

House Bill 1358

By: Representatives Anderson of the 10th, Jones of the 47th, Carson of the 46th, Martin of the 49th, Ridley of the 22nd, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 12, 32, 36, 40, 45, 48, and 50 of the Official Code of Georgia Annotated,
2 relating to conservation and natural resources, highways, bridges, and ferries, local
3 government, motor vehicles and traffic, public officers and employees, revenue and taxation,
4 and state government, respectively, so as to abolish the Atlanta-Region Transit Link "ATL"
5 Authority and the Georgia Regional Transportation Authority and transfer all assets,
6 obligations, liabilities, and employees of such authorities to the State Road and Tollway
7 Authority; to abolish the Governor's Development Council; to revise the composition of the
8 State Road and Tollway Authority; to transfer certain transit authority to the State Road and
9 Tollway Authority; to revise provisions relative to the multicounty transportation special
10 purpose local option sales tax and the transit special purpose local option sales and use tax;
11 to provide for definitions; to provide for conforming changes; to provide for related matters;
12 to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **PART I**

15 *Atlanta-region Transit Link "ATL" Authority*

16 *(ATL)*

17 **SECTION 1-1.**

18 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
 19 by repealing in its entirety Chapter 39, relating to the Atlanta-region Transit Link 'ATL'
 20 Authority, and designating it as reserved.

21 **PART II**

22 *Georgia Regional Transportation Authority*

23 *(GRTA)*

24 **SECTION 2-1.**

25 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 26 amended in Code Section 40-1-100, relating to definitions relative to certification of motor
 27 carriers, by revising paragraphs (9) and (10) as follows:

28 "(9) 'Government endorsed rideshare program' means a vanpool, carpool, or similar
 29 rideshare operation conducted by or under the auspices of a state or local governmental
 30 transit instrumentality, such as ~~GRTA~~ the State Road and Tollway Authority, a
 31 transportation management association, or a community improvement district, or
 32 conducted under the auspices of such transit agencies, including through any form of
 33 contract between such transit instrumentality and private persons or businesses.

34 (10) ~~'GRTA' means the Georgia Regional Transportation Authority, which is itself~~
 35 ~~exempt from regulation as a carrier under Code Section 50-32-71~~ Reserved."

36 **SECTION 2-2.**

37 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
38 is amended by repealing in its entirety Article 6 of Chapter 12, relating to planning and
39 development, and designating it as reserved.

40 **SECTION 2-3.**

41 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
42 in Code Section 50-23-4, relating to definitions relative to the Environmental Finance
43 Authority, by revising paragraph (12) as follows:

44 "(12) 'Project' means:

45 ~~(A) The~~ the acquisition, construction, installation, modification, renovation, repair,
46 extension, renewal, replacement, or rehabilitation of land, interest in land, buildings,
47 structures, facilities, or other improvements and the acquisition, installation, modification,
48 renovation, repair, extension, renewal, replacement, rehabilitation, or furnishing of
49 fixtures, machinery, equipment, furniture, or other property of any nature whatsoever
50 used on, in, or in connection with any such land, interest in land, building, structure,
51 facility, or other improvement, all for the essential public purpose of providing
52 environmental facilities and services so as to meet public health and environmental
53 standards, protect the state's valuable natural resources, or aid the development of trade,
54 commerce, industry, agriculture, and employment opportunities, including, but not
55 limited to, any project as defined by Code Section 12-5-471;

56 ~~(B) Projects authorized by the Georgia Regional Transportation Authority created by~~
57 ~~Chapter 32 of this title and as defined in such chapter, where such authority has been~~
58 ~~directed to issue revenue bonds, bonds, notes, or other obligations to finance such~~
59 ~~project or the cost of a project in whole or in part, provided that such authority's power~~
60 ~~with respect to such projects authorized by the Georgia Regional Transportation~~

61 ~~Authority shall be limited to providing such financing and related matters as authorized~~
 62 ~~by the Georgia Regional Transportation Authority; and~~
 63 ~~(C) Projects authorized by the Atlanta-region Transit Link 'ATL' Authority created~~
 64 ~~pursuant to Chapter 39 of this title and as defined in such chapter, where such authority~~
 65 ~~has been directed to issue revenue bonds, bonds, notes, or other obligations to finance~~
 66 ~~such project or the cost of a project in whole or in part, provided that such authority's~~
 67 ~~power with respect to such projects authorized by the Atlanta-region Transit Link 'ATL'~~
 68 ~~Authority shall be limited to providing such financing and related matters as authorized~~
 69 ~~by the Atlanta-region Transit Link 'ATL' Authority."~~

70 **SECTION 2-4.**

71 Said title is further amended by repealing in its entirety Chapter 32, relating to the Georgia
 72 Regional Transportation Authority, and designating it as reserved.

73 **PART III**

74 *State Road and Tollway Authority*

75 *(SRTA)*

76 **SECTION 3-1.**

77 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,
 78 is amended in Code Section 32-6-51, relating to unauthorized devices and structures within
 79 right of way or visible from public road, bus shelters, and commercial advertisements by
 80 transit agency, by revising subparagraph (g)(1)(C) as follows:

81 "(C) 'Transit agency' means any public agency, public corporation, or public authority
 82 existing under the laws of this state that is authorized by any general, special, or local
 83 law to provide any type of transit services within any area of this state, including, but
 84 not limited to, the Department of Transportation, the Atlanta-region Transit Link 'ATL'

85 ~~Authority~~ State Road and Tollway Authority, and the Georgia Rail Passenger
86 Authority."

87 **SECTION 3-2.**

88 Said title is further amended in Article 2 of Chapter 10, relating to the State Road and
89 Tollway Authority, by revising paragraph (5) of and adding a new paragraph to Code Section
90 32-10-60, relating to definitions, to read as follows:

91 "(5) 'Project' means transportation related undertakings which provide a public benefit,
92 including:

93 (A) One or more roads or bridges or a system of roads, bridges, and tunnels or
94 improvements thereto included on an approved state-wide transportation improvement
95 program on the Developmental Highway System as set forth in Code Section 32-4-22,
96 as now or hereafter amended, or a comprehensive transportation plan pursuant to Code
97 Section 32-2-3 or which are toll access roads, bridges, or tunnels, with access limited
98 or unlimited as determined by the authority, and such buildings, structures, parking
99 areas, appurtenances, and facilities related thereto, including but not limited to
100 approaches, cross streets, roads, bridges, tunnels, and avenues of access for such
101 system;

102 (B) Any program for mass transportation or mass transportation facilities as approved
103 by the authority and the department and such buildings, structures, parking areas,
104 appurtenances, and facilities related thereto, including, but not limited to, approaches,
105 cross streets, roads, bridges, tunnels, and avenues of access for such facilities; ~~and~~

106 (C) The acquisition, construction, installation, modification, renovation, repair,
107 extension, renewal, replacement, or rehabilitation of land, interest in land, buildings,
108 structures, facilities, or other improvements and the acquisition, installation,
109 modification, renovation, repair, extension, renewal, replacement, rehabilitation, or
110 furnishing of fixtures, machinery, equipment, furniture, or other property of any nature

111 whatsoever used on, in, or in connection with any such land, interest in land, building,
 112 structure, facility, or other improvement, all for the essential public purpose of
 113 providing facilities and services related to transit and to aid in the accomplishment of
 114 the purposes of the authority; and

115 (D) Any project undertaken pursuant to Part 2 of Article 4 of Chapter 2 of this title."

116 "(8.1) 'Transit' means regular, continuing shared-ride or shared-use surface transportation
 117 services that are made available by or funded by a public entity or quasi-public entity and
 118 are open to the general public or open to a segment of the general public defined by age,
 119 disability, or low income. Such term includes services or systems operated by or under
 120 contract with the state, a state agency or authority, a local government, a community
 121 improvement district, or any other similar entity of this state and all accompanying
 122 infrastructure and services necessary to provide access to these modes of transportation.
 123 Such term excludes charter or sightseeing services; school bus services; courtesy shuttle
 124 and intrafacility or terminal services; limousine carriers; and ride share network services,
 125 transportation referral services, and taxi services as such terms are defined in Code
 126 Section 40-1-90 and which are not paid for by a public entity."

127 **SECTION 3-3.**

128 Said title is further amended in said article by adding a new Code section to read as follows:

129 "32-10-61.1.

130 (a) All assets, property, and legal rights and obligations, including, but not limited to, all
 131 bonded indebtedness, of the Georgia Regional Transportation Authority and the
 132 Atlanta-region Transit Link 'ATL' Authority shall devolve by operation of law upon the
 133 authority on July 1, 2025.

134 (b) The rights, privileges, entitlements, and duties of parties to contracts, leases,
 135 agreements, and other transactions, including commitments related to federal funds, entered
 136 into before July 1, 2025, by the Georgia Regional Transportation Authority and the

137 Atlanta-region Transit Link 'ATL' Authority shall continue to exist, and none of these
138 rights, privileges, entitlements, and duties are impaired or diminished by reason of the
139 transfer of the functions to the authority. In all such instances, the authority shall be
140 substituted for the Georgia Regional Transportation Authority and the Atlanta-region
141 Transit Link 'ATL' Authority and the authority shall succeed to the rights and duties under
142 such contracts, leases, agreements, and other transactions, including commitments related
143 to federal funds.

144 (c) All persons employed by the Georgia Regional Transportation Authority and the
145 Atlanta-region Transit Link 'ATL' Authority shall, on July 1, 2025, become employees of
146 the authority in similar capacities, as determined by the executive director. Such
147 employees shall be subject to the employment practices and policies of the authority on and
148 after July 1, 2025, but the compensation and benefits of such transferred employees shall
149 not be reduced as a result of such transfer. Employees who are subject to the rules of the
150 State Personnel Board and thereby under the State Personnel Administration and who are
151 transferred to the authority shall retain all existing rights under the State Personnel
152 Administration. Retirement rights of such transferred employees existing under the
153 Employees' Retirement System of Georgia or other public retirement systems on June 30,
154 2025, shall not be impaired or interrupted by the transfer of such employees, and
155 membership in any such retirement system shall continue in the same status possessed by
156 the transferred employees on June 30, 2025. Accrued annual and sick leave possessed by
157 the transferred employees on June 30, 2025, shall be retained by such employees as
158 employees of the authority.

159 (d) On July 1, 2025, the authority shall receive custody of the real property in the custody
160 of the Georgia Regional Transportation Authority and the Atlanta-region Transit Link
161 'ATL' Authority on June 30, 2025.

162 (e) All equipment or other tangible property in the possession of the Georgia Regional
163 Transportation Authority and the Atlanta-region Transit Link 'ATL' Authority which is

164 used or held exclusively or principally by personnel transferred under this Code section
 165 shall be transferred to the authority as of July 1, 2025."

166 **SECTION 3-4.**

167 Said title is further amended in said article by revising Code Section 32-10-62, relating to
 168 membership of the board of the State Road and Tollway Authority, compensation, officers,
 169 bylaws, quorum, and record of proceedings, as follows:

170 "32-10-62.

171 (a) The members of the authority shall be ~~ex officio the;~~

172 (1) The Governor, the ex officio;

173 (2) The commissioner of transportation, the;

174 (3) The director of the Office of Planning and Budget, one;

175 (4) One member to be appointed by the Lieutenant Governor and to serve during the
 176 term of office of the Lieutenant Governor and until a successor is duly appointed and
 177 qualified, ~~and one;~~

178 (5) One member to be appointed by the Speaker of the House of Representatives and to
 179 serve during the term of office of the Speaker of the House of Representatives and until
 180 a successor is duly appointed and qualified; and ~~membership~~

181 (6) Three members, with one to be appointed by the Governor, Lieutenant Governor, and
 182 Speaker of the House of Representatives, respectively, who shall reside in a county
 183 within a nonattainment area, as such term is defined in Code Section 12-9-43, to serve
 184 during the term of office of his or her appointing officer and until a successor is duly
 185 appointed and qualified.

186 (b) Membership of the authority shall be a separate and distinct duty for which ~~they~~
 187 members shall receive no additional compensation. All members of the authority shall be
 188 entitled to all actual expenses necessarily incurred while in the performance of duties on
 189 behalf of the authority. The authority shall elect one of its members as ~~chairman~~

190 chairperson. It shall also elect a secretary and a treasurer, who need not necessarily be
 191 members of the authority. The authority may make such bylaws for its government as is
 192 deemed necessary but it is under no duty to do so. A majority of the members of the
 193 authority shall constitute a quorum necessary for the transaction of business, and a majority
 194 vote of those present at any meeting at which there is a quorum shall be sufficient to do and
 195 perform any action permitted to the authority by this article.

196 ~~(b)~~(c) No vacancy on the authority shall impair the right of the quorum to transact any and
 197 all business as stated in this Code section. Members of the authority shall be accountable
 198 as trustees. They shall cause to be kept adequate books and records of all transactions of
 199 the authority, including books of income and disbursements of every nature. The books
 200 and records shall be inspected and audited by the state auditor at least once a year."

201 **SECTION 3-5.**

202 Said title is further amended in said article by adding new paragraphs to Code Section
 203 32-10-63, relating to powers of the State Road and Tollway Authority generally, to read as
 204 follows:

205 "(6.1) To coordinate and assist in planning for transit purposes between and among all
 206 state, regional, and local authorities charged with planning responsibilities for such
 207 purposes by state or federal law;

208 (6.2) To review and make recommendations to the Governor, Lieutenant Governor, and
 209 Speaker of the House of Representatives concerning all transit plans and transportation
 210 improvement programs prepared by the Department of Transportation involving design,
 211 construction, or operation of transit facilities, and to negotiate with the Department of
 212 Transportation concerning changes or amendments to such plans which may be
 213 recommended by the authority consistent with applicable federal law and regulation;"

214 "(8.1) To the extent permissible under federal law, to operate as a receiver of federal
 215 grants, loans, and other moneys intended to be used pursuant to this article for inter-urban

216 and intra-urban transit, transit plans, and other purposes related to the alleviation of
 217 congestion;

218 (8.2) To accept and use federal funds; to enter into any contracts or agreements with the
 219 United States or its agencies or subdivisions relating to the planning, financing,
 220 construction, improvement, operation, and maintenance of any transit services or transit
 221 projects; and to do all things necessary, proper, or expedient to achieve compliance with
 222 the provisions and requirements of all applicable federal-aid acts and programs. Nothing
 223 in this paragraph is intended to conflict with any federal law, and, in case of such conflict,
 224 such portion as may be in conflict with such federal law is declared of no effect to the
 225 extent of the conflict;"

226 **SECTION 3-6.**

227 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
 228 amended in Article 8 of Chapter 13, relating to excise tax on for-hire grand transportation,
 229 by revising paragraph (6) of Code Section 48-13-140, relating to definitions, as follows:

230 "(6) 'Transit provider' means the Department of Transportation, the ~~Atlanta-region~~
 231 ~~Transit Link 'ATL' Authority~~ State Road and Tollway Authority, or a system providing
 232 transit or a jurisdiction operating such a system that receives federal transit formula
 233 funding."

234 **SECTION 3-7.**

235 Said title is further amended in said article by revising Code Section 48-13-143, relating to
 236 quarterly reporting requirement, as follows:

237 "48-13-143.

238 Each for-hire ground transport service provider shall submit a quarterly report that
 239 identifies the number of for-hire ground transport trips provided by county of origin and
 240 destination to the department, the ~~Atlanta-region~~ ~~Transit Link 'ATL' Authority~~ State Road

241 and Tollway Authority, and the Department of Transportation. All such reports shall be
 242 treated as confidential and shall not be subject to Article 4 of Chapter 18 of Title 50,
 243 relating to open records."

244 **SECTION 3-8.**

245 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
 246 in Code Section 50-18-72, relating to when public disclosure not required for state records,
 247 by revising paragraph (51) of subsection (a) as follows:

248 "(51) Reports submitted to the Department of Revenue, the ~~Atlanta-region Transit Link~~
 249 ~~'ATL' Authority~~ State Road and Tollway Authority, or the Department of Transportation
 250 by a for-hire ground transport service provider as required pursuant to Code
 251 Section 48-13-143."

252 **PART IV**

253 *Environmental Protection Division*

254 *(EPD)*

255 **SECTION 4-1.**

256 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural
 257 resources, is amended in Code Section 12-8-31, relating to state solid waste management
 258 plan and reporting, by revising subsection (b) as follows:

259 "~~(b) The state solid waste management plan shall be submitted to the Governor's~~
 260 ~~Development Council and shall serve as the guide for the development of local plans and~~
 261 ~~regional plans for solid waste management~~ Reserved."

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PART V

Regional Commissions/Atlanta Regional Commission

(ARC)

SECTION 5-1.

266 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
267 in Code Section 36-1-27, relating to referendum approval required prior to expenditure of
268 public funds for establishment of fixed guideway transit, definitions, submission of the
269 question to qualified voters, and ballot language, by revising paragraph (4) of subsection (a)
270 and subsection (b) as follows:

271 "(4) 'Mass transportation regional system participant' means any county within a special
272 district created pursuant to Article 5 of Chapter 8 of Title 48 in which mass transportation
273 is provided within such special district, to such special district, or from such special
274 district by a multicounty regional transportation authority created by an Act of the
275 General Assembly, including but not limited to the ~~Atlanta-region Transit Link 'ATL'~~
276 ~~Authority~~ or the Metropolitan Atlanta Rapid Transit Authority.

277 (b) Prior to an expenditure of any public funds for the establishment, maintenance, and
278 operation of a fixed guideway transit in any county that is a mass transportation regional
279 system participant, the governing authority of such county shall obtain approval from:

280 (1) The ~~Atlanta-region Transit Link 'ATL' Authority~~ that such project is on the regional
281 ~~transit plan adopted by such authority pursuant to Code Section 50-39-12~~ State Road and
282 Tollway Authority; and

283 (2) A majority of qualified voters of the county in a separate referendum question as
284 provided for in this Code section."

285 **SECTION 5-2.**

286 Said title is further amended by revising Code Section 36-80-26, relating to multi-county
287 community improvement districts for transit projects, as follows:

288 "36-80-26.

289 (a) For purposes of this Code section, the term:

290 (1) 'County' means any county created under the Constitution or laws of this state.

291 ~~(2) 'Regional transit plan' means the official multiyear plan for transit services and~~
292 ~~facilities adopted pursuant to Code Section 50-39-12.~~

293 ~~(3)~~(2) 'Transit' means regular, continuing shared-ride or shared-use surface transportation
294 services that are made available by a public entity and are open to the general public or
295 open to a segment of the general public defined by age, disability, or low income. Such
296 term includes services or systems operated by or under contract with the state, a public
297 agency or authority, a county or municipality, a community improvement district, or any
298 other similar public entity of this state and all accompanying infrastructure and services
299 necessary to provide access to these modes of transportation. Such term excludes charter
300 or sightseeing services, school bus services, courtesy shuttle and intra-facility or terminal
301 services, limousine carriers, and ride share network services, transportation referral
302 services, and taxi services not paid for by a public entity.

303 ~~(4)~~(3) 'Transit projects' means and includes purposes to establish, enhance, operate, and
304 maintain, or improve access to transit, including general obligation debt and other
305 multiyear obligations issued to finance such projects.

306 (b) A community improvement district for the purpose of the provision of transit projects
307 which are wholly or partially located in more than one county may be created under the
308 authority granted in and consistent with the processes set forth in Section VII of Article IX
309 of the Georgia Constitution. Any such ~~multi-county~~ multicounty community improvement
310 district may be authorized to be created upon the passage of a local act of the General
311 Assembly by each county in which such community improvement district is to be wholly

312 or partially located. The transit projects to be provided by such community improvement
 313 district shall be projects ~~included in the regional transit plan and through agreement with~~
 314 ~~the Atlanta-region Transit Link 'ATL' Authority~~ approved by the State Road and Tollway
 315 Authority. The administrative body of any such community improvement district shall
 316 include one member appointed by the governing authority of each county or municipality
 317 which is located wholly or partially within such community improvement district."

318 **SECTION 5-3.**

319 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
 320 in Code Section 50-8-35, relating to powers and duties of regional commissions, by revising
 321 paragraph (5) of subsection (c) as follows:

322 "(5) A commission may establish within its comprehensive plan goals, objectives,
 323 policies, and recommendations consistent with those established by the ~~Governor's~~
 324 ~~Development Council or by the~~ department, for its region; and"

325 **PART VI**

326 *Multicounty T-SPLOST*

327 **SECTION 6-1.**

328 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
 329 amended in Part 2 of Article 5 of Chapter 8, relating to election, imposition, and procedures
 330 relative to special district transportation sales and use tax, by revising subsection (b) of Code
 331 Section 48-8-243, relating to criteria for development of investment list of projects and
 332 programs, report, and gridlock, as follows:

333 "(b) With regard to any area of a special district that is not part of an MPO, following
 334 receipt of the report provided for in subsection (a) of this Code section, and after receiving
 335 comments, if any, from members of the General Assembly whose districts lie wholly or

336 partially within such area, the local governments in such area may submit projects to the
337 director to assemble a list of example investments for such special district that comport
338 with the special district's investment criteria. With regard to any area of a special district
339 that is part of an MPO, following receipt of the report provided for in subsection (a) of this
340 Code section, and after receiving comments, if any, from members of the General
341 Assembly whose districts lie wholly or partially within such area, the local governments
342 may submit projects to the director and to the MPO for the director to use to assemble a list
343 of example investments for such special district that comport with the special district's
344 investment criteria. The list of example investments for each special district shall not be
345 required to be fiscally constrained within the budget of the revenues projected to be
346 generated by each special district's sales and use tax and shall be submitted to the executive
347 committee for each regional transportation roundtable for consideration. The executive
348 committee in collaboration with the director shall choose from the list of example
349 investments to create the draft investment list, which shall be approved by majority vote
350 of the executive committee. Such draft investment list shall be fiscally constrained within
351 the ranges of revenues projected to be generated by the special district sales and use tax,
352 as determined by the state fiscal economist. The special district's draft investment list as
353 approved by the executive committee shall be considered by the regional transportation
354 roundtable. The director shall deliver the draft investment list to the local governments,
355 MPO's, and members of the General Assembly whose districts lie wholly or partially
356 within each special district for each special district not later than August 15, 2011. The
357 director shall include in the draft investment list a statement of the specific public benefits
358 to be expected upon the completion of each project on the investment list and how the
359 special district's investment criteria are furthered by each project. Examples of specific
360 public benefits include, but are not limited to, congestion mitigation, increased lane
361 capacity, public safety, and economic development. The director shall include in such
362 delivery notice of the date, time, and location of each district's executive committee

363 meeting and final regional transportation roundtable. Prior to holding the final regional
364 transportation roundtable, the executive committee shall hold, after proper notice to the
365 public, at least two public meetings in the region for the purpose of receiving public
366 comment on the draft regional investment list. The executive committee shall prepare and
367 deliver to all members of the regional roundtable and the director a summary of the public
368 comment on the regional investment list. The local governments, MPO's, and members of
369 the General Assembly whose districts lie wholly or partially within such special district
370 may submit comments on the draft investment list addressed to both the director and the
371 executive committee no later than two weeks prior to the dates of the final regional
372 transportation roundtable and the executive committee meeting, respectively, for the
373 special district. At the final regional transportation roundtable, the draft investment list
374 approved by the executive committee shall be considered for approval by a majority vote
375 of the representatives present at the roundtable. Should the roundtable reject the draft
376 investment list approved by the executive committee, the roundtable then may negotiate
377 amendments that meet the district's investment criteria to the draft investment list, which
378 shall be chosen from the list of example investments for each special district, each voted
379 on separately and requiring a majority vote of the representatives present at the roundtable
380 for approval. Upon consideration of all offered amendments, upon motion, the roundtable
381 shall vote as to the approval of the amended draft list, requiring a majority vote of the
382 representatives present at the roundtable. The approved investment list, if any, shall be
383 provided to the director. On or before October 15, 2011, the director shall deliver such list
384 to the commission, the commissioner of transportation, the executive director of the
385 ~~Atlanta-region Transit Link 'ATL' Authority~~ State Road and Tollway Authority, local
386 governments, MPO's, and members of the General Assembly whose districts lie wholly or
387 partially within each special district for each special district. The approved investment list
388 shall include:

389 (1) The specific transportation projects to be funded;

- 390 (2) The anticipated schedule of such projects;
391 (3) The approximate cost of such projects; and
392 (4) The estimated amount of net proceeds to be raised by the tax including the amount
393 of proceeds to be distributed to local governments pursuant to subsection (e) of Code
394 Section 48-8-249.

395 If a roundtable does not approve the original draft investment list or an amended draft
396 investment list on or before October 15, 2011, then a special district gridlock shall be
397 declared by the director and no election shall be held in such special district. The question
398 of levying the tax shall not be submitted to the voters of the special district until after 24
399 months immediately following the month in which the special district gridlock was
400 reached."

401 **SECTION 6-2.**

402 Said title is further amended in said part by revising subsections (b) and (c) of Code Section
403 48-8-249, relating to use of proceeds within special district exclusively for projects on
404 approved investment list and contracts, as follows:

405 "(b) The commission shall be responsible for the proper application of the proceeds
406 received from the tax authorized by this article for the approved investment list for each
407 special district. The commission shall delegate the management of the budget, schedule,
408 execution, and delivery of the projects contained in the approved investment list as follows:

409 (1) The commission shall contract with the Department of Transportation for all
410 transportation projects except bus and rail mass transit systems and passenger rail in any
411 special district the boundaries of which are not wholly contained within a single MPO;
412 and

413 (2) The commission shall contract with the ~~Atlanta-region Transit Link 'ATL' Authority~~
414 State Road and Tollway Authority only for projects that are bus and rail mass transit

415 systems and passenger rail within any special district the boundaries of which are wholly
416 contained within a single MPO.

417 Upon entering into contracts with the Department of Transportation or the ~~Atlanta-region~~
418 ~~Transit Link 'ATL' Authority~~ State Road and Tollway Authority as provided above, the
419 commission shall dispense funds upon the request of the commissioner of transportation
420 or the executive director of the ~~Atlanta-region~~ ~~Transit Link 'ATL' Authority~~ State Road and
421 Tollway Authority, which request shall include certification of the completion of the
422 project or project element for which funds are requested. Payment shall be made promptly
423 upon approval by the construction division or the financing and investment division of the
424 commission, and such payments shall not require any other official action by the
425 commission. The use of funds so dispensed shall be subject to review and audit by the
426 construction division and the financing and investment division of the commission and
427 action by the commission upon receipt of complaint or if otherwise warranted. The
428 Department of Transportation and ~~Atlanta-region~~ ~~Transit Link 'ATL' Authority~~ State Road
429 and Tollway Authority shall consult with the commission on at least a quarterly basis
430 regarding the progress and performance in the execution, schedule, and delivery of projects
431 on the approved investment list.

432 (c) In managing the execution, schedule, and delivery of the projects on the approved
433 investment list for a special district, the Department of Transportation or ~~Atlanta-region~~
434 ~~Transit Link 'ATL' Authority~~ State Road and Tollway Authority, as appropriate, shall
435 determine whether a project should be designed and constructed by the Department of
436 Transportation, by a local government, or by another public or private entity. In making
437 such determination the following shall be considered:

- 438 (1) Whether such project is on the state-wide transportation improvement program, the
439 state-wide strategic transportation plan, or a transportation improvement program;
440 (2) The type and estimated cost of the project;
441 (3) The location of the project and whether it encompasses multiple jurisdictions;

442 (4) The experience of a local government or governments or a public or private entity in
443 designing and constructing such project as set forth in an application in a form to be
444 provided by the commissioner of transportation or the executive director of the
445 ~~Atlanta-region Transit Link 'ATL' Authority~~ State Road and Tollway Authority; and

446 (5) The recommendation of the MPO, if any, for such special district.

447 Following the decision, the Department of Transportation, the local government or
448 governments, or another public or private entity as determined under this subsection shall
449 contract for implementing the projects in accordance with applicable state and federal
450 requirements."

451 **SECTION 6-3.**

452 Said title is further amended in said part by revising Code Section 48-8-250, relating to
453 report, as follows:

454 "48-8-250.

455 Not later than December 15 of each year, the state revenue commissioner shall publish, on
456 the website created pursuant to paragraph (3) of subsection (c) of Code Section 48-8-245,
457 a simple, nontechnical report which shows for each project in the investment list approved
458 by the director the original estimated cost, the current estimated cost if it is not the original
459 estimated cost, amounts expended in prior years, and amounts expended in the current year
460 with respect to each such project. The report shall also include a statement of what
461 corrective action the commissioner of transportation and the executive director of the
462 ~~Atlanta-region Transit Link 'ATL' Authority~~ State Road and Tollway Authority intend to
463 implement with respect to each project which is underfunded or behind schedule and a
464 statement of any surplus funds which have not been expended for a project."

465 **SECTION 6-4.**

466 Said title is further amended in said part by revising subsection (f) of Code Section 48-8-251,
 467 relating to Citizens Review Panel, membership, vacancy, recommendations, and report, as
 468 follows:

469 "(f) The panel shall be charged with review of the administration of the projects and
 470 programs included on the approved investment list. The panel may make such
 471 recommendations to and require such reports from the Department of Transportation, the
 472 ~~Atlanta-region Transit Link 'ATL' Authority~~ State Road and Tollway Authority, any other
 473 agency or instrumentality of the state, any political subdivision of the state, and any agency
 474 or instrumentality of such political subdivisions as it may deem appropriate and necessary
 475 from time to time in the interest of the region."

476 **PART VII**477 *Transit SPLOST*478 **SECTION 7-1.**

479 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
 480 amended in Article 5B of Chapter 8, relating to special districts for transit purposes sales and
 481 use tax, by revising Code Section 48-8-269.40, relating to definitions, as follows:

482 "48-8-269.40.

483 As used in this article, the term:

484 (1) 'Authority' means the ~~Atlanta-region Transit Link 'ATL' Authority created pursuant~~
 485 ~~to Chapter 39 of Title 50~~ State Road and Tollway Authority continued by Article 2 of
 486 Chapter 10 of Title 32.

487 (2) 'County' means any county created under the Constitution or laws of this state.

488 (3) 'Dealer' shall have the same meaning as provided for in paragraph (8) of Code
 489 Section 48-8-2.

490 (4) 'Intergovernmental agreement' means a contract entered into pursuant to Article IX,
491 Section III, Paragraph I of the Constitution.

492 (5) ~~'Nonattainment area' means those counties currently having or previously designated~~
493 ~~as having excess levels of ozone, carbon monoxide, or particulate matter in violation of~~
494 ~~the standards in the federal Clean Air Act, as amended in 1990 and codified at 42~~
495 ~~U.S.C.A. Sections 7401 to 7671q and which fall under the jurisdiction exercised by the~~
496 ~~Atlanta-region Transit Link 'ATL' Authority or any predecessor authority as described~~
497 ~~in Article 2 of Chapter 39 of Title 50~~ shall have the same meaning as provided for in
498 Code Section 12-9-43.

499 (6) 'Qualified municipality' means a qualified municipality as defined in paragraph (4)
500 of Code Section 48-8-110 and which is located wholly or partly within a special district.

501 (7) ~~'Regional transit plan' means the official multiyear plan for transit services and~~
502 ~~facilities adopted pursuant to Code Section 50-39-12.~~

503 (8)(7) 'Transit' means regular, continuing shared-ride or shared-use surface transportation
504 services that are made available by a public entity and are open to the general public or
505 open to a segment of the general public defined by age, disability, or low income. Such
506 term includes services or systems operated by or under contract with the state, a public
507 agency or authority, a county or municipality, a community improvement district, or any
508 other similar public entity of this state and all accompanying infrastructure and services
509 necessary to provide access to these modes of transportation. Such term excludes charter
510 or sightseeing services, school bus services, courtesy shuttle and intra-facility or terminal
511 services, limousine carriers, and ride share network services, transportation referral
512 services, and taxi services not paid for by a public entity.

513 (9)(8) 'Transit projects' means and includes purposes to establish, enhance, operate, and
514 maintain, or improve access to transit, including general obligation debt and other
515 multiyear obligations issued to finance such projects, the operations and maintenance of

516 such projects once constructed, and the contracted purchase of transit services from
517 providers without direct capital investment.”

518 **SECTION 7-2.**

519 Said title is further amended in said article by revising Code Section 48-8-269.45, relating
520 to notice to local officials, approval or denial of projects, and requirements for resolution, as
521 follows:

522 "48-8-269.45.

523 (a)(1) Any county qualified to levy a tax pursuant to paragraph (2) of subsection (b) of
524 Code Section 48-8-269.41 shall deliver or mail a written notice to the mayor or chief
525 elected official in each qualified municipality located within the special district prior to
526 the issuance of the call for the referendum. Such notice shall contain the date, time,
527 place, and purpose of a meeting at which the governing authorities of the county and of
528 each qualified municipality are to meet to discuss possible transit projects ~~from the~~
529 ~~regional transit plan~~ for inclusion in the referendum and the rate of tax. The notice shall
530 be delivered or mailed at least ten days prior to the date of the meeting. The meeting
531 shall be held at least 60 days prior to any issuance of the call for the referendum.

532 (2) At the meeting the county and all qualified municipalities may ~~select~~ develop a list
533 of potential transit projects for the county ~~from the regional transit plan~~ to be funded by
534 the proceeds of the tax authorized by this article.

535 (b) Following the meeting required by subsection (a) of this Code section, the county shall
536 deliver or mail a written notice to the authority of the intent to call for a referendum to
537 impose the tax authorized by this article. Such notice shall include a list of transit projects
538 located within such county ~~chosen from the regional transit plan~~ which the county intends
539 to fund with proceeds from the tax authorized under this article and the proposed operator
540 of any such transit projects if such project or projects are services which require an
541 operator.

542 (c) Upon receipt of such notice from a county, the authority shall approve or deny any or
543 all projects within a submitted transit project list and the proposed operator of any transit
544 projects if such project or projects are services which require an operator. In making a
545 determination upon whether to approve transit projects, the authority shall take into
546 consideration any other transit projects the authority has approved for any neighboring
547 counties, any transit projects in progress in any neighboring counties, and any additional
548 federal or state funding that may be available for any projects. The authority shall make
549 a determination and send notification to a county approving or denying the submitted
550 transit projects and operators, if applicable, no later than 20 days from the receipt of such
551 list.

552 (d)(1) As soon as practicable after receipt of notice from the authority, the governing
553 authority of the county desiring to call for a referendum shall, by a majority vote on a
554 resolution offered for such purpose, submit the list of transit projects and the question of
555 whether the tax should be approved to electors of the special district in the next scheduled
556 election and shall notify the county election superintendent within the special district by
557 forwarding to the superintendent a copy of such resolution calling for the imposition of
558 the tax. Such list, or a digest thereof, shall be available during regular business hours in
559 the office of the county clerk.

560 (2) The resolution authorized by paragraph (1) of this subsection shall describe or
561 identify:

562 (A) The specific transit projects to be funded which shall have been ~~selected from the~~
563 ~~regional transit plan~~ and approved by the authority;

564 (B) The approximate cost of such transit projects;

565 (C) The operator selected for any transit project or projects proposed if such project or
566 projects are services which require an operator; and

567 (D) The maximum period of time, to be stated in calendar years, for which the tax may
568 be imposed and the rate thereof. The maximum period of time for the imposition of the
569 tax shall not exceed 30 years."

570 **SECTION 7-3.**

571 Said title is further amended in said article by revising subsection (b) of Code Section
572 48-8-269.51, relating to allocation or balancing of funds, as follows:

573 "(b) The approval of the tax under this article shall not in any way diminish the percentage
574 of state or federal funds allocated to any of the local governments under Code Section
575 32-5-27 or ~~Chapter 39 of Title 50~~ within the special district levying the tax."

576 **SECTION 7-4.**

577 Said title is further amended in said article by revising subsection (f) of Code Section
578 48-8-269.57, relating to exclusive use of tax proceeds, audits, and payment of debt, as
579 follows:

580 "(f)(1)(A)(i) If the proceeds of the tax are specified to be used solely for the purpose
581 of payment of general obligation debt issued in conjunction with the imposition of the
582 tax authorized to be levied pursuant to Part 2 of this article, then any net proceeds of
583 the tax in excess of the amount required for final payment of such debt may be used
584 for additional transit projects, provided that a subsequent intergovernmental
585 agreement meeting the requirements set forth in subsection (b) of Code Section
586 48-8-269.43 has been entered into. If a subsequent intergovernmental agreement
587 required by this division is not entered into, then such excess proceeds shall be subject
588 to and applied as provided in paragraph (2) of this subsection.

589 (ii) If the proceeds of the tax are specified to be used solely for the purpose of
590 payment of general obligation debt issued in conjunction with the imposition of the
591 tax authorized to be levied pursuant to Part 3 of this article, then any net proceeds of

592 the tax in excess of the amount required for final payment of such debt may be used
593 for additional transit projects, provided that such projects are ~~selected from the~~
594 ~~regional transit plan and~~ approved by the authority. If approval from the authority
595 regarding additional transit projects to be funded with any excess net proceeds is not
596 obtained, then such excess proceeds shall be subject to and applied as provided in
597 paragraph (2) of this subsection.

598 (B)(i) If the special district receives from the tax net proceeds in excess of the
599 maximum cost of the transit projects stated in the resolution calling for the imposition
600 of the tax or in excess of the actual cost of such projects when the tax was authorized
601 to be levied pursuant to Part 2 of this article, then such excess proceeds may be used
602 for additional transit projects, provided that a subsequent intergovernmental
603 agreement meeting the requirements set forth in subsection (b) of Code Section
604 48-8-269.43 has been entered into. If a subsequent intergovernmental agreement
605 required by this division is not entered into, then such excess proceeds shall be subject
606 to and applied as provided in paragraph (2) of this subsection.

607 (ii) If the special district receives from the tax net proceeds in excess of the maximum
608 cost of the transit projects stated in the resolution calling for the imposition of the tax
609 or in excess of the actual cost of such projects when the tax was authorized to be
610 levied pursuant to Part 3 of this article, then such excess proceeds may be used for
611 additional transit projects, provided that such projects are ~~selected from the regional~~
612 ~~transit plan and~~ approved by the authority. If approval from the authority regarding
613 additional transit projects to be funded with any excess net proceeds is not obtained,
614 then such excess proceeds shall be subject to and applied as provided in paragraph (2)
615 of this subsection.

616 (2) Except as provided in paragraph (1) of this subsection, excess proceeds shall be used
617 solely for the purpose of reducing any indebtedness of any county within the special
618 district other than indebtedness incurred pursuant to this article. If there is no such other

619 indebtedness or if the excess proceeds exceed the amount of any such other indebtedness,
 620 then the excess proceeds shall next be paid into the general fund of such county, it being
 621 the intent that any funds so paid into the general fund of such county be used for the
 622 purpose of reducing ad valorem taxes."

623

PART VIII

624

Various conforming changes

625

SECTION 8-1.

626 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,
 627 is amended in Code Section 32-6-26, relating to weight of vehicle and load, by revising
 628 paragraph (5) of subsection (g) as follows:

629 "(5) Notwithstanding any provisions of this Code section to the contrary, a vehicle which
 630 is hauling any of the commodities listed in subparagraphs ~~(g)(1)(A), (g)(1)(B), (g)(1)(C),~~
 631 ~~and (g)(1)(G) of this Code section~~ (A), (B), (C), and (G) of paragraph (1) of this
 632 subsection, which is hauling any other agricultural or farm product from a farm to the
 633 first point of marketing or processing, which is hauling agricultural finished goods for
 634 distribution or for retail sale and purchase by consumers, or which is hauling recovered
 635 materials from points of generation to a processing facility shall, within a 150 mile radius
 636 of the farm or point of origin and outside of a nonattainment area as of May 3, 2023, as
 637 such term is defined in Code Section ~~32-9-11~~ 12-9-43, be permitted a 10 percent variance
 638 from the weight limitations in paragraph (1) of this subsection, provided that the tractor
 639 and the trailer are each certified to meet or exceed the weight allowable by such variance.
 640 A lift axle may not be used in computing the maximum total gross weight authorized for
 641 any vehicle or load under this paragraph. Any person who violates the load limitations
 642 provided for in this paragraph by exceeding a 10 percent variance per single axle, tandem
 643 axle, or maximum total gross weight shall be fined on the basis of the weight limitations

644 of paragraph (1) of this subsection and not on the basis of the variance allowed by this
645 paragraph. This paragraph shall stand repealed on July 1, 2025."

646 **SECTION 8-2.**

647 Said title is further amended by revising Code Section 32-9-11, relating to transit services
648 with local governments, as follows:

649 "32-9-11.

650 (a) As used in this Code section, the term:

651 (1) 'Local government' means any county, municipality, or political subdivision of this
652 state, or any combination thereof.

653 ~~(2) 'Nonattainment area' means those counties currently having or previously deemed to~~
654 ~~have excess levels of ozone, carbon monoxide, or particulate matter in violation of the~~
655 ~~standards in the federal Clean Air Act, as amended in 1990 and codified at 42 U.S.C.A.~~
656 ~~Sections 7401 to 7671q and which fall under the jurisdiction exercised by the~~
657 ~~Atlanta-region Transit Link 'ATL' Authority or any predecessor authority as described~~
658 ~~in Article 2 of Chapter 39 of Title 50.~~

659 ~~(3)~~ 'Transit agency' means any public agency, public corporation, or public authority
660 existing under the laws of this state that is authorized by any general, special, or local law
661 to provide any type of transit services within any area of this state but shall not include
662 the Department of Transportation, ~~the Atlanta-region Transit Link 'ATL' Authority,~~ or the
663 Georgia Rail Passenger Authority.

664 ~~(4)~~(3) 'Transit facilities' means everything necessary and appropriate for the conveyance
665 and convenience of passengers who utilize transit services.

666 ~~(5)~~(4) 'Transit services' means all modes of transportation serving the general public
667 which are appropriate to transport people and their personal effects by highway or other
668 ground conveyance but does not include rail conveyance.

669 (b)(1) Any transit agency may, by contract with any local government for any period not
670 exceeding 50 years, provide transit services or transit facilities for, to, or within that local
671 government or between that local government and any area in which such transit agency
672 provides transit services or transit facilities, except that if such services or facilities are to
673 be funded wholly or partially by fees, assessments, or taxes levied and collected within a
674 special district created pursuant to Article IX, Section II, Paragraph VI of the Constitution,
675 such contract may only become effective if a majority of the qualified voters residing
676 within the special district to be taxed authorize such contract or tax by referendum in a
677 special election which shall be called and conducted for that purpose by the election
678 superintendent of such local government.

679 (2)(A) Any services provided in a county outside a nonattainment area by a transit agency
680 pursuant to a contract authorized by this subsection shall be conditioned upon such services
681 being included in a plan for transit services adopted or approved by the governing authority
682 of the county and by the governing authorities of any municipalities within which transit
683 services are to be provided as provided in the plan.

684 ~~(B) Any services provided by a transit agency in a county within a nonattainment area~~
685 ~~pursuant to a contract authorized by this subsection and entered into on or after January~~
686 ~~1, 2019, shall be for services:~~

687 ~~(i) Approved by a local governing authority;~~

688 ~~(ii) Included in the regional transit plan adopted pursuant to Code Section 50-39-12;~~
689 ~~and~~

690 ~~(iii) Through agreement with the Atlanta-region Transit Link 'ATL' Authority.~~

691 (c) The purpose of this Code section is to facilitate the exercise of the power to provide
692 public transportation services conferred by Article IX, Section II, Paragraph III of the
693 Constitution. This Code section does not repeal any other law conferring the power to
694 provide public transportation services or prescribing the manner in which such power is to
695 be exercised. This Code section does not restrict the power of the Department of

696 Transportation, ~~the Atlanta-region Transit Link 'ATL' Authority,~~ or the Georgia Rail
 697 Passenger Authority to contract with any local government to provide transit services or
 698 transit facilities, including but not limited to rail transit services and facilities, pursuant to
 699 Article IX, Section III, Paragraph I of the Constitution."

700 **SECTION 8-3.**

701 Said title is further amended in Code Section 32-9-13, relating to definitions relative to the
 702 Metropolitan Atlanta Rapid Transit Authority, by repealing in its entirety paragraph (7).

703 **SECTION 8-4.**

704 Said title is further amended in Code Section 32-9-15, relating to procedures, conditions, and
 705 limitations for levy of additional retail sales and use tax by Fulton County for MARTA
 706 services and transit oriented development, by revising subsections (c) and (d) as follows:

707 "(c) Following the meeting required by subsection (b) of this Code section and prior to any
 708 tax being imposed under this Code section, the qualified municipalities and governing
 709 authority representing at least 70 percent of the population of Fulton County outside the
 710 boundaries of the city may execute an intergovernmental agreement memorializing their
 711 agreement to the levy of a tax and the rate of such tax; provided, however, that no tax shall
 712 be authorized to be imposed under this Code section if no such intergovernmental
 713 agreement is entered into. An intergovernmental agreement authorized by this subsection
 714 shall, at a minimum, include:

715 ~~(1) If such tax is to be levied after January 1, 2019, a list of the projects proposed to be~~
 716 ~~funded from the tax which shall be from the regional transit plan and approved by the~~
 717 ~~Atlanta-region Transit Link 'ATL' Authority;~~

718 ~~(2)~~(1) The rate of tax to be imposed upon approval of a referendum; and

719 ~~(3)~~(2) The duration of the tax to be imposed upon approval of a referendum.

720 (d) Upon execution of an intergovernmental agreement as provided for in subsection (c)
 721 of this Code section, the governing authority of Fulton County shall be authorized to enter
 722 into a rapid transit service contract based upon the conditions agreed to in such
 723 intergovernmental agreement. ~~Such rapid transit service contract shall incorporate the list~~
 724 ~~of projects included in the intergovernmental agreement pursuant to paragraph (1) of~~
 725 ~~subsection (c) of this Code section.~~ Such rapid transit contract shall become effective and
 726 binding only upon passage of a referendum approving the imposition of an additional tax
 727 held in accordance with the provisions of subsection (e) of this Code section."

728 **SECTION 8-5.**

729 Said title is further amended by repealing in its entirety Code Section 32-9-17, relating to
 730 logo and branding by MARTA, and designating it as reserved.

731 **SECTION 8-6.**

732 Said title is further amended by revising Code Section 32-9-19, relating to transportation
 733 services contracts with MARTA, as follows:

734 "32-9-19.

735 (a) Notwithstanding the provisions of the MARTA Act, any county, municipality, special
 736 tax or community improvement district, political subdivision of this state within the
 737 metropolitan area, or any combination thereof may execute a transportation services
 738 contract with the authority to provide public transportation services, facilities, or both, for,
 739 to, or within such county, municipality, district, subdivision, or combination thereof. A
 740 transportation services contract executed pursuant to this subsection:

741 (1) Shall not be a rapid transit contract subject to the conditions established therefor in
 742 Code Sections Section 32-9-20 and ~~32-9-22~~ or Section 24 of the MARTA Act;

743 (2) May not utilize a method of financing those public transportation services or facilities
 744 provided under the contract which involves:

- 745 (A) The issuance of bonds under subsection (c) of Section 24 of the MARTA Act;
- 746 (B) The levy of the special retail sales and use tax described and authorized in
- 747 Section 25 of the MARTA Act; or
- 748 (C) Both methods described in subparagraphs (A) and (B) of this paragraph; and
- 749 (3) Shall require that the costs of any transportation services and facilities contracted for,
- 750 as determined by the board on the basis of reasonable estimates, allocations of costs and
- 751 capital, and projections, shall be borne by one or more of the following:
- 752 (A) Fares;
- 753 (B) Other revenues generated by such services or facilities;
- 754 (C) Any subsidy provided, directly or indirectly, by or on behalf of the public entity
- 755 with which the authority contracted for the services and facilities; or
- 756 (D) A special retail sales and use tax described and authorized in Article 5B of
- 757 Chapter 8 of Title 48; ~~and~~
- 758 ~~(4) Shall be for services on the regional transit plan and approved by the Atlanta-regional~~
- 759 ~~Transit Link 'ATL' Authority.~~
- 760 (b) Notwithstanding the provisions of the MARTA Act, any county, municipality, special
- 761 tax or community improvement district, political subdivision of this state outside the
- 762 metropolitan area, or any combination thereof may execute a transportation services
- 763 contract with the authority to provide public transportation services, facilities, or both, for,
- 764 to, or within such county, municipality, district, subdivision, or combination thereof.
- 765 Under a transportation services contract executed pursuant to this subsection:
- 766 (1) The services and facilities shall be provided pursuant to a transportation services
- 767 contract meeting the requirements therefor under subsection (a) of this Code section; and
- 768 (2) The contract shall not authorize the construction of any extension of or addition to
- 769 the authority's existing rapid rail system."

770 **SECTION 8-7.**

771 Said title is further amended in Code Section 32-9-20, relating to rapid transit contract
772 between MARTA and Gwinnett County, by revising subsection (b) as follows:

773 "(b) The board of commissioners of Gwinnett County, subject to the conditions provided
774 in this Code section, shall be authorized to enter into a rapid transit contract for and on
775 behalf of the county with the authority for the provision of the aforesaid services and
776 extension of the existing system to and from and within said county subject to approval by
777 a majority of the qualified voters within said county voting in a referendum as provided for
778 in subsection (c) of this Code section. ~~As a condition precedent to the board of~~
779 ~~commissioners of Gwinnett County holding such referendum, if a rapid transit contract is~~
780 ~~entered into after January 1, 2019, the rapid transit service to be provided through the~~
781 ~~execution of a rapid transit contract shall be from the regional transit plan and approved by~~
782 ~~the Atlanta-regional Transit Link 'ATL' Authority."~~

783 **SECTION 8-8.**

784 Said title is further amended in Code Section 32-9-23, relating to retail sales and use tax in
785 Gwinnett and Cobb counties, rate, proceeds, and utilization, by revising paragraph (3) of
786 subsection (c) as follows:

787 "(3) The effective date of the tax authorized to be levied pursuant to this Code section
788 shall be the first day of the first calendar month following approval of the tax in the
789 referendum required by Code Sections Section 32-9-20 and ~~32-9-22~~ unless a later
790 effective date shall have been specified in the resolution or ordinance providing for the
791 levy of the tax; provided, however, that, with respect to services which are regularly
792 billed on a monthly basis, the tax shall become effective with the first regular billing
793 period coinciding with or following the effective date of the tax."

794
795
796

PART IX
Repealer
SECTION 9-1.

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