

SENATE SUBSTITUTE TO HB 297**ADOPTED SENATE**

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 within a nonattainment area.

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

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

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

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

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

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

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

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

- 65 (H) All costs of title insurance and examinations of title with respect to any project of
66 the authority;
- 67 (I) Repayment of any loans for the advance payment of any part of any of the
68 foregoing costs, including interest thereon and any other expenses of such loans; and
- 69 (J) Administrative expenses of the authority and such other expenses as may be
70 necessary or incidental to any project of the authority or the financing thereof or the
71 placing of any project of the authority in operation.
- 72 (6) 'County' means any county created under the Constitution or laws of this state.
- 73 (7) 'Local government' or 'local governing authority' means any municipal corporation
74 or county or any state or local authority, board, or political subdivision created by the
75 General Assembly or pursuant to the Constitution and laws of this state.
- 76 (8) 'Metropolitan planning organization' means the forum for cooperative transportation
77 decision making for a metropolitan planning area.
- 78 (9) 'Metropolitan transportation plan' means the official intermodal transportation plan
79 that is developed and adopted through the metropolitan transportation planning process
80 for a metropolitan planning area.
- 81 (10) 'Municipal corporation' means any city or town in this state.
- 82 (11) 'Nonattainment area' means any county designated by the United States
83 Environmental Protection Agency in the Code of Federal Regulations on December 31,
84 1998, as a county which is included in whole or in part within a nonattainment area under
85 the federal Clean Air Act and which has been subsequently designated by the board,
86 through resolution or regulation, as a county having a history of excess levels of ozone,
87 carbon monoxide, or particulate matter.
- 88 (12) 'Obligation' means any bond, revenue bond, note, lease, contract, evidence of
89 indebtedness, debt, or other obligation of the authority, the state, or local governments
90 which is authorized to be issued under this chapter or under the Constitution or other laws
91 of this state, including refunding bonds.

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

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

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

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

117 50-39-3.

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

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

136 50-39-4.

137 (a) All assets, property, and legal rights and obligations, including, but not limited to, all
138 bonded indebtedness, of the Georgia Regional Transportation Authority shall devolve by
139 operation of law upon the Georgia Transportation Efficiency Authority on the effective
140 date of this Act. The Atlanta-region Transit Link 'ATL' Authority shall continue to be a
141 body corporate and politic and an instrumentality and public corporation of the state to be
142 known as the 'Georgia Transportation Efficiency Authority.' It shall have perpetual
143 existence.

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

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

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

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

177 50-39-5.

178 (a) The management of the business and affairs of the authority shall be vested in a board,
179 subject to the provisions of this chapter and to the provisions of bylaws adopted by the
180 board as authorized by this chapter. For purposes of the initial appointment of members
181 of the board pursuant to this Code section and until any board action is taken, the Governor
182 shall be authorized to designate a county as a compliance zone county in accordance with
183 the purposes of this chapter.

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

185 (1) Eight individuals appointed by the Governor, at least five of whom shall reside within
186 a compliance zone county;

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

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

191 (4) The commissioner of transportation.

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

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

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

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

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

223 50-39-6.

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

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

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

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

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

243 50-39-7.

244 (a) An executive director shall be appointed by the board as the administrative head of the
245 authority and shall serve at the pleasure of the board. The board shall set the salary of the
246 executive director. The executive director of the State Road and Tollway Authority shall
247 serve as the temporary executive director of the authority until the board is constituted and
248 an executive director is appointed by such board. The executive director shall hire officers,

249 agents, and employees, prescribe their duties and qualifications and fix their compensation,
250 and perform such other duties as may be prescribed by the authority. Such officers, agents,
251 and employees shall serve at the pleasure of the executive director.
252 (b) The authority is assigned to the Department of Transportation for administrative
253 purposes only.

254 ARTICLE 2

255 50-39-10.

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

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

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

270 50-39-11.

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

- 272 (1) To sue and be sued in all courts of this state, the original jurisdiction and venue of
273 any such action being the superior court of any county wherein a substantial part of the
274 business was transacted, the tortious act, omission, or injury occurred, or the real property
275 is located;
- 276 (2) To have a seal and alter the same at its pleasure;
- 277 (3) To plan, design, acquire, construct, add to, extend, improve, equip, operate, and
278 maintain transit systems and transit projects which are included within a state-wide
279 transportation plan or transportation improvement program, and to contract with any
280 state, regional, or local government, authority, or department or with any private person,
281 firm, or corporation, for those purposes, and to enter into contracts and agreements with
282 the Department of Transportation, county and local governments, and transit system
283 operators for those purposes;
- 284 (4) To make and execute contracts, lease agreements, and all other instruments necessary
285 or convenient to exercise the powers of the authority or to further the public purpose for
286 which the authority is created;
- 287 (5) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real or
288 personal property of every kind and character, or any interest therein, in furtherance of
289 the public purpose of the authority, in compliance, where required, with applicable
290 federal law including without limitation the Uniform Relocation Assistance and Real
291 Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. Section 4601, et
292 seq., 23 C.F.R. Section 1.23, and 23 C.F.R. Section 713(c);
- 293 (6) To appoint an executive director who shall be executive officer and administrative
294 head of the authority;
- 295 (7) To extend grants for all or part of the cost or expense of any project of a political
296 subdivision or other entity for the furtherance of the purposes of the authority upon such
297 terms and conditions as the authority may deem necessary or desirable; and to adopt
298 rules, regulations, and procedures for making such grants;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

369 50-39-12.

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

376 50-39-13.

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

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

389 50-39-14.

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

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

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

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

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

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

414 50-39-15.

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

427 50-39-16.

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

430 50-39-17.

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

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

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

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

439

ARTICLE 3

440 50-39-30.

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

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

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

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

449 50-39-31.

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

463 50-39-32.

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

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

478 ARTICLE 4

479 50-39-40.

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

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

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

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

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

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

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

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

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

516 50-39-41.

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

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

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

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

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

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

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

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

540 ARTICLE 5

541 50-39-50.

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

544 50-39-51.

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

547

PART II

548

SECTION 2-1.

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

552 "48-8-269.40.

553 As used in this article, the term:

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

556 ~~(2)~~(1) 'County' means any county created under the Constitution or laws of this state.

557 ~~(3)~~(2) 'Dealer' shall have the same meaning as ~~provided for in paragraph (8) of~~ set forth
 558 in Code Section 48-8-2.

559 ~~(4)~~(3) 'Intergovernmental agreement' means a contract entered into pursuant to
 560 Article IX, Section III, Paragraph I of the Constitution.

561 ~~(5)~~(4) 'Nonattainment area' means those counties currently having or previously
 562 designated as having excess levels of ozone, carbon monoxide, or particulate matter in
 563 violation of the standards in the federal Clean Air Act, as amended in 1990 and codified
 564 at 42 U.S.C.A. Sections 7401 to 7671q, and which have been designated by the board of
 565 the Georgia Transportation Efficiency Authority, through resolution or regulation, as
 566 counties having excess levels of ozone, carbon monoxide, or particulate matter and which
 567 fall under the jurisdiction exercised by the Atlanta-region Transit Link 'ATL' Authority
 568 or any predecessor authority as described in Article 2 of Chapter 39 of Title 50.

569 ~~(6)~~(5) 'Qualified municipality' means a qualified municipality as ~~defined in paragraph (4)~~
 570 of set forth in Code Section 48-8-110 and which is located wholly or partly within a
 571 special district.

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

574 ~~(8)~~(6) 'Transit' means regular, continuing shared-ride or shared-use surface transportation
 575 services that are made available by a public entity and are open to the general public or
 576 open to a segment of the general public defined by age, disability, or low income. Such
 577 term includes services or systems operated by or under contract with the state, a public
 578 agency or authority, a county or municipality, a community improvement district, or any
 579 other similar public entity of this state and all accompanying infrastructure and services
 580 necessary to provide access to these modes of transportation. Such term excludes charter
 581 or sightseeing services, school bus services, courtesy shuttle and intra-facility or terminal
 582 services, limousine carriers, and ride share network services, transportation referral
 583 services, and taxi services not paid for by a public entity.

584 ~~(9)~~(7) 'Transit projects' means and includes purposes to establish, enhance, operate, and
 585 maintain, or improve access to transit, including general obligation debt and other
 586 multiyear obligations issued to finance such projects, the operations and maintenance of
 587 such projects once constructed, and the contracted purchase of transit services from
 588 providers without direct capital investment."

589

SECTION 2-2.

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

592 "48-8-269.45.

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

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

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

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

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

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

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

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

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

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

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

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

641 **SECTION 2-3.**

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

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

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

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

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

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

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

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

687 **PART III**
 688 **SECTION 3-1.**

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

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

696 **SECTION 3-2.**

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

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

707 **SECTION 3-3.**

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

710 "32-9-11.

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

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

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

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

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

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

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

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

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

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

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

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

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

763 **SECTION 3-4.**

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

766 **SECTION 3-5.**

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

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

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

783 **SECTION 3-6.**

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

786 **SECTION 3-7.**

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

789 "32-9-19.

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

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

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

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

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

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

807 (A) Fares;

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

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

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

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

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

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

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

825 **SECTION 3-8.**

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

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

838

SECTION 3-9.

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

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

849

SECTION 3-10.

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

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

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

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

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

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

868

SECTION 3-11.

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

871 "36-80-26.

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

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

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

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

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

886 ~~(4)~~(3) 'Transit projects' means and includes purposes to establish, enhance, operate, and
887 maintain, or improve access to transit, including general obligation debt and other
888 multiyear obligations issued to finance such projects.

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

901

SECTION 3-12.

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

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

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

913 **SECTION 3-13.**

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

917 **SECTION 3-14.**

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

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

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

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

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

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

989

SECTION 3-15.

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

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

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

1001 ~~(2) The commission shall contract with the Atlanta-region Transit Link 'ATL' Authority~~
 1002 ~~only for projects that are bus and rail mass transit systems and passenger rail within any~~
 1003 ~~special district the boundaries of which are wholly contained within a single MPO.~~

1004 Upon entering into contracts with the Department of Transportation ~~or the Atlanta-region~~
 1005 ~~Transit Link 'ATL' Authority as provided above~~, the commission shall dispense funds upon
 1006 the request of the commissioner of transportation ~~or the executive director of the~~
 1007 ~~Atlanta-region Transit Link 'ATL' Authority~~, which request shall include certification of
 1008 the completion of the project or project element for which funds are requested. Payment

1009 shall be made promptly upon approval by the construction division or the financing and
1010 investment division of the commission, and such payments shall not require any other
1011 official action by the commission. The use of funds so dispensed shall be subject to review
1012 and audit by the construction division and the financing and investment division of the
1013 commission and action by the commission upon receipt of complaint or if otherwise
1014 warranted. The Department of Transportation ~~and Atlanta-region Transit Link 'ATL'~~
1015 ~~Authority~~ shall consult with the commission on at least a quarterly basis regarding the
1016 progress and performance in the execution, schedule, and delivery of projects on the
1017 approved investment list.

1018 (c) In managing the execution, schedule, and delivery of the projects on the approved
1019 investment list for a special district, the Department of Transportation ~~or Atlanta-region~~
1020 ~~Transit Link 'ATL' Authority, as appropriate,~~ shall determine whether a project should be
1021 designed and constructed by the Department of Transportation, by a local government, or
1022 by another public or private entity. In making such determination the following shall be
1023 considered:

- 1024 (1) Whether such project is on the state-wide transportation improvement program, the
1025 state-wide strategic transportation plan, or a transportation improvement program;
- 1026 (2) The type and estimated cost of the project;
- 1027 (3) The location of the project and whether it encompasses multiple jurisdictions;
- 1028 (4) The experience of a local government or governments or a public or private entity in
1029 designing and constructing such project as set forth in an application in a form to be
1030 provided by the commissioner of transportation ~~or the executive director of the~~
1031 ~~Atlanta-region Transit Link 'ATL' Authority;~~ and
- 1032 (5) The recommendation of the MPO, if any, for such special district.

1033 Following the decision, the Department of Transportation, the local government or
1034 governments, or another public or private entity as determined under this subsection shall

1035 contract for implementing the projects in accordance with applicable state and federal
1036 requirements."

1037 **SECTION 3-16.**

1038 Said title is further amended by revising Code Section 48-8-250, relating to report, as
1039 follows:

1040 "48-8-250.

1041 Not later than December 15 of each year, the state revenue commissioner shall publish, on
1042 the website created pursuant to paragraph (3) of subsection (c) of Code Section 48-8-245,
1043 a simple, nontechnical report which shows for each project in the investment list approved
1044 by the director the original estimated cost, the current estimated cost if it is not the original
1045 estimated cost, amounts expended in prior years, and amounts expended in the current year
1046 with respect to each such project. The report shall also include a statement of what
1047 corrective action the commissioner of transportation ~~and the executive director of the~~
1048 ~~Atlanta-region Transit Link 'ATL' Authority intend~~ intends to implement with respect to
1049 each project which is underfunded or behind schedule and a statement of any surplus funds
1050 which have not been expended for a project."

1051 **SECTION 3-17.**

1052 Said title is further amended in Code Section 48-8-251, relating to Citizens Review Panel,
1053 membership, vacancy, recommendations, and report, by revising subsection (f) as follows:

1054 "(f) The panel shall be charged with review of the administration of the projects and
1055 programs included on the approved investment list. The panel may make such
1056 recommendations to and require such reports from the Department of Transportation, ~~the~~
1057 ~~Atlanta-region Transit Link 'ATL' Authority,~~ any other agency or instrumentality of the
1058 state, any political subdivision of the state, and any agency or instrumentality of such

1059 political subdivisions as it may deem appropriate and necessary from time to time in the
1060 interest of the region."

1061 **SECTION 3-18.**

1062 Said title is further amended, in Code Section 48-13-140, relating to definitions relative to
1063 excise tax on for-hire grand transportation, by revising paragraph (6) as follows:

1064 "(6) 'Transit provider' means the Department of Transportation, ~~the Atlanta-region~~
1065 ~~Transit Link 'ATL' Authority~~ the Georgia Transportation Efficiency Authority, or a
1066 system providing transit or a jurisdiction operating such a system that receives federal
1067 transit formula funding."

1068 **SECTION 3-19.**

1069 Said title is further amended by revising Code Section 48-13-143, relating to quarterly
1070 reporting requirement, as follows:

1071 "48-13-143.

1072 Each for-hire ground transport service provider shall submit a quarterly report that
1073 identifies the number of for-hire ground transport trips provided by county of origin and
1074 destination to the department, ~~the Atlanta-region Transit Link 'ATL' Authority~~, and the
1075 Department of Transportation. All such reports shall be treated as confidential and shall
1076 not be subject to Article 4 of Chapter 18 of Title 50, relating to open records."

1077 **SECTION 3-20.**

1078 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
1079 in Code Section 50-8-35, relating to powers and duties of regional commissions, by revising
1080 paragraph (5) of subsection (c) as follows:

1081 "(5) A commission may establish within its comprehensive plan goals, objectives,
1082 policies, and recommendations consistent with those established by the Governor's
1083 Development Council or by the department, for its region; and"

1084 **SECTION 3-21.**

1085 Said title is further amended in Code Section 50-18-72, relating to when public disclosure
1086 not required for state records, by revising paragraph (51) of subsection (a) as follows:

1087 "(51) Reports submitted to the Department of Revenue, ~~the Atlanta-region Transit Link~~
1088 ~~'ATL' Authority~~, or the Department of Transportation by a for-hire ground transport
1089 service provider as required pursuant to Code Section 48-13-143."

1090 **SECTION 3-22.**

1091 Said title is further amended in Code Section 50-23-4, relating to definitions relative to the
1092 Georgia Environmental Finance Authority, by revising paragraph (12) as follows:

1093 "(12) 'Project' means:

1094 ~~(A) The~~ the acquisition, construction, installation, modification, renovation, repair,
1095 extension, renewal, replacement, or rehabilitation of land, interest in land, buildings,
1096 structures, facilities, or other improvements and the acquisition, installation,
1097 modification, renovation, repair, extension, renewal, replacement, rehabilitation, or
1098 furnishing of fixtures, machinery, equipment, furniture, or other property of any nature
1099 whatsoever used on, in, or in connection with any such land, interest in land, building,
1100 structure, facility, or other improvement, all for the essential public purpose of
1101 providing environmental facilities and services so as to meet public health and
1102 environmental standards, protect the state's valuable natural resources, or aid the
1103 development of trade, commerce, industry, agriculture, and employment opportunities,
1104 including, but not limited to, any project as defined by Code Section 12-5-471;

1105 ~~(B) Projects authorized by the Georgia Regional Transportation Authority created by~~
1106 ~~Chapter 32 of this title and as defined in such chapter, where such authority has been~~
1107 ~~directed to issue revenue bonds, bonds, notes, or other obligations to finance such~~
1108 ~~project or the cost of a project in whole or in part, provided that such authority's power~~
1109 ~~with respect to such projects authorized by the Georgia Regional Transportation~~
1110 ~~Authority shall be limited to providing such financing and related matters as authorized~~
1111 ~~by the Georgia Regional Transportation Authority; and~~
1112 ~~(C) Projects authorized by the Atlanta-region Transit Link 'ATL' Authority created~~
1113 ~~pursuant to Chapter 39 of this title and as defined in such chapter, where such authority~~
1114 ~~has been directed to issue revenue bonds, bonds, notes, or other obligations to finance~~
1115 ~~such project or the cost of a project in whole or in part, provided that such authority's~~
1116 ~~power with respect to such projects authorized by the Atlanta-region Transit Link 'ATL'~~
1117 ~~Authority shall be limited to providing such financing and related matters as authorized~~
1118 ~~by the Atlanta-region Transit Link 'ATL' Authority."~~

1119

PART IV

1120

SECTION 4-1.

1121 This Act shall become effective upon its approval by the Governor or upon its becoming law
1122 without such approval.

1123

SECTION 4-2.

1124 All laws and parts of laws in conflict with this Act are repealed.