

The Senate Committee on Transportation offered the following substitute to HB 297:

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 Georgia Regional Transportation
5 Authority; to change the name, jurisdiction, governance, and powers of the Atlanta-region
6 Transit Link "ATL" Authority; to transfer all assets, obligations, liabilities, and employees
7 of such authorities to the Georgia Transportation Efficiency Authority; to provide a board
8 for such authority; to provide for meetings; to provide for powers and duties of such
9 authority; to authorize the delegation of certain powers of the Governor relative to designated
10 recipients of federal funds for transit projects, state-wide transportation plans, and
11 transportation improvement programs to such authority in certain instances; to provide for
12 approval of developments of regional impact in certain instances; to provide for annual
13 reports; to revise provisions relative to the multicounty transportation special purpose local
14 option sales tax and the transit special purpose local option sales and use tax; to abolish the
15 Governor's Development Council; to provide for a short title; to provide for definitions; to
16 provide for conforming changes; to provide for related matters; to provide for an effective
17 date; to repeal conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **PART I**

20 **SECTION 1-1.**

21 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
22 by repealing in its entirety Chapter 32, relating to the Georgia Regional Transportation
23 Authority, and designating said chapter as reserved.

24 **SECTION 1-2.**

25 Said title is further amended by repealing Chapter 39, relating to the Atlanta-region Transit
26 Link "ATL" Authority, and reenacting said chapter as follows:

27 "CHAPTER 39

28 ARTICLE 1

29 50-39-1.

30 This chapter shall be known and may be cited as the 'Georgia Transportation Efficiency
31 Authority Act.'

32 50-39-2.

33 As used in this chapter, the term:

34 (1) 'Authority' means the Georgia Transportation Efficiency Authority.

35 (2) 'Board' means the board of directors for the authority created pursuant to Code
36 Section 50-39-5.

37 (3) 'Clean Air Act' means the federal Clean Air Act, as amended in 1990 and codified
38 at 42 U.S.C. Sections 7401 through 7671q.

39 (4) 'Compliance zone county' means a county in a transportation management area and
40 within a nonattainment area.

41 (5) 'Cost of a project' or 'cost of any project' means:

42 (A) All costs of acquisition, by purchase or otherwise, construction, assembly,
43 installation, modification, renovation, extension, rehabilitation, operation, or
44 maintenance incurred in connection with any project of the authority or any part
45 thereof;

46 (B) All costs of real property or rights in property, fixtures, or personal property used
47 in or in connection with or necessary for any project of the authority or for any facilities
48 related thereto, including but not limited to the cost of all land, interests in land, estates
49 for years, easements, rights, improvements, water rights, and connections for utility
50 services; the cost of fees, franchises, permits, approvals, licenses, and certificates; the
51 cost of securing any such franchises, permits, approvals, licenses, or certificates; the
52 cost of preparation of any application therefor; and the cost of all fixtures, machinery,
53 equipment, furniture, and other property used in or in connection with or necessary for
54 any project of the authority;

55 (C) All costs of engineering, surveying, planning, environmental assessments, financial
56 analyses, and architectural, legal, and accounting services and all expenses incurred by
57 engineers, surveyors, planners, environmental scientists, fiscal analysts, architects,
58 attorneys, accountants, and any other necessary technical personnel in connection with
59 any project of the authority;

60 (D) All expenses for inspection of any project of the authority;

61 (E) All fees of any type charged by the authority in connection with any project of the
62 authority;

63 (F) All expenses of or incidental to determining the feasibility or practicability of any
64 project of the authority;

65 (G) All costs of plans and specifications for any project of the authority;

66 (H) All costs of title insurance and examinations of title with respect to any project of
67 the authority;

68 (I) 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; and

70 (J) Administrative expenses of the authority and such other expenses as may be
71 necessary or incidental to any project of the authority or the financing thereof or the
72 placing of any project of the authority in operation.

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

74 (7) 'Local government' or 'local governing authority' means any municipal corporation
75 or county or any state or local authority, board, or political subdivision created by the
76 General Assembly or pursuant to the Constitution and laws of this state.

77 (8) 'Metropolitan planning organization' means the forum for cooperative transportation
78 decision making for a metropolitan planning area.

79 (9) 'Metropolitan transportation plan' means the official intermodal transportation plan
80 that is developed and adopted through the metropolitan transportation planning process
81 for a metropolitan planning area.

82 (10) 'Municipal corporation' means any city or town in this state.

83 (11) 'Nonattainment area' means a geographic area designated by the United States
84 Environmental Protection Agency in the Code of Federal Regulations as an area which
85 is in nonattainment or maintenance status for the allowable ambient air concentration for
86 pollutants for ozone, carbon monoxide, or particulate matter in accordance with the
87 federal Clean Air Act and which has been designated by the board, through resolution or
88 regulation, as a county having excess levels of ozone, carbon monoxide, or particulate
89 matter.

90 (12) 'Obligation' means any bond, revenue bond, note, lease, contract, evidence of
91 indebtedness, debt, or other obligation of the authority, the state, or local governments

92 which is authorized to be issued under this chapter or under the Constitution or other laws
93 of this state, including refunding bonds.

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

97 (14) 'Project' means the acquisition, construction, installation, modification, renovation,
98 repair, extension, renewal, replacement, or rehabilitation of land, interest in land,
99 buildings, structures, facilities, or other improvements and the acquisition, installation,
100 modification, renovation, repair, extension, renewal, replacement, rehabilitation, or
101 furnishing of fixtures, machinery, equipment, furniture, or other property of any nature
102 whatsoever used on, in, or in connection with any such land, interest in land, building,
103 structure, facility, or other improvement, all for the essential public purpose of providing
104 facilities and services to aid in the accomplishment of the purposes of the authority.

105 (15) 'Transit' means regular, continuing shared-ride or shared-use surface transportation
106 services that are made available by or funded by a public entity or quasi-public entity and
107 are open to the general public or open to a segment of the general public defined by age,
108 disability, or low income. Such term includes services or systems operated by or under
109 contract with the state, a state agency or authority, a local government, a community
110 improvement district, or any other similar entity of this state and all accompanying
111 infrastructure and services necessary to provide access to these modes of transportation.
112 Such term excludes charter or sightseeing services; school bus services; courtesy shuttle
113 and intrafacility or terminal services; limousine carriers; and ride share network services,
114 transportation referral services, and taxi services as such terms are defined in Chapter 1
115 of Title 40 and which are not paid for by a public entity.

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

119 (17) 'Transportation management area' means a geographic area designated by the United
120 States Department of Transportation as being required to adhere to 23 U.S.C. Section 134
121 and 49 U.S.C. Section 5303.

122 50-39-3.

123 (a) There is created the Georgia Transportation Efficiency Authority as a body corporate
124 and politic, which shall be deemed an instrumentality of the State of Georgia and a public
125 corporation thereof, for purposes of managing or causing to be managed transit within this
126 state; and by that name, style, and title such body may contract and be contracted with and
127 bring and defend actions in all courts of this state. Upon designation by the Governor and
128 pursuant to this chapter, such authority shall serve as the entity for approval of state-wide
129 transportation plans and transportation improvement programs prepared by transportation
130 management areas. The authority shall have perpetual existence. Any change in the name
131 or composition of the authority shall in no way affect the vested rights of any person under
132 this chapter or impair the obligations of any contracts existing under this chapter.

133 (b) This Code section shall not be deemed to impair or interfere in any manner with any
134 existing rights under a contract entered into prior to December 1, 2018, or any federal
135 grants or agreements awarded or entered into prior to December 1, 2018. This Code
136 section shall not be applicable to projects or services provided for under the terms of a
137 contract entered into as of December 1, 2018, under the authority granted pursuant to a
138 local constitutional amendment set out at Ga. L. 1964, p. 1008, and the planning, funding,
139 coordination, and delivery of such projects or services shall be as provided for by such
140 contract or contracts.

141 50-39-4.

142 (a) All assets, property, and legal rights and obligations, including, but not limited to, all
143 bonded indebtedness, of the Georgia Regional Transportation Authority shall devolve by

144 operation of law upon the Georgia Transportation Efficiency Authority on the effective
145 date of this Act. The Atlanta-region Transit Link 'ATL' Authority shall continue to be a
146 body corporate and politic and an instrumentality and public corporation of the state to be
147 known as the 'Georgia Transportation Efficiency Authority.' It shall have perpetual
148 existence.

149 (b) The rights, privileges, entitlements, and duties of parties to contracts, leases,
150 agreements, and other transactions, including commitments related to federal funds, entered
151 into before the effective date of this Act by the Georgia Regional Transportation Authority
152 and the Atlanta-region Transit Link 'ATL' Authority shall continue to exist, and none of
153 these rights, privileges, entitlements, and duties are impaired or diminished by reason of
154 the transfer of the functions to the authority. In all such instances, the authority shall be
155 substituted for the Georgia Regional Transportation Authority and the Atlanta-region
156 Transit Link 'ATL' Authority and the authority shall succeed to the rights and duties under
157 such contracts, leases, agreements, and other transactions, including commitments related
158 to federal funds.

159 (c) All persons employed by the Georgia Regional Transportation Authority and the
160 Atlanta-region Transit Link 'ATL' Authority shall, on the effective date of this Act, become
161 employees of the authority in similar capacities, as determined by the executive director.
162 Such employees shall be subject to the employment practices and policies of the authority
163 on and after the effective date of this Act, but the compensation and benefits of such
164 transferred employees shall not be reduced as a result of such transfer. Employees who are
165 subject to the rules of the State Personnel Board and thereby under the State Personnel
166 Administration and who are transferred to the authority shall retain all existing rights under
167 the State Personnel Administration. Retirement rights of such transferred employees
168 existing under the Employees' Retirement System of Georgia or other public retirement
169 systems on the day before the effective date of this Act shall not be impaired or interrupted
170 by the transfer of such employees, and membership in any such retirement system shall

171 continue in the same status possessed by the transferred employees on the day before the
172 effective date of this Act. Accrued annual and sick leave possessed by the transferred
173 employees on the day before the effective date of this Act shall be retained by such
174 employees as employees of the authority.

175 (d) On the effective date of this Act, the authority shall receive custody of the real property
176 in the custody of the Georgia Regional Transportation Authority and the Atlanta-region
177 Transit Link 'ATL' Authority on the day before the effective date of this Act.

178 (e) All equipment or other tangible property in the possession of the Georgia Regional
179 Transportation Authority and the Atlanta-region Transit Link 'ATL' Authority which is
180 used or held exclusively or principally by personnel transferred under this Code section
181 shall be transferred to the authority as of the effective date of this Act.

182 50-39-5.

183 (a) The management of the business and affairs of the authority shall be vested in a board,
184 subject to the provisions of this chapter and to the provisions of bylaws adopted by the
185 board as authorized by this chapter.

186 (b) The board shall be composed of the following members:

187 (1) Four individuals appointed by the Governor, at least three of whom shall reside in
188 a county within a compliance zone county;

189 (2) Two individuals appointed by the President of the Senate, at least one of whom
190 shall reside in a county within a compliance zone county;

191 (3) Two individuals appointed by the Speaker of the House of Representatives, at least
192 one of whom shall reside in a county within a compliance zone county; and

193 (4) The commissioner of transportation.

194 (c) All appointed members of the board and their successors shall each serve a term of four
195 years and until the appointment and qualification of a successor except as otherwise
196 provided in this Code section. No person holding any other office of profit or trust under

197 the state, other than the commissioner of transportation, shall serve upon the board. The
198 chairperson of the board shall be appointed by the Governor, and a vice chairperson shall
199 be selected annually from among the members by majority vote of those members present
200 and voting. Vacancies in office shall be filled in the same manner as the original
201 appointments. A person appointed to fill a vacancy shall serve for the unexpired term. No
202 vacancy on the board shall impair the right of the quorum of the remaining members then
203 in office to exercise all rights and perform all duties of the board.

204 (d) Members of the board shall be entitled to and shall be reimbursed for their actual travel
205 expenses necessarily incurred in the performance of their duties and, for each day actually
206 spent in the performance of their duties, shall receive the same per diem as do members of
207 the General Assembly.

208 (e) Members of the board shall be subject to removal by the appointing authority for
209 misfeasance, malfeasance, nonfeasance, failure to attend three successive meetings of the
210 board without good and sufficient cause, abstention from voting unless authorized under
211 subsection (e) of Code Section 50-39-6, or upon a finding of a violation of Code
212 Section 45-10-3 pursuant to the procedures applicable to such Code section. A violation
213 of Code Section 45-10-3 may also subject a member of the board to the penalties provided
214 in subparagraphs (a)(1)(A), (a)(1)(B), and (a)(1)(C) of Code Section 45-10-28, pursuant
215 to subsection (b) of such Code section.

216 (f) Members of the board shall be subject to the applicable provisions of Chapter 10 of
217 Title 45, including without limitation Code Sections 45-10-3 through 45-10-5. Members
218 of the board shall be public officers who are members of a state board for purposes of the
219 financial disclosure requirements of Article 3 of Chapter 5 of Title 21. The members of
220 the board shall be accountable in all respects as trustees. The board shall keep suitable
221 books and records of all actions and transactions and shall submit such books together with
222 a statement of the authority's financial position to the state auditor on or about the close of

223 the state's fiscal year. The books and records shall be inspected and audited by the state
224 auditor at least once each year.

225 50-39-6.

226 (a) The board shall make bylaws governing its own operation and shall have the power to
227 make bylaws, rules, and regulations for the government of the authority and the operation,
228 management, and maintenance of such projects as the board may determine appropriate to
229 undertake from time to time.

230 (b) Except as otherwise provided in this chapter, a majority of the members of the board
231 then in office shall constitute a quorum for the transaction of business. The vote of a
232 majority of the members of the board present at the time of the vote, if a quorum is present
233 at such time, shall be the act of the board unless the vote of a greater number is required
234 by law or by the bylaws of the board.

235 (c) No vacancy on the board shall impair the right of a majority of the appointed members
236 of the board from exercising all rights and performing all duties of the authority.

237 (d) Meetings of the board, regular or special, shall be held at the time and place fixed by
238 or under the bylaws, with no less than five days' public notice for regular meetings as
239 prescribed in the bylaws and such notice as the bylaws may prescribe for special meetings.
240 Each member shall be given written notice of all meetings as prescribed in the bylaws.
241 Meetings of the board may be called by the chairperson or by such other person or persons
242 as the bylaws may authorize.

243 (e) No member of the board may abstain from a vote other than for reasons constituting
244 disqualification to the satisfaction of a majority of a quorum of the board on a record vote.

245 50-39-7.

246 (a) An executive director shall be appointed by the board as the administrative head of the
247 authority and shall serve at the pleasure of the board. The board shall set the salary of the

248 executive director. The executive director of the State Road and Tollway Authority shall
249 serve as the temporary executive director of the authority until the board is constituted and
250 an executive director is appointed by such board. The executive director shall hire officers,
251 agents, and employees, prescribe their duties and qualifications and fix their compensation,
252 and perform such other duties as may be prescribed by the authority. Such officers, agents,
253 and employees shall serve at the pleasure of the executive director.

254 (b) The authority is assigned to the Department of Transportation for administrative
255 purposes only.

256 ARTICLE 2

257 50-39-10.

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

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

266 (c) Any county which provided no transit services or was provided no transit services by
267 a state authority on or before January 1, 2026, shall be prohibited from initiating any transit
268 services within such county without passage of a resolution authorizing transit services by
269 the board of commissioners of such county; provided, however, that, if such county is a
270 compliance zone county, additional approval shall be required from the voters in a
271 county-wide referendum called for such purpose.

272 50-39-11.

273 The authority shall have the following general powers and duties:

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

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

279 (3) To plan, design, acquire, construct, add to, extend, improve, equip, operate, and
280 maintain transit systems and transit projects which are included within a state-wide
281 transportation plan or transportation improvement program, and to contract with any
282 state, regional, or local government, authority, or department or with any private person,
283 firm, or corporation, for those purposes, and to enter into contracts and agreements with
284 the Department of Transportation, county and local governments, and transit system
285 operators for those purposes;

286 (4) To make and execute contracts, lease agreements, and all other instruments necessary
287 or convenient to exercise the powers of the authority or to further the public purpose for
288 which the authority is created;

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

295 (6) To appoint an executive director who shall be executive officer and administrative
296 head of the authority;

297 (7) To extend grants for all or part of the cost or expense of any project of a political
298 subdivision or other entity for the furtherance of the purposes of the authority upon such

299 terms and conditions as the authority may deem necessary or desirable; and to adopt
300 rules, regulations, and procedures for making such grants;

301 (8) To collect fees and charges in connection with its commitments, management
302 services, and servicing including, but not limited to, reimbursements of costs of
303 financing, as the authority shall determine to be reasonable and as shall be approved by
304 the authority;

305 (9) To acquire or contract to acquire from any person, firm, corporation, local
306 government, federal or state agency, or corporation by grant, purchase, or otherwise,
307 leaseholds, real or personal property, or any interest therein; and to sell, assign, exchange,
308 transfer, convey, lease, mortgage, or otherwise dispose of or encumber the same;

309 (10) To provide advisory, technical, consultative, training, educational, and project
310 assistance services to the state and local government and to enter into contracts with the
311 state and local government to provide such services. The state and local governments are
312 authorized to enter into contracts with the authority for such services and to pay for such
313 services as may be provided them;

314 (11) To apply for and to accept any gifts or grants or loan guarantees or loans of funds
315 or property or financial or other aid in any form from the federal government or any
316 agency or instrumentality thereof, or from the state or any agency or instrumentality
317 thereof, or from any other source for any or all of the purposes specified in this chapter
318 and to comply, subject to the provisions of this chapter, with the terms and conditions
319 thereof;

320 (12) To lease to local governments any authority owned facilities or property;

321 (13) To contract with state agencies or any local government for the use by the authority
322 of any property, project, facilities, or services of the state or any such state agency or
323 local government or for the use by any state agency or local government of any property,
324 project, facilities, or services of the authority, and such state agencies and local
325 governments are authorized to enter into such contracts;

326 (14) To receive and use the proceeds of any tax levied to pay all or any part of the cost
327 of any project or for any other purpose for which the authority may use its own funds
328 pursuant to this chapter;

329 (15) To use income earned on any investment for such corporate purposes of the
330 authority as the authority in its discretion shall determine, including, but not limited to,
331 the use of repaid principal and earnings on funds;

332 (16) To cooperate and act in conjunction with industrial, commercial, medical, scientific,
333 public interest, or educational organizations; with agencies of the federal government and
334 this state and local government; with other states and their political subdivisions; and
335 with joint agencies thereof, and such state agencies, local government, and joint agencies
336 are authorized and empowered to cooperate and act in conjunction and to enter into
337 contracts or agreements with the authority and local government to achieve or further the
338 purposes of the authority;

339 (17) To assist in planning in relation to the authority's transit services among all state,
340 regional, and local authorities charged with planning responsibilities for such purposes
341 by state or federal law;

342 (18) To the extent permissible under federal law, to operate as a receiver of federal
343 grants, loans, and other moneys intended to be used for the provision of transit services;

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

346 (20) To procure insurance against any loss in connection with its property and other
347 assets or obligations;

348 (21) To accept and use federal funds; to enter into any contracts or agreements with the
349 United States or its agencies or subdivisions relating to the planning, financing,
350 construction, improvement, operation, and maintenance of the authority's transit services
351 or transit projects; and to do all things necessary, proper, or expedient to achieve
352 compliance with the provisions and requirements of all applicable federal aid acts and

353 programs. Nothing in this chapter is intended to conflict with any federal law; and, in
354 case of such conflict, such portion as may be in conflict with such federal law is declared
355 of no effect to the extent of the conflict;

356 (22) To coordinate with metropolitan planning organizations and the Department of
357 Transportation to include projects funded by the authority in whole or in part with federal
358 aid funds in approved transportation improvement programs adopted and approved by
359 designated metropolitan planning organizations and the Governor and in any transit plan
360 adopted and approved by the designated metropolitan planning organization in
361 compliance with the requirements of relevant portions of the regulations implementing
362 the Clean Air Act including without limitation 40 C.F.R. Section 93.105(c)(1)(ii) and 40
363 C.F.R. Section 93.122(a)(1), where such inclusion, approval, designation, or compliance
364 is required by applicable federal law or regulation;

365 (23) To provide planning and assistance to local authorities for purposes of grants issued
366 prior to the effective date of this Act;

367 (24) To appoint and select officers, agents, and employees, including engineering,
368 architectural, and construction experts and attorneys, and to fix their compensation; and

369 (25) To do all things necessary or convenient to carry out the powers conferred by this
370 chapter.

371 50-39-12.

372 The provision of local government services and the utilization of funding mechanisms
373 therefor consistent with the terms of this chapter shall not be subject to the provisions of
374 Chapter 70 of Title 36; provided, however, that the authority shall, where practicable,
375 provide for coordination and consistency between the provision of such services pursuant
376 to the terms of this chapter and the provision of such services pursuant to Chapter 70 of
377 Title 36.

378 50-39-13.

379 (a) The Governor may delegate to the authority, by executive order, his or her powers
380 under applicable federal transportation planning laws and regulations, including without
381 limitation the power to serve as the designated recipient of federal funds for purposes of
382 transit funding for capital projects and for financing and directly providing public
383 transportation under 49 U.S.C. Sections 5302 through 5304 for compliance zone counties.

384 (b) The authority shall formulate an annual report of transit operated by the authority
385 which shall be submitted by December 1 of each year to the Senate and House
386 Transportation Committees. Such report shall include information on the utilization of the
387 authority's transit services, public funding subsidies for operations based upon a per
388 passenger and per funding source, and operating metrics which include customer
389 satisfaction, on-time performance, safety and security issues, and administrative
390 efficiencies of the authority.

391 50-39-14.

392 (a) The Governor may delegate to the authority, by executive order, his or her powers
393 under applicable federal transportation planning laws and regulations, including without
394 limitation the power to resolve revision disputes between metropolitan planning
395 organizations of compliance zone counties and the Department of Transportation under 40
396 C.F.R. Section 93.105, the power to approve state-wide transportation improvement
397 programs under 23 U.S.C. Section 134 and 23 C.F.R. Sections 450.312(b), 450.324(b),
398 and 450.328(a), and the power of approval and responsibilities for public involvement
399 under 23 C.F.R. Section 450.216(a).

400 (b) In exercising the authority's delegated powers concerning proposed state-wide
401 transportation plans and transportation improvement programs prepared by metropolitan
402 planning organizations of compliance zone counties or by the Department of
403 Transportation:

404 (1) Transportation plans and transportation improvement programs subject to the
405 authority's delegated review powers shall be approved by the affirmative vote of a
406 majority of the board to a motion made for that purpose;

407 (2) The authority may request modification of such a plan or program and approve such
408 proposal for modification of a plan or program by the affirmative vote of a majority of
409 the board to a motion made for that purpose;

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

412 (4) If any such plan or program is not timely submitted for review in compliance with
413 a deadline set by the board, the authority may exercise its delegated power to disapprove
414 such plan or program upon the affirmative vote of the majority of the board to a motion
415 made for that purpose.

416 50-39-15.

417 In any case where a development of regional impact, as determined by the Department of
418 Community Affairs pursuant to Article 1 of Chapter 8 of Title 50, is planned within a
419 compliance zone county which requires the expenditure of state or federal funds by the
420 state or any political subdivision, agency, authority, or instrumentality thereof, any
421 expenditure of such funds shall be prohibited unless and until the plan for such
422 development and such expenditure is reviewed and approved by the authority. The
423 decision of the authority to allow or disallow the expenditure of such funds shall be final
424 and nonreviewable, except that such decision shall be reversed where a resolution for such
425 purpose is passed by vote of three-fourths of the authorized membership of the county
426 commission of the county in which the development of regional impact is planned or, if
427 such development is within a municipality, by vote of three-fourths of the authorized
428 membership of the city council.

429 50-39-16.

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

432 50-39-17.

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

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

438 (2) The construction, ownership, maintenance, or operation of any project authorized by
439 the authority and owned by a local government; or

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

441 ARTICLE 3

442 50-39-30.

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

445 (1) Funds obtained for the purposes of providing transit services and transit projects by
446 contract with, between, and among local governments;

447 (2) Such federal funds as may from time to time be made available to the authority or
448 for purposes coincident with the purposes of the authority; and

449 (3) Such grants or contributions from persons, firms, corporations, or other entities as the
450 authority may receive from time to time.

451 50-39-31.

452 The authority may serve as the entity to discharge all duties imposed on the state by any
453 act of Congress allotting federal funds to be expended for transit projects and purposes.
454 Unless designated otherwise by the federal government, the authority shall be designated
455 as the proper and sole authority to receive any of the federal aid funds apportioned by the
456 federal government for compliance zone counties and may disburse such funds in
457 accordance with the purposes of this article. This Code section shall not be deemed to
458 impair or interfere in any manner with any existing rights under a contract entered into
459 prior to December 1, 2018, or any federal grants or agreements awarded or entered into
460 prior to December 1, 2018. This Code section shall not be applicable to projects or
461 services provided for under the terms of a contract entered into as of December 1, 2018,
462 under the authority granted pursuant to a local constitutional amendment set out at Ga. L.
463 1964, p. 1008; and the planning, funding, coordination, and delivery of such projects or
464 services shall be as provided for by such contract or contracts.

465 50-39-32.

466 It is found, determined, and declared that the creation of this authority and the carrying out
467 of its corporate purposes is in all respects for the benefit of the people of the state and that
468 the authority is an institution of purely public charity and will be performing an essential
469 governmental function in the exercise of the power conferred upon it by this chapter. For
470 such reasons, the authority shall not be required to pay any taxes or assessments imposed
471 by the state or any of its counties, municipal corporations, political subdivisions, or taxing
472 districts upon any property acquired by the authority or under its jurisdiction, control,
473 possession, or supervision or leased by it to others, or upon its activities in the operation
474 or maintenance of any such property or on any income derived by the authority in the form
475 of fees, recording fees, rentals, charges, purchase price, installments, or otherwise. The tax
476 exemption provided in this chapter shall include an exemption from sales and use tax on

477 property purchased by the authority or for use by the authority. The exemptions provided
478 for by this Code section shall not apply to the sale or use of motor fuel as such term is
479 defined in Code Section 48-9-2.

480 ARTICLE 4

481 50-39-40.

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

487 (b) A local government by resolution of its governing body may enter into a lease
488 agreement for the provision of transit service or transit projects utilizing facilities owned
489 by the authority upon such terms and conditions as the authority shall determine to be
490 reasonable, including, but not limited to, the reimbursement of all costs of construction and
491 financing and claims arising therefrom.

492 (c) Any lease agreement may provide for the construction of such transit project by the
493 local government as agent for the authority. In such event, all contracts for such
494 construction shall be let by such local government in accordance with the provisions of law
495 otherwise applicable to the letting of such contracts by such local government and with the
496 provisions of state law pertaining to prevailing wages, labor standards, and working hours.
497 Any such lease agreement may contain provisions by which such local government shall
498 indemnify the authority against any and all damages resulting from acts or omissions to act
499 on the part of such local government or its officers, agents, or employees in constructing
500 such facility or facilities, in letting any contracts in connection therewith, or in operating
501 and maintaining the same.

502 (d) Any lease agreement directly between the state or authority and a local government
503 may contain provisions requiring the local government to perform any or all of the
504 following:

505 (1) In the case of a transit service or transit project, to establish and collect rates, fees,
506 and charges so as to produce revenues sufficient to pay all or a portion of:

507 (A) The costs of operation, maintenance, renewal, replacement, and repairs of the
508 transit project of such local government; and

509 (B) Outstanding bonds, notes, or other obligations incurred for the purposes of such
510 transit project and to provide for the payment of all amounts as they shall become due
511 and payable under the terms of such lease agreement, including amounts for the
512 creation and maintenance of any required reserves;

513 (2) To create and maintain reasonable reserves or other special funds; or

514 (3) To create and maintain a special fund or funds as additional security for the punctual
515 payment of any rentals due under such lease agreement and for the deposit therein of such
516 revenues as shall be sufficient to pay said lease rentals and any other amounts becoming
517 due under such lease agreements as the same shall become due and payable.

518 50-39-41.

519 (a) The authority may make grants to a local government to pay all or any part of the cost
520 of a project. The authority and a local government may enter into such agreements as may
521 be determined appropriate by the authority.

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

524 (1) In the case of grants for transit services or transit projects, establish and collect rates,
525 fees, and charges so as to produce revenues sufficient to pay all or a specified portion of:

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

527 (B) Outstanding indebtedness incurred for the purposes of such service or project,
528 including the principal of and interest on the bonds, revenue bonds, notes, or other
529 obligations issued by the local government, as the same shall become due and payable,
530 and to create and maintain any required reserves;

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

532 (3) Perform such other acts, including the conveyance of real and personal property
533 together with all right, title, or interest therein to the authority, or take other actions as
534 may be deemed necessary or desirable by the authority to secure the payment of the
535 principal of and interest on such bonds, revenue bonds, notes, or other obligations and to
536 provide for the remedies of the authority in the event of any default by such local
537 government in such payment.

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

542 ARTICLE 5

543 50-39-50.

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

546 50-39-51.

547 No provision of Article 3 of Chapter 1 of Title 40 shall apply to any bus, other motor
548 vehicle, or rapid rail system of the authority which provides transit services."

PART II

SECTION 2-1.

551 Article 5B of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to
 552 special districts for transit purposes sales and use tax (Transit SPLOST), is amended by
 553 revising Code Section 48-8-269.40, relating to definitions, as follows:

554 "48-8-269.40.

555 As used in this article, the term:

556 ~~(1)~~ 'Authority' means the Atlanta-region Transit Link 'ATL' Authority created pursuant
 557 ~~to Chapter 39 of Title 50.~~

558 ~~(2)~~(1) 'County' means any county created under the Constitution or laws of this state.

559 ~~(3)~~(2) 'Dealer' shall have the same meaning as ~~provided for in paragraph (8) of~~ set forth
 560 in Code Section 48-8-2.

561 ~~(4)~~(3) 'Intergovernmental agreement' means a contract entered into pursuant to
 562 Article IX, Section III, Paragraph I of the Constitution.

563 ~~(5)~~(4) 'Nonattainment area' means those counties currently having or previously
 564 designated as having excess levels of ozone, carbon monoxide, or particulate matter in
 565 violation of the standards in the federal Clean Air Act, as amended in 1990 and codified
 566 at 42 U.S.C.A. Sections 7401 to 7671q, and which have been designated by the board of
 567 the Georgia Transportation Efficiency Authority, through resolution or regulation, as
 568 counties having excess levels of ozone, carbon monoxide, or particulate matter and which
 569 fall under the jurisdiction exercised by the Atlanta-region Transit Link 'ATL' Authority
 570 or any predecessor authority as described in Article 2 of Chapter 39 of Title 50.

571 ~~(6)~~(5) 'Qualified municipality' means a qualified municipality as ~~defined in paragraph (4)~~
 572 of set forth in Code Section 48-8-110 and which is located wholly or partly within a
 573 special district.

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

576 ~~(8)~~(6) 'Transit' means regular, continuing shared-ride or shared-use surface transportation
 577 services that are made available by a public entity and are open to the general public or
 578 open to a segment of the general public defined by age, disability, or low income. Such
 579 term includes services or systems operated by or under contract with the state, a public
 580 agency or authority, a county or municipality, a community improvement district, or any
 581 other similar public entity of this state and all accompanying infrastructure and services
 582 necessary to provide access to these modes of transportation. Such term excludes charter
 583 or sightseeing services, school bus services, courtesy shuttle and intra-facility or terminal
 584 services, limousine carriers, and ride share network services, transportation referral
 585 services, and taxi services not paid for by a public entity.

586 ~~(9)~~(7) 'Transit projects' means and includes purposes to establish, enhance, operate, and
 587 maintain, or improve access to transit, including general obligation debt and other
 588 multiyear obligations issued to finance such projects, the operations and maintenance of
 589 such projects once constructed, and the contracted purchase of transit services from
 590 providers without direct capital investment."

591

SECTION 2-2.

592 Said article is further amended by revising Code Section 48-8-269.45, relating to notice,
 593 meeting, and resolution authorizing referendum, as follows:

594 "48-8-269.45.

595 (a)(1) Any county qualified to levy a tax pursuant to paragraph (2) of subsection (b) of
 596 Code Section 48-8-269.41 shall deliver or mail a written notice to the mayor or chief
 597 elected official in each qualified municipality located within the special district prior to
 598 the issuance of the call for the referendum. Such notice shall contain the date, time,
 599 place, and purpose of a meeting at which the governing authorities of the county and of

600 each qualified municipality are to meet to discuss possible transit projects ~~from the~~
601 ~~regional transit plan~~ for inclusion in the referendum and the rate of tax. The notice shall
602 be delivered or mailed at least ten days prior to the date of the meeting. The meeting
603 shall be held at least 60 days prior to any issuance of the call for the referendum.

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

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

614 ~~(c) Upon receipt of such notice from a county, the authority shall approve or deny any or~~
615 ~~all projects within a submitted transit project list and the proposed operator of any transit~~
616 ~~projects if such project or projects are services which require an operator. In making a~~
617 ~~determination upon whether to approve transit projects, the authority shall take into~~
618 ~~consideration any other transit projects the authority has approved for any neighboring~~
619 ~~counties, any transit projects in progress in any neighboring counties, and any additional~~
620 ~~federal or state funding that may be available for any projects. The authority shall make~~
621 ~~a determination and send notification to a county approving or denying the submitted~~
622 ~~transit projects and operators, if applicable, no later than 20 days from the receipt of such~~
623 ~~list.~~

624 ~~(d)(b)(1)~~ As soon as practicable after ~~receipt of notice from the authority~~ the meeting
625 required by subsection (a) of this Code section, the governing authority of the county
626 desiring to call for a referendum shall, by a majority vote on a resolution offered for such

627 purpose, submit the list of transit projects and the question of whether the tax should be
 628 approved to electors of the special district in the next scheduled election and shall notify
 629 the county election superintendent within the special district by forwarding to the
 630 superintendent a copy of such resolution calling for the imposition of the tax. Such list,
 631 or a digest thereof, shall be available during regular business hours in the office of the
 632 county clerk.

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

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

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

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

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

643 **SECTION 2-3.**

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

646 "(f)(1)(A)(i) If the proceeds of the tax are specified to be used solely for the purpose
 647 of payment of general obligation debt issued in conjunction with the imposition of the
 648 tax authorized to be levied pursuant to Part 2 of this article, then any net proceeds of
 649 the tax in excess of the amount required for final payment of such debt may be used
 650 for additional transit projects, provided that a subsequent intergovernmental
 651 agreement meeting the requirements set forth in subsection (b) of Code
 652 Section 48-8-269.43 has been entered into. If a subsequent intergovernmental

653 agreement required by this division is not entered into, then such excess proceeds
654 shall be subject to and applied as provided in paragraph (2) of this subsection.

655 (ii) If the proceeds of the tax are specified to be used solely for the purpose of
656 payment of general obligation debt issued in conjunction with the imposition of the
657 tax authorized to be levied pursuant to Part 3 of this article, then any net proceeds of
658 the tax in excess of the amount required for final payment of such debt ~~may be used~~
659 ~~for additional transit projects, provided that such projects are selected from the~~
660 ~~regional transit plan and approved by the authority. If approval from the authority~~
661 ~~regarding additional transit projects to be funded with any excess net proceeds is not~~
662 ~~obtained, then such excess proceeds shall be subject to and applied as provided in~~
663 paragraph (2) of this subsection.

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

673 (ii) If the special district receives from the tax net proceeds in excess of the maximum
674 cost of the transit projects stated in the resolution calling for the imposition of the tax
675 or in excess of the actual cost of such projects when the tax was authorized to be
676 levied pursuant to Part 3 of this article, then such excess proceeds ~~may be used for~~
677 ~~additional transit projects, provided that such projects are selected from the regional~~
678 ~~transit plan and approved by the authority. If approval from the authority regarding~~
679 ~~additional transit projects to be funded with any excess net proceeds is not obtained,~~

680 ~~then such excess proceeds~~ shall be subject to and applied as provided in paragraph (2)
 681 of this subsection.

682 (2) Except as provided in paragraph (1) of this subsection, excess proceeds shall be used
 683 solely for the purpose of reducing any indebtedness of any county within the special
 684 district other than indebtedness incurred pursuant to this article. If there is no such other
 685 indebtedness or if the excess proceeds exceed the amount of any such other indebtedness,
 686 then the excess proceeds shall next be paid into the general fund of such county, it being
 687 the intent that any funds so paid into the general fund of such county be used for the
 688 purpose of reducing ad valorem taxes."

689

PART III

690

SECTION 3-1.

691 Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,
 692 relating to general provisions relative to solid waste management, is amended in Code
 693 Section 12-8-31, relating to state solid waste management plan and reporting, by revising
 694 subsection (b) as follows:

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

698

SECTION 3-2.

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

703 "(C) 'Transit agency' means any public agency, public corporation, or public authority
 704 existing under the laws of this state that is authorized by any general, special, or local
 705 law to provide any type of transit services within any area of this state, including, but
 706 not limited to, the Department of Transportation, the ~~Atlanta-region Transit Link 'ATL'~~
 707 Authority Georgia Transportation Efficiency Authority, and the Georgia Rail Passenger
 708 Authority."

709 **SECTION 3-3.**

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

712 "32-9-11.

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

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

716 (2) 'Nonattainment area' ~~means those counties currently having or previously deemed to~~
 717 ~~have excess levels of ozone, carbon monoxide, or particulate matter in violation of the~~
 718 ~~standards in the federal Clean Air Act, as amended in 1990 and codified at 42 U.S.C.A.~~
 719 ~~Sections 7401 to 7671q and which fall under the jurisdiction exercised by the~~
 720 ~~Atlanta-region Transit Link 'ATL' Authority or any predecessor authority as described~~
 721 ~~in Article 2 of Chapter 39 of Title 50 shall have the same meaning as set forth in Code~~
 722 Section 12-9-43.

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

728 (4) 'Transit facilities' means everything necessary and appropriate for the conveyance
729 and convenience of passengers who utilize transit services.

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

733 (b)(1) Any transit agency may, by contract with any local government for any period not
734 exceeding 50 years, provide transit services or transit facilities for, to, or within that local
735 government or between that local government and any area in which such transit agency
736 provides transit services or transit facilities, except that if such services or facilities are
737 to be funded wholly or partially by fees, assessments, or taxes levied and collected within
738 a special district created pursuant to Article IX, Section II, Paragraph VI of the
739 Constitution, such contract may only become effective if a majority of the qualified
740 voters residing within the special district to be taxed authorize such contract or tax by
741 referendum in a special election which shall be called and conducted for that purpose by
742 the election superintendent of such local government.

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

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

751 (i) ~~Approved~~ approved by a local governing authority;

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

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

755 (c) The purpose of this Code section is to facilitate the exercise of the power to provide
 756 public transportation services conferred by Article IX, Section II, Paragraph III of the
 757 Constitution. This Code section does not repeal any other law conferring the power to
 758 provide public transportation services or prescribing the manner in which such power is to
 759 be exercised. This Code section does not restrict the power of the Department of
 760 Transportation, ~~the Atlanta-region Transit Link 'ATL' Authority~~ the Georgia Transportation
 761 Efficiency Authority, or the Georgia Rail Passenger Authority to contract with any local
 762 government to provide transit services or transit facilities, including but not limited to rail
 763 transit services and facilities, pursuant to Article IX, Section III, Paragraph I of the
 764 Constitution."

765 **SECTION 3-4.**

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

768 **SECTION 3-5.**

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

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

- 780 (1) ~~If such tax is to be levied after January 1, 2019, a list of the projects proposed to be~~
 781 ~~funded from the tax which shall be from the regional transit plan and approved by the~~
 782 ~~Atlanta-regional Transit Link 'ATL' Authority;~~
 783 (2) The rate of tax to be imposed upon approval of a referendum; and
 784 ~~(3)~~(2) The duration of the tax to be imposed upon approval of a referendum."

785 **SECTION 3-6.**

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

788 **SECTION 3-7.**

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

791 "32-9-19.

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

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

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

802 (A) The issuance of bonds under subsection (c) of Section 24 of the MARTA Act;

803 (B) The levy of the special retail sales and use tax described and authorized in
 804 Section 25 of the MARTA Act; or

805 (C) Both methods described in subparagraphs (A) and (B) of this paragraph; and
 806 (3) Shall require that the costs of any transportation services and facilities contracted for,
 807 as determined by the board on the basis of reasonable estimates, allocations of costs and
 808 capital, and projections, shall be borne by one or more of the following:

809 (A) Fares;

810 (B) Other revenues generated by such services or facilities;

811 (C) Any subsidy provided, directly or indirectly, by or on behalf of the public entity
 812 with which the authority contracted for the services and facilities; or

813 (D) A special retail sales and use tax described and authorized in Article 5B of
 814 Chapter 8 of Title 48; ~~and~~

815 ~~(4) Shall be for services on the regional transit plan and approved by the Atlanta-regional~~
 816 ~~Transit Link 'ATL' Authority.~~

817 (b) Notwithstanding the provisions of the MARTA Act, any county, municipality, special
 818 tax or community improvement district, political subdivision of this state outside the
 819 metropolitan area, or any combination thereof may execute a transportation services
 820 contract with the authority to provide public transportation services, facilities, or both, for,
 821 to, or within such county, municipality, district, subdivision, or combination thereof.
 822 Under a transportation services contract executed pursuant to this subsection:

823 (1) The services and facilities shall be provided pursuant to a transportation services
 824 contract meeting the requirements therefor under subsection (a) of this Code section; and

825 (2) The contract shall not authorize the construction of any extension of or addition to
 826 the authority's existing rapid rail system."

827 **SECTION 3-8.**

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

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

840 **SECTION 3-9.**

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

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

851 **SECTION 3-10.**

852 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
 853 in Code Section 36-1-27, relating to referendum approval required prior to expenditure of
 854 public funds for establishment of fixed guideway transit, definitions, submission of the

855 question to qualified voters, and ballot language, by revising paragraph (4) of subsection (a)
856 and subsection (b) as follows:

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

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

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

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

870

SECTION 3-11.

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

873 "36-80-26.

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

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

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

878 (3) 'Transit' means regular, continuing shared-ride or shared-use surface transportation
879 services that are made available by a public entity and are open to the general public or
880 open to a segment of the general public defined by age, disability, or low income. Such

881 term includes services or systems operated by or under contract with the state, a public
 882 agency or authority, a county or municipality, a community improvement district, or any
 883 other similar public entity of this state and all accompanying infrastructure and services
 884 necessary to provide access to these modes of transportation. Such term excludes charter
 885 or sightseeing services, school bus services, courtesy shuttle and intra-facility or terminal
 886 services, limousine carriers, and ride share network services, transportation referral
 887 services, and taxi services not paid for by a public entity.

888 ~~(4)~~(3) 'Transit projects' means and includes purposes to establish, enhance, operate, and
 889 maintain, or improve access to transit, including general obligation debt and other
 890 multiyear obligations issued to finance such projects.

891 (b) A community improvement district for the purpose of the provision of transit projects
 892 which are wholly or partially located in more than one county may be created under the
 893 authority granted in and consistent with the processes set forth in Section VII of Article IX
 894 of the Georgia Constitution. Any such multicounty community improvement district may
 895 be authorized to be created upon the passage of a local act of the General Assembly by
 896 each county in which such community improvement district is to be wholly or partially
 897 located. ~~The transit projects to be provided by such community improvement district shall~~
 898 ~~be projects included in the regional transit plan and through agreement with the~~
 899 ~~Atlanta-region Transit Link 'ATL' Authority.~~ The administrative body of any such
 900 community improvement district shall include one member appointed by the governing
 901 authority of each county or municipality which is located wholly or partially within such
 902 community improvement district."

903

SECTION 3-12.

904 Part 2 of Article 3 of Chapter 1 of Title 40 of the Official Code of Georgia Annotated,
 905 relating to certification of motor carriers, is amended in Code Section 40-1-100, relating to
 906 definitions, by revising paragraphs (9) and (10) as follows:

907 "(9) 'Government endorsed rideshare program' means a vanpool, carpool, or similar
908 rideshare operation conducted by or under the auspices of a state or local governmental
909 transit instrumentality, ~~such as GRTA~~, a transportation management association, or a
910 community improvement district, or conducted under the auspices of such transit
911 agencies, including through any form of contract between such transit instrumentality and
912 private persons or businesses.

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

915 **SECTION 3-13.**

916 Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Governor,
917 is amended by repealing in its entirety Article 6, relating to planning and development, and
918 designating said article as reserved.

919 **SECTION 3-14.**

920 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
921 amended in Code Section 48-8-243, relating to criteria for development of investment list of
922 projects and programs, report, and gridlock relative to special district transportation sales and
923 use tax, by revising subsection (b) of as follows:

924 "(b) With regard to any area of a special district that is not part of an MPO, following
925 receipt of the report provided for in subsection (a) of this Code section, and after receiving
926 comments, if any, from members of the General Assembly whose districts lie wholly or
927 partially within such area, the local governments in such area may submit projects to the
928 director to assemble a list of example investments for such special district that comport
929 with the special district's investment criteria. With regard to any area of a special district
930 that is part of an MPO, following receipt of the report provided for in subsection (a) of this
931 Code section, and after receiving comments, if any, from members of the General

932 Assembly whose districts lie wholly or partially within such area, the local governments
933 may submit projects to the director and to the MPO for the director to use to assemble a list
934 of example investments for such special district that comport with the special district's
935 investment criteria. The list of example investments for each special district shall not be
936 required to be fiscally constrained within the budget of the revenues projected to be
937 generated by each special district's sales and use tax and shall be submitted to the executive
938 committee for each regional transportation roundtable for consideration. The executive
939 committee in collaboration with the director shall choose from the list of example
940 investments to create the draft investment list, which shall be approved by majority vote
941 of the executive committee. Such draft investment list shall be fiscally constrained within
942 the ranges of revenues projected to be generated by the special district sales and use tax,
943 as determined by the state fiscal economist. The special district's draft investment list as
944 approved by the executive committee shall be considered by the regional transportation
945 roundtable. The director shall deliver the draft investment list to the local governments,
946 MPO's, and members of the General Assembly whose districts lie wholly or partially
947 within each special district for each special district not later than August 15, 2011. The
948 director shall include in the draft investment list a statement of the specific public benefits
949 to be expected upon the completion of each project on the investment list and how the
950 special district's investment criteria are furthered by each project. Examples of specific
951 public benefits include, but are not limited to, congestion mitigation, increased lane
952 capacity, public safety, and economic development. The director shall include in such
953 delivery notice of the date, time, and location of each district's executive committee
954 meeting and final regional transportation roundtable. Prior to holding the final regional
955 transportation roundtable, the executive committee shall hold, after proper notice to the
956 public, at least two public meetings in the region for the purpose of receiving public
957 comment on the draft regional investment list. The executive committee shall prepare and
958 deliver to all members of the regional roundtable and the director a summary of the public

959 comment on the regional investment list. The local governments, MPO's, and members of
960 the General Assembly whose districts lie wholly or partially within such special district
961 may submit comments on the draft investment list addressed to both the director and the
962 executive committee no later than two weeks prior to the dates of the final regional
963 transportation roundtable and the executive committee meeting, respectively, for the
964 special district. At the final regional transportation roundtable, the draft investment list
965 approved by the executive committee shall be considered for approval by a majority vote
966 of the representatives present at the roundtable. Should the roundtable reject the draft
967 investment list approved by the executive committee, the roundtable then may negotiate
968 amendments that meet the district's investment criteria to the draft investment list, which
969 shall be chosen from the list of example investments for each special district, each voted
970 on separately and requiring a majority vote of the representatives present at the roundtable
971 for approval. Upon consideration of all offered amendments, upon motion, the roundtable
972 shall vote as to the approval of the amended draft list, requiring a majority vote of the
973 representatives present at the roundtable. The approved investment list, if any, shall be
974 provided to the director. On or before October 15, 2011, the director shall deliver such list
975 to the commission, the commissioner of transportation, ~~the executive director of the~~
976 ~~Atlanta-region Transit Link 'ATL' Authority~~, local governments, MPO's, and members of
977 the General Assembly whose districts lie wholly or partially within each special district for
978 each special district. The approved investment list shall include:

- 979 (1) The specific transportation projects to be funded;
- 980 (2) The anticipated schedule of such projects;
- 981 (3) The approximate cost of such projects; and
- 982 (4) The estimated amount of net proceeds to be raised by the tax including the amount
983 of proceeds to be distributed to local governments pursuant to subsection (e) of Code
984 Section 48-8-249.

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

991

SECTION 3-15.

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

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

999 ~~(1) The commission and~~ shall contract with the Department of Transportation for all
 1000 transportation projects except bus and rail mass transit systems and passenger rail in any
 1001 special district ~~the boundaries of which are not wholly contained within a single MPO;~~
 1002 and

1003 ~~(2) The commission shall contract with the Atlanta-region Transit Link 'ATL' Authority~~
 1004 ~~only for projects that are bus and rail mass transit systems and passenger rail within any~~
 1005 ~~special district the boundaries of which are wholly contained within a single MPO.~~

1006 Upon entering into contracts with the Department of Transportation ~~or the Atlanta-region~~
 1007 ~~Transit Link 'ATL' Authority as provided above,~~ the commission shall dispense funds upon
 1008 the request of the commissioner of transportation ~~or the executive director of the~~
 1009 ~~Atlanta-region Transit Link 'ATL' Authority,~~ which request shall include certification of
 1010 the completion of the project or project element for which funds are requested. Payment

1011 shall be made promptly upon approval by the construction division or the financing and
1012 investment division of the commission, and such payments shall not require any other
1013 official action by the commission. The use of funds so dispensed shall be subject to review
1014 and audit by the construction division and the financing and investment division of the
1015 commission and action by the commission upon receipt of complaint or if otherwise
1016 warranted. The Department of Transportation ~~and Atlanta-region Transit Link 'ATL'~~
1017 ~~Authority~~ shall consult with the commission on at least a quarterly basis regarding the
1018 progress and performance in the execution, schedule, and delivery of projects on the
1019 approved investment list.

1020 (c) In managing the execution, schedule, and delivery of the projects on the approved
1021 investment list for a special district, the Department of Transportation ~~or Atlanta-region~~
1022 ~~Transit Link 'ATL' Authority, as appropriate,~~ shall determine whether a project should be
1023 designed and constructed by the Department of Transportation, by a local government, or
1024 by another public or private entity. In making such determination the following shall be
1025 considered:

- 1026 (1) Whether such project is on the state-wide transportation improvement program, the
1027 state-wide strategic transportation plan, or a transportation improvement program;
- 1028 (2) The type and estimated cost of the project;
- 1029 (3) The location of the project and whether it encompasses multiple jurisdictions;
- 1030 (4) The experience of a local government or governments or a public or private entity in
1031 designing and constructing such project as set forth in an application in a form to be
1032 provided by the commissioner of transportation ~~or the executive director of the~~
1033 ~~Atlanta-region Transit Link 'ATL' Authority;~~ and
- 1034 (5) The recommendation of the MPO, if any, for such special district.

1035 Following the decision, the Department of Transportation, the local government or
1036 governments, or another public or private entity as determined under this subsection shall

1037 contract for implementing the projects in accordance with applicable state and federal
1038 requirements."

1039 **SECTION 3-16.**

1040 Said title is further amended by revising Code Section 48-8-250, relating to report, as
1041 follows:

1042 "48-8-250.

1043 Not later than December 15 of each year, the state revenue commissioner shall publish, on
1044 the website created pursuant to paragraph (3) of subsection (c) of Code Section 48-8-245,
1045 a simple, nontechnical report which shows for each project in the investment list approved
1046 by the director the original estimated cost, the current estimated cost if it is not the original
1047 estimated cost, amounts expended in prior years, and amounts expended in the current year
1048 with respect to each such project. The report shall also include a statement of what
1049 corrective action the commissioner of transportation ~~and the executive director of the~~
1050 ~~Atlanta-region Transit Link 'ATL' Authority intend~~ intends to implement with respect to
1051 each project which is underfunded or behind schedule and a statement of any surplus funds
1052 which have not been expended for a project."

1053 **SECTION 3-17.**

1054 Said title is further amended in Code Section 48-8-251, relating to Citizens Review Panel,
1055 membership, vacancy, recommendations, and report, by revising subsection (f) as follows:

1056 "(f) The panel shall be charged with review of the administration of the projects and
1057 programs included on the approved investment list. The panel may make such
1058 recommendations to and require such reports from the Department of Transportation, ~~the~~
1059 ~~Atlanta-region Transit Link 'ATL' Authority~~, any other agency or instrumentality of the
1060 state, any political subdivision of the state, and any agency or instrumentality of such

1061 political subdivisions as it may deem appropriate and necessary from time to time in the
1062 interest of the region."

1063 **SECTION 3-18.**

1064 Said title is further amended, in Code Section 48-13-140, relating to definitions relative to
1065 excise tax on for-hire grand transportation, by revising paragraph (6) as follows:

1066 "(6) 'Transit provider' means the Department of Transportation, ~~the Atlanta-region~~
1067 ~~Transit Link 'ATL' Authority~~ the Georgia Transportation Efficiency Authority, or a
1068 system providing transit or a jurisdiction operating such a system that receives federal
1069 transit formula funding."

1070 **SECTION 3-19.**

1071 Said title is further amended by revising Code Section 48-13-143, relating to quarterly
1072 reporting requirement, as follows:

1073 "48-13-143.

1074 Each for-hire ground transport service provider shall submit a quarterly report that
1075 identifies the number of for-hire ground transport trips provided by county of origin and
1076 destination to the department, ~~the Atlanta-region Transit Link 'ATL' Authority~~, and the
1077 Department of Transportation. All such reports shall be treated as confidential and shall
1078 not be subject to Article 4 of Chapter 18 of Title 50, relating to open records."

1079 **SECTION 3-20.**

1080 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
1081 in Code Section 50-8-35, relating to powers and duties of regional commissions, by revising
1082 paragraph (5) of subsection (c) as follows:

1083 "(5) A commission may establish within its comprehensive plan goals, objectives,
 1084 policies, and recommendations consistent with those established by the Governor's
 1085 Development Council or by the department, for its region; and"

1086 **SECTION 3-21.**

1087 Said title is further amended in Code Section 50-18-72, relating to when public disclosure
 1088 not required for state records, by revising paragraph (51) of subsection (a) as follows:

1089 "(51) Reports submitted to the Department of Revenue, ~~the Atlanta-region Transit Link~~
 1090 ~~'ATL' Authority~~, or the Department of Transportation by a for-hire ground transport
 1091 service provider as required pursuant to Code Section 48-13-143."

1092 **SECTION 3-22.**

1093 Said title is further amended in Code Section 50-23-4, relating to definitions relative to the
 1094 Georgia Environmental Finance Authority, by revising paragraph (12) as follows:

1095 "(12) 'Project' means:

1096 ~~(A) The~~ the acquisition, construction, installation, modification, renovation, repair,
 1097 extension, renewal, replacement, or rehabilitation of land, interest in land, buildings,
 1098 structures, facilities, or other improvements and the acquisition, installation,
 1099 modification, renovation, repair, extension, renewal, replacement, rehabilitation, or
 1100 furnishing of fixtures, machinery, equipment, furniture, or other property of any nature
 1101 whatsoever used on, in, or in connection with any such land, interest in land, building,
 1102 structure, facility, or other improvement, all for the essential public purpose of
 1103 providing environmental facilities and services so as to meet public health and
 1104 environmental standards, protect the state's valuable natural resources, or aid the
 1105 development of trade, commerce, industry, agriculture, and employment opportunities,
 1106 including, but not limited to, any project as defined by Code Section 12-5-471;

1107 ~~(B) Projects authorized by the Georgia Regional Transportation Authority created by~~
1108 ~~Chapter 32 of this title and as defined in such chapter, where such authority has been~~
1109 ~~directed to issue revenue bonds, bonds, notes, or other obligations to finance such~~
1110 ~~project or the cost of a project in whole or in part, provided that such authority's power~~
1111 ~~with respect to such projects authorized by the Georgia Regional Transportation~~
1112 ~~Authority shall be limited to providing such financing and related matters as authorized~~
1113 ~~by the Georgia Regional Transportation Authority; and~~
1114 ~~(C) Projects authorized by the Atlanta-region Transit Link 'ATL' Authority created~~
1115 ~~pursuant to Chapter 39 of this title and as defined in such chapter, where such authority~~
1116 ~~has been directed to issue revenue bonds, bonds, notes, or other obligations to finance~~
1117 ~~such project or the cost of a project in whole or in part, provided that such authority's~~
1118 ~~power with respect to such projects authorized by the Atlanta-region Transit Link 'ATL'~~
1119 ~~Authority shall be limited to providing such financing and related matters as authorized~~
1120 ~~by the Atlanta-region Transit Link 'ATL' Authority."~~

1121

PART IV

1122

SECTION 4-1.

1123 This Act shall become effective upon its approval by the Governor or upon its becoming law
1124 without such approval.

1125

SECTION 4-2.

1126 All laws and parts of laws in conflict with this Act are repealed.