inconsistent with this Act."

40 **SECTION 3.**

41 Said Act is further amended by adding two new paragraphs to Section 10 to read as follows:

42 "(x) Any bonds of the Authority issued on or after January 1, 2019, shall not be deemed
 43 to constitute a debt of any local government of the metropolitan area nor any local
 44 government of a county which enters into a transportation services contract pursuant to
 45 Section 24A of this Act.

46 (y) Any bonds issued by a local government of a county which enters into a transportation
 47 services contract with the Authority shall be governed by the provisions of Article 5B of
 48 Chapter 8 of Title 48 of the Official Code of Georgia Annotated."

49 **SECTION 4.**

50 Said Act is further amended by revising Section 24A as follows:

51 "SECTION 24A.

52 (a) Notwithstanding the provisions of Section 24 of this Act or any other provision of this
 53 Act, the Authority may execute a transportation services contract with any county,
 54 municipality, special tax or community improvement district, political subdivision of this
 55 state, or any combination thereof being or lying within the counties of Clayton, Cobb,
 56 DeKalb, Fulton, or Gwinnett, to provide public transportation services, facilities, or both,
 57 for, to, or within such county, municipality, district, subdivision, or combination thereof.

58 A transportation services contract executed pursuant to this Section:

- 59 (1) Shall not be a rapid transit contract subject to the conditions established therefor in
 60 Section 24 of this Act;
- 61 ~~(2) May not utilize a method of financing those public transportation services or facilities~~
 62 ~~provided under the contract which involves:~~
- 63 ~~(A) The issuance of bonds under subsection (c) of Section 24 of this Act;~~
 64 ~~(B) The levy of the special retail sales and use tax described and authorized in Section~~
 65 ~~25 of this Act; or~~
- 66 ~~(C) Both methods described in subparagraphs (A) and (B) of this paragraph;~~
- 67 ~~(3)(2) Shall require that the provision of transportation services or for facilities~~
 68 ~~contracted for are from the approved project list from the regional transit plan developed~~
 69 ~~by the Atlanta-region Transit Link 'ATL' Commission pursuant to Code Section~~
 70 ~~48-8-269.42 of the Official Code of Georgia Annotated or is otherwise authorized~~
 71 ~~pursuant to such Code section May not authorize the construction of any extension of or~~
 72 ~~addition to the Authority's existing rapid rail system; and~~
- 73 ~~(4)(3) Shall require that the costs of any transportation services and facilities contracted~~
 74 ~~for, as determined by the Board of Directors on the basis of reasonable estimates,~~
 75 ~~allocations of costs and capital, and projections shall be borne by one or more of the~~
 76 ~~following:~~
- 77 (A) Fares;
- 78 (B) Other revenues generated by such services or facilities; ~~and~~
- 79 (C) Any subsidy provided, directly or indirectly, by or on behalf of the public entity
 80 with which the Authority contracted for the services and facilities; and
- 81 (D) A special retail sales and use tax described and authorized in Article 5B of
 82 Chapter 8 of Title 48 of the Official Code of Georgia Annotated.
- 83 (b) Nothing in this Section shall be deemed to limit or preclude the Authority from
 84 providing public transportation services and facilities for, to, or within any other county,
 85 municipality, special tax or community improvement district, political subdivision of this
 86 state, or combination thereof if:
- 87 (A) The Authority is otherwise authorized by law to provide such services and
 88 facilities;
- 89 (B) The services and facilities are provided pursuant to a transportation services
 90 contract meeting the requirements therefor under subsection (a) of this Section; and
- 91 (C) The parties to the transportation services contract are authorized by law to enter
 92 into such contract.
- 93 (c) Nothing in this Section or in paragraph (2) of subsection (b) of Section 25 of this Act
 94 shall authorize the Authority to provide any public transportation service or facility to any
 95 county, municipality, special tax or community improvement district, or other political

96 subdivision which, on January 1, 1988, is not a party to the Rapid Transit Contract and
97 Assistance Agreement specified in subsection (k) of Section 25 of this Act unless that
98 service or facility is provided pursuant to a contract approved by the governing authority
99 of that political subdivision for which the service or facility is to be provided or pursuant
100 to a contract approved in a referendum by a majority of the qualified electors voting in the
101 political subdivision for which the service or facility is to be provided. For purposes of this
102 Section, when any public transportation service or facility is to be provided by the
103 Authority to any special tax or community improvement district, the county or municipality
104 for which that district was created shall be the political subdivision whose governing
105 authority or electors shall be required to approve the contract for such service or facility."

106

SECTION 5.

107 (a) Except as otherwise provided by subsection (b) of this section, this Act shall become
108 effective upon its approval by the Governor or upon its becoming law without such approval.

109 (b) Sections 3 and 4 of this Act shall become effective only upon the effective date of
110 Senate Bill 386 from the 2018 legislative session.

111

SECTION 6.

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