

House Bill 297 (AS PASSED HOUSE AND SENATE)

By: Representatives Anderson of the 10<sup>th</sup>, Rhodes of the 124<sup>th</sup>, Meeks of the 178<sup>th</sup>, Williams of the 148<sup>th</sup>, Huddleston of the 72<sup>nd</sup>, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 12, 32, 36, 40, 45, 48, and 50 of the Official Code of Georgia Annotated,  
2 relating to conservation and natural resources, highways, bridges, and ferries, local  
3 government, motor vehicles and traffic, public officers and employees, revenue and taxation,  
4 and state government, respectively, so as to abolish the 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 extend the sunset for authority of local governing bodies to collect a retail sales  
14 and use tax for purposes of the Metropolitan Atlanta Rapid Transit Authority; to revise  
15 provisions relative to the multicounty transportation special purpose local option sales tax  
16 and the transit special purpose local option sales and use tax; to abolish the Governor's  
17 Development Council; to provide for a short title; to provide for definitions; to provide for

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18 conforming changes; to provide for related matters; to provide for an effective date; to repeal  
19 conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **PART I**  
22 **SECTION 1-1.**

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

26 **SECTION 1-2.**

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

29 "CHAPTER 39  
30 ARTICLE 1

31 50-39-1.

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

34 50-39-2.

35 As used in this chapter, the term:

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

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

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

41 (4) 'Compliance zone county' means a county within a nonattainment area.

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

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

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

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

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

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

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

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

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

69 (I) Repayment of any loans for the advance payment of any part of any of the  
70 foregoing costs, including interest thereon and any other expenses of such loans; and

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

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

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

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

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

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

84 (11) 'Nonattainment area' means any county designated by the United States  
85 Environmental Protection Agency in the Code of Federal Regulations on December 31,  
86 1998, as a county which is included in whole or in part within a nonattainment area under  
87 the federal Clean Air Act and which has been subsequently designated by the board,  
88 through resolution or regulation, as a county having a history of excess levels of ozone,  
89 carbon monoxide, or particulate 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 50-39-3.

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

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

138 50-39-4.

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

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

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

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

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

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

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

179 50-39-5.

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

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

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

189 (2) Two individuals appointed by the President of the Senate, at least one of whom shall  
190 reside 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 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 transit funds apportioned by  
456 the 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."

549

**PART II**

550

**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 50-39-2.

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 by adding a new Code section to read as follows:

770 "32-9-13.1.

771 Notwithstanding any provision of Section 25 of the MARTA Act to the contrary, the retail  
 772 sales and use tax levied pursuant to the authority granted by the MARTA Act shall be  
 773 levied until and including June 30, 2067."

774 **SECTION 3-6.**

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

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

- 786 (1) ~~If such tax is to be levied after January 1, 2019, a list of the projects proposed to be~~  
 787 ~~funded from the tax which shall be from the regional transit plan and approved by the~~  
 788 ~~Atlanta-regional Transit Link 'ATL' Authority;~~  
 789 (2) The rate of tax to be imposed upon approval of a referendum; and  
 790 (3)(2) The duration of the tax to be imposed upon approval of a referendum."

791 **SECTION 3-7.**

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

794 **SECTION 3-8.**

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

797 "32-9-19.

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

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

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

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

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

811 (C) Both methods described in subparagraphs (A) and (B) of this paragraph; and

812 (3) Shall require that the costs of any transportation services and facilities contracted for,  
 813 as determined by the board on the basis of reasonable estimates, allocations of costs and  
 814 capital, and projections, shall be borne by one or more of the following:

815 (A) Fares;

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

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

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

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

823 (b) Notwithstanding the provisions of the MARTA Act, any county, municipality, special  
 824 tax or community improvement district, political subdivision of this state outside the

825 metropolitan area, or any combination thereof may execute a transportation services  
 826 contract with the authority to provide public transportation services, facilities, or both, for,  
 827 to, or within such county, municipality, district, subdivision, or combination thereof.

828 Under a transportation services contract executed pursuant to this subsection:

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

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

833 **SECTION 3-9.**

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

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

846 **SECTION 3-10.**

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

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

857 **SECTION 3-11.**

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

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

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

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

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

876 **SECTION 3-12.**

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

879 "36-80-26.

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

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

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

884 (3) 'Transit' means regular, continuing shared-ride or shared-use surface transportation  
 885 services that are made available by a public entity and are open to the general public or  
 886 open to a segment of the general public defined by age, disability, or low income. Such  
 887 term includes services or systems operated by or under contract with the state, a public  
 888 agency or authority, a county or municipality, a community improvement district, or any  
 889 other similar public entity of this state and all accompanying infrastructure and services  
 890 necessary to provide access to these modes of transportation. Such term excludes charter  
 891 or sightseeing services, school bus services, courtesy shuttle and intra-facility or terminal  
 892 services, limousine carriers, and ride share network services, transportation referral  
 893 services, and taxi services not paid for by a public entity.

894 (4)(3) 'Transit projects' means and includes purposes to establish, enhance, operate, and  
 895 maintain, or improve access to transit, including general obligation debt and other  
 896 multiyear obligations issued to finance such projects.

897 (b) A community improvement district for the purpose of the provision of transit projects  
 898 which are wholly or partially located in more than one county may be created under the  
 899 authority granted in and consistent with the processes set forth in Section VII of Article IX  
 900 of the Georgia Constitution. Any such multicounty community improvement district may  
 901 be authorized to be created upon the passage of a local act of the General Assembly by  
 902 each county in which such community improvement district is to be wholly or partially

903 located. ~~The transit projects to be provided by such community improvement district shall~~  
 904 ~~be projects included in the regional transit plan and through agreement with the~~  
 905 ~~Atlanta-region Transit Link 'ATL' Authority.~~ The administrative body of any such  
 906 community improvement district shall include one member appointed by the governing  
 907 authority of each county or municipality which is located wholly or partially within such  
 908 community improvement district."

909 **SECTION 3-13.**

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

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

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

921 **SECTION 3-14.**

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

925

**SECTION 3-15.**

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

930 "(b) With regard to any area of a special district that is not part of an MPO, following  
931 receipt of the report provided for in subsection (a) of this Code section, and after receiving  
932 comments, if any, from members of the General Assembly whose districts lie wholly or  
933 partially within such area, the local governments in such area may submit projects to the  
934 director to assemble a list of example investments for such special district that comport  
935 with the special district's investment criteria. With regard to any area of a special district  
936 that is part of an MPO, following receipt of the report provided for in subsection (a) of this  
937 Code section, and after receiving comments, if any, from members of the General  
938 Assembly whose districts lie wholly or partially within such area, the local governments  
939 may submit projects to the director and to the MPO for the director to use to assemble a list  
940 of example investments for such special district that comport with the special district's  
941 investment criteria. The list of example investments for each special district shall not be  
942 required to be fiscally constrained within the budget of the revenues projected to be  
943 generated by each special district's sales and use tax and shall be submitted to the executive  
944 committee for each regional transportation roundtable for consideration. The executive  
945 committee in collaboration with the director shall choose from the list of example  
946 investments to create the draft investment list, which shall be approved by majority vote  
947 of the executive committee. Such draft investment list shall be fiscally constrained within  
948 the ranges of revenues projected to be generated by the special district sales and use tax,  
949 as determined by the state fiscal economist. The special district's draft investment list as  
950 approved by the executive committee shall be considered by the regional transportation  
951 roundtable. The director shall deliver the draft investment list to the local governments,

952 MPO's, and members of the General Assembly whose districts lie wholly or partially  
953 within each special district for each special district not later than August 15, 2011. The  
954 director shall include in the draft investment list a statement of the specific public benefits  
955 to be expected upon the completion of each project on the investment list and how the  
956 special district's investment criteria are furthered by each project. Examples of specific  
957 public benefits include, but are not limited to, congestion mitigation, increased lane  
958 capacity, public safety, and economic development. The director shall include in such  
959 delivery notice of the date, time, and location of each district's executive committee  
960 meeting and final regional transportation roundtable. Prior to holding the final regional  
961 transportation roundtable, the executive committee shall hold, after proper notice to the  
962 public, at least two public meetings in the region for the purpose of receiving public  
963 comment on the draft regional investment list. The executive committee shall prepare and  
964 deliver to all members of the regional roundtable and the director a summary of the public  
965 comment on the regional investment list. The local governments, MPO's, and members of  
966 the General Assembly whose districts lie wholly or partially within such special district  
967 may submit comments on the draft investment list addressed to both the director and the  
968 executive committee no later than two weeks prior to the dates of the final regional  
969 transportation roundtable and the executive committee meeting, respectively, for the  
970 special district. At the final regional transportation roundtable, the draft investment list  
971 approved by the executive committee shall be considered for approval by a majority vote  
972 of the representatives present at the roundtable. Should the roundtable reject the draft  
973 investment list approved by the executive committee, the roundtable then may negotiate  
974 amendments that meet the district's investment criteria to the draft investment list, which  
975 shall be chosen from the list of example investments for each special district, each voted  
976 on separately and requiring a majority vote of the representatives present at the roundtable  
977 for approval. Upon consideration of all offered amendments, upon motion, the roundtable  
978 shall vote as to the approval of the amended draft list, requiring a majority vote of the

979 representatives present at the roundtable. The approved investment list, if any, shall be  
980 provided to the director. On or before October 15, 2011, the director shall deliver such list  
981 to the commission, the commissioner of transportation, ~~the executive director of the~~  
982 ~~Atlanta-region Transit Link 'ATL' Authority~~, local governments, MPO's, and members of  
983 the General Assembly whose districts lie wholly or partially within each special district for  
984 each special district. The approved investment list shall include:

- 985 (1) The specific transportation projects to be funded;
- 986 (2) The anticipated schedule of such projects;
- 987 (3) The approximate cost of such projects; and
- 988 (4) The estimated amount of net proceeds to be raised by the tax including the amount  
989 of proceeds to be distributed to local governments pursuant to subsection (e) of Code  
990 Section 48-8-249.

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

### 997 SECTION 3-16.

998 Said title is further amended in Code Section 48-8-249, relating to use of proceeds within  
999 special district exclusively for projects on approved investment list and contracts, by revising  
1000 subsections (b) and (c) of as follows:

1001 "(b) The commission shall be responsible for the proper application of the proceeds  
1002 received from the tax authorized by this article for the approved investment list for each  
1003 special district. The commission shall delegate the management of the budget, schedule,  
1004 execution, and delivery of the projects contained in the approved investment list as follows:

1005 ~~(1) The commission and~~ shall contract with the Department of Transportation for all  
1006 transportation projects except bus and rail mass transit systems and passenger rail in any  
1007 special district ~~the boundaries of which are not wholly contained within a single MPO;~~  
1008 ~~and~~

1009 ~~(2) The commission shall contract with the Atlanta-region Transit Link 'ATL' Authority~~  
1010 ~~only for projects that are bus and rail mass transit systems and passenger rail within any~~  
1011 ~~special district the boundaries of which are wholly contained within a single MPO.~~

1012 Upon entering into contracts with the Department of Transportation ~~or the Atlanta-region~~  
1013 ~~Transit Link 'ATL' Authority as provided above,~~ the commission shall dispense funds upon  
1014 the request of the commissioner of transportation ~~or the executive director of the~~  
1015 ~~Atlanta-region Transit Link 'ATL' Authority,~~ which request shall include certification of  
1016 the completion of the project or project element for which funds are requested. Payment  
1017 shall be made promptly upon approval by the construction division or the financing and  
1018 investment division of the commission, and such payments shall not require any other  
1019 official action by the commission. The use of funds so dispensed shall be subject to review  
1020 and audit by the construction division and the financing and investment division of the  
1021 commission and action by the commission upon receipt of complaint or if otherwise  
1022 warranted. The Department of Transportation ~~and Atlanta-region Transit Link 'ATL'~~  
1023 ~~Authority~~ shall consult with the commission on at least a quarterly basis regarding the  
1024 progress and performance in the execution, schedule, and delivery of projects on the  
1025 approved investment list.

1026 (c) In managing the execution, schedule, and delivery of the projects on the approved  
1027 investment list for a special district, the Department of Transportation ~~or Atlanta-region~~  
1028 ~~Transit Link 'ATL' Authority, as appropriate,~~ shall determine whether a project should be  
1029 designed and constructed by the Department of Transportation, by a local government, or  
1030 by another public or private entity. In making such determination the following shall be  
1031 considered:

- 1032 (1) Whether such project is on the state-wide transportation improvement program, the  
 1033 state-wide strategic transportation plan, or a transportation improvement program;  
 1034 (2) The type and estimated cost of the project;  
 1035 (3) The location of the project and whether it encompasses multiple jurisdictions;  
 1036 (4) The experience of a local government or governments or a public or private entity in  
 1037 designing and constructing such project as set forth in an application in a form to be  
 1038 provided by the commissioner of transportation ~~or the executive director of the~~  
 1039 ~~Atlanta-region Transit Link 'ATL' Authority~~; and  
 1040 (5) The recommendation of the MPO, if any, for such special district.  
 1041 Following the decision, the Department of Transportation, the local government or  
 1042 governments, or another public or private entity as determined under this subsection shall  
 1043 contract for implementing the projects in accordance with applicable state and federal  
 1044 requirements."

1045 **SECTION 3-17.**

1046 Said title is further amended by revising Code Section 48-8-250, relating to report, as  
 1047 follows:  
 1048 "48-8-250.  
 1049 Not later than December 15 of each year, the state revenue commissioner shall publish, on  
 1050 the website created pursuant to paragraph (3) of subsection (c) of Code Section 48-8-245,  
 1051 a simple, nontechnical report which shows for each project in the investment list approved  
 1052 by the director the original estimated cost, the current estimated cost if it is not the original  
 1053 estimated cost, amounts expended in prior years, and amounts expended in the current year  
 1054 with respect to each such project. The report shall also include a statement of what  
 1055 corrective action the commissioner of transportation ~~and the executive director of the~~  
 1056 ~~Atlanta-region Transit Link 'ATL' Authority intend~~ intends to implement with respect to

1057 each project which is underfunded or behind schedule and a statement of any surplus funds  
1058 which have not been expended for a project."

1059 **SECTION 3-18.**

1060 Said title is further amended in Code Section 48-8-251, relating to Citizens Review Panel,  
1061 membership, vacancy, recommendations, and report, by revising subsection (f) as follows:  
1062 "(f) The panel shall be charged with review of the administration of the projects and  
1063 programs included on the approved investment list. The panel may make such  
1064 recommendations to and require such reports from the Department of Transportation, ~~the~~  
1065 ~~Atlanta-region Transit Link 'ATL' Authority~~, any other agency or instrumentality of the  
1066 state, any political subdivision of the state, and any agency or instrumentality of such  
1067 political subdivisions as it may deem appropriate and necessary from time to time in the  
1068 interest of the region."

1069 **SECTION 3-19.**

1070 Said title is further amended, in Code Section 48-13-140, relating to definitions relative to  
1071 excise tax on for-hire grand transportation, by revising paragraph (6) as follows:  
1072 "(6) 'Transit provider' means the Department of Transportation, ~~the Atlanta-region~~  
1073 ~~Transit Link 'ATL' Authority~~ the Georgia Transportation Efficiency Authority, or a  
1074 system providing transit or a jurisdiction operating such a system that receives federal  
1075 transit formula funding."

1076 **SECTION 3-20.**

1077 Said title is further amended by revising Code Section 48-13-143, relating to quarterly  
1078 reporting requirement, as follows:  
1079 "48-13-143.

1080 Each for-hire ground transport service provider shall submit a quarterly report that  
1081 identifies the number of for-hire ground transport trips provided by county of origin and  
1082 destination to the department, ~~the Atlanta-region Transit Link 'ATL' Authority,~~ and the  
1083 Department of Transportation. All such reports shall be treated as confidential and shall  
1084 not be subject to Article 4 of Chapter 18 of Title 50, relating to open records."

1085 **SECTION 3-21.**

1086 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
1087 in Code Section 50-8-35, relating to powers and duties of regional commissions, by revising  
1088 paragraph (5) of subsection (c) as follows:

1089 "(5) A commission may establish within its comprehensive plan goals, objectives,  
1090 policies, and recommendations consistent with those established by the ~~Governor's~~  
1091 ~~Development Council or by the~~ department, for its region; and"

1092 **SECTION 3-22.**

1093 Said title is further amended in Code Section 50-18-72, relating to when public disclosure  
1094 not required for state records, by revising paragraph (51) of subsection (a) as follows:

1095 "(51) Reports submitted to the Department of Revenue, ~~the Atlanta-region Transit Link~~  
1096 ~~'ATL' Authority,~~ or the Department of Transportation by a for-hire ground transport  
1097 service provider as required pursuant to Code Section 48-13-143."

1098 **SECTION 3-23.**

1099 Said title is further amended in Code Section 50-23-4, relating to definitions relative to the  
1100 Georgia Environmental Finance Authority, by revising paragraph (12) as follows:

1101 "(12) 'Project' means:

1102 (A) ~~The~~ the acquisition, construction, installation, modification, renovation, repair,  
1103 extension, renewal, replacement, or rehabilitation of land, interest in land, buildings,

1104 structures, facilities, or other improvements and the acquisition, installation,  
1105 modification, renovation, repair, extension, renewal, replacement, rehabilitation, or  
1106 furnishing of fixtures, machinery, equipment, furniture, or other property of any nature  
1107 whatsoever used on, in, or in connection with any such land, interest in land, building,  
1108 structure, facility, or other improvement, all for the essential public purpose of  
1109 providing environmental facilities and services so as to meet public health and  
1110 environmental standards, protect the state's valuable natural resources, or aid the  
1111 development of trade, commerce, industry, agriculture, and employment opportunities,  
1112 including, but not limited to, any project as defined by Code Section 12-5-471;  
1113 ~~(B) Projects authorized by the Georgia Regional Transportation Authority created by~~  
1114 ~~Chapter 32 of this title and as defined in such chapter, where such authority has been~~  
1115 ~~directed to issue revenue bonds, bonds, notes, or other obligations to finance such~~  
1116 ~~project or the cost of a project in whole or in part, provided that such authority's power~~  
1117 ~~with respect to such projects authorized by the Georgia Regional Transportation~~  
1118 ~~Authority shall be limited to providing such financing and related matters as authorized~~  
1119 ~~by the Georgia Regional Transportation Authority; and~~  
1120 ~~(C) Projects authorized by the Atlanta-region Transit Link 'ATL' Authority created~~  
1121 ~~pursuant to Chapter 39 of this title and as defined in such chapter, where such authority~~  
1122 ~~has been directed to issue revenue bonds, bonds, notes, or other obligations to finance~~  
1123 ~~such project or the cost of a project in whole or in part, provided that such authority's~~  
1124 ~~power with respect to such projects authorized by the Atlanta-region Transit Link 'ATL'~~  
1125 ~~Authority shall be limited to providing such financing and related matters as authorized~~  
1126 ~~by the Atlanta-region Transit Link 'ATL' Authority."~~

1127

**PART IV**

1128

**SECTION 4-1.**

1129 This Act shall become effective upon its approval by the Governor or upon its becoming law  
1130 without such approval.

1131

**SECTION 4-2.**

1132 All laws and parts of laws in conflict with this Act are repealed.